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The Privy Council and Economic Management in the Reign of Elizabeth, 1558-1578

Vincent Ponko
Loyola University Chicago

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THE PRIVY COUNCIL AND ECONOMIC
MANAGEMENT IN THE REIGN OF
ELIZABETH, 1558-1578

by

Vincent H. Konko, Jr.

A Dissertation Submitted to the Faculty of the Graduate School
of Loyola University in Partial Fulfillment of
the Requirements for the Degree of
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LIFE

Vincent H. Fonko, Jr., was born in Chicago, Illinois, May 1, 1928.

He was graduated from Crane Technical High School, Chicago, Illinois, February, 1946, and from Brown University, Providence, Rhode Island, June, 1951, with the degree of Bachelor of Arts. In February, 1954, he received the degree of Master of Arts in History from DePaul University, Chicago, Illinois.

The author began his graduate studies at Loyola University in February, 1954. From 1956 to 1957 he participated in the organization and teaching of History on the Freshman level at Loyola as a Teaching Fellow. In August, 1957, he assumed the position of Assistant to the Dean of the College of Arts and Sciences. He is presently engaged in work relative to that position.

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CHAPTER I

INTRODUCTION

In the De Republica Anglorum of Sir Thomas Smith there occurs this passage:

His private counsel be chosen also at the Prince's pleasure out of the nobility or barony, and of the Knights and Esquires, such and so many as he shall think good, who doth consult daily, or when need is, of the weighty matters of the Realm, to give therein to their Prince the best advice they can. The Prince doth participate to them all, or so many of them as he shall think good, such legations and messages as come from foreign Princes, such letters or occurments as be sent to himself or to his secretaries, and keepeth so many ambassades and letters sent unto him secret as he will.¹

On the basis of this statement, one can say that a monarch was expected to have a personal staff of selected advisers to help him manage his government. Edward VI, for example, organized his private counsel in the following fashion:

(First.) For hearing of those suits which were wont to be brought to the whole Board.

.....
Those persons to hear the suits, to answer the parties, to make certificate what suits they think meet to be granted; and upon answer received of their certificate received to dispatch the parties: Also to give full answer of denial to those suits that be not reasonable nor convenient: Also to dispatch all matters of justice, and to send to the common courts those suits that be for them.

(Second.) The calling of forfeits done against the laws, for punishing the offenders and breakers of proclamations that now stand in force.

.....
These shall first see what laws penal and what proclamations standing

¹Sir Thomas Smith, De Republica Anglorum; A Discourse on the Commonwealth of England, ed. L. Alston (Cambridge, Eng., 1906), p. 59.

now in force are most meet to be executed, and shall bring a certificate thereof. Then they shall enquire in the countries how they are disobeyed, and first shall begin with the greatest offenders, and so afterward punish the rest, according to the pains set forth. They shall receive also the letters out of the shires of disorders there done, and punish the offender.

(Third.)

These to attend to matters of the state. I will sit with them once a week to hear the debating of things of most importance.

(Fourth.) These persons underwritten shall look to the state of all the Courts, especially of the new erected Courts, as the Augmentation, the First Fruits and Tithes, the Wards; and shall see the revenues answered at the half-year's end, and shall consider with what superfluous charges they be burdened, and thereof shall make a certificate which they shall deliver.

.
(Fifth.) Likewise for the Bulwerks, the Lord Chamberlain, Mr. Treasurer, and Mr. Comptroller to be in Commission in their several jurisdictions.²

But a functional division of this sort was not equal to the problems that devolved on the princes' personal staff. During the reign of Elizabeth, for instance, the amount of business which came before the Council was enormous, and its variety bewildering. In the Registers for the period 1558-1573, one can find records of action taken by the Council with regard to private quarrels, matrimonial disputes, minor administrative problems connected with prisoners and other individuals, treason, riots, breaches of the peace, assaults, seditious words, malicious accusations, libels, forgery, religious conformity, censorship, and all types of law suits.³ Moreover, the Council received foreign ambassadors, gave instructions to English agents abroad, supervised the main-

²"A Method for the Proceedings in the Councils . . .," in J. R. Tanner, Tudor Constitutional Documents, A.D. 1485-1603 with an historical commentary (Cambridge, Eng., 1943), pp. 221-223.

³Acts of the Privy Council of England, ed. John R. Dasent, New Series (London, 1890-1958), VII-X.

tenance and use of English military strength, and participated in the making of peace and war.⁴

On the basis of Sir Thomas Smith's statement, the ordinances of Edward VI, and the Registers, one can say that the Tudor Privy Council was a picked group of advisers, capable of being organized to perform definite functions, whose field of action was circumscribed only by the power, influence, and responsibilities of the monarch.⁵ But is this all one needs or would like to know about the Council? The mere fact that this selective group of Englishmen did come in contact with so many aspects of the history and life of the Tudor period should induce one to answer that question in the negative. Because of its relation to the prince and to the country, the Privy Council cannot be dismissed so lightly.

Who, for example, were the men that Elizabeth picked for her private Council? Did their backgrounds have anything to do with the fact that they were

⁴Acts of the Privy Council, VII, 4, 5, 14, 18, 21, 24, 27, 32, 34, 35-36, 39-40, 41, 41-42, 56-57, 68, 140, 204-205, 208, 340, 347-348; VIII, 34, 146, 184, 210, 261; Great Britain, Public Record Office, Calendar of State Papers, Foreign Series, of the Reign of Elizabeth, Preserved in the State Paper Department of Her Majesty's Public Record Office (London, 1853-1936), I, 16, 24, 34, 37, 78-79, 115, 164-165, 174, 311-312, 336; II, 218-219; Great Britain, Public Record Office, Calendar of Letters and State Papers Relating to English Affairs, Preserved Principally in the Archives of Simancas (London, 1892-1899), I, 147, 259, 438. See also C. G. Cruickshank, Elizabeth's Army (London, 1946); John Harland, ed., The Lancashire Lieutenancy under the Tudors and Stuarts. The Civil and Military Government of the County, as Illustrated by a Series of Royal and Other Letters; Orders of the Lieutenant and Other Authorities, &c. ([Manchester], 1859), II, 111-119. Evidence of the Council's interest and control relative to military matters is very plentiful.

⁵"And this supreme jurisdiction reserved . . . to the King himselfe, is either altogether silent, or else it speaketh at the Board of his Prive Councell; the which is so incorporate to him, as that it is said to speake with his owne mouth."--William Lambarde, Archeion or, a Discourse upon the High Courts of Justice in England, eds. Charles H. McIlwain and Paul L. Ward (Cambridge, Mass., 1957), p. 141.

selected for this honor? Even a perfunctory survey indicates that the majority of Elizabeth's Council at the outset of her reign had sat in the Council of Edward VI five years before. The Edwardian tradition, therefore, was transmitted into the Elizabethan age and could not have been repugnant to the Queen.⁶ Did this tradition actually influence the policies and actions of Elizabeth? The various Spanish ambassadors certainly thought that a break with Marian traditions had been made. One Ambassador, for example, characterized the English government as being in the hands of heretics and young people.⁷ Another continually tried to wean Elizabeth away from her Council with the argument that they were not rightfully subservient to her.⁸ Moreover, a modern historian states that in "more than one respect Elizabeth's policy at the outset, both in foreign and in domestic affairs, in religion and politics, followed" the Edwardian tradition.⁹

Can one say, however, that every Council member contributed an equal amount of Edwardism to the reign of Elizabeth? Did Elizabeth's Council act spontaneously in a unanimous fashion or was it influenced by a group or groups within it? When Sir Francis Walsingham took the oath to be "a true and faithful councillor to the Queen's Majesty as one of her Highness' Privy Council,"¹⁰

⁶Conyers Read, Mr. Secretary Cecil and Queen Elizabeth (New York, 1955), p. 123.

⁷Cal. State Papers, Simancas, I, 7.

⁸Ibid., 208-209.

⁹Read, Cecil, p. 123.

¹⁰"The Oath of a Privy Councillor," Select Statutes and other Constitutional Documents Illustrative of the Reigns of Elizabeth and James I, ed. G. W. Prothero, 4th ed. (Oxford, [1913]), p. 165.

the Council consisted of seventeen members.¹¹ Of this group, however, Dr. Wotton, Dean of Canterbury and York, and Sir John Popham, the Lord Chief Justice, seem to have been members only by courtesy, for it appears that they never sat at the Council table. Two others, although nominally members, are not recorded as appearing until 1585. The active members of the Council, therefore, numbered thirteen, seven peers and six commoners. There were no prelates.¹²

These thirteen active members, however, did not share equally in the administration of the government. Some of them attended very infrequently. Moreover, evidence indicates that there never was a session at which all the members of Elizabeth's Council were present. The actual business of the government seems to have been conducted by a group of five or six. Within this smaller group, Burghley occupied the principal place, although Leicester, and later Walsingham were not far below the pinnacle created by him. The others that made up this select circle were Sussex, Bacon, Hunsdon, and Hatton.¹³

There appears to have existed in fact within the Privy Council a kind of informal cabinet of men who enjoyed a larger measure of Elizabeth's confidence. Some of these men, like Burghley and Walsingham and Bacon, were singled out because of their ability; others, like Leicester and Hatton, because they were dear to the Queen's heart. Officially they were on the same plane with the other councillors; practically they dominated the council and determined, so far as their imperious mistress permitted, the policy of the crown.¹⁴

¹¹Conyers Read, Mr. Secretary Walsingham and the policy of Queen Elizabeth (Oxford, 1925), I, 266.

¹²Ibid. Cf. A. F. Pollard, "Council, Star Chamber, and Privy Council under the Tudors," The English Historical Review, XXXVIII (January, 1923), 56.

¹³Read, Walsingham, p. 267.

¹⁴Ibid., 267. See also Raymond Turner, "The Origin of the Cabinet Council," The English Historical Review, XXXVIII, No. CL (April, 1923), 186; Patrick Forbes, A Full View of the Public Transactions in the Reign of Q. Elizabeth (London, 1740-1741), II, 326.

Furthermore, even within this favorite circle there were factions. Elizabeth herself seems never to have sat at the council table. Most of the Queen's contact with her Council occurred indirectly through personal conference with individual members and groups of members.¹⁵ This situation did not discourage attempts at ascendancy through the mobilization of monarchical displeasure in the direction of one's fellow councilors. Around the middle of the 1560's, for example, Leicester and Cecil engaged in such a contest.¹⁶ At one point, the Spanish Ambassador reported that Cecil was on the verge of resigning his position as Principal Secretary because he feared that he had lost the competition for the Queen's confidence to Leicester.¹⁷ The fact that he did not resign testifies to his tact and sagacity in playing the game of favoritism. On one occasion the Spanish Ambassador testified to his adroitness in the following report:

The Queen has been told that the Secretary was at the bottom of the obstinancy of the people's representatives in the matter of the succession. And the other day in Council the Queen made a remark to him about it. Whereupon he, in the presence of the members, told her that she had done him the greatest favour and kindness he could receive from her in speaking upon the subject before those present, as he was glad of the opportunity of exonerating himself from such an offence as had been imputed to him. He gave a satisfactory answer and said if he was not satisfied only to exonerate himself he could, if he pleased, cast the accusation upon those who peradventure had impugned him, but that he confine himself to clearing his own character.

After the members of the Council had gone he remained alone with the Queen, who told him she was delighted that he had answered as he had done before the Council, because one or more of them had been his calumniators,

¹⁵Read, Cecil, p. 267.

¹⁶Cal. State Papers, Simancas, I, 174-175, 365-366, 377, 387, 571-572; Read, Cecil, pp. 198-211.

¹⁷Cal. State Papers, Simancas, I, 174-175.

and now she was satisfied.¹⁸

It is important to note also that Elizabeth's Privy Council was singularly unorganized. Up to 1590 it seems even to have lacked a presiding officer.¹⁹ "In spite of the multitude of its duties, both in domestic and foreign affairs, we find little or no trace in it of that nice distribution of functions which so eminently characterizes the modern English Cabinet."²⁰ At certain times temporary committees were appointed to handle particular matters of business, and "probably, in a rough sort of way, members of the council were set to the tasks for which they seemed best fitted,"²¹ but this is as much as can be said for its internal organization. There was a consistent tendency to burden the abler councilors with all sorts of matters, irrespective of the nominal position held by them.

Thus, the opportunity existed for some councilors to play a more commanding role. In this regard, Cecil was outstanding. His position as one of the Queen's principal secretaries gave him the opportunity to handle most matters of the state's business and his ability determined his disposition of them to the satisfaction of the Queen.²² The Secretary's duties were so numerous that he could expect to have no commission broad enough to cover them all, and no

¹⁸Ibid., 609.

¹⁹Read, Cecil, p. 268; A. F. Pollard, "Council, Star Chamber, and Privy Council under the Tudors," The English Historical Review, XXXVII (July and October, 1922), 355.

²⁰Read, Cecil, p. 268.

²¹Ibid.

warrant for his actions except the confidence of his sovereign.²³ Because of this, therefore, ability determined his position in the Council. But there is nothing to suggest that a less able Secretary could not have been outshone or outworked by his fellow councilors.²⁴

Despite its seemingly inherent fragmentism, however, the Council did sit and issue orders as a unit. Such directives as were sent out by it, for example, were completed by the signatures of councilors; the Queen's signature was not affixed to them.²⁵ Elizabeth did not relinquish her right to promulgate similar orders, but the Council was capable of acting in an independent capacity.

Outside of personal subservience, therefore, what were the Council's relations to the Queen? Were its orders equal in impact to those issued by Elizabeth? Did it, for instance, have the right and power to determine governmental policy? This problem is extremely difficult to solve and would require a separate treatise for its elaboration. The Council was the creature of the monarch and did not have the right to deal with all important matters of state, independently of the Queen.²⁶ However, its activities were such that the policies it agreed upon often became the policies of the state.²⁷ Furthermore, its ad-

²³"A Treatise of the Office of a Councillor and Principall Secretarie to her Ma[jes]tie," in Read, Walsingham, I, 269.

²⁴Read, Cecil, p. 121.

²⁵Some doubt exists, however, as to whether or not each councilor personally signed his name to each directive. It seems evident that in some instances the name of an absent councilor was affixed by a clerk.--Dorothy M. Gladish, The Tudor Privy Council (Retford, Eng., 1915), pp. 52-53.

²⁶Tanner, p. 225.

²⁷Read, Cecil, pp. 160-161, 242-243; Prothero, p. xcix. See also Gladish, p. 30, 71-72.

ministrative and judicial duties could not escape from being also partly legislative in character.²⁸ Its regulations with regard to the printing and distribution of books, for example, were, in essence, censorship laws.²⁹ The Council, therefore, did act in a corporate fashion and there is some basis for saying that its promulgations influenced the history of Elizabethan England.³⁰

But how and in what direction did it exercise this influence? If it could be a vehicle of historical continuity or transmission, what directives that it issued reflected the traditions of its members? Since it was capable of being divided by faction and lack of organization, how did it arrive at its corporate decisions? Do the decisions that it did issue reveal a self-conscious estimation of its power and corporate character? If it did pursue self-conscious policies, did these policies differ from those enunciated by Parliament? What were its connections with the instruments of Elizabeth's authority, the Court of the Star Chamber, the Court of Requests, the Councils of the North, of the West, of the Marches of Wales, the Justices of the Peace, and other royal agencies? Did it have a recognized place in the common law jurisdiction of England? How were its orders constituted and do their contents reveal an appreciation of the problems that instigated their promulgation? What effect did it have on the developments of its period?

²⁸W. S. Holdsworth, A History of English Law (London, [1922]-1952), IV, 61.

²⁹Acts of the Privy Council, X, 188-189, 287-288; Frothero, p. cii, 169-172; Tanner, pp. 245-246, 279-284; John Strype, The Life and Acts of Matthew Parker, The First Archbishop of Canterbury, in the Reign of Queen Elizabeth (Oxford, 1821), I, 441-443; John Strype, The Life and Acts of John Whitgift, D.D., The Third and Last Archbishop of Canterbury, in the Reign of Queen Elizabeth (Oxford, 1822), III, App. No. XXIV, 160-165.

³⁰Holdsworth, IV, 70-71; Frothero, pp. ci-cii.

In this study, an attempt will be made to answer some of these questions in relation to the Council's directives on economic affairs for the period 1558-1578. No deliberate attempt will be made to place the Council within the existing constitutional, political, and legal system, nor examine the parallel orders of the Queen, but a presentation will be given of the Council's management pretensions with regard to the functioning of Elizabethan economic relations. Because the minutes of the Council's meetings are not extant,³¹ no exposition can be made of the deliberations leading to the issuance of its orders, but an estimation of the motive or motives which prompted the Council to interfere in the economic affairs of Englishmen will be offered. Some conclusions will be developed concerning the Council's influence on the economic developments of the period under discussion, but the economic history of England for the first twenty years of Elizabeth's reign will not be rewritten. Despite its limitations, therefore, this study can be considered to be a study of the managerial position of Elizabeth's Privy Council in relation to its corporate activities in the economic field. It is assumed that economic management is not just a nonsensical term.

³¹Holdsworth, IV, 63.

CHAPTER II

THE LAND AND THE FOOD SUPPLY

During the sixteenth century, important changes occurred in the distribution and use of English landed property. In response to forces both political--such as the restriction of the territorial sovereignty of landlords--and economic--such as the incipient movement in the direction of reorganizing national life on the basis of industry and the fall in the value of money--a movement took place in the direction of converting the old open field system of agriculture, with its relatively broad distribution of landed holdings worked according to custom, to large concentrated estates managed by persons dedicated to the proposition that the land held by them could be used as they wished, either for pleasure or profit. As a result of this movement, a new relationship developed between landlord and tenant, a relationship dominated by the small cultivator's struggle to protect his interests against the changes caused by the growth of the great estate.¹ It was concern for the effect that this development might have upon the body politic that constituted the Privy Council's main interest in agricultural affairs during the first twenty years of Elizabeth's reign.

The Privy Council, for instance, was concerned for the effect that this

¹R. H. Tawney, The Agrarian Problem in the Sixteenth Century (New York, 1912), pp. 173-184, 187-195, 228-231.

development might have upon the preservation of order. As Tawney has shown, the small cultivator of the sixteenth century was, for the most part, a militarily formidable figure. It was from his class that the English militia was recruited, and he not only had access to arms, but knew how to use them.² Furthermore, the small cultivator was not loath to act when he believed his rights were being violated.³ He banded together with his brethren and often took violent action against the symbols of his supposed injury.⁴ Because of the ever present danger that local disturbances of this sort, originating from local causes, might spread,⁵ the Privy Council took prompt action to suppress these affrays, however small, and to arrest the leading participants. After quiet had been regained, the Council then might investigate its cause and seek redress for the persons it had quieted, in order that they might not disturb the peace again.

Thus, the Council took pains to stop any violent action taken by the small cultivator against the sealing off, for the benefit of a single individual, of land formerly used in common. On May 22, 1576, for instance, the Attorney General was asked to assist the Recorder of London and another person in the examination of certain persons previously committed to the Marshalsea "for the

²Ibid., pp. 325-333.

³The Queen herself was implicated in the enclosure of a common at Woodstock, and the tenants did not shrink from open complaint in her presence.--The Earl of Leicester to Lord Burghley, September 12, 1576, Great Britain, Historical Manuscripts Commission, Calendar of the Manuscripts of the Most Hon. The Marquis of Salisbury, K. G., Preserved at Hatfield House, Hertfordshire (London, 1883-1933), II, 135.

⁴Acts of the Privy Council, VII, 137, 175, 268-269, 277.

⁵Acts of the Privy Council, IX, 285-286; Tawney, Agrarian Problem, pp. 317-322.

burnings of Sir Thomas Gressham's parke pale."⁶ In July of the same year the Recorder and his fellow examiner were required, in conjunction with the Justices of the Peace of the county of Middlesex, to try the prisoners at the next General Sessions of that county--where the affray had occurred--and "as (the) matter shall fall out against any of them to procede to their ponishment according to justice."⁷ On July 18, however, a commission was appointed by the Council to investigate a petition exhibited to the Queen in behalf of "certain pore men" and sent by the Queen to the Privy Council. This petition complained of the wrong done to the petitioners "by an inclosure made by Sir Thomas Gressham of certain common groundes, parcell of his Parke."⁸

The complexity of the problem tackled by the commission, and the Council's awareness of this complexity, is revealed by the instructions given to the commission by the Council. First of all, the members of the commission were instructed to consult both parties to the dispute, or their representatives. On the basis of these consultations, they were then to determine the customary usage and ownership of the land involved, or "what right belongeth to the Lord, what to the tenant, and what to the cottagier." They were also to ascertain by what right Gressham got title to it, and if any agreement had been made relative to the land enclosed. If an agreement had been made, they were to find out who were parties to it. Furthermore, they were to determine what detriment was done to the "pore men" by the enclosures, what cattle, for instance, they were able to keep before by pasturing them on the now enclosed land and what

⁶Acts of the Privy Council, IX, 125-126.

⁷Ibid., 160.

⁸Ibid., 167.

they now could keep without using the enclosed land.⁹

Thus, the problem confronting the commission involved economic considerations dominated by legal principles. Without the use of common land, tenants might not be able to maintain their establishments; without proof that their holdings had customarily enjoyed common rights they had no legal recourse, despite what the deprivation of their right to use common land might do to their economic position. The Council realized the complexity of the problem and, while attempting to ascertain the facts so that justice might be done, it hoped that a negotiated agreement could be reached. The last item in its instructions to the commission, for instance, requested them to submit their opinions as to how the controversy could be settled satisfactorily to both parties.¹⁰

In 1578 the Privy Council was again confronted with the problem of riots caused by the enclosing of land formerly benefiting many and it followed a similar pattern of intervention. February of 1578, for instance, saw violence employed against the sealing off of wooded land formerly used in common. On February 3, six persons were appointed to investigate "a verie disordered ryot made by certen copices in and about the Forrest of Burwood by pulling downe of the hedges and other misdemeanures not convenient to be suffered." These six were instructed to assemble according to the Statutes and by precept to the Sheriff cause an indifferent jury to be returned, by whom they were to have an inquiry made. If further trouble was anticipated, the verdict of the jury was

⁹Ibid., 167.

¹⁰For a discussion of the importance of common land relative to the English agricultural situation at this time, and the methods by which common land could be made extinct, see Tawney, Agrarian Problem, pp. 237-253; E. C. K. Gonner, Common Land and Inclosure (London, 1912), pp. 1-33, 43-58.

to be returned to the Star Chamber for further action, but if an agreement could be reached agreeable to justice, then "Lordships will allowe thereof."¹¹

On November 6, 1578, the Council also wrote to Sir John Throgmorton informing him that they had been notified by the Vice President of the Council in the Marches of Wales that "a certaine frame being erected in a copie holde of his in the Forest of Feckenham was riotouslye thrown downe and hewed in peces by certaine disordered persons," who being sent for by the Commissioners appointed by the Council to investigate the affray "both misdemeaned themselves contemptuouslye towards them and also refused to appeare in that courte, beings summoned by an officer of the same." Three of these persons, however, did appear before the Council in behalf of their cause and were committed to the Marshalsea. Furthermore, the Attorney General was ordered to give information against them in the Star Chamber during the next term "to thintent they might receive such publicke punishment as shalbe thought mete." Sir John Throgmorton was asked to be present on this occasion to further his case. In this same letter, however, Throgmorton was ordered not to re-erect his fence "for as much as it is by the said persones informed that he thereby goeth about to encroche upon a common to the undoinge of the pore tenants," an investigation was to be made by the Council to determine if Throgmorton was to be allowed to set up such a fence again.¹²

Local land riots, therefore, were considered serious by the Council. It gave much attention to their suppression and it tried to ease their economic causes. Even cases of trespass upon land enclosed for parks were considered

¹¹Acts of the Privy Council, X, 155.

¹²Acts of the Privy Council, X, 375-376, 399-400.

worthy of attention,¹³ and it also discouraged talk against a particular enclosure lest such talk lead to violence.¹⁴ But Privy Council interest in the struggle of the small cultivator to protect his interests against the growth of the large estate was not limited to the suppression and rectification of riots. The Elizabethan government looked upon the small cultivator as the foundation of its military and taxation structure;¹⁵ any weakening in his economic position seemingly weakened the state. The Council, therefore, also took an interest in restrictions placed upon land formerly used in common even though the placing of such restrictions did not occasion riots.

During 1574, for instance, the Council took an interest in the attempts of some small cultivators to get redress or compensation relative to the use of some common land in Worcester enclosed by Sir John Conway. On February 17, in response to a petition, the Council wrote to Conway ordering him to adhere to an agreement made with "his representative's consent," according to which his action in enclosing the common land was to be reviewed by a commission appointed by the Justices of Assize in that county. If he did not obey the Council's order, he was required to appear before them to explain his reasons for not doing so.¹⁶ On May 20, the matter was committed to the Lord Chief Justice of the Common Pleas and another lawyer for their determination.¹⁷ Five days later the

¹³Acts of the Privy Council, VII, 155-166; VIII, 138-139, 252, 293, 309, 350; IX, 5, 23, 43, 262; X, 274-275, 319-320, 359, 368, 402.

¹⁴Acts of the Privy Council, X, 374.

¹⁵Tawney, Agrarian Problem, pp. 341-347.

¹⁶Acts of the Privy Council, VIII, 195.

¹⁷Ibid., 241.

case was heard before the Council sitting in the Star Chamber and committed to the determination of a commission with the consent of both parties. If the commission could not bring an end to the matter, it was agreed that the dispute would be tried in the Court of Common Fleas.¹⁸ On May 27, the matter was again before the Council. The agreement made on the twenty-fifth was confirmed and the Lord Keeper was ordered to form a commission that would "upon hearing of the matter order the possession (of the common land) as they in right shuld thinke mete."¹⁹ This commission could not end the matter, however, for on November 15, the Council wrote to "Sir Robert Throckmerton, Sir John Littelton, Sir John Huband, knights, and Rafe Sheldon, esquier," requesting them "to take some paines to ende the matter in controversie betwixt Sir John Conways, knight, and certain persons clayming Common in Oken Heath."²⁰ It is doubtful whether the small cultivators concerned in this controversy ever regained their former common rights.²¹

In cases of a similar nature, the Council took a like interest. Petitions complaining of the sealing off of land formerly used in common were first referred to local officials for investigation, and if possible, determination. If no agreement could be reached on the local level, the Council stood ready "to give furdur order as the cause shall require."²² In cases of obvious hard-

¹⁸Ibid., 244.

¹⁹Ibid., 245-246.

²⁰Ibid., 313.

²¹Tawney, Agrarian Problem, pp. 251-253.

²²Acts of the Privy Council, IX, 118. See also Acts of the Privy Council, IX, 91, 233, 323-324; X, 412.

ship and doubtful legality, it acted promptly to relieve the poor tenant by, for instance, ordering an enclosed common to be thrown open again or requiring the encloser to appear before them.²³ Moreover, the Council attempted to keep abreast of the movement toward the enclosing of common lands. The Justices of Assize were ordered to pay particular attention to disputes involving the use of common land and to solve them as soon as they should arise, "otherwise grete inconveniences might ensue."²⁴ In any event, however, the Justices were required to report to the Council upon the cases that came to their attention.²⁵

These attempts on the part of the Privy Council to help the small cultivator protect his common land rights were paralleled by attempts to keep the small cultivator on the land he worked himself. As in the case of disputes as to common land rights, the Council's attempts in this sphere were motivated by politico-economic considerations and tempered by legal factors. It was those who held land at the lord's will or by copy of the manor court roll that were mainly affected; persons holding land as free tenants were generally legally secure in their possessions during this period. The position of copy holders and tenants at will was often precarious unless the copy holder could prove that they had worked their lands "time out of mind;" otherwise they could expect little legal redress if they were ousted by their landlord.²⁶

Despite this generally unfavorable legal atmosphere, the Privy Council

²³Acts of the Privy Council, IX, 296, 322. See also Acts of the Privy Council, IX, 118.

²⁴Acts of the Privy Council, IX, 285-286.

²⁵Ibid., 286.

²⁶Tawney, Agrarian Problem, pp. 34, 46-54, 281-310. See also Acts of the Privy Council, IX, 296.

sometimes exerted itself to protect the small tenant, especially in cases where it was felt that his eviction would harm the state. This consideration prompted the Council to interfere in a land dispute between the Dean and Chapter of Durham and its tenants. In the early part of 1576 the attention of the Council was called to the fact that the Dean was evicting certain persons from their holdings and replacing them with others. The Council asked certain local officials to investigate and submit a report and it also requested the Dean or his representative to appear before them in company with the representatives of the tenants. The Dean was also ordered to stop expelling tenants until the case was heard by the council.²⁷

In May of 1576 the case was heard by the Council. It was found that the tenants' claim that they held their land by non-evictable tenure, or tenant right, could not be upheld. In consideration of the fact that these tenants did military service on the border, however, the Council ordered that no tenant was to be expelled, except for rebellion or other "notorious cryme against the Prince or State," and that those tenants already expelled were to be restored to their holdings. Because the tenants had to relinquish their claim to hold by tenant right, the Council also formulated rules regarding the passing of possession from one member of the family to another when death claimed a holder.²⁸ A stable structure of small cultivators in the border area was what the Council wanted and its action in this case was intended to support that structure.

²⁷Acts of the Privy Council, IX, 90.

²⁸Acts of the Privy Council, IX, 140-142; Tudor Economic Documents Being Select Documents Illustrating the Economic and Social History of Tudor England, ed. R. H. Tawney and Eileen Power (London, [1953]), I, 79-80.

Despite the care given to this case, however, the Council was unable to stop the Dean and Chapter of Durham from expelling tenants. The Lord President of the North had been ordered to see that the Council's orders were formally accepted and recorded by the Dean and Chapter of Durham and then to enforce them, "as well for the ending of that strife as for the furtherance of her Majesties service upon the borders,"²⁹ but the Council soon found it necessary to protest that its orders were not being carried out. On February 14, 1577, it wrote to the Lord President of the Council of the North that it had received information that the Dean and Chapter of Durham was still expelling tenants. In a somewhat tired tone, it told the Lord President that it had thought this sort of action had been put to rights long ago.³⁰ On March 25, 1577, January 25, 1578, and June 23, 1578, it wrote letters again to the Lord President of the North in behalf of evicted tenants.³¹ These letters show a progressive weariness on the part of the Council with regard to their helplessness in getting the Dean and Chapter of Durham to obey their orders. In the last letter cited, it even requested "that if the pore man be not within the compass of the said former order, yet, for chareties sake, he may be relieved specially at their hands that make profession of Religion."³²

In other cases of tenant eviction considered by the Council the military factor is not as clearly evident, but that of stability cannot be doubted. The Council did not like wholesale evictions and did not hesitate to order a land-

²⁹Acts of the Privy Council, IX, 169-170.

³⁰Ibid., 291-292.

³¹Acts of the Privy Council, IX, 313; X, 151, 261.

³²Acts of the Privy Council, X, 261.

lord to stop evicting his tenants and make his appearance before the Council to explain his actions in so doing.³³ As stated before, however, its efforts were hampered by legal and political considerations of a complex nature, considerations often on the side of the landlord. In such an atmosphere, the Council's actions took the general form of ordering the evictions to cease and attempting to reconcile landlord and tenants through an appointed commission.³⁴ In some instances it reserved determination for itself or committed the case to the law courts.³⁵ Evidence points to the fact, however, that this procedure failed to stop the movement toward the formation of the large estate through the dispossession of the small cultivator.³⁶ Privy Council solicitude for the small cultivator--which even prompted it to form more than one commission to hear a case when the small cultivators refused to submit to the decisions of a previous one--failed before economic, legal, and political realities. As one lawyer wrote Burghley, copy holders were not, in general, legally secure and a Parliamentary

³³Acts of the Privy Council, X, 146.

³⁴Acts of the Privy Council, VII, 265-266, 293; IX, 19, 55, 91, 118, 127, 180; X, 146; Salisbury MSS., II, 130; Great Britain, Public Record Office, Calendar of State Papers, Domestic Series of the Reigns of Edward VI., Mary, Elizabeth 1547-[1525], Preserved in the State Paper Department of Her Majesty's Public Record Office (London, 1856-1872), I, 400, 502, 520, 522. See also Acts of the Privy Council, X, 403.

³⁵Acts of the Privy Council, VIII, 251; IX, 285-286, 296, 322, 323-324; X, 412; Cal. State Papers, Domestic, I, 502; Salisbury MSS., II, 20, 130.

³⁶³⁹ Eliz., c. 2. The Statutes of the Realm (London, 1910-1822), IV, pt. II, in Tudor Economic Documents, I, 85. See also Great Britain, Historical Manuscripts Commission, 13th Report, Appendix, Part IV, The Manuscripts of Rye and Hereford Corporations; Capt. Loder-Symonds, Mr. E. R. Wodehouse, M. P., and Others (London, 1892), p. 328.

bill was needed to correct the situation.³⁷ This bill did not materialize and the legal position of copy holders, and, therefore, the problem, did not improve.

Because of interest in land as a source of profit and symbol of importance, the Privy Council was also called upon to settle disputes concerning the transfer of land ownership and use from one person to another.³⁸ It interfered in such disputes when it felt that one party could not bear the cost of prolonged litigation or when an element of chicanery seemed to be involved.³⁹ Thus, in December, 1575, it instructed a judge to favor "Richard More of Bristol, that he may obtain just judgement against John Roberts, who under colour of law had illegally dispossessed him of his house and lands."⁴⁰ In February of that year it had also intervened in a similar case by writing to two justices that "forasmuche as no ende is made and the matter is to be tried before them as Justices of the assises, they be desired in case the matter can not be ended by compromise which is thought moost convenient" because of one of the disputant's poverty, to assign this disputant "learned counsell to informe themselves of his case, and to pleade for him, and to have regarde that the triall be made

³⁷Marcus Aurelle to Lord Burghley, [1575?], in Salisbury MSS., II, 125; Acts of the Privy Council, X, 389-390. See also Acts of the Privy Council, X, 234-235.

³⁸Acts of the Privy Council, VII, 142; VIII, 48, 151, 272, 333, 354, 359, 363; IX, 21, 23-24, 53-59, 63, 72, 86, 108, 144, 238-239, 259, 272-274, 284; X, 23, 26, 29, 47, 68, 110, 111-112, 186, 191-192, 324, 333-334, 336, 338, 344, 345, 349, 352, 356, 376-377, 396-397, 403; Cal. State Papers, Domestic, I, 515, 611; Salisbury MSS., II, 20.

³⁹Acts of the Privy Council, VIII, 286; IX, 61, 83, 158-159; X, 35; Cal. State Papers, Domestic, I, 507, 521.

⁴⁰Cal. State Papers, Domestic, I, 507.

with all indifferancy."⁴¹ And in July of 1576, it ordered two justices to help "a pore man" obtain some redress outside of the law courts, because "by reason of his povertie he is not able to pur(r)serve by order of law."⁴²

Poverty or suspicion of trickery, however, were not the only reasons given by the Council for its interference in land title disputes. In many instances it intervened to preserve the peace and to prevent uncertainty from harming the tenants who worked the land that was in contention.⁴³ Questions of lease renewals, license transfers, and stipulations of wills played an important part in this intervention.⁴⁴ In one case, for instance, a lessee claimed the right of renewal according to the provisions of the will of the man who granted the land to the landlord and the Council investigated the affair accordingly. It could not get the landlord to renew the lease, however, and was forced to advise the trustees of the will to sue for non-performance and give whatever compensation was obtained to the man who could not get his lease renewed.⁴⁵

It is interesting to note that the Council also took steps to prevent government officials from being harmed by legal action while they were outside the country on government business and not able to act for themselves. In some

⁴¹Acts of the Privy Council, IX, 83.

⁴²Ibid., 158-159.

⁴³Acts of the Privy Council, IX, 259-260, 284-285. See also Salisbury MSS., II, 107.

⁴⁴Acts of the Privy Council, IX, 21, 58-59, 272-274; X, 197-198; Cal. State Papers, Domestic, I, 319. See also Great Britain, Historical Manuscripts Commission, 15th Report, Appendix, Part X, The Manuscripts of Shrewsbury and Coventry Corporations; The Earl of Rador, Sir Walter Corbet, Bart., and Others (London, 1899), p. 14.

⁴⁵Acts of the Privy Council, X, 197-198, 368-369.

cases, it ordered whatever trial was in progress to stop until the man returned. In others, it appointed persons to investigate and report back, so that it might take whatever action was necessary.⁴⁶ Its concern for fair play can also be noticed in its efforts to make people live up to the land bargains they made and to help landlords collect their rightful rents.⁴⁷ In these instances, as well as others, the Council exhibited a concern for both economic equity and legality.

Thus, the Privy Council interested itself in practically everything connected with the holding of land. It attempted to aid the small cultivator in his struggle against the growth of the large estate, but it received little cooperation from the class whose support it needed, the English country gentlemen. Indeed, members of this class were leaders in the movement toward the growth of the large estate.⁴⁸ Furthermore, the Queen and members of her official family were implicated in the enclosure movement, and the Council itself found it necessary at one time to intrude upon the common rights of some tenants in the interests of national defense.⁴⁹ Despite its interest in cases of common enclosure and eviction, therefore, the Council's attitude toward their economic re-

⁴⁶Acts of the Privy Council, X, 32-33, 153, 385-386.

⁴⁷Acts of the Privy Council, IX, 27, 64, 308-309; X, 35, 131-132. See also Cal. State Papers, Domestic, I, 509.

⁴⁸The Bishop of London to Sir William Cecil, May 17, 1563, in Queen Elizabeth and Her Times, A Series of Original Letters, Selected from the Inedited Private Correspondence of the Lord Treasurer Burghley, The Earl of Leicester, The Secretaries Walsingham and Smith, Sir Christopher Hatton, and Most of the Distinguished Persons of the Period, ed. Thomas Wright (London, 1838), I, 133-134; William Tyldesley to Sir William Cecil, September 3, 1562, in Tudor Economic Documents, I, 331; Tawney, Agrarian Problem, pp. 384-389.

⁴⁹Acts of the Privy Council, X, 142, 159-161, 170-171; Salisbury MSS., II, 141.

sults can only be called one of expediency. The Elizabethan government deplored the movement toward the growth of the large estate with its corresponding displacement of the small cultivator, but the Privy Council developed no comprehensive and coordinated plan to stop or otherwise control it. The government's pro-agrarian legislative program with its concern for the maintenance of tillage and the small cultivator⁵⁰ was, consequently, not translated into forceful and successful action.

This policy of expediency is also evident in the Privy Council's attitude toward the timber resources of the country. The Council attempted to stop the unjustifiable use of timber;⁵¹ it investigated reports of local scarcity;⁵² and it acted upon complaints, for instance, that iron works were eating up the timber resources of a particular area to the detriment of its inhabitants;⁵³ but it did not act according to any systematic and carefully conceived plan.⁵⁴

⁵⁰5 Eliz., c. 4. Statutes of the Realm, IV, pt. I, in Tudor Economic Documents, I, 344-345; Eli F. Heckscher, Mercantilism, trans. Mendel Shapiro (London, 1935), I, 231-232; F. J. Fisher, "Commercial Trends and Policy in Sixteenth Century England," Economic History Review, X, (1939-1940), 95-117; E. Lipson, The Economic History of England, 5th ed. (London, 1929-1931), II, 398-399.

⁵¹Acts of the Privy Council, VII, 21, 43-44, 50, 59; VIII, 101.

⁵²Cal. State Papers, Domestic, I, 438, 470; Cal. State Papers, Foreign, II, 178, 444-445.

⁵³Acts of the Privy Council, VIII, 123-124; IX, 195; X, 265-266; see also Cal. State Papers, Domestic, I, 473, 474; Rye and Hereford MSS., pp. 56, 57.

⁵⁴Elizabeth's government did issue general directives to its agents asking them to do everything possible to help conserve England's woods. At the same time, however, the Council allowed wood to be exported.--Cal. State Papers, Domestic, I, 140; Acts of the Privy Council, VII, 225-226; X, 214. See also G. Hammersley, "The Crown Woods and their Exploitation in the Sixteenth and Seventeenth Centuries," Bulletin of the Institute of Historical Research, XXX (London, 1957), 148-151.

Satisfaction of naval and military needs constituted its main concern and there was plenty of timber that it could use in this regard throughout the first twenty years of Elizabeth's reign.⁵⁵ Its timber policy, therefore, was dominated by local considerations, and the main problems it acted upon were those of accessibility and transportation.⁵⁶

In contrast to its policy regarding the movement toward the growth of the large estate, the Privy Council did make a comprehensive and energetic effort to control the distribution and use of grain and other food items in favor of the consumer. Proper distribution of foodstuffs within England and control of the amount exported to help ensure a proper supply for internal distribution constantly engaged the attention of the Council throughout the first twenty years of Elizabeth's reign.

Extant records of the Privy Council testify that this attention was serious and organized.⁵⁷ For one thing, the Council not only relied upon its ordinary agents to execute its policy, such as the Customers and Searchers of the Ports, the Justices of the Peace, Sheriffs, Mayors of towns, and others;⁵⁸ it also used agents specially and carefully appointed to control the export of

⁵⁵Hammersley, pp. 136-161. See also *The Queen to Lord Treasurer Winchester, October 28, 1559*, Cal. State Papers, Domestic, I, 141. Cf. R. G. Albion, Forests and Sea Power (Cambridge, Mass., 1952), pp. 111, 124-127.

⁵⁶Acts of the Privy Council, VII, 25, 123-124, 124, 390; X, 249, 265-266; Eve and Hereford MSS., pp. 56, 57.

⁵⁷Norman Scott Brien Gras, The Evolution of the English Corn Market from the Twelfth to the Eighteenth Century (Cambridge, Mass., 1926), pp. 234-241.

⁵⁸Acts of the Privy Council, VII, 360; VIII, 83, 105, 178; IX, 318; Salisbury MSS., II, 61.

foodstuffs.⁵⁹ From them the Council received monthly reports of the food situation within each county⁶⁰ and to them--and its other local agents--the Council directed orders regarding the distribution and use of the available food supply within England.

According to the laws of the realm, for instance, grain could be exported if its price was below set price figures.⁶¹ When grain was plentiful, therefore, and the price below the established maximum, the Privy Council allowed it to be exported.⁶² Sometimes it stipulated that it could only be exported under license issued by the Lord Treasurer.⁶³ At other times it left the determination of whether export should be allowed up to its agents.⁶⁴ In many instances it issued export orders itself.⁶⁵

The content of these permissions to export indicates that exportation was profitable and that the privilege to do so was sought after.⁶⁶ Thus, the Coun-

⁵⁹Acts of the Privy Council, VII, 278-290; VIII, 144, 158, 219, 389, 392-393; IX, 52-53, 210-211, 215; X, 61, 220-221, 268-269.

⁶⁰Acts of the Privy Council, VII, 280; VIII, 191; Cal. State Papers, Domestic, I, 260-264, 267-269, 474.

⁶¹1 Eliz., c. 11., 5 Eliz., c. 5., 13 Eliz., c. 13. The Statutes of the Realm (London, 1810-1822), IV, pt. 1, 374, 422-428, 547.

⁶²Acts of the Privy Council, X, 334-335.

⁶³Acts of the Privy Council, VIII, 83. See also Acts of the Privy Council, IX, 281.

⁶⁴Acts of the Privy Council, VIII, 191. See also Acts of the Privy Council, VIII, 171.

⁶⁵Acts of the Privy Council, VIII, 165, 167, 237, 368-369; IX, 36, 66, 286-287, 364-365, 421.

⁶⁶Acts of the Privy Council, VIII, 330. See also Salisbury MSS., II, 52, 84, 216, 226.

cil was suspicious of requests from the Justices of the Peace for permission to allow exportation. It feared that grain would be exported to benefit a few and would result in hardship to many.⁶⁷ While telling the Justices that it had to accept their word as local leaders that conditions were favorable for export, it hedged its permission with cautions against greediness and warnings to be careful to avoid scarcity.⁶⁸ Sometimes it even ordered another person to watch the Justices of the Peace lest they use the occasion to enrich themselves.⁶⁹

The Council also used the right of export to help people who were in economic difficulties or as a reward for service.⁷⁰ It allowed some persons who had gathered provisions for the forces in Ireland, but which were now unneeded, to ship them overseas in order to avoid a monetary loss.⁷¹ At other times it allowed export so that a man could recoup his commercial position⁷² and it gave permission, "in consideration of his losses in the Queen's service,"⁷³ to one or more others. Records also indicate that towns requested and were given the right to export in consideration of repairing of town walls and maintenance of harbors.⁷⁴ It is interesting to note also that the Council sometimes allowed export upon condition that the exporter import a scarce item such as salt.⁷⁵

⁶⁷Acts of the Privy Council, X, 181-182.

⁶⁸Acts of the Privy Council, X, 334-335.

⁶⁹Ibid., 335.

⁷⁰Cal. State Papers, Domestic, I, 507; Acts of the Privy Council, IX, 334.

⁷¹Acts of the Privy Council, X, 40-41, 75-76, 185.

⁷²Acts of the Privy Council, VIII, 150; IX, 334.

⁷³Cal. State Papers, Domestic, I, 507.

⁷⁴Acts of the Privy Council, VIII, 330; X, 96.

⁷⁵Acts of the Privy Council, VII, 359-360; VIII, 368-369.

In times of dearth and scarcity--or when such conditions seemed likely --the Council itself suspended the export provisions of the laws,⁷⁶ favored the importation of grain,⁷⁷ and directed its agents to allow no grain whatsoever to pass beyond the borders of England.⁷⁸ Thus, on September 29, 1571, it wrote letters to customs officials ordering them to allow no grain to be exported until further notice.⁷⁹ Throughout 1573 and 1574, a period of great scarcity, it repeated these orders many times to various officials in different localities.⁸⁰ Sometimes it even stopped shipments which had already received an export license. On June 1, 1576, for instance, the Council wrote to "the Commissioners for the Restrainte of Grain of the counties upon the sea costes to suffer no corne to passe neither by licence nor without licence."⁸¹ In other instances it directed its agents not to allow foodstuffs to be exported to a particular country, as in 1576, when it ordered its agents to take steps to see that "no victuels be transported out of this realme into the Lowe Countries."⁸²

Moreover, the Council attempted to control the movement of foodstuffs from

⁷⁶Acts of the Privy Council, VII, 223, 258-259, 260-261, 270; Cal. State Papers, Domestic, I, 283.

⁷⁷Gras, p. 227; Acts of the Privy Council, VIII, 107.

⁷⁸Acts of the Privy Council, VIII, 45; Cal. State Papers, Domestic, I, 523.

⁷⁹Acts of the Privy Council, VIII, 45.

⁸⁰Acts of the Privy Council, VIII, 85, 103, 104, 136; Salisbury MSS., II, 52, 61. For the restraint placed on other food items, see Acts of the Privy Council, VIII, 139, 286.

⁸¹Acts of the Privy Council, IX, 133.

⁸²Acts of the Privy Council, IX, 183.

English port to English port and from county to county.⁸³ In times of restraint, it directed its agents to allow internal shipments only under bond that such shipments would be made to a designated place within England.⁸⁴ Moreover, this stipulation was usually made even when the Council itself licensed such shipments.⁸⁵ It is interesting to note also that in one instance the Council ordered an investigation to be made of a request by the Justices of the Peace in Cumberland that they be allowed to import grain from other counties before granting its permission for such transportation. It did this because these Justices of the Peace were unknown to it and it wanted to make sure that "such relief as shall be meete to be granted may be faithfully implored onelie to the use of the cuntrey as in the petition is pretended."⁸⁶

In addition, the Council assisted London and other towns in obtaining a supply of foodstuffs for their inhabitants.⁸⁷ As N. B. Gras has shown, London had to send its agents into non-adjacent shires to gather provisions for the city, and the Council often ordered its officials to provide a certain quantity of foodstuffs for them to bring back under bond.⁸⁸ Other towns, such as Rye, Sandwich, Yarmouth, Lynn, and Aldborough, had a similar problem of supply, but

⁸³Gras, pp. 228-229, 236; Salisbury MSS., I, 323; Acts of the Privy Council, VIII, 163. See also Cal. State Papers, Domestic, I, 474.

⁸⁴Acts of the Privy Council, VII, 298.

⁸⁵Acts of the Privy Council, VIII, 170.

⁸⁶Acts of the Privy Council, I, 181-182.

⁸⁷Acts of the Privy Council, VIII, 135, 140, 161, 179; IX, 220-221. See also Cal. State Papers, Domestic, I, 268, 588.

⁸⁸Gras, p. 109; Acts of the Privy Council, VII, 303-304; VIII, 139, 140, 143, 150, 158, 165, 177, 299.

on a smaller and less frequent scale. To these the Council also granted letters of assistance.⁸⁹

In some of its orders in behalf of London, however, the Council was careful to explain that transportation was to be allowed only if scarcity would not be the result and food prices would not rise.⁹⁰ The Commissioners of Restraint were to see that no uncalled-for amount was transported and the gathering was to be done in a secret manner so that "it causeth not a further dearth."⁹¹ Moreover, the persons gathering the foodstuffs were to be screened and only "such as be authorized by the Lord Mayour under the Seale of that Citee" were to be allowed to do so.⁹² The Council took the position that it had to assist London, "in respect of a faire greater proporcion of corne spent there nowe by the increase of the Citee then heretofore hath been,"⁹³ but that they did not want their assistance to bring scarcity or a price rise to a local area.⁹⁴ It was the Council's hope that its local agents would interpret its orders in this regard in the same spirit that the Council made them.

Sometimes, however, the Council felt it necessary to override concern regarding local scarcity.⁹⁵ Provisions for London, for the household of the

⁸⁹Cal. State Papers, Domestic, I, 578; Acts of the Privy Council, VIII, 85-86, 141, 163-164, 178, 305. See also Nye and Hereford MSS., pp. 29, 37-38.

⁹⁰Acts of the Privy Council, VIII, 143; IX, 299.

⁹¹Acts of the Privy Council, IX, 206.

⁹²Acts of the Privy Council, VIII, 143-144.

⁹³Acts of the Privy Council, IX, 299.

⁹⁴Ibid. See also Acts of the Privy Council, VIII, 145.

⁹⁵Gras, pp. 109, 228; Acts of the Privy Council, VIII, 217. See also Acts of the Privy Council, VIII, 309.

Queen, and for the military had sometimes to be gathered, whatever the result in local areas.⁹⁶ The Council attempted to distribute the burden attached to these needs, but it felt that when the situation demanded it, local considerations had to be disregarded.⁹⁷ When, for instance, it was necessary to gather provisions from a certain area for the navy, it required its local agents to exert every effort to gather such provisions, notwithstanding the likelihood of scarcity in that area.⁹⁸

There is no doubt, however, that provisioning of the Queen's household, of London, and of the military--in ships, in Ireland, and elsewhere--was a burden to local authorities and somewhat of a problem to the Council.⁹⁹ Under color of gathering provisions for government use, for instance, foodstuffs were gathered for private sale and the gatherers sometimes created disorder by their zeal or rapaciousness.¹⁰⁰ When given information that such things were happening, the Council investigated and sought to punish those responsible.¹⁰¹

These attempts to control the export and national distribution of foodstuffs were complemented by orders dealing with the distribution of foodstuffs

⁹⁶Acts of the Privy Council, VIII, 141, 232, 265, 351; IX, 32, 205-206, 239, 288-289, 297, 303-304. See also Acts of the Privy Council, IX, 173.

⁹⁷Acts of the Privy Council, VII, 110-111, 113. See also Cal. State Papers, Domestic, I, 231, 250.

⁹⁸Acts of the Privy Council, VIII, 174.

⁹⁹Acts of the Privy Council, VII, 238-239, 247-248, 260, 273-275, 298, 318-319; VIII, 176-177, 179, 185-186, 201, 208, 398-399; IX, 292-293; X, 101-102, 184. See also Cal. State Papers, Domestic, I, 250, 596, 598; Salisbury MSS., I, 293.

¹⁰⁰Acts of the Privy Council, VIII, 178; IX, 252-253.

¹⁰¹Acts of the Privy Council, VII, 112, 241.

within local areas. Laws were in existence, for instance, which required that anyone practising the trade of a middleman had to meet certain qualifications and be licensed by the Justices of the Peace.¹⁰² These laws were intended to prevent the engrossing and forestalling of grain and other food items within a particular local area, and so allow the free flow of foodstuffs from producer to consumer.¹⁰³ They were complemented by town ordinances which also attempted to prevent the cornering of the town food supply by an individual or groups of individuals and tried to give the consumer--especially the town poor--the right to buy grain in an open market from a plentiful supply, at reasonable prices.¹⁰⁴ These regulations were wholeheartedly supported by the Council.

Thus, on May 29, 1573, the Council wrote to the Sheriff and Justices of the Peace in Hertford to take steps to see that corn was brought to the markets and "that it be sold without deceit to enhance the prices, that no fermours be sufferid to buye, nor badgers, and to ordeine punishments to soche as shall breake their orders in that behalf."¹⁰⁵ On October 24, 1574, it wrote to the Sheriff and Justices of the Peace in Derbyshire giving them directions for regulating the sale and price of corn.¹⁰⁶ Other letters directed local officials to take action against those breaking the law and requested that restraint

¹⁰²5 & 6 Ed. VI, c. 14., 1 Eliz., c. 18., 5 Eliz., c. 12., 13 Eliz., c. 25., Statutes of the Realm, IV, pt. I, 148-150, 379-380, 439-441, 562; Lipson, II, 428-432.

¹⁰³Holdsworth, IV, 375-379.

¹⁰⁴Gras, pp. 90-93. See also Cal. State Papers, Domestic, I, 250.

¹⁰⁵Acts of the Privy Council, VIII, 108.

¹⁰⁶Great Britain, Historical Manuscripts Commission, The Manuscripts of His Grace, The Duke of Rutland, G.C.B., Preserved at Belvoir Castle (London, 1888-1905), I, 109.

be exercised relative to the issuing of licenses to middlemen.¹⁰⁷ The Council even went so far in one instance as to order the Justices of the Peace of one county to call in all licenses given to middlemen, "who unordinatly, by procuring hands from one Justice of Peace to another, bought up corne to sell yt dearer againe."¹⁰⁸ These Justices were also ordered at their next Quarter Sessions to issue only so many licenses as they should think convenient and to publish the names of those given licenses in every town to the end that by forestalling, regrating, "or other corrupt practices," the price of corn would not be raised.¹⁰⁹ In other instances, the Council interested itself in the quality of food sold to the people. On March 20, 1574, for instance, it directed the Treasurer of the Queen's household and the Master of the Rolls "to examine certen defaultes or bred within the Citee of London and Liberties adjoyninge."¹¹⁰

In this spirit, other food items were also regulated by the Council. The manufacture and distribution of beer was controlled, mainly because of its effect upon the grain supply. In the early part of 1577, for instance, the export of beer was prohibited because it was believed that production for the export market was enhancing the price of grain.¹¹¹ At the same time, the supply of grain that the brewers could avail themselves of for the domestic trade was severely limited by rules regarding the types and quantity which they could use

¹⁰⁷Acts of the Privy Council, VIII, 192.

¹⁰⁸Ibid., 197.

¹⁰⁹Ibid., 197.

¹¹⁰Acts of the Privy Council, VIII, 213. See also Salisbury MSS., I, 357.

¹¹¹Acts of the Privy Council, IX, 280; Salisbury MSS., II, 147.

for their brewing.¹¹² The retail sale of game birds as poultry was even prohibited, and also the hunting of such birds with "nettes and other gynnes," because of the threat of scarcity.¹¹³ The Council even concerned itself with the maintenance of monopolistic markets for certain items and ruled on the price an innkeeper could charge for a meal and a drink.¹¹⁴

Thus, the Council attempted to exercise supervision over almost every distributive channel of English foodstuffs. In this attempt it did not act without knowledge. It went to great lengths, for instance, to ascertain prevailing situations in local areas. Its county agents were ordered to visit the towns and ports of their areas to check the supply of grain and other food items on hand, to find out what amount had been recently exported, to what places and by what authority, and what had been imported into the area.¹¹⁵ Moreover, it had the Sheriffs call together juries to make presentments of the situation in smaller areas, and it used the machinery of the General Sessions and the Quarter Sessions to obtain information.¹¹⁶

Furthermore, the Council's efforts to control the trade in grain and other food items had a certain amount of public support behind it.¹¹⁷ London, for instance, wholeheartedly supported both its attempts to control the export of

¹¹²Acts of the Privy Council, IX, 297-298.

¹¹³Acts of the Privy Council, X, 39, 72, 81-82, 330.

¹¹⁴Acts of the Privy Council, VIII, 335; X, 316. See also Acts of the Privy Council, IX, 344; X, 339, 410-411.

¹¹⁵Acts of the Privy Council, VIII, 104, 159-160, 220, 316.

¹¹⁶13 Eliz., c. 13. Statutes of the Realm, IV, pt. I, 547-548; Cal. State Papers, Domestic, I, 519.

¹¹⁷Cal. State Papers, Domestic, I, 253, 449, 559.

grain, and its favorable attitude toward importation.¹¹⁸ The Lord Mayor often wrote to the Council in support of a policy of prohibition¹¹⁹ and even sent his own agents to check reports of non-compliance with restraint orders.¹²⁰ As a growing city, London wanted grain to come to it and not be transported overseas out of the counties.¹²¹ The Council which was sensitive to London's wants,¹²² went to great lengths to ascertain its needs,¹²³ and often helped the Lord Mayor to provision the city.¹²⁴

In addition, letters were written to the Council from other localities requesting that the export of grain be prohibited. These letters gave information about the food supply situation in the writers' area and sometimes pointed out weaknesses in the Council's system. Acting upon this information, the Council was able to increase the effectiveness of its regulations. All in all, the Council had many good sources of information and it tapped them all.¹²⁵

Despite forceful orders based on excellent knowledge, and a certain amount of public support, the Council was unable completely to control the trade in

¹¹⁸Gras, pp. 223-229. See also Cal. State Papers, Domestic, I, 603.

¹¹⁹The Lord Mayor of London to Lord Burghley, May 10, 1573, in Queen Elizabeth and Her Times, II, 478; Gras, p. 225. See also Acts of the Privy Council, VIII, 107; Cal. State Papers, Domestic, I, 449.

¹²⁰Gras, p. 225.

¹²¹Ibid., pp. 222-223.

¹²²Acts of the Privy Council, VIII, 217; IX, 299.

¹²³Tudor Economic Documents, I, 156-161.

¹²⁴See pp. 30-32.

¹²⁵Cal. State Papers, Domestic, I, 252, 258-263, 460, 477, 508. See also Cal. State Papers, Domestic, I, 527.

foodstuffs. It could not, for instance, completely control the export of grain. It checked the reports of its county agents against those of the customs officials in this regard and organized its system so that one set of officials checked the other,¹²⁶ but still it could not completely stop the export of grain from the numerous creeks and havens of England.¹²⁷ The customs officials in the ports sometimes countermanded the licenses to export given by county agents when export was prohibited¹²⁸ and a corrupt customs official was sometimes uncovered,¹²⁹ but still grain was exported. As one writer put it, the Council planned well, but the execution of its orders was not all that could be desired.¹³⁰ Perhaps this was so because the agents it had to rely on were, as another correspondent put it, "domb dogges, being corrupted with offam Cerberi."¹³¹

In its attempt to control the internal distribution of foodstuffs, the Council also could not claim complete success. This is evident from the orders sent to the Sheriffs, Justices of the Peace, and Justices of Assize to apprehend and try offenders against the pertinent laws of the realm and corresponding Privy Council orders.¹³²

¹²⁶Acts of the Privy Council, IX, 318. See also Cal. State Papers, Domestic,

¹²⁷Acts of the Privy Council, VIII, 192; Salisbury MSS., II, 61.

¹²⁸Acts of the Privy Council, IX, 318; Cal. State Papers, Domestic, I, 513.

¹²⁹Acts of the Privy Council, VIII, 103, 150.

¹³⁰Salisbury MSS., II, 70.

¹³¹Sir Thomas Challoner to Sir William Cecil, September 27, 1559, in Queen Elizabeth and Her Times, I, 10-11.

¹³²Acts of the Privy Council, VII, 270, 303, 310, 325; VIII, 19, 111, 303, 317, 330, 343, 388; IX, 160, 219.

It is interesting to note, moreover, that the Council sometimes ran into opposition on the question of the extent of its powers and those of its instruments. Customs officials sometimes complained that the special agents appointed to control the export of grain were exceeding their authority.¹³³ Furthermore, the Council sometimes felt compelled to explain to the gentlemen of this or that county the spirit behind its orders and by what authority it made them.¹³⁴ On December 15, 1565, for instance, it explained to certain questioners that the Queen had given her warrant to it (or any six of its members) to license the export of grain since the Queen was not able to sign every letter pertaining to such matters.¹³⁵ And, on November 27, 1573, it replied to a letter from Devon, "in which there was a declaration touching a scruple conceived that the Statute of Navigacion made in quarto Regis Edward shuld by . . . Commission (of restraint) be taken away," that such was not the intention of the Council. They stated in their letter that "this restraints was made in this tyme of dearth and scarcytie amonge her Majesties subjectes, so here after in tyme of more

¹³³Cal. State Papers, Domestic, I, 263, 264.

¹³⁴Ibid., 449. See also Acts of the Privy Council, IX, 312.

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store they mought transporte . . . according to the said Statute."¹³⁶

Thus, the question of supply was the main factor in the Council's attempts to regulate the trade in foodstuffs. However, it was the problem of supply on a local level—rather than the development of national distributive channels—that most concerned it. The Council was sensitive, for instance, to complaints by local groups of scarcity in their areas and favored their requests for local embargoes.¹³⁷ At other times it reprimanded its county agents for allowing grain to pass from county to county and ordered them "to have care to the provisions of their owne county, and not to suffer any (grain) to passe to any other shiere" unless they received word "from the justices that they have nede thereof for their relief."¹³⁸ The Council did not intend that one area should starve while another basked in abundance,¹³⁹ but neither did it want one area denuded of its grain supply for the benefit of another.¹⁴⁰ It sometimes violated this principle by its solicitude for the needs of London, the household of the Queen, and the military, but on the whole its actions were not based on a policy of favoring supplier adjustment to the market. Its actions, therefore, were not altogether consistent with the government's parliamentary position.¹⁴¹

¹³⁶Acts of the Privy Council, VIII, 148. See also Acts of the Privy Council, VIII, 230-231.

¹³⁷Acts of the Privy Council, VIII, 191.

¹³⁸Acts of the Privy Council, IX, 155-156.

¹³⁹Acts of the Privy Council, VIII, 116; X, 203.

¹⁴⁰Acts of the Privy Council, IX, 155-156.

¹⁴¹Gras, p. 229.

CHAPTER III

INDUSTRY AND DOMESTIC TRADE

During the first twenty years of Elizabeth's reign, the Privy Council participated in six aspects of English industrial development. It tried to inspire satisfactory enforcement of the laws designed to foster certain English industries and to control the growth of others. It attempted to regulate the trade in raw materials, it made rules for the sale of finished goods, and it intervened in commercial relationships to preserve harmony and the quality of English products. At the same time, it exercised its influence and authority in favor of new industrial establishments deemed essential for the welfare of the state.

The Privy Council attempted, for instance, to secure satisfactory enforcement of a law passed in 1563 benefiting the fishing industry. This law imposed restrictions upon foreigners in the English fish market, removed restraints upon the export of fish, and provided for the compulsory eating of fish in certain proportions on Wednesdays and during Lent.¹ Its object was to expand the domestic market for English-caught fish and thereby increase the number of English ships and mariners engaged in the industry. The government championed its passage through Parliament, against considerable opposition, in the belief

¹"An Acte Touching Certayne Politique Constitutions Made for the Maintenance of the Navye," 5 Eliz., c. 5. Statutes of the Realm, IV, pt. I, 422-428.

that it would enhance the military position of the country by strengthening the navy. A flourishing fishing industry, it was thought, would provide a reservoir of trained men and suitable ships that could be tapped for naval duty as needed.²

In support of this idea, the Privy Council wrote letters to local officials throughout the realm ordering them strictly to enforce the provisions of the law.³ The Lord Mayor of London, for example, received many of these letters. On March 14, 1564, the Council wrote ordering him "to make proclamation for keeping of Lent, . . . to appointe some bouchers for the sickes, and to see common tables and victeling houses not to abuse the laws."⁴ Another letter was sent to him on February 9, 1566, containing similar admonitions. He was to appoint certain men to handle meat during Lent "to the entent that such persones as be or shalbe notoriously sickes may not be unprovided of fleashe," but he was to see that no other Londoner handled or ate meat on fast days during the lenter season.⁵ The Council, however, later ordered him to license the butcher of the French ambassador to handle meat for the sole use of his master.⁶

In 1572, the Council appealed to the Lord Mayor's sense of duty in an at-

²5 Eliz., c. 5. Statutes of the Realm, IV, pt. I, 427; Salisbury MSS., I, 165; Cal. State Papers, Domestic, I, 220-221, 233; Heckscher, II, 34-38; Lipson, III, 117-118; Head, Cecil, pp. 271-274; J. E. Neale, Elizabeth I and Her Parliaments 1559-1581 (London, 1953), pp. 114-116. See also Acts of the Privy Council, VII, 206.

³Acts of the Privy Council, VII, 327-328. See also Rye and Hereford MSS., p. 40; Cal. State Papers, Domestic, I, 512.

⁴Acts of the Privy Council, VII, 205-206.

⁵Ibid., 325-326.

⁶Acts of the Privy Council, VII, 330. See also Acts of the Privy Council, IX, 62, 300.

tempt to achieve strict enforcement.⁷ On March 11, 1572, they sent letters to the Justices of the Peace and Sheriffs of various counties ordering them to see that their localities observed the rules concerning meatless days.⁸ Privy Council records indicate that similar letters were also sent to the Lord Mayor, the Justices of Assize, and other county officials in 1574, 1575, 1576, and 1578.⁹

Despite its many letters, however, the Privy Council was unable to inspire strict enforcement of the law passed by Parliament to benefit the fishing industry. Butchers continued to handle meat during Lent and other provisions of the law were violated.¹⁰ As early as 1572, the fishermen of Rye brought this situation to the attention of the town's representatives and urged that Parliament be persuaded to pass a new law "for the mayntenance of the fishermen of this realme."¹¹ Writers interested in the fishing problem echoed this request.¹² In 1581, Parliament did pass another law which confirmed the widespread non-observance of the old, but which attempted again to stimulate the English fishing industry by restricting the domestic market to fish caught by

⁷Acts of the Privy Council, VIII, 69.

⁸Ibid., 74.

⁹Acts of the Privy Council, VII, 196, 343, 346-347; IX, 249, 260, 289; X, 156.

¹⁰Cal. State Papers, Domestic, I, 409, 411; Lipson, III, 120.

¹¹Rye and Hereford MSS., p. 18.

¹²Robert Hitchcock, "A Politic Plat for the honour of the Prince, the great profit of the public State, relief of the poor, preservation of the rich, reformation of rogues and idle persons, and the wealth of thousands that know not how to live" (London, 1580), in An English Garner, Social England Illustrated A Collection of XVIIth century tracts, intro., Andrew Lang (New York, [1903]), p. 71, 93; Lipson, III, 148-150. See also Cal. State Papers, Foreign, VII, 528.

it.¹³ Enforcement failure of the first law did not mean abandonment of the principles on which it was based.

From 1575 to 1578, the Privy Council was also involved in attempts to secure satisfactory enforcement of the laws designed to aid the English cap-making industry. In the sixteenth century, locally made hats were being driven from the market by foreign manufactured hats of more exotic materials. This change of fashion assumed the proportions of a serious social question as more and more English cap-makers became unemployed.¹⁴ In the first twenty years of Elizabeth's reign two laws were passed to remedy the situation. The first, enacted in 1566, restricted the type of cap an Englishman could wear according to his station in life. The second, passed in 1571, ordered every English subject above six years of age, except ladies and gentlemen, to wear caps of wool on Sundays and holidays.¹⁵ As in the case of the law made to benefit the fishing industry, a captive market was to be used to stimulate the English cap-making industry.

The English cap-making industry, however, was not stimulated by these laws. In 1575 the cappers of Lichfield testified to this fact by petitioning the Queen for a commission to execute the laws and asking that the fines that would be

¹³23 Eliz., c. 8. Statutes of the Realm, IV, pt. I, 668-669; Lipson, III, 118-119.

¹⁴George Unwin, Industrial Organization in the Sixteenth and Seventeenth Centuries (Oxford, 1904), pp. 71-72. The decline of the Cappers in Chester, however, was balanced by the rise of the Company of Glovers.--Unwin, Industrial Organization, p. 72; R. H. Morris, Chester in the Plantagenet and Tudor Reigns ([Chester], [1893]), pp. 404n, 461n.

¹⁵8 Eliz., c. 9., 13 Eliz., c. 19. Statutes of the Realm, IV, pt. I, 494-495, 555; Lipson, III, 47.

collected be given to them because of their poor and needy condition.¹⁶ The Queen granted their request and the Privy Council was ordered to see that the necessary arrangements were made. It in turn commanded the Solicitor General to draw up the necessary papers, cautioning him "to take care thereof and to dispatche the suitours with as good expedition as may be."¹⁷

In 1578 the Council was confronted with the problem of enforcing the cap-wearing laws in Wales and the territories immediately adjacent to it. Two men held a patent from the Queen giving them the right to execute the law for the benefit of the poor cap-makers, but had been denied permission to exercise this right in the Wales area by the local authorities, "unless they could bring farther warrant from their Lordships." The patentees appealed to the Council for this warrant and were told that they had to convince the Council of their honesty under the original patent before additional authority was given to them. In order to convince the Council, they had to present testimony that they had given the poor cappers of the places where they had executed the law their rightful share of the forfeitures collected according to the patent.¹⁸

On October 11, the Council wrote to the Vice-President and Council in the Marches of Wales that the required testimony had been presented to them and therefore the patentees should be allowed to execute their patent in the area under the jurisdiction of the Council of Wales, "so long as they shall behave them selves as appertaineth."¹⁹ The very next day, however, the Council ordered

¹⁶Salisbury MSS., II, 116.

¹⁷Acts of the Privy Council, IX, 36.

¹⁸Acts of the Privy Council, X, 340-341.

¹⁹Ibid., 341.

the Sheriff of Norfolk to apprehend one of the patentees for abuse of his authority, "taking from him his said Letters Patentes, and to sende them, together with his personne, unto their Lordships under safe garde."²⁰ In their letters to the Vice-President and Council of Wales and the Sheriff of Norfolk the Council had explained that the Queen had granted the patent for the execution of the 1571 law in the belief that it would help the cap-makers,²¹ but it is evident that satisfactory enforcement of this law was not obtained by this device, or by the Council's interest in its proper execution.

In contrast to its solicitude for the cap-makers, the Privy Council also tried to secure satisfactory enforcement of the laws against the rural cloth-making industry. During the 1550's, a series of laws were passed by Parliament to check the exodus of weaving from the towns.²² The Weavers' Acts of 1555 and 1558, for example, stipulated that clothiers were in the future to establish themselves only in towns or places where the clothing industry had been carried on for ten years. They also limited the number of looms country clothiers and weavers could possess and prohibited their hiring out looms to others.²³ In 1563 these restrictive laws were climaxed by the famous Statute of Apprentices which attempted to stop the growth of the rural clothing industry by restrict-

²⁰ Acts of the Privy Council, X, 343.

²¹ Ibid., 340.

²² Fisher, Econ. Hist. Rev., X, 112-113; Heckscher, I, 338-345; Lipson, II, 207; George Unwin, "The Merchant Adventurers' Company in the Reign of Elizabeth," Studies in Economic History: The Collected Papers of George Unwin, ed. R. H. Tawney (London, 1927), pp. 148, 186-187.

²³ 2 & 3 Phil. and Mary, c. 11., 4 & 5 Phil. and Mary, c. 15. Statutes of the Realm, IV, Pt. I, 286-87, 323-326; Unwin, "Merchant Adventurers' Company," p. 187.

ing its labor and trainee supply.²⁴ Under this act, the mobility of rural workers was narrowed in favor of agriculture and the number of apprentices that a rural weaver could retain was limited to his sons or the sons of parents having "landes (etc.) to the clere yereley value of three poundes at the leaste of an estate of inheritance or freehold" ²⁵ Rural weaving also came under a provision of this law which prohibited anyone "to sett up occupye use or exercyse any crafte . . . nowe used or occupied excepte he shall have bene brought uppe therin seven yeres at the least as Apprentyce" ²⁶

These laws, however, could not put back the clock. The cloth-making industry had experienced boom conditions in the first half of the sixteenth century and rural cloth-making had so established itself in some parts of the country that it could not be eradicated.²⁷ Cumberland, Lancaster, Westmoreland, and Wales, for example, were exempted from that part of the law limiting the class from which the rural weaver could draw his apprentices.²⁸ As the years passed, other sections of the country were also granted exemptions from

²⁴ 5 Eliz., c. 4. Statutes of the Realm, IV, pt. I, 414-422; Fisher, Econ. Hist. Rev., X, 113; Heckscher, I, 226-230; Neale, p. 114; Unwin, "Merchant Adventurers' Company," p. 187.

²⁵ 5 Eliz., c. 4. Statutes of the Realm, IV, pt. I, in Tudor Economic Documents, I, 347.

²⁶ Ibid.

²⁷ 18 Eliz., c. 16. Statutes of the Realm, IV, pt. I, 626-627; Herbert Heaton, The Yorkshire Woollen and Worsted Industries, Oxford Historical and Literary Studies, Vol. X (Oxford, 1920), pp. 45-84; G. D. Ramsay, The Wiltshire Woollen Industry in the Sixteenth and Seventeenth Centuries (London, 1943), pp. 17-18; George Unwin, "The History of the Cloth Industry in Suffolk," Studies in Economic History: The Collected Papers of George Unwin, ed. R. H. Tawney (London, 1927), pp. 262-291.

²⁸ 5 Eliz., c. 4. Statutes of the Realm, IV, pt. I, in Tudor Economic Documents, I, 347.

various provisions of the laws.²⁹ The spirit of these laws, however, remained in force.³⁰

There seems to be no doubt, moreover, that responsible opinion supported the spirit behind these laws.³¹ The multiplication of people engaged in the clothing industry seemed to pose a threat to the stability and well-being of the realm. Prosperity occasioned a weakening of the class structure--which was deplored--and periodic depressions produced unemployment riots and the grave danger of widespread rural disorder.³² During Elizabeth's reign, for instance, there were clothing riots in Essex and Suffolk necessitating Privy Council action.³³ At one time, the Spanish ambassador reported that the rioters were in contact with other sections of the country having a rural clothing industry.³⁴ Disorder, the nightmare of Elizabethan statesmen, seemed to be connected with

²⁹18 Eliz., c. 16. Statutes of the Realm, IV, Pt. I, 626-627; Heckscher, I, 239-240; Lipson, 68; Unwin, "Merchant Adventurers' Company," p. 189.

³⁰Unwin, "Merchant Adventurers' Company," pp. 186-220.

³¹Cal. State Papers, Domestic, I, 391; Sir William Cecil to Sir Thomas Smith, February 27, 1563, in Queen Elizabeth and Her Times, I, 126; A Discourse of the Common Weal of this Realm of England. First printed in 1561 and Commonly Attributed to W. S., ed. Elizabeth Lamond (Cambridge, Eng., 1893), pp. 130-131; Heckscher, I, 240; Unwin, "Merchant Adventurers' Company," pp. 187-189.

³²"A Treatise Concerninge the Staple and the Commodities of the Realme," Drei volkswirtschaftliche Denkschriften aus der Zeit Heinrichs VIII., ed. Reinhold Pauli (Göttingen, 1878), pp. 15-43; "Reasons to move a forbearying of the restitution of the entercourse to Antwerpe," Tudor Economic Documents, II, 45; Great Britain, Historical Manuscripts Commission, Report on the Pepys Manuscripts Preserved at Magdalene College, Cambridge (London, 1911), p. 58; Salisbury MSS, II, 251.

³³Cal. State Papers, Simancas, I, 570-571; II, 179-180, 181, 182; Cal. State Papers, Domestic, I, 270.

³⁴Cal. State Papers, Simancas, I, 570-571.

depression conditions in the clothing industry.³⁵

To meet this situation, therefore, the Privy Council followed a policy of requiring employers to retain their workers in periods of depression³⁶ and attempting to control the number of people that would be affected by such conditions.³⁷ At the same time, it recognized that an ideal of a stable, predominantly agricultural community, could not be realized in its entirety and that modifications of existing laws were necessary to prevent the baleful spectacle of widespread evasion and hardship.³⁸ Insofar as the Council faced up to this problem, it admitted the impracticality of this ideal.

Available evidence indicates, however, that the provisions of the Statute of Apprentices affecting rural industry were enforced.³⁹ There were many prosecutions for failures to carry out its regulations in the courts of quarter sessions, held by the Justices of the Peace in the county assizes, and in the common law courts at Westminster.⁴⁰ Moreover, the Council supported the actions of persons, half common informer, half amateur inspector, who enforced the laws with the hope of making a profit. Part of the fines levied upon their

³⁵Salisbury MSS, II, 251.

³⁶Cal. State Papers, Domestic, I, 243.

³⁷Through its support of laws which embodied this principle. See "Reasons to move a forbearring of the restitution of the intercourse to Antwerp," pp. 45-47.

³⁸Heckscher, I, 238-239; Unwin, "Merchant Adventurers' Company," p. 189.

³⁹John U. Nef, Industry and Government in France and England, 1540-1640 (Ithaca, [1957]), pp. 39-40.

⁴⁰Margaret Randolph Gay, "Aspects of Elizabethan Apprenticeship," Facts and Factors in Economic History, Articles by former Students of Edwin Francis Gay (Cambridge, Mass., 1932), pp. 134-163.

victims when they were convicted were usually given to them as compensation for their services.⁴¹

One such common informer and amateur inspector was a man named Peter Blackboro. In 1575, the Privy Council gave him a circular letter to the Justices of the Peace informing the Justices that he had the Council's permission to search for violations of the clothing laws.⁴² Blackboro, however, soon ran afoul of the Justices of the Peace in Dorset and Somerset. They protested to the Lord Treasurer, Burghley, against his exactions and the Council had to call both parties before them to settle the dispute. As a result of this hearing, a general pardon was issued covering the cloth-makers involved and the Council felt it necessary to start amendment proceedings with regard to the Weavers' Act of 1558.⁴³ In 1576, Parliament so modified this law that all those parts of Dorset, Somerset, and Wiltshire in which cloth-making had been carried on for ten years were exempted from its operation.⁴⁴

The interesting part about this case, however, is the Council's efforts to secure compensation for Blackboro. Since the general pardon and the subsequent modification of the Weavers' Act of 1558 had deprived him of his chance to realize a profit through legal action, the Council ordered that the clothiers of the three counties involved contribute something toward the expense incurred by Blackboro in enforcing the laws. The Council's first order was dated May 8,

⁴¹Acts of the Privy Council, IX, 360-361; Unwin, "Merchant Adventurers' Company," p. 189. See also Heckscher, I, 253-256.

⁴²Unwin, "Merchant Adventurers' Company," p. 189.

⁴³Acts of the Privy Council, IX, 16, 73, 121.

⁴⁴18 Eliz., c. 16. Statutes of the Realm, IV, pt. I, 626-627.

1576.⁴⁵ On September 18 and 19, it gave a similar order.⁴⁶ On October 25, it explained to its local agents that contributions were to be taken from all the clothiers in the three shires, rather than from only those mentioned in his suits.⁴⁷ In January, 1577, the Council ordered the matter to be considered at the next Quarter Sessions, where the Justices were to "either accomplishe their Lordships' request, or els certifie what causes they have to the contrarye."⁴⁸ On June 1, 1578, they wrote another letter to the local authorities in which they stated that they marveled that nothing had yet been done for Blackboro. Blackboro had informed the Council that their letters in his behalf had been opened and read, and then given back to him without action being taken, and the Council sarcastically wrote "yet for that it maye be that eyther the partee delivered not the letters unto them or els followed not his suite as he should have done, they are required uppon receipt and perusinge of their Lordships' said former letters, presentlye sent unto (them) by one of the Messengers of her Majesties Chamber" to act accordingly, reporting their actions to the Council. If they did not follow the Council's orders they were to explain the reasons for their refusal and advise "by what other means they thincke this pover-tie maye be relieved."⁴⁹ There is no evidence to indicate, however, that Blackboro ever received any contributions from his intended victims.

Another device employed by the Council in an attempt to secure satisfac-

⁴⁵Acts of the Privy Council, IX, 121.

⁴⁶Ibid., 205.

⁴⁷Ibid., 220.

⁴⁸Acts of the Privy Council, IX, 263.

⁴⁹Acts of the Privy Council, X, 238.

tory enforcement of the laws against rural industry was that of the special advisory commission. On February 6, 1577, the Council wrote to "Sir Henry Sherrington, Sir Henry Knyvett, Mr. Jasper More and Mr. John Fenraddock, or to any iij or two of them," asking them to investigate the decay of cloth making in various towns. They were to ascertain the cause of this decay consulting "able and sufficient persones that have knowledge therein and speciallie by Peter Blackborowe," and then they were to advise the Council how the situation could be redressed.⁵⁰ Eight months later, on September 9, the Council sent another letter to Sir Henry Sherrington, Sir John Davers, Sir John Souche, Sir James Maryn, knightes, in the county of Wiltshire," telling them that "her Majestie is credible informed that throughe the not putting in execucion the lawes concerning clothiers and clothe making diverse townes of this realme are latelie decayed, the inhabitauntes and artificers living by the same greatly spoiled and impoverised, the realme by those defaultes dishonored, and her Highnes defrauded of her custome heretofore had by the same." Therefore, the Council desired these men to investigate and advise how the situation could be corrected by consulting those clothiers "as can and will open thabuses therof, and especially one Peter Blackborowe, who by his often complainte . . . hath ben an humble suiter to have the same reformed."⁵¹ On the same day, letters of a like sort were also sent to men in Gloucestershire and Somersetshire.⁵²

From these letters, it is evident that the Council was not satisfied with the enforcement of the clothing laws. Despite indictments, trials, and convic-

⁵⁰ Ibid., 157-158.

⁵¹ Acts of the Privy Council, I, 28-29.

⁵² Ibid., 29.

tions of offenders on all levels of the court structure, compliance had not been secured. Contemporary writers claimed that the laws were good, but they were not properly executed.⁵³ On the basis of the Privy Council's actions with regard to the attempted execution of the laws in Dorset, Somerset, and Wiltshire, it is possible to say that circumstances did not favor rigid application. Moreover, it would appear that the Privy Council believed this to be true, for it did not attempt to enforce the clothing laws in a doctrinaire manner. Despite its dissatisfaction with the existing situation, the Council felt it necessary to seek advice on how the laws could be enforced; it did not try to execute them by fiat.⁵⁴ In seeking this advice, and then acting accordingly, the Council bowed to the politico-economic realities of the age and let expediency dictate its policy.

This approach to the problem of economic law enforcement was also used by the Council with respect to the domestic trade in raw materials. It was a principle of Tudor economic policy that the artificer should have first claim to the raw materials used in his trade.⁵⁵ As was the case with the trade in foodstuffs, therefore, the activities of middlemen were restricted by a whole series of enactments.⁵⁶ These enactments were based on the belief that middle-

⁵³Tudor Economic Documents, III, 212-215; Heckscher, I, 251; Nef, Industry and Government, p. 50.

⁵⁴The Council recognized that the manner in which these laws were observed was largely dictated by custom and that a variety of enforcement practices had to be tolerated.--Rye and Hereford MSS., pp. 45-48, 335; Lipson, III, 283.

⁵⁵Acts of the Privy Council, X, 24-25; Unwin, Industrial Organization, p. 150.

⁵⁶3 & 4 Edw. VI., c. 9, 5 & 6 Edw. VI., c. 7, 5 & 6 Edw. VI., c. 15, 1 Mariae St. 3, c. 8, 1 Eliz., c. 8, 1 Eliz., c. 9, 1 Eliz., c. 10, 5 Eliz., c. 8, 8 Eliz., c. 14, 14 Eliz., c. 4, 18 Eliz., c. 9, Statutes of the Realm, IV.

men operated solely for private gain and were, because their operations seemed to narrow supply channels and increase prices, a general hindrance to those that had to convert raw materials into something else in order to earn their living.⁵⁷

Because of this belief, for example, the activities of wool merchants were watched closely by the Council. It made a point of warning wool buyers to conform to the spirit as well as the letter of the laws, and it ordered local authorities to punish those who refused to conform. On October 31, 1576, for example, it sent two special messengers "to warne certain wolle buyers within the Cities of London, Northampton and other places to appere before their Lordships, those of London within iiij^{or} daies after the admonicion and the other within vj daies."⁵⁸ In July of 1577, it sent letters "into sundry shieres of the realme for the restraints of certen brogers and others disorderly buying and forestallinge of wolles."⁵⁹ On September 2, 1577, it issued orders for the punishment and appearance of certain men who had acted contrary to the regulations set down for the buying and selling of wool.⁶⁰

In its orders of September 2, 1577, the Council's position with regard to the buying and selling of wool is clearly revealed. It ordered men to be punished because they had purchased wool with the intent of selling it again "with-

pt. I, 110, 141-142, 150-151, 232-233, 368, 369-370, 370-371, 430, 497, 590, 619-620; Heckscher, I, 267-269.

⁵⁷ Acts of the Privy Council, X, 25; Heckscher, I, 267-269.

⁵⁸ Acts of the Privy Council, IX, 223-224; X, 24-25.

⁵⁹ Acts of the Privy Council, IX, 386. See also Acts of the Privy Council, IX, 392.

⁶⁰ Acts of the Privy Council, X, 24-25.

in the realme at heigher prices, to the greate decaye of clothing . . . which yf it should not in tye be refounded might breed greate inconvenience to the whole realme." It ordered other men to make their "undelayed apparence" before the Council because they too had purchased wool for resale at enhanced prices "to the impoverishing of the clothiers them selves and a greate number of spynners and other poore people, whose only maintenance dependethe only upon making of clothe." Moreover, the operations of these men were disliked because they were performed for the operator's "most privat gaine and commoditie, contrarie to the lawes and orders in that behaulfe provided."⁶¹

Other evidence, however, indicates that the Council realized some toleration had to be accorded middlemen or the economic wheels of certain areas would not be able to turn.⁶² In this realization it followed the example of Parliament. During the reign of Edward VI and that of Philip and Mary, Parliament had passed acts legalizing the activities of middlemen who supplied wool to the clothiers in the Norwich and Halifax markets.⁶³ It may reasonably be inferred from this that in these centers, the majority of the large class of independent manufacturers living there owed their continued business existence to the credit furnished them by the wool dealer.⁶⁴ The Privy Council was cognizant of the part played by the supplier in keeping people at work, for on February 3, 1577,

⁶¹Ibid., 24-25. See also Acts of the Privy Council, X, 31.

⁶²At the same time, the Council was cognizant of the fact that its restrictive policy was not working despite its orders, and it asked the Staplers for advice on how the situation could be remedied.--Acts of the Privy Council, IX, 366.

⁶³1 Ed. VI., c. 6, 2 & 3 Phil. and Mary, c. 13. Statutes of the Realm, IV, pt. I, 11-12, 288.

⁶⁴Unwin, "Merchant Adventurers' Company," pp. 194-195.

while it was attempting to enforce the regulations of restraint, it issued a general order confirming an exemption granted by the Queen to Norwich for the "buying of fine wolles to be employed in the towne for the setting of pore men a worke."⁶⁵

Thus, as in the case of the clothing laws, the Council found it necessary to make exceptions to what was regarded as sound and orthodox policy.⁶⁶ In many cases this power to make exceptions was delegated to a company or an individual, either as a reward for past services to the Crown or for a stipulated price.⁶⁷ Needless to say, the person or company to whom this power was delegated expected to make a profit from it, and relief from economic laws difficult to apply came to be contingent upon the payment of a fee.⁶⁸

Under this arrangement, for instance, exceptions were made relative to laws dealing with the leather trade. The leather industry was subject to restrictions rivalling that of the clothing industry and persons engaged in the handling of leather found it very difficult if not impossible to adhere to the laws designed to control their trade.⁶⁹ At first, the Privy Council attempted to enforce these laws, but in the middle 1570's, dispensations had to be granted in order to prevent open defiance of both the Privy Council and the laws.

⁶⁵Acts of the Privy Council, IX, 281.

⁶⁶Unwin, "Merchant Adventurers' Company," pp. 190-191.

⁶⁷William Hyde Price, The English Patents of Monopoly (New York, 1906), p. 12; Lipson, III, 354-356.

⁶⁸Price, pp. 12-14.

⁶⁹1 Eliz., c. 8, 1 Eliz., c. 9, 1 Eliz., c. 10, 5 Eliz., c. 8, 8 Eliz., c. 14, 14 Eliz., c. 4, 18 Eliz., c. 9. Statutes of the Realm, IV, pt. I, 368, 369-370, 370-371, 429-436, 497, 590, 619-620; Rye and Hereford MSS., p. 57; Lipson, III, 34-35; Heckacher, I, 249. See Cal. State Papers, Domestic, I, 286.

In 1574 and 1575, the Council wrote local officials that restrictions regarding the leather trade should be eased and that leather dealers should be made to post bonds for the observance of these easier conditions.⁷⁰ In 1576 it informed its agents that the Queen had granted one Edward Dyer the right to make exceptions relative to the leather laws and that arrangements should be set up so that Dyer could administer his grant.⁷¹ On February 16, 1576, for instance, the Council wrote "to all Mayors, Bailiffs and head officers of Cities and others which have or shall have the appointments of searchers and sealers of leather" to bond these searchers and sealers not to allow any leather to pass that was not "well wrought, sufficientlie tanned, and by the wrytings indented of the said Edward Dier, or his Deputie or Deputies, accordinge to her Majesties letters patents to him graunted."⁷² Of course, Dyer's "wrytings indented" could only be obtained for a price.⁷³

Exceptions regarding the retailing of goods were also regulated by letters patent.⁷⁴ In at least one instance, however, the Council was unable to control a patentee and had to accept a situation not envisioned when the patent was granted. This instance involved the retailing of imported wines.⁷⁵

On January 3, 1575, the Council wrote to the Lord Mayor of London that he

⁷⁰Acts of the Privy Council, VIII, 68-69, 235, 251, 256, 314, 340, 356, 360, 367, 372, 388. See also Cal. State Papers, Domestic, I, 500.

⁷¹Acts of the Privy Council, IX, 80, 267; Rye and Hereford MSS., 57. See also Cal. State Papers, Domestic, I, 500.

⁷²Rye and Hereford MSS., p. 57.

⁷³Price, p. 14.

⁷⁴Acts of the Privy Council, X, 434-435.

⁷⁵Unwin, "Merchant Adventurers' Company," p. 182.

should "cause bandes to be taken with expedition to her Majesties use of the vinteners within the Citie, that none of them shall sell any wines of Spaine above xx^{li} the tonne and wines of Fraunce not above xvij^{li} the tonne, and that none be admitted to sell wines that shall refuse so to be bounde." Dealers in French wines were again singled out near the end of this letter. If they refused to conform "to the prices aforesaid," the Lord Mayor was not to license them "to sell any wines by retaile or in grosse till they shalbe licensed by their Lordships."⁷⁶

Exactly a year later, the Council again ordered that French wines should not be sold above prices established by the government. On May 19, 1576, it repeated this second order in letters to the Sheriffs, and other officials of Essex, Suffolk, Norfolk, Sussex, Southampton, Dorset, Somerset, Devon, Cornwall, Lincoln, York, and Chester.⁷⁷ Six days later, however, the Council had to deal with a case involving the violation of its wine sale orders. In retrospect this case marked the beginning of the end regarding its attempt to control the retail price of French wines.

On May 25, 1576, the Council found some London merchants guilty of selling French wines above the established price. These merchants were committed to the Fleet and fined 10 shillings for every "pece of wine" sold above the set rate. On the same day, the Lord Mayor was ordered to do likewise with other offenders.⁷⁸ Two days later, this order to the Lord Mayor was repeated.⁷⁹ On

⁷⁶Acts of the Privy Council, VIII, 330.

⁷⁷Acts of the Privy Council, IX, 70, 123-124.

⁷⁸Ibid., 128-129.

⁷⁹Acts of the Privy Council, IX, 130. See also Acts of the Privy Council, IX, 132.

July 15, 1576, moreover, the Council sent instructions to the Lord Mayor and Aldermen of London dealing with arrangements that were to be made for enforcement of the Council's wine sale orders within the city.⁸⁰ Despite these attempts to obtain conformity with the government's wine price regulations, however, London merchants continued to sell French wines above the established rate.⁸¹ In this activity, the Vintners' Company played the leading role.

The position of the Vintners' Company was a straightforward one. They held a patent giving them the right to control the French wine trade for their own account and to sell such wines without limitations as to price. In selling their wares above the established rate, therefore, they were only acting in accordance with the provisions of their patent.⁸²

Of course, the Privy Council opposed the position of the Vintners. The Vintners' patent could not be recognized as having more authority than the Council's orders. On July 30, 1576, the Council wrote to the Master and Wardens of the Vintners' Company that the Company's actions in doubling the price of wine without reason under cover of the grant given them by the Queen had "given her Majestie good occasion utterly to revoke her graunte made unto them." Therefore, the Master and the Wardens were to report to the Master of the Rolls to post bond that the Company would not sell wines above the established rates and that any member found doing so would be disfranchised.⁸³ Individual bonds were also to be taken from each member of the Company and each retailer was to

⁸⁰Acts of the Privy Council, IX, 164.

⁸¹Ibid., 261, 283.

⁸²Acts of the Privy Council, IX, 176-177.

⁸³Ibid.

be bonded "in the somme of a cll to her Majesties use for the observacion of . . . the prices of wines to be sold by retaile."⁸⁴ Because they were bonded the Council hoped that "the said Wardens shall be provoked to looke more dilligently to their charge, and the retailers to be the more terrified to offend"⁸⁵ against the government's price policy.

These arrangements, however, did not stop the upward spiral of wine prices and the Council attempted to reinforce them with others. Customs officials were ordered to bond merchants at ports of entry that the wine these merchants were bringing into the realm would be sold below the governmental maximum.⁸⁶ The Customers of London were also ordered to report to the Council on the amount of wine brought into London "by merchautes as by the Vinteners," and the Lord Mayor was directed to use the Customers' report to investigate how and at what price this wine was retailed.⁸⁷ On February 3, 1577, the Council sent a letter to the Lord Mayor admitting that merchants were not observing the wine maximum and asking him again to enforce energetically the wine price regulations.⁸⁸ Eight months later, on October 12, the Council asked the Lord Mayor to advise merchants preparing to bring wine into England from France that the Council expected them to observe the wine rules. The Council stated that these rules would be enforced and that merchants would have to take the consequences if they attempted the voyage and afterwards were found not to be observing the

⁸⁴Acts of the Privy Council, IX, 180.

⁸⁵Ibid. See also Acts of the Privy Council, IX, 192.

⁸⁶Acts of the Privy Council, IX, 240.

⁸⁷Ibid., 261.

⁸⁸Ibid., 283.

laws, "being thereof advised before hande."⁸⁹

Although superficially firm, this last letter to the Lord Mayor really represented a weakening of the Council's position regarding the sale of French wines. The price at which French wine was sold could not be controlled and two months later the Council accepted the situation. What was formerly an exception now became the rule. On December 30, 1577, the Council directed the Lord Mayor to allow the Vintners' Company to sell their wine at their own price and to discharge them from the bonds they had to post a year before.⁹⁰ On January 23, 1578, a similar letter was sent to the Master of the Rolls. In this last letter there is a hint of the pressure the Vintners' Company had used against the Council. Since the Company and its members had been required to post bond not to sell wine above the stated price, not only had the price of wine continued to climb, its purchase had become more difficult as well. Because they were obliged to observe the wine maximum, the Vintners, for a time, had "discontinued their occupieng."⁹¹ In its letters to the Lord Mayor and the Master of the Rolls, the Council called this customer lock-out a "great hindrance" to the Vintners, but there is no doubt that it was also a hindrance to wine drinkers and represented embarrassment for the Council.⁹²

In contrast to its attempts to neutralize the right of exception granted the Vintners' Company by patent, the Privy Council responded to the complaint of a man holding a patent for the sole right to export guns by issuing orders

⁸⁹Acts of the Privy Council, X, 51-52.

⁹⁰Ibid., 126-127.

⁹¹Ibid., 150.

⁹²Unwin, "Merchant Adventurers' Company," p. 182.

for the regulation of the armament trade.⁹³ In 1574, "Ralfe hogge the Quenes maiesties gonstone maker and gondounder of yron" complained to the Council that his position was being jeopardized by the "maynie furnesses that Nowe of Late years leave ther owne trade of casting of Soves for maiking of yron, and faull to casting of gones and shot or yron and carye them to the seay syd to dyvers and sundry places, . . . and when they are in the sey they goo in to France and in to flanders with them without any lycence at all." He advised the Council to issue orders for the regulation of this situation, "for ther is above cccc tonnes cast yearly and all this will not be sold nor bought to Remaine within the Realme and yf ther be not order taiken ther is mor abowt to sett up works to cast gones bothe here and in wayells, and they being cast will mayke saill one waye or other, ether by lawfull meanes or by stelthe."⁹⁴

Confronted with this report, the Council lost no time in acting. It ordered the appearance of those manufacturers of guns whose names had been furnished by Hogge and it assigned men to find out the names of other manufacturers and their place of operation.⁹⁵ Furthermore, it made these manufacturers post bond that they would not found or sell iron ordnance except under special license from the Queen.⁹⁶ On June 19, 1574, it climaxed this activity by issuing a set of rules designed to solve the problem posed by Hogge. In the fu-

⁹³Acts of the Privy Council, VIII, 254-255; Cal. State Papers, Domestic, I, 476, 482, 526.

⁹⁴Tudor Economic Documents, I, 262. See also Cal. State Papers, Domestic, I, 474.

⁹⁵Acts of the Privy Council, VIII, 186; Cal. State Papers, Domestic, I, 474, 475, 477, 563.

⁹⁶Cal. State Papers, Domestic, I, 475, 477.

ture, all iron ordnance was to be brought to the Tower Wharf for sale. Moreover, it could only be sold to English merchants or resident foreigners that were owners or part owners of a ship. These ship owners would be required to post bond that the ordnance they purchased would only be used on English ships and not be resold outside of the realm. The bonds thus posted were to be delivered every six months to the exchequer where suits could be instituted for nonfulfillment. Yearly reports by the makers of iron ordnance and surveys of ships would be made to see if suits should be initiated. Ship owners were made responsible for the ordnance carried on their ships and would have to explain satisfactorily any change upon returning from a voyage or face punishment for breaking the Council's regulations. Furthermore, no new ordnance-making establishments were to be set up without license from the Queen.⁹⁷

Thus, the Privy Council accepted Hogge's advice and attempted to gain control of the flourishing trade in iron ordnance. As in other instances, however, circumstances persuaded it to violate its own regulations. Licenses were given for exportation to foreign countries and the stipulation that all iron ordnance had to be delivered to the Tower Wharf for sale was allowed to be bypassed because of its inconvenience. It was the Council's policy that exceptions were permissible provided that the spirit of the rules remained in force, and the structure established by them was not damaged beyond repair.⁹⁸

This concern for the spirit also prompted the Council to intervene in commercial relationships to preserve harmony and the quality of English products. In the sixteenth century, the organization of industrial activity was undergoing

⁹⁷Acts of the Privy Council, VIII, 254-255.

⁹⁸Acts of the Privy Council, VIII, 124; X, 338.

a change. Amalgamations of kindred crafts were taking place and leadership of these organizations fell to men possessing financial resources that could be used for the enhancing of their position.⁹⁹ As a result of this movement, struggles for power developed within some commercial organizations, and controversies over interests sprang into being between others.¹⁰⁰ The medieval idea of equity lost its force and considerations of advantage gained the upper hand.¹⁰¹

Considerations of advantage, for instance, prompted the cloth-finishers of London to oppose the exportation of unfinished cloth¹⁰² and finally to persuade Parliament in 1566 to pass a law prohibiting the export of such cloth from Suffolk and Kent while requiring that merchants exporting cloth from other dis-

⁹⁹Valentine Green, The History and Antiquities of the City and Suburbs of Worcester (London, 1796), II, app. XVI, p. lxxi; Selections from the Records of the City of Oxford with Extracts from other Documents Illustrating the Municipal History: Henry VIII to Elizabeth, [1509-1583], ed. William Turner (London, 1880), p. 341; Rye and Hereford MSS., p. 55; Stella Kramer, The English Craft Guilds Studies in their Progress and Decline (New York, 1927), pp. 1-100; Unwin, Industrial Organization, pp. 39-40, 44, 68-69, 85-102.

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¹⁰¹Unwin, Industrial Organization, pp. 93-97. This study is content to cite Unwin for this statement as it is not concerned directly with the development of business organizations and ethics, but it seems evident that new business principles and practices which were developing contributed to the Council's interference in commercial relationships in the interests of harmony, or equity. However, the guilds retained their regulatory functions, e.g., regulation of apprenticeship obligations and the technical aspects of trade. They were encouraged by the government to exercise their power in this regard.--5 Eliz., c. 8., 8 Eliz., c. 11. Statutes of the Realm, VI, pt. 1, 431-432, 494-495; Stella Kramer, The English Craft Guilds and the Government, An Examination of the Accepted Theory Regarding the Decay of the Craft Guilds, Studies in History, Economics, and Public Law Edited by the Faculty of Political Science of Columbia University, Vol. XXIII, No. 4 (New York, 1905), 88-123; Lipson, III, 331.

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Acts of the Privy Council, VII, 218, 277-278.

tricts ship out one finished cloth with every nine unfinished.¹⁰³ Considerations of advantage also motivated the London cloth-finishers to complain incessantly to the Council that exporters were not observing this law.¹⁰⁴

Of course the Council was not untainted with the same attitude that motivated the cloth-finishers,¹⁰⁵ but in dealing with this problem, it attempted to strike a balance between the interests of the exporters and those of the cloth-finishers so that harmony would be preserved.¹⁰⁶ Moreover, it attempted to instill a spirit of mutual advantage into the situation to cement this harmonic balance.

In 1565, for instance, before Parliament prohibited exportation from Kent and Suffolk, the cloth-finishers registered a strong complaint with the Council that the sending of cloths to Flanders to be worked was causing unemployment. On the basis of this complaint, the Council asked some exporters to appear before it. These exporters defended their actions by citing the inferiority of the English dyeing and finishing to that done in Flanders and the Council ordered the London cloth-finishers to work 500 cloths to be compared with those finished in Flanders. If the English work was just as good as that of the workers of Flanders, the Council promised to see that the cloth-finishers of London were protected.¹⁰⁷

¹⁰³ Eliz., c. 6. Statutes of the Realm, IV, pt. I, 489. See also Unwin, "Merchant Adventurers' Company," p. 192.

¹⁰⁴ Cal. State Papers, Domestic, I, 284; Lipson, III, 377; Unwin, Industrial Organisation, p. 122-123.

¹⁰⁵ For example, both the Council and the cloth-finishers wanted to keep Englishmen at work.--Acts of the Privy Council, VII, 277-278; Cal. State Papers, Domestic, I, 243.

¹⁰⁶ Acts of the Privy Council, VII, 304-305; IX, 70.

¹⁰⁷ Acts of the Privy Council, VII, 304-305.

The records of the Privy Council indicate that it was again confronted with this cloth-finishing problem in 1575 and 1576.¹⁰⁸ In these years, it attempted to bring about a solution by negotiating an agreement between the cloth-finishers and the exporters which was to ensure that "no controversye or complaints may hereafter arryse betwene them."¹⁰⁹ Moreover, the Council later acted in behalf of the spirit as well as letter of this agreement.¹¹⁰

This approach to the problem of commercial controversy was also followed by the Council when business disputes between individuals came to its attention. On January 7, 1577, for instance, it wrote to the Master and Wardens of the Company of Merchant Taylors that whereas "certaine her Majesties Justices of the Common Benche, piteing the long and difficulte suite depending before them betwene John Eden and John Toppe, men of their Cumpanye, did the last Trinitie Terme by their writing unto them frindelic admonishe them" to intercede and bring about a settlement, the Merchant Taylors should do so, "forasmuch as the frindelye admonicion of the said Justices tendeth onlye to the ending of said sute."¹¹¹ In October, the Council was forced to accept the fact that the Master and Wardens of the Company could not end this controversy and it appointed a special commission to deal with the matter.¹¹² This commission found the chief point at issue "to concerne a certaine copartnership had be-

¹⁰⁸Acts of the Privy Council, IX, 43-44, 70, 106-107, 108; Salisbury MSS., II, 127, 130.

¹⁰⁹Acts of the Privy Council, IX, 70.

¹¹⁰Ibid., 163.

¹¹¹Acts of the Privy Council, IX, 265.

¹¹²Acts of the Privy Council, X, 50-51.

twene the said Eden and one John Toppe, and the question to be whether that co-partnership be still in force, yee or noe."¹¹³ Furthermore, it recommended that the controversy be returned to the courts for determination.¹¹⁴ By this time, however, Toppe could not be found, Eden was in prison for debt, and the issue was clouded by accusation made against the Master and Wardens of the Merchant Taylors' Company. Trial by jury, therefore, seemed out of the question and the Council placed the matter on its agenda again.¹¹⁵

While it intervened in commercial relationships to preserve harmony, the Council also attempted to protect the quality of English products. On October 25, 1576, for instance, it asked the Master of the Rolls and the Solicitor General to meet with some merchants and cloth-makers for the purpose of devising ways to correct faults in the English cloth-making process. As far as the Council was concerned, there seemed to be "deceptfull making of cloth through this realme contrarye to the lawes and statutes ordeyned in that behalf," whereby "not only the clothes of this realme are litell accompted of beyond the seas, but also the merchauntes by meanes of their imperfection are daylie grete losers and not able to utter them as they have donne in tymes past, and for that it is a thing necessary to be reformed, being the greatest commodite this realme hath."¹¹⁶

It is interesting to note, moreover, that the same agents used by the Council to enforce the laws against the rural clothing industry were also used

¹¹³Ibid., 140.

¹¹⁴Ibid., 169.

¹¹⁵Acts of the Privy Council, X, 140.

¹¹⁶Acts of the Privy Council, IX, 221.

to execute the Council's policy in behalf of English product quality. Privy Council records indicate that Peter Blackboro was active in denouncing makers of inferior cloth and the Justices of the Peace were required to see that cloth manufactured in their counties conformed to the standards established by law.¹¹⁷ Furthermore, the President of the Council of Wales, the President of the Council of the North, and the Lord Mayor of London were also used to uphold the purity of English products.¹¹⁸ Attempts to defraud the consumer through the sale of inferior products aroused the ire of the Council and when, for example, the soap-makers of London petitioned for the right to use a store of "naughtie oyles"¹¹⁹ in order to avoid a financial loss, the Council was quick to point out that it would be better for a few to suffer than "infynite number" receive harm through the use of bad ingredients.¹²⁰

Thus, the Council's orders were geared to what it considered to be the best interests of the realm. During the period 1553-1578, responsible opinion as to what constituted the best interests of the realm also included the notion that England had to sever its dependence upon foreign materials and products. Dependence upon foreign countries for things not available in England infringed prevailing mercantilistic principles and complicated the problem of national security. Elizabeth and her advisers, therefore, embarked upon a deliberate policy of making England self-sufficing so far as natural resources permit-

¹¹⁷Acts of the Privy Council, IX, 360-361, 385.

¹¹⁸Acts of the Privy Council, IX, 27. For an example of quality control by authority of Letters Patent, see Acts of the Privy Council, X, 13.

¹¹⁹Acts of the Privy Council, X, 439.

¹²⁰Ibid., 440. See also Cal. State Papers, Domestic, I, 607.

ted.¹²¹ They encouraged the establishment of such industries as glass-making and paper-making through the granting of Letters Patent.¹²² Patents conferring exclusive privileges were also given to companies and individuals who offered to prospect for such minerals as alum and copper and develop the mines thus found.¹²³ The search for sources of saltpetre was supported in the same way and plans for the domestic manufacture of salt were given much attention and favor.¹²⁴ Moreover, the establishment in England of foreigners who knew how to make new types of cloth was not impeded.¹²⁵

In this endeavor to make England self-sufficient, the Privy Council played an ambiguous role. Many of its members were personally interested in one way or another in the success of these new ventures,¹²⁶ but there is little evi-

¹²¹Lipson, III, 353-354.

¹²²Tudor Economic Documents, I, 302-307; Lipson, III, 367; Price, p. 67; William Robert Scott, The Constitution and Finance of English, Scottish and Irish Joint-Stock Companies to 1720 (New York, 1951), III, 63.

¹²³8 Eliz., c. 21. Statutes of the Realm, IV, pt. I, 522-523; Cal. State Papers, Domestic, I, 180, 245, 251, 253, 254; Tudor Economic Documents, I, 250-262; Lipson, III, 372. For an indication of Spanish desire to prevent the importation of alum into England, see Cal. State Papers, Simancas, II, 609, 616-617, 622.

¹²⁴8 Eliz., c. 22. Statutes of the Realm, IV, pt. I, 523-524; Cal. State Papers, Domestic, I, 274, 282, 293, 428, 429, 455; Edward Hughes, Studies in Administration and Finance 1558-1825 With Special Reference to the History of Salt Taxation in England (n.p., 1934), pp. 31-44; Lipson, III, 366; Nef, Industry and Government, pp. 101-102.

¹²⁵Acts of the Privy Council, IX, 161-162; Tudor Economic Documents, I, 297-298; William Boys, Collections for an History of Sandwich in Kent with Notices of the other Cinque Ports and Members, and of Richborough (Canterbury, 1792), app. G, p. 740; The Records of the City of Norwich, comp. and ed. William Hudson and John Cottingham Tingey (London, 1906), II, 332. See also Cal. State Papers, Domestic, I, 293, 594; Shrewsbury and Coventry MSS., p. 125; Fisher, Econ. Hist. Rev., X, 107.

¹²⁶For example, the Earl of Pembroke, the Earl of Leicester, and Sir William

dence to suggest that the Council functioned as an overall board of directors. It did attempt, however, to further the development of those industries in which its members were particularly interested.

The problem of domestic cloth dyeing, for example, particularly interested the Council because of its relationship to commercial harmony and mercantilistic conceptions of the balance of trade.¹²⁷ Attempts to increase the effectiveness of English dyeing through the importation of foreign processes, therefore, received the support of the Council.¹²⁸ In one instance, the Council ordered county officials and Mayors of towns to aid a Portuguese, who "being lately arrived in this realme, hath offered to put in practise certain experiments for the dyeing of clothe," because the Council had been informed that "some comoditee is like thereby to grewe to the whole realme, and specially to such as occupye that trade."¹²⁹

Development of mining within England also held particular interest for the Council, especially the development of mines that would contribute such ores as calamine, copper, iron, and lead, for further industrial and military use.¹³⁰

Cecil all held shares in the Mines Royal, incorporated in 1568. Moreover, at various times they were vitally involved in the organization of companies for the production and distribution of salt within England.--Select Charters of Trading Companies, A.D. 1530-1707, ed. Cecil Thomas Carr (London, 1913), pp. 4-5; Hughes, pp. 31-33, 35-37.

¹²⁷William Cholmeley, The Request and Suite of a True-Hearted Englishman [1553], ed. W. J. Thoms ([London], 1853), pp. 1-20; Tudor Economic Documents, III, 130-148.

¹²⁸Acts of the Privy Council, XI, 147.

¹²⁹Acts of the Privy Council, IX, 381-382.

¹³⁰Cal. State Papers, Domestic, I, 457; Tudor Economic Documents, I, 240-241; W. Cunningham, The Growth of English Industry and Commerce (Cambridge, Eng., 1921-1925), II, 59; Henry Hamilton, The English Brass and Copper Industries to

Prospectors for these ores were given letters of support by the Council and local officials were ordered to welcome foreigners imported to work the mines these prospectors discovered.¹³¹ Furthermore, the Justices of the Peace in areas where these foreigners worked were required to support them against local prejudice.¹³²

From time to time, the Council also acted in support of other ventures. Salt, for instance, was not plentiful in England during this period. In 1574, the town of Rye warned the Lord Warden of the Cinque Ports that it was very short of salt and "except some foresight be therein had, in tyme it will be farre worse." Furthermore, it advised the Lord Warden that unless something was done, the town would have to bargain for salt outside of the law.¹³³ During the first twenty years of Elizabeth's reign, attempts were made to remedy this situation by issuing patents for salt manufacture within the realm.¹³⁴ One such patent attempted to produce salt from the distillation of sea water and make its sale a national monopoly.¹³⁵ Nothing came of this project, but in 1575, the Council recognized the value of producing salt in this manner by ordering the Bailiffs and Burgesses of the town of Wiche in Worcester to see that

1800 (London, 1926), pp. 1-20; Heckscher, II, 32-33; Scott, I, 31. The Cal. State Papers, Domestic, contain numerous entries relating to information received by Cecil and other members of the Council with regard to the establishment and progress of mining projects, especially for the years 1564-1568.

¹³¹Acts of the Privy Council, I, 229, 272.

¹³²Acts of the Privy Council, VII, 333-334. See also Tudor Economic Documents, I, 249-250.

¹³³Rye and Hereford MSS., p. 36.

¹³⁴Hughes, pp. 31-44.

¹³⁵Hughes, pp. 31-36; Nef, Industry and Government, pp. 101-102.

the "farmers of certain salt fattes, placed by the Lady Stafford there, shuld not be dispossessed there, but continew in such sorte as heretofore they have done."¹³⁶

In the settlement of foreign cloth-makers within England the Council exercised a more comprehensive control. Because it kept close track of the number of these people in England and where they were located, the Council could and did control their movements to areas where their economic skills were needed and could be used.¹³⁷ Requests from the foreigners themselves to be allowed to live in certain areas were approved or refused by the Council on this basis.¹³⁸ Requests from towns and other areas within England to be allowed to import foreigners were also conditioned by the Council's desire to see that the foreigners were not unfairly used.¹³⁹

Despite its interest and control over the settlement of alien cloth workers, however, it is evident that the Council did not play a commanding role in the new industrialization of England. Most of the government's work in this regard was done outside of the Council Chamber, mainly by Cecil.¹⁴⁰ This was in keeping with the economic atmosphere of the time. A tradition of authori-

¹³⁶Acts of the Privy Council, IX, 68. For an account of the project's demise, see Edward Hughes, "The English Monopoly of Salt in the Years 1563-71," The English Historical Review, XL, No. CLIX (July, 1925), 334-350.

¹³⁷See pp. 151-157.

¹³⁸Acts of the Privy Council, IX, 161-162.

¹³⁹Cal. State Papers, Domestic, I, 410. See also Tudor Economic Documents, I, 317-318.

¹⁴⁰Both the Cal. State Papers, Domestic, I, and Salisbury MSS. contain numerous entries pertaining to the correspondence carried on by Cecil in connection with industrial matters. For an account of Cecil's policy see Cunningham, 53-84.

tarian control in the sphere of industry had been inherited by the Tudor state from the medieval guilds and from the towns.¹⁴¹ But the accession of Elizabeth occurred when profound changes were taking place in the economic structure of society. These changes imperilled the whole system of industrial regulation as it had been built up in the Middle Ages for they changed the conditions on which the system was based.¹⁴² Elizabeth's Privy Council, however, could not divorce itself from the tradition and system which the state had inherited. It, therefore, limited itself mainly to the enforcement of old conceptions when possible and the making of exceptions when enforcement was not possible, except, perhaps, in military matters.¹⁴³ The work connected with the new industrialization of England was done by only a part of it.

¹⁴¹Lipson, III, 207.

¹⁴²Holdsworth, IV, 314-319; Lipson, III, 207.

¹⁴³For a discussion of the Council's role in the development and use of England's military strength, see pp. 203-206.

CHAPTER IV

FOREIGN TRADE

English foreign trade in the sixteenth century was dominated by the exportation of cloth.¹ As the century progressed, this exportation passed through three phases. The first half of the century experienced a rise in the number of cloths sent outside the realm. In the third quarter of the century there was a contraction in exports and, at least, two very bad business slumps. As the Tudor age drew to a close, a period of comparative stability came into being in which cloth exports remained fairly steadily at a level below that reached at the peak of the earlier boom.²

Up to the middle of the 1520's, the cloth-export expansion story is simple enough. Contributing factors to this story probably were peace, the redrawing of the lines of an international division of labor along with the migration to England from the Netherlands of certain types of cloth-making, and the rise of

¹Acts of the Privy Council, IX, 221; F. J. Fisher, "Commercial Trends and Policy in Sixteenth-Century England," Economic History Review, X (1939-1940), 96; George Unwin, "The Merchant Adventurers' Company in the Reign of Elizabeth," Studies in Economic History: The Collected Papers of George Unwin (London, 1927), p. 133.

²Fisher, Econ. Hist. Rev., X, 97, 117. Cf. William Robert Scott, The Constitution and Finance of English, Scottish and Irish Joint-Stock Companies to 1720 (New York, 1951), I, 93-104.

Antwerp as an international trading city.³ The rise of Antwerp was in all probability the major impetus, for as the century progressed, London seemed to become an economic satellite of this Low Country city. This happened by mutual agreement, however, for Antwerp was by far the best outlet for the English cloth.⁴

The influence of Antwerp upon English exports continued to operate until the 1560's, but in the 1520's it was joined, and in the 1540's it was overshadowed by another factor, exchange depreciation. During the second quarter of the century, silver prices fell in England and rose on the continent. As English goods thereby became relatively cheap, there was a natural increase in their sale abroad. It appears, for instance, that depreciation in the 1520's was followed by a jump in the number of cloths exported. Moreover, it would seem that the depreciation of the 1540's was accompanied not only by a boom in textiles, but also by a recovery in wool shipments.⁵

As export expansion grew to depend more and more on exchange depreciation, its economic significance changed. One result was the acceleration of the division of national resources into rural industry dependent upon the export

³G. D. Ramsay, English Overseas Trade During the Centuries of Emergence Studies in Some Modern Origins of the English-Speaking World (London, 1957), pp. 15-20; Fisher, Econ. Hist. Rev., X, 97-98. See also Louis Guicciardin, Description de Tous les Pais-Bas Autrement Appelés la Germanie Inférieure (Anvers, 1582), in Tudor Economic Documents, III, 149-173.

⁴Fisher, Econ. Hist. Rev., X, 97-98.

⁵Ibid., 99.

trade.⁶ In the opinion of many, this was not healthy for the realm.⁷ "Moreover, as exports became more costly in terms of the social changes needed to produce them, so they tended to become less lucrative in terms of the foreign wares which they purchased."⁸ Contemporaries were aware of the extraordinary clearness of foreign goods, even to the point of attributing this clearness to the rise in the domestic price level. The natural result of the depreciation of sterling, therefore, was an unfavorable balance of trade.⁹

During the 1550's, this unfavorable balance of trade led to a series of ups and downs in the level of cloth-making and cloth-exporting.¹⁰ In 1551, for instance, the government of Edward VI decided to try to correct the high price level in England. A re-evaluation of the currency was attempted. As a result of this, sterling went up in Antwerp, but there was no corresponding fall in internal prices. For the next three years there was a painful and protracted struggle to establish a new equilibrium until in 1554 the exchange collapsed again and cloth exports soared to a new high.¹¹

⁶"A Treatise Concerning the Staple and the Commodities of this Realme," Drei volkswirtschaftliche Denkschriften aus der Zeit Heinrichs VIII von England ed. Reinhold Pauli (Göttingen, 1878), pp. 21-23; William Lane to Sir William Cecil, January 18, 1551, in Tudor Economic Documents, II, 184; Fisher, Econ. Hist. Rev., X, 100; R. H. Tawney, The Agrarian Problem in the Sixteenth Century (New York, 1912), p. 358.

⁷"Howe to Reforme the Realme in Settying Them to Werke and to Restore Tillage," Drei volkswirtschaftliche Denkschriften, pp. 60-77; "A Treatise Concerninge the Staple," Drei volkswirtschaftliche Denkschriften, pp. 21-32; William Lane to Sir William Cecil, January 18, 1551, in Tudor Economic Documents, II, 184.

⁸Fisher, Econ. Hist. Rev., X, 100-101.

⁹Ibid.

¹⁰Ramsay, pp. 21-23; Fisher, Econ. Hist. Rev., X, 103-104.

¹¹Fisher, Econ. Hist. Rev., X, 103.

This very high level of cloths exported to Antwerp could not be maintained for long. In 1556, for example, the government had to stop all shipments to the Netherlands for four months to ease the glut on the Antwerp market. Similar conditions came into being in the remaining years of the fifties, and the opening years of Elizabeth's reign found cloth trade at a level below the peak of the boom.¹²

In a certain sense, this contraction in cloth exports was welcome to some Elizabethan merchants and statesmen. They held that the cheapness of English goods abroad and the dearness of foreign goods in England could be corrected by limiting, or controlling, the number of cloths offered for sale.¹³ Moreover, this theory was compatible with the idea that the development of rural industry should be deflated in favor of the towns¹⁴ and that the number of exporters should be drastically reduced.¹⁵ Unrestricted export competition, it was

¹²Fisher, Econ. Hist. Rev., X, 103-104.

¹³Sir Thomas Gresham to the Earl of Northumberland, April 16, 1553, in John W. Burgon, The Life and Times of Sir Thomas Gresham, Knt. (London, n.d.), I, 463-464; Acts of the Privy Council, III, 19-20; Margaret Randolph Gay, "Aspects of Elizabethan Apprenticeship," Facts and Factors in Economic History Articles by Former Students of Edwin Francis Gay (Cambridge, Mass., 1932), pp. 134-163; Fisher, Econ. Hist. Rev., X, 111; Lipson, II, 232, 240-241; Unwin, "Merchant Adventurers' Company," pp. 171-172.

¹⁴Journals of the House of Commons. From November the 8th 1547, In the First Year of the Reign of King Edward the Sixth, to March the 2d 1628, In the Fourth Year of the Reign of King Charles the First ([London], 1803), I, 16; "Howe to Reforme the Realme," Drei volkswirtschaftliche Denkschriften, pp. 64-65, 69-75.

¹⁵"Reasons to move a forbearing of the restitution of the entercourse to Antwerpe," Tudor Economic Documents, II, 47; Fisher, Econ. Hist. Rev., X, 114-116; Unwin, "Merchant Adventurers' Company," p. 168. See also Sir Thomas Gresham to the Earl of Northumberland, April 16, 1553, in Burgon, I, 463; Acts of the Privy Council, IV, 279-281.

claimed, raised domestic prices and reduced those of exports.¹⁶ Furthermore, it contributed to the undermining of the social hierarchy¹⁷ and the increased number of borrowings which weakened the exchanges.¹⁸ In the interests of correcting the unfavorable balance of trade brought about by boom conditions, these merchants and statesmen not only advocated controlled sales, they also suggested that entrance into the export trade be controlled by such things as apprenticeship regulations and supervising companies.¹⁹

Side by side with these theories and proposals, there also existed the fear that England was becoming too dependent upon one foreign power because of its seemingly uncontrolled cloth trade. The advent of Elizabeth to the throne brought about a period of economic nationalism in English history. Statesmen like Burghley deplored that England should be dependent upon any foreign power and endeavored to reduce this dependence to that which seemed needful and unavoidable.²⁰ These leaders advocated such things as a reduction in the impor-

¹⁶Cal. State Papers, Domestic, I, 201.

¹⁷Fisher, Econ. Hist. Rev., X, 110; "A Treatise Concerninge the Staple," Drei volkswirtschaftliche Denkschriften, pp. 33-38.

¹⁸"Memorandum Prepared for the Royal Commission on the Exchanges, 1564," Tudor Economic Documents, III, 358.

¹⁹Fisher, Econ. Hist. Rev., X, 114; Tudor Economic Documents, II, 48-49. See also Tudor Economic Documents, II, 53-61.

²⁰"Reasons to move a forbearng of the restitution of the entercourse to Antwerpe," Tudor Economic Documents, II, 45; Sir Thomas Chaloner to the Queen, November 30, 1564, in Queen Elizabeth and Her Times, ed. Thomas Wright (London, 1838), I, 178. For an indication of the views held by foreigners regarding England's vulnerability to economic sanctions see Great Britain, Public Record Office, Calendar of State Papers Relating to English Affairs, Preserved Principally at Rome, in the Vatican Archives and Library (London, 1916-1926), I, 303; Cal. State Papers, Simancas, II, 85, 113, 142-183, 186; E. E. Rich, ed., The Ordinance Book of the Merchants of the Staple (Cambridge, Eng., 1937), pp. 45-51.

tation of luxury items to weaken English dependence upon countries producing these items,²¹ encouragement of domestic industry at the expense of foreign industry,²² and monopolization of the carrying trade into England by English ships.²³ Moreover, they supported the quest for new markets and new sources of wealth,²⁴ even when this quest brought England into conflict with such nations as Portugal and Spain. A predominant foreign trade that was mainly dependent upon one outlet was not palatable to them.²⁵

At the time Elizabeth became Queen of England, the foreign trade of England was already assuming a world-wide character. A high degree of specialization had been attained²⁶ and England maintained export-import connections with

²¹"Inconveniences of enlarging any power to bring any more wine into the realm," in Conyers Read, Mr. Secretary Cecil and Queen Elizabeth (New York, 1955), p. 372. See also Salisbury MSS., I, 287.

²²Salisbury MSS., I, 163. See also 5 Eliz., c. 7. Statutes of the Realm, IV, pt. I, 428-429.

²³"Arguments to prove that it is necessary for the restoring of the Navye of England to have more fishe eaten and therefor one daye more in the weeke ordeyned to be a fissh daye, and that to be Wednesdays, rather than any other," Tudor Economic Documents, II, 106. For a discussion relative to the laws enacted in this regard see E. Lipson, The Economic History of England (London, 1929-1931), III, 116-120; Laurence A. Harper, The English Navigation Laws, A Seventeenth-Century Experiment in Social Engineering (New York, 1939), pp. 25-33.

²⁴Ramsay, pp. 25-30.

²⁵"Memorandum Prepared for the Royal Commission on the Exchanges, 1564," Tudor Economic Documents, III, 357-358; "Reasons to move a forbearng of the intercourse to Antwerpe," Tudor Economic Documents, II, 45; Sir Thomas Chaloner to Sir William Cecil, September 29, 1559, in Queen Elizabeth and Her Times, I, 11.

²⁶"A speciall direction for divers trades of marchaundize to be used for soundrie places upon adverticementes, aswell for the chusinge of the time and wares for every of those places. Most Beneficiall for those that use the trade of marchaundize," ed. Conyers Read, The English Historical Review, XIX, No. CXV (July, 1914), 516-524.

Europe, America, Africa, and Asia.²⁷ The 1550's, however, were productive of or gave rise to an attitude toward foreign trade that opposed letting these connections develop their own character. Faced with the problem of recurrent depressions in the cloth industry, the men of the middle sixteenth century fused the ideas and prejudices of the middle ages into a loosely coordinated body of doctrine which gave rise to a series of foreign trade conceptions.²⁸ Concern for the implementation of this doctrine and its corresponding conceptions constituted the Privy Council's main interest in foreign trade during the first twenty years of Elizabeth's reign.

Thus, the Privy Council supported the restrictive privileges of trading companies designed to maintain order in various branches of English foreign trade. Throughout the reign of Elizabeth, for instance, the Merchant Adventurers' Company supplied the only authorized channel for the largest and most lucrative part of the foreign commerce of England. It enjoyed a monopoly of the trade carried on by English subjects with the Low Countries and Germany, by virtue of which it controlled not only the importation of most of the articles of foreign manufacture used in England, but also the exportation of the leading manufacture of England, its cloth.²⁹ Because of this, its relations with the Privy Council were of necessity very close.³⁰

These relations, however, were not one-sided. In the early part of Eliza-

²⁷Lipson, II, 184.

²⁸Fisher, Econ. Hist. Rev., X, 105.

²⁹Unwin, "Merchant Adventurers' Company," p. 133.

³⁰Acts of the Privy Council, VII, 147-148, 257, 291; Cal. State Papers, Domestic, I, 247; Salisbury MSS., I, 301-302, 337.

both's reign, for instance, the merchants objected to a new import on cloth. The heads of the company were called before the Council to explain their refusal and a series of meetings had to be held before their acquiescence was secured.³¹ Furthermore, the company did not entirely agree with some of the nationalistic actions of the government for they usually resulted in trade embargoes detrimental to commerce.³² Its use by the Council to pay off foreign debts was also accepted with reluctance because of an exchange loss which had to be absorbed by the exporter.³³ All in all, however, the close relationship which existed between the government and the Merchant Adventurers seemed to benefit both parties.³⁴

Perhaps because it expected so much from the Merchant Adventurers' Company, the Council undertook to protect it against interlopers and to help enforce its internal regulations against its own members.³⁵ Moreover, it extended this protection to other monopolistic trading companies, such as "the fellowship of

³¹Acts of the Privy Council, VII, 48, 49, 52-53, 54, 69, 77, 83; Cal. State Papers, Domestic, I, 126.

³²Cal. State Papers, Domestic, I, 235. See also Cal. State Papers, Foreign,

³³See pp. 114-115.

³⁴John Wheeler, A Treatise of Commerce, Reproduced from the London Edition of 1601. With a Bibliographical Note by George Burton Hotchkiss (New York, 1931), pp. 12-13; William Ezra Lingelbach, The Merchant Adventurers of England, Their Laws and Ordinances with Other Documents ([Philadelphia], 1902), pp. 229-230; Urwin, "Merchant Adventurers' Company," p. 133.

³⁵Sir William Cecil to Sir Thomas Smith, December 30, 1564, in Queen Elizabeth and Her Times, I, 182; Cal. State Papers, Domestic, I, 243, 579; Salisbury MSS., I, 288, 289-290, 314, 323. See also Cal. State Papers, Domestic, I, 405, 471.

English Merchants, for Discovery of new trades."³⁶ This organization, commonly called the Russia Company, was formed in 1553 by a number of London merchants who hoped to tap the wealth of the East through the discovery of a northeast passage.³⁷ The attempts to discover this passage brought them into contact with Russian territory and they determined instead to divert their attention to the prospects of opening a profitable trade with and through that country.³⁸ In 1554, the Czar formally authorized the free passage of English ships to Russia "with good assurance on our part to see them harmlesse."³⁹ It was also promised that a further concession of a free mart in Russia should be drawn up.⁴⁰ In 1555, the London organization sought and obtained a charter from the English monarch which conferred the sole right of entry into Russia upon it as well as into any other countries that would be discovered by it in the future and which had not been "commonly frequented"⁴¹ by Englishmen.⁴² The Company

³⁶Richard Hakluyt, The Principal Navigations Voyages Traffiques [and] Discoveries of the English Nation (Glasgow, 1903), III, 87. This name was given to the company because its previous designation was "long and consisted of very many words." Hakluyt, III, 86.

³⁷Samuel Purchas, Hakluytus Posthumus or Purchas His Pilgrimes Contayning A History of the World in Sea Voyages and Lande Travells by Englishmen and Others (Glasgow, 1905-1907), XIII, 5; Hakluyt, III, 83-86; Scott, II, 36. At the same time, this search for gold and spices may also have been a quest for new export markets.--T. S. Willan, The Early History of the Russia Company 1553-1603 ([Manchester, 1956]), pp. 2-3.

³⁸Scott, II, 37.

³⁹Hakluyt, II, 272.

⁴⁰J. Hamel, England and Russia; Comprising the Voyages of John Tradescant the Elder, Sir Hugh Willoughby, Richard Chancellor, Nelson, and Others, to the White Sea, Etc., trans. John S. Leigh (London, 1854), pp. 102-107; Hakluyt, II 272.

⁴¹Hakluyt, II, 305, 313.

⁴²Great Britain, Public Record Office, Calendar of the Patent Rolls Pre-

could license persons not free of its privileges to trade within the specified limits, but when not so licensed, these persons were subject to the loss of their ships and cargoes, one-half of the forfeiture being payable to the Crown, the other half to the company.⁴³

In 1558 an event occurred which seriously endangered the privileges granted the Russia Company by its charter. This was the taking of Narva by the Russians. Through this capture, Russia obtained an outlet on the Baltic and a new trading route was opened up. English traders who were not members of the Company were eager to take advantage of this opening.⁴⁴ They contended that the charter of 1555 only gave the company the monopoly of the trade to the dominions of the Czar as they then existed; Narva, being outside those limits, might be used as a depot by any English merchant.⁴⁵ Accordingly, expeditions were dispatched by London merchants not members of the company and by others of Newcastle-on-Tyne, Boston, and Hull.⁴⁶

The records of the Privy Council indicate that it was called upon to support the company's efforts to stop this interloping traffic. For example, the company complained to the Council in 1564 that William Bond of London continued to trade to Narva despite its protest and it requested that the Council take action to restrain him and his partners.⁴⁷ As a result of this complaint, Bond

served in the Public Record Office Philip and Mary (London, 1936-1939), II, 55-59; Hakluyt, II, 304-316.

⁴³Hakluyt, II, 312-316.

⁴⁴Scott, II, 41; Willan, pp. 67-68.

⁴⁵Willan, pp. 70-71.

⁴⁶Scott, II, 41.

⁴⁷Cal. State Papers, Domestic, I, 246; Willan, pp. 68-69.

was told to discontinue his trading to that area and when he refused, he was committed to prison for "his contemptuous behaviour in traphikeng to Narva, contrary to a comaundement gevin him by the Boorde by the Quenes Majesties order."⁴⁸ While Bond languished in prison, the Council attempted to arrange a reconciliation satisfactory to both him and the company.⁴⁹ On December 16, 1564, after some concessions had been obtained, Bond was released from prison, but he had to promise not to engage illegally in the Narva trade again.⁵⁰

Such actions on the part of the Privy Council, however, failed to halt invasions of the company's charter.⁵¹ In 1566, the company was forced to make application to Parliament for confirmation of its privileges.⁵² It obtained an act generally recapitulating the privileges of the previous grant and extending the area of its monopoly to include all territory then or at any future date under the dominion of the Czar, also "Armenia, major and minor, Media, Hyrcania, Persia or the Caspian Sea"⁵³ or any other country reached from any of these or from the Northern seas and that might be discovered in the future.⁵⁴ In defer-

⁴⁸Acts of the Privy Council, VII, 160.

⁴⁹Ibid., 178-179.

⁵⁰Ibid., 180.

⁵¹Willan, p. 73.

⁵²Cal. State Papers, Domestic, I, 280; Scott, II, 41; T. S. Willan, "The Russia Company and Narva, 1558-81," The Slavonic and East European Review, XXXI, No. 77 (June, 1953), 405-419.

⁵³Hakluyt, III, 88.

⁵⁴Sir Simonds D'Ewes, The Journals of all the Parliaments During the Reign of Queen Elizabeth, both of the House of Lords and House of Commons, revised by Paul Bowes (London, 1682), 112, 125, 131, 133; Hakluyt, II, 87-88. See also Cal. State Papers, Domestic, I, 299.

ence to established interlopers, it was also stipulated that merchants residing at Newcastle, Boston, or Hull who had "traded the course of merchandize by the space of ten years" might become members of the company if they would, before December 25, 1567, "contribute, joyne, and put in stocks to, with and amongst the said company, such summe and summes of money, as any of the said company, which hath throughly continued and contributed to the saide newe trade from the years 1552, hath done, and before the saide 25 of December 1567 shall do for the furniture of one ordinary, full and intire portion, or share."⁵⁵ Even after the passage of this act, however, the Privy Council had to take action in behalf of the company against interlopers. On February 9, 1573, for instance, it sent a letter to the Lord Keeper ordering him to make arrangements, according to law and in a manner he thought best, to restrain those not of the Russia Company from engaging in trade reserved to the company.⁵⁶ A monopolistic foreign trade to Russia and the Baltic Sea area was not overwhelmingly popular, but the Privy Council supported it in the interests of order and because of the financial benefits the government derived from the company which conducted it.⁵⁷

Side by side with its attempts to protect monopolistic trading companies from interlopers, the Council also used its authority and influence to help these companies enforce their internal regulations. Most of these companies, for instance, had rules against their members being both retailers and wholesale merchants.⁵⁸ These regulations, in effect, prevented a retailer from be-

⁵⁵Hakluyt, III, 91.

⁵⁶Acts of the Privy Council, VIII, 82.

⁵⁷Cal. State Papers, Domestic, I, 522, 526; Scott, I, 30.

⁵⁸Acts of the Privy Council, X, 330-331; Tudor Economic Documents, II, 53;

coming a member of such companies and, therefore, denied him the right to trade on his own account to those areas covered by charters' privileges.⁵⁹ In many cases, enforcement of these rules meant the narrowing of trade channels and hardship for small merchants who had combined both foreign trade and domestic retailing under their own auspices.

Thus, small merchants trading to Spain and Portugal were harmed by the formation in 1577 of a company to control the trade of these areas.⁶⁰ Spain was one of the pivots of the English commercial world and merchants in provincial ports as well as those of London maintained a flourishing traffic with this Iberian country.⁶¹ Even the Spanish Ambassador remarked on how close the commercial ties were between his country and England.⁶² His letters to his master even show a fair volume of trade being carried on clandestinely during times of restraint.⁶³ The formation of the Spanish Company, however, tended to stifle the development of a broad trade for it required that its members not

Heckscher, I, 373-378. See also The Acts and Ordinances of the Eastland Company, ed. Maud Sellers (London, 1906), pp. 136, 144-145.

⁵⁹Acts of the Privy Council, X, 16, 408-409.

⁶⁰Acts of the Privy Council, X, 330-331. Proposals for the establishment of such a company had been made as early as 1574. These proposals were supported by some Merchant Adventurers who deplored the lack of order in the Spanish trade. Cal. State Papers, Domestic, I, 488, 489, 500; Umwin, "Merchant Adventurers' Company," p. 181.

⁶¹Cal. State Papers, Simancas, II, 590-591; Lipson, II, 364-366; Umwin, "Merchant Adventurers' Company," pp. 180-181. See also Cal. State Papers, Simancas, III, 651; IV, 186-187.

⁶²Cal. State Papers, Simancas, II, 286.

⁶³Cal. State Papers, Simancas, II, 32, 37, 237, 289. For the comments of Philip II and the Duke of Alba regarding this point see Cal. State Papers, Simancas, II, 137, 186-187.

engage in retailing. Moreover, the Council helped it to enforce this regulation.

On August 11, 1577, for instance, the Council wrote to its agents in Bristol to "require all such of that cittie as are retaylers and artificers trading Spaigne to forbear any more to trafficque in that countrie, being specially prohibited by her Majesties Letters Patentes graunt for a Corporacion to suche as trade those contries."⁶⁴ In September of 1577 the Council also ordered the "Lord Chief Justice of England" and the "Lord Chief Justice of the Comon Pleas" not to grant writs of habeas corpus to those arrested by the company for violation of its regulations.⁶⁵ Moreover, on December 2, 1578, the Council wrote to the Mayor of Bristol ordering him to take action against "one Philippe Langley" who contrary to the ordinances of the Spanish company and "his othe at his admission into the Societie, dothe continew the trade of a notoriouse retailer, and refuseth to be ordered by the said Companie." If the Mayor could not persuade Langley to listen to reason, he was to bond him to appear before the Council so that "suche order maie be taken with him as shalbe thought convenient." Furthermore, the Mayor was to deal in a like manner with any others who should act like Langley.⁶⁶

Not all provincial merchants, however, acted like Langley. There were those who also wanted the foreign trade of their cities to flow through exclu-

⁶⁴Acts of the Privy Council, X, 16.

⁶⁵Acts of the Privy Council, X, 37-38. For an account of the incident which provoked this order see Acts of the Privy Council, X, 282; Unwin, "Merchant Adventurers' Company," pp. 181-182.

⁶⁶Acts of the Privy Council, X, 409.

sive hands.⁶⁷ Before the formation of the Spanish Company, for example, restrictive charters had been granted to men of this type in Exeter and Bristol.⁶⁸ These two charters engendered much opposition, however, and Bristol's grant even had to be repealed.⁶⁹ Similar conflicts raged in cities like Chester and York.⁷⁰ Attempts to divide the functions of retailer and wholesaler were not too popular, but in the interests of order and because of the benefits the government derived from restrictive companies, the Privy Council supported this separation. Its concern for an organized foreign trade was not confined only to London and its companies.⁷¹

But the Privy Council's support for organized trading companies was not limited to protecting them from dissatisfied outsiders and violators of their

⁶⁷Great Britain, Historical Manuscripts Commission, Report on the Records of the City of Exeter (London, 1916), p. 40; Cal. State Papers, Domestic, I, 116; Unwin, "Merchant Adventurers' Company," pp. 173-174.

⁶⁸Cal. State Papers, Domestic, I, 217; William Cotton, An Elizabethan Guild of the City of Exeter. An Account of the Proceedings of the Society of Merchant Adventurers, During the Latter Half of the 16th Century (Exeter, 1873), pp. 1-10; John Latimer, The History of the Society of Merchant Venturers of the City of Bristol With some account of the Anterior Merchants' Guilds (Bristol, 1903), pp. 46-52; Heckscher, I, 417; Unwin, "Merchant Adventurers' Company," pp. 173-174.

⁶⁹Cal. State Papers, Domestic, I, 128, 408; Exeter Records, p. 40; Acts of the Privy Council, X, 408-409, 173-174, 182. Latimer, pp. 52-57. See also Cotton, app. I, 99-107.

⁷⁰The York Mercers and Merchant Adventurers, ed. Maud Sellers (Durham, Eng., 1918), pp. 154, 230, 234; Lipsen, II, 256-257; R. H. Morris, Chester in the Plantagenet and Tudor Reigns ([Chester, 1893]), pp. 463-468; Unwin, Industrial Organisation, pp. 77, 182.

⁷¹Moreover, by granting charters to local trading organizations, Elizabeth's government discouraged the national unification of foreign trade. However, London was favored at the expense of the provincial towns and there was a strong tendency for trade to concentrate in that city.--Tudor Economic Documents, II, 49-50; Heckscher, I, 415-455.

internal rules. It also backed attempts to open up new markets and discover sources of precious metals. When relations with Spain reached a point where the establishment of the Merchant Adventurers in the Low Countries seemed no longer advantageous, the Privy Council used its power and influence to establish the company in Germany, first at Emden and then at Hamburg.⁷² Moreover, it took a direct interest in the success of Martin Frobisher's voyages to tap the supposed riches of Baffin Land, which he had discovered while trying to find a northwest passage to China.⁷³

It will be recalled that, according to its charter, the Russia Company had the exclusive right of trade with all countries discovered by it to the north, northeast, or northwest of London.⁷⁴ However, no expedition had been sent by it to discover a northwest passage to China during the first twenty years of its existence.⁷⁵ About the year 1569, Martin Frobisher began to plan such a voyage.⁷⁶ He applied first to the merchants without result, because of the

⁷²Acts of the Privy Council, VII, 141, 147; Salisbury MSS., I, 314-315; Bernhard Hagedorn, Ostfrieslands Handel und Schiffahrt im 16. Jahrhundert (Berlin, 1910-1912), I, 172-173; Joseph Marie Bruno Constantin Kervyn de Lettenhove, Relations Politiques des Pays-Bas de l'Angleterre, sous le Règne de Philip II (Bruxelles, 1882-1900), III, 275, 361, 371; Read, Cecil, pp. 291-292. For the final negotiations and the subsequent conduct of trade see Hagedorn, I, 173-202.

⁷³Acts of the Privy Council, IX, 302-303, 303-304; X, 44-45; Richard Collinson, The Three Voyages of Martin Frobisher in Search of a Passage to Cathaia and India by the North-west, A.D. 1576-8, Reprinted from the First Edition of Hakluyt's Voyages, With Selections from Manuscript Documents in the British Museum and State Paper Office (London, 1867), pp. 110, 117-120, 182, 186, 212-218; George Born Manhart, The English Search for a Northwest Passage in the Time of Queen Elisabeth. Studies in the English Commerce and Exploration in the Reign of Elisabeth (Philadelphia, 1924), pp. 33-92.

⁷⁴Hakluyt, III, 87; Scott, II, 41.

⁷⁵Scott, II, 76.

⁷⁶Collinson, p. 70.

Russia Company's charter. Then Frobisher obtained the support of Ambrose Dudley, Earl of Warwick, and a letter was sent by the Privy Council to the Russia Company urging the company either to attempt the discovery itself or to license others to do so.⁷⁷ The Russia Company, however, maintained that there was no good evidence to support the feasibility of proposals such as Frobisher's and it replied that it had already at great expense discovered one-half of the northeastern passage, and "proposed to do the rest as soon as they might have good advice."⁷⁸

This answer irked the Council. It interpreted the Russia Company's attitude as an excuse for delay and in a further communication ordered the company to attempt to discover a northwest passage to China immediately or allow others to do so.⁷⁹ After the arrival of this order, the company licensed Frobisher and any partners who might venture with him to attempt the westward voyage.⁸⁰

Frobisher made three voyages to northern North America.⁸¹ After his first one, the hope that he had found a rich source of precious metals secured for him and his partners a charter of incorporation with certain customs privileges⁸² and Privy Council support for the operations of the company formed according to it.⁸³ For his first voyage, Frobisher had experienced difficulty in

⁷⁷Manhart, p. 33; Scott, II, 76.

⁷⁸Scott, II, 77.

⁷⁹Manhart, p. 33.

⁸⁰Collinson, p. 89.

⁸¹Ibid., pp. 71-76, 121-157, 225-316.

⁸²Collinson, pp. 111-113; Scott, II, 78. See also Cal. State Papers, Domestic, I, 533, 540.

⁸³Some doubt exists as to whether or not the company operated strictly in

raising capital. When he returned with what seemed to be very rich gold ore, little difficulty was experienced in raising funds for a second voyage. Because the second voyage returned a large quantity of this same ore, there was also small difficulty in securing a considerable subscription for a third voyage.⁸⁴

These voyages, however, did not make a return in ready money. The company accumulated a large quantity of ore, but it had no means of refining it. Furthermore, most of the capital subscribed was used to fit out the expeditions and the company experienced difficulty in paying off the sailors when they returned.⁸⁵ In this situation the Privy Council used its authority and influence to collect additional money from subscribers or forced them to pay up their original subscriptions.⁸⁶ On October 16, 1577, after the return of Frobisher from his second voyage, it ordered an additional levy for the payment of mariners and soldiers who returned with him.⁸⁷ On January 19, 1578, it ordered another levy for the erection of refining mills and furnaces.⁸⁸ After the re-

accordance with the provisions of the charter prepared for it. There can be no doubt, however, that the expeditions of Frobisher were backed by an organization operating on the principle of a joint-stock company.--Manhart, pp 45-47; Scott, II, 77-81.

⁸⁴ Cal. State Papers, Domestic, I, 513; Scott, II, 80.

⁸⁵ Manhart, pp. 56-59; Scott, II, 79-80.

⁸⁶ Moreover, the Lord Mayor was required to "deale as effectually as he can with some of the substancials merchauntes of the Citie, not being venturers, to contribute so much thereto as may ratable answer the overplus of that which hath ben laide above the receipts."--Acts of the Privy Council, IX, 391.

⁸⁷ Cal. State Papers, Domestic, I, 559. See also Cal. State Papers, Domestic, I, 556.

⁸⁸ Cal. State Papers, Domestic, I, 581.

turn of the third voyage, it supported the company's quest for working capital by giving it authority to collect an additional £6000 by a levy and called upon the Lord Mayor "to persuade" any that might prove recalcitrant.⁸⁹ Even noblemen were not exempted from the Council's activities on behalf of Frobisher's company. In December, 1578, for instance, it ordered the Earl of Pembroke to pay up his subscription to Frobisher's third voyage.⁹⁰ Moreover, the Council indicated its support for the operations of the company and its hopes for their success in other ways.⁹¹

It is interesting to note that this support was of no avail. The ore brought home by Frobisher proved to contain just enough precious metals "to ornament a few drops of sealing-wax on the report embodying this finding."⁹² This failure was frustrating, but no great harm had been done to the realm or to the Queen's subjects who had conducted these expeditions.⁹³ Earlier attempts to open up new markets or tap new sources of wealth, however, had placed the realm in somewhat of an awkward position and had resulted in harm being done to some of the Queen's subjects. The support given by the Privy Council to these ven-

⁸⁹Acts of the Privy Council, X, 367; Cal. State Papers, Domestic, I, 602.

⁹⁰Cal. State Papers, Domestic, I, 608. See also Salisbury MSS., II, 176, 194.

⁹¹Acts of the Privy Council, X, 38-39, 54-56, 117-118, 156; Manhart, pp. 56-59.

⁹²Scott, II, p. 81. For an indication of the extensive efforts made by Frobisher's backers to produce gold from what was probably marcasite, see Cal. State Papers, Domestic, I, 567, 568, 570, 571, 580, 581, 582, 584, 585, 586, 605; Cal. State Papers, Simancas, II, 567-569, 576, 595, 618; Salisbury MSS., II, 212.

⁹³Of course, the subscribers lost their money. For an account of the financial aspects of Frobisher's voyages, see Scott, II, 76-82.

tures was not unqualified, but evidence indicates they had at least the implicit support of Elizabeth's government.

In 1561, for example, Elizabeth was taken into partnership with some merchants who were trading into West Africa despite Portuguese monopolistic claims to that region. For a voyage made in that year, Elizabeth provided four ships and undertook to spend £500 in provisioning them. The other persons interested in the voyage supplied trade goods to the value of £5000.⁹⁴ Toward the close of 1562 similar arrangements were made for another voyage.⁹⁵ In 1564 another partnership was established and in 1566 another voyage was undertaken.⁹⁶ This later expedition is the last mentioned for a considerable period.⁹⁷

Naturally, the Portuguese Ambassador protested that these expeditions violated Portuguese rights.⁹⁸ His protests were directed to the Privy Council. The Council, however, refused to consider them valid.⁹⁹ In this regard, the Spanish Ambassador reported that Cecil said the Pope had no right to partition the world and to give and take kingdoms to whomever he pleased.¹⁰⁰ Although other protests were made to it, by both the Portuguese and Spanish Ambassadors,

⁹⁴Cal. State Papers, Domestic, I, 178; Cal. State Papers, Simancas, I, 215; Scott, II, 5.

⁹⁵Cal. State Papers, Domestic, I, 215; Scott, II, 6.

⁹⁶Cal. State Papers, Domestic, I, 247; Hakluyt, VI, 266-284; Scott, II, 7-8.

⁹⁷Scott, II, 8.

⁹⁸William Mardin, A Collection of State Papers, 1571-1596 (London, 1759), p. 753; Cal. State Papers, Simancas, I, 240.

⁹⁹Cal. State Papers, Simancas, I, 240. See also Cal. State Papers, Simancas, I, 394-395.

¹⁰⁰Cal. State Papers, Simancas, I, 218.

the Council refused to deviate from this general position. The substance of its answers to these Iberian protests was that Englishmen had a "right to go to all lands or provinces belonging to friendly States without any exception, and those who forbid them to do so will be excluded from their (the English) dominions."¹⁰¹

It is important to note, however, that the Council did not exercise the direction over these African expeditions as it did over Frobisher's ventures. It tried to maintain the fiction that these voyages were purely private adventures and that the Council had no power to prohibit private trade.¹⁰² But toward other expeditions of a like sort, international considerations forced the Council to abandon this seemingly open-handed attitude. Such was the case with regard to the expeditions of John Hawkins and his designs to open up trade with the Spanish dominions in the New World.

John Hawkins made three voyages to the West Indies with the covert support of Elizabeth and some of her ministers.¹⁰³ The pattern he followed in all three voyages was to descend upon the African coast, purchase or seize Negro slaves there, and then sell these slaves in Spanish America. He engaged in some supplementary trade as well--in hides from America and in ivory, gold, and spices from Guinea. But the slave trade was the most important part of his

¹⁰¹ Ibid., 240.

¹⁰² Cal. State Papers, Simancas, I, 216. See also Cal. State Papers, Simancas, I, 5, 24.

¹⁰³ Cal. State Papers, Simancas, I, 504, 584-585, 588, 593, 646, 652, 656; Cal. State Papers, Domestic, I, 299; Read, Cecil, p. 429; Scott, II, 8-9; James A. Williamson, Sir John Hawkins, the Time and the Man (Oxford, 1927), pp. 137-138.

business.¹⁰⁴

Against the continuation of this trade, the Spanish Ambassador used all his wiles. He protested to the Queen and to the Council, and he even cultivated Hawkins' acquaintance in order to try to induce him to accept service with Spain.¹⁰⁵ The Ambassador could not prevent the first two voyages, but he was able temporarily to frustrate plans for a third. In 1566 he received information that Hawkins was again preparing to go to the West Indies. After his agents had confirmed this, the Ambassador protested directly to the Queen. The Queen promised to take such steps as were necessary and presented the matter to the Council.¹⁰⁶ A few days later, the Council ordered its agents at Plymouth not to allow Hawkins and his associates to sail, but to send them to appear before the Council.¹⁰⁷ When Hawkins appeared before the Council, he promised not to sail to places prohibited by the King of Spain and the Council ordered the Judge of the Admiralty to place him and his associates under bond to adhere to that pledge.¹⁰⁸ After these bonds had been taken the Council ordered Hawkins' ships released to depart when they would.¹⁰⁹

¹⁰⁴Scott, II, 8-9.

¹⁰⁵Cal. State Papers, Simancas, I, 370, 470, 496, 502-504, 522, 525, 534, 538, 548, 570.

¹⁰⁶Ibid., 548, 556, 584-585.

¹⁰⁷Acts of the Privy Council, VII, 314; Cal. State Papers, Domestic, I, 279; Cal. State Papers, Simancas, I, 588.

¹⁰⁸Acts of the Privy Council, VII, 316; Cal. State Papers, Simancas, I, 593.

¹⁰⁹Acts of the Privy Council, VII, 316; Cal. State Papers, Domestic, I, 280, 281. An associate of Hawkins, John Lovell, did go to the West Indies despite this pledge. He left as secretly as possible on November 9, 1566, and returned in September, 1567, a month before Hawkins left on his third voyage.--Spanish Documents Concerning English Voyages to the Caribbean 1527-1568, selected by [Irene] A. Wright (London, 1929), pp. 16-18.

In reporting this matter to his master, the Spanish Ambassador said that the Council delayed so that Hawkins would have time to dispatch his ships before the embargo order arrived. Furthermore, he recounted a conversation with Cecil in which Cecil said that the Council did not agree in prohibiting English subjects from trading with Spanish America, but that the Queen had ordered the prohibition to be made.¹¹⁰ Councillors like Leicester and Clinton were financially interested in Hawkins' ventures and hesitated to use the weight of the Council against themselves.¹¹¹

This conciliar interest in the trading affairs of John Hawkins finally did bring about a third voyage. In the summer of 1567, the Spanish Ambassador found out that Hawkins was fitting out ships for another voyage. It appears that this voyage was to be directed against the dominions of Portugal, so that when the Ambassador protested he was given assurance that Hawkins would not touch at places in the New World prohibited to Englishmen by the King of Spain.¹¹² In September, 1567, however, it would seem that Elizabeth, with the concurrence of Cecil, authorized a change of plan. The old pattern was to be repeated.¹¹³ After Hawkins had set sail, there was no news from him for over a year, but the Queen continued to insist that he was under strict orders not to trade in prohibited places.¹¹⁴ When he did return, he had to report that he

¹¹⁰Cal. State Papers, Simancas, I, 588.

¹¹¹Cal. State Papers, Simancas, I, 642, 646; Salisbury MSS., I, 347; Read, Cecil, p. 429. See also Clements R. Marham, ed., The Hawkins' Voyages During the Reign of Henry VIII, Queen Elizabeth, and James I (London, 1878), pp. 5-7.

¹¹²Cal. State Papers, Simancas, I, 652, 657, 659, 660, 666-667; Read, Cecil, p. 428.

¹¹³Cal. State Papers, Domestic, I, 299, 300; Read, Cecil, p. 429.

¹¹⁴Cal. State Papers, Simancas, II, 1.

had lost part of his fleet through a violent encounter with a Spanish naval force in the harbor of San Juan de Ulua near Vera Cruz.¹¹⁵ This report contributed to an Anglo-Spanish commercial crisis in which the Privy Council played no small part.

Even before trouble arose in connection with Hawkins' voyages, Anglo-Spanish commercial relations had experienced very great strain. Elizabeth had been hardly seated on the throne when the economic connections between England and the Netherlands entered a new phase. Formerly, the economic bonds between the two countries had been very strong because of the cloth trade. The Merchant Adventurers had even acknowledged at one time that "one country cannot well live without the other."¹¹⁶ Yet, in the early 1560's this relationship was marred by attempts on the part of Antwerp merchants to deprive the Merchant Adventurers of their privileged position,¹¹⁷ and by attempts on the part of English governmental officials to force foreign merchants to pay higher customs duties and otherwise to restrict their trading position in England.¹¹⁸ Furthermore, the actions of English channel pirates and the legislative favoritism shown to English shipping irked the Spanish rulers of the Netherlands.¹¹⁹

¹¹⁵Sir William Cecil to Sir Henry Norris, January 30, 1569, in Read, Cecil, p. 435; Cal. State Papers, Domestic, I, 323, 329, 331, 337.

¹¹⁶Cal. State Papers, Foreign, VII, 528; Lipson, II, 197.

¹¹⁷Pepys MSS., p. 56; Salisbury MSS., I, 289; Lipson, II, 197-198.

¹¹⁸Cal. State Papers, Foreign, III, 91; Lipson, II, 197-198.

¹¹⁹1 Eliz., c. 13, 5 Eliz., c. 5. Statutes of the Realm, IV, pt. I, 375-376, 423-425; Cal. State Papers, Simancas, I, 24-25, 52, 56, 61, 63, 65, 79, 92-93, 163, 212, 215, 222-223, 228-229, 300-301, 345-346, 347, 354-355, 373, 375-376, 379, 386; Harper, pp. 25-26; Read, Cecil, pp. 288-290; Unwin, "Merchant Adventurers' Company," p. 208.

In 1563, relations reached such a stage that Low Country ports were closed to English ships by Spanish authorities and the merchants of the Netherlands were forbidden to export anything in English vessels.¹²⁰ This action provoked the Council to arrange for the transference of the English cloth trade from Antwerp to Emden.¹²¹ Furthermore, in 1564, Elizabeth placed an embargo on all imports from the Low Countries and the Council assumed the task of enforcing this embargo.¹²² On November 4, 1564, for example, it issued orders for halting of English imports from the Netherlands. Only ships driven into English ports by storms or other difficulties which contained prohibited wares were to escape the penalties set forth for violation of this order.¹²³ On November 7, it sent this order to customs officials at Dover, Sandwich, Feversham, and Rochester.¹²⁴ Subsequent letters relate its supervision over the sale of prohibited cargoes seized from ships driven into English ports by force of the weather or from those trying to break the embargo.¹²⁵ On November 9, for instance, it wrote to "the Customers of Quinborough" to "permitte and suffer con

¹²⁰Cal. State Papers, Foreign, VI, 303; Lettenhove, III, 556; Lipson, II, 198; Read, Cecil, pp. 290-291.

¹²¹Acts of the Privy Council, VII, 141; Cal. State Papers, Domestic, I, 239, 241; Lettenhove, III, 275, 351, 371; Hagedorn, I, 172; Lipson, II, 198-199; Read, Cecil, pp. 291-292. On the ground that the Merchant Adventurers had "found out the trade" to Germany the Company was granted a charter which defined its future territorial limits.--Linsbach, pp. 229-236.

¹²²Robert Steele, A Bibliography of Royal Proclamations of the Tudor and Stuart Sovereigns and of Others Published under Authority, Bibliotheca Lindesiana, Vols. V-VI (Oxford, 1910), I, 63; Lipson, II, 198; Read, Cecil, p. 292.

¹²³Acts of the Privy Council, VII, 157-159.

¹²⁴Ibid., 159-160.

¹²⁵Ibid., 162, 165, 166, 167, 171.

Jacob Foppen of Holande, late dreven by tempeste into that porte of Quinborough with waineskotte, hoppes, barrellled fische and other wares, to make sale of the same at pryces reasonable and thereupon to departe with his shippe."¹²⁶ And on November 23, it ordered the customer at Feversham to allow a Fleming supposedly forced into that port by the weather to depart with his ship and cargo "yf his informacion be true." If the Fleming could not "justyfye his allegacion," the customer was to stay him "according to the former order."¹²⁷ Throughout the period of the embargo, jurisdiction of this sort was exercised by the Council.

Negotiations for the resumption of commercial intercourse began in the spring of 1564. For the most part they were handled by the Spanish Ambassador and Sir William Cecil. After six months of negotiations, trade was reopened on January 1, 1565.¹²⁸ Soon after the resumption of trade, however, revolt broke out in the Netherlands and advice began to be sent to the Council that the Merchant Adventurers should move again.¹²⁹ The Council considered this advice and participated in the making of arrangements to establish the Merchant Adventurers in Hamburg.¹³⁰ In 1567 this German city made a concordat with the company

¹²⁶ Ibid., 162.

¹²⁷ Acts of the Privy Council, VII, 167.

¹²⁸ Sir William Cecil to Sir Thomas Smith, December 30, 1564, in Queen Elizabeth and Her Times, I, 182; Cal. State Papers, Simancas, I, 326, 328-329, 348, 349-354, 355-359, 368, 379, 380, 398. Lettenhove, II, 148-153; Steele, Proclamations, I, 64; Lipson, II, 200-201; Read, Cecil, 292-294. See also Acts of the Privy Council, VII, 308.

¹²⁹ Sir Thomas Gresham to Sir William Cecil, September, 1566, in Lettenhove, IV, 353; Read, Cecil, p. 422.

¹³⁰ Cal. State Papers, Simancas, II, 107, 113, 135, 138, 142-143, 144-145, 176, 182, 185, 189, 190, 232, 237, 242. See also Cal. State Papers, Domestic, I, 328. York Mercers and Merchant Adventurers, pp. 184-185.

in which many privileges were accorded the company in return for the monopoly of its traffic in Germany.¹³¹ Shortly afterward, the first shipment of English cloth was sent to this German outlet.¹³² The Privy Council supervised the transportation of this merchandise.¹³³

This confirmation of the newly established trade connection with Hamburg was accomplished none too soon. Tension had been increasing between England and Spain over Spanish efforts to suppress the revolt of the Netherlands, and when some ships conveying bullion to the Low Countries for the payment of Spanish troops were driven into English ports by the weather, Elizabeth confiscated their cargo. This happened about the same time that news of Hawkins' misfortune reached England and Spain.¹³⁴

This time, however, the break was more vindictive.¹³⁵ In retaliation for Elizabeth's confiscation of the money consigned to the Spanish military forces,

¹³¹ Richard Ehrenberg, Hamburg und England im Zeitalter der Königin Elisabeth (Jena, 1896), pp. 90-100, 312-326; Lipson, II, 201; Umwin, "Merchant Adventurers' Company," p. 211.

¹³² York Mercers and Merchant Adventurers, pp. 179-180; Lipson, II, 201.

¹³³ Cal. State Papers, Simancas, II, 138, 142, 144-145, 155, 158, 165, 176, 182, 185, 187-188, 190. See also Cal. State Papers, Domestic, I, 366, 367; Salisbury MSS., II, 139.

¹³⁴ Cal. State Papers, Domestic, I, 323, 324, 325, 326-327, 328, 339, 363; Cal. State Papers, Simancas, II, 83, 83-84, 88, 90, 90-91, 91-92, 93-94, 95; Lettenhove, V, 205; Lipson, II, 202; Scott, I, 50-51; Sir William Cecil to Sir Henry Norris, January 3, 1569, in Read, Cecil, p. 435.

¹³⁵ In 1564, the conflict was primarily an economic struggle between London and Antwerp. In 1569, the controversy was dominated by religious and political considerations and had taken on the aspects of an ideological war.--Sir William Cecil, "A short Memoryall of the State of the Realme," in Samuel Haynes, A Collection of State Papers Relating to Affairs in the Reigns of King Henry VIII, King Edward VI, Queen Mary, and Queen Elizabeth, From the Year 1542 to 1570 (London, 1740), pp. 579-588; Lipson, II, 198.

the Spanish governor of the Low Countries arrested the persons and goods of English merchants while at the same time prohibiting intercourse with England.¹³⁶ Corresponding action was taken immediately in England against Spanish merchants¹³⁷ and the Privy Council was assigned the job of supervising the acquisition and distribution of the spoils.¹³⁸

The duties undertaken by the Council in this regard included the assigning of men to find, seize, and tally Spanish goods according to the authority of the Queen's commission, as well as the determination of what goods should be distributed to what English subjects in reprisal for the merchandise these subjects claimed to have been deprived of by Spanish authorities.¹³⁹ Eventually this task became too detailed for the full Council to handle and a committee was appointed to superintend the situation created by the actions of the confiscatory commission. This committee seems to have been composed of Burghley, the Earl of Lincoln, the Earl of Sussex, and the Earl of Leicester.¹⁴⁰

The reprisal procedure supervised by this committee is of some interest. First of all, it appears that the facilities of the Admiralty Court were used to receive inventories of the goods seized from Spanish subjects.¹⁴¹ On Febru-

¹³⁶Lettenhove, V, 256; Scott, I, 51.

¹³⁷Cal. State Papers, Simancas, II, 99-100; Steele, Proclamations, I, 67-68; Lipson, II, 202.

¹³⁸Cal. State Papers, Simancas, II, 146-147, 152, 155, 164, 170, 174, 178-179, 185, 191, 200, 267, 279, 312, 336, 350, 357, 371, 372-373, 408.

¹³⁹Cal. State Papers, Domestic, I, 328, 330, 384, 385, 398, 432, 463; Cal. State Papers, Simancas, II, 146-147, 152, 155; Rye and Hereford MSS., p. 12; Salisbury MSS., II, 39; Acts of the Privy Council, VIII, 15, 16, 64, 66, 81, 91-92, 100-101, 119-120, 125, 144, 160, 184, 206, 211, 231, 268, 269, 271, 287.

¹⁴⁰Cal. State Papers, Simancas, I, 385, 435.

¹⁴¹Ibid., 384.

ary 17, 1572, for example, the Judge of the Admiralty wrote to the Mayor of Rye ordering him to certify in writing, within ten days, "what goods, wares, merchandises, ready money, ships or other vessels belonging to any subjects of the King of Spain have been arrested or stayed in your port . . . how the same have been disposed, and also to let us know of such as you know or vehemently suspect to have concealed such goods."¹⁴² Furthermore, definite days were set aside for the examination of claims for restitution from confiscated Spanish goods. On March 2, 1572, for instance, the Mayor of Rye was told that hearing of this sort would be held in Rye on Saturdays and Mondays at the Guildhall.¹⁴³ Moreover, confiscated Spanish valuables seem to have been actually parceled out to English subjects presenting a valid claim for redress and a start made toward the selling of that amount of merchandise not needed for purposes of restitution. At the same time, however, steps were taken to protect Spanish subjects from the loss of their purely private possessions.¹⁴⁴

While this survey and division of Spanish merchandise was being carried out, steps were taken by the Spanish authorities in the Netherlands to effect a reconciliation.¹⁴⁵ Elizabeth, however, refused to deal with the envoys sent over by the Spanish governor on the pretext that these envoys had no authority

¹⁴²Rye and Hereford MSS., p. 12.

¹⁴³Ibid., pp. 13-14.

¹⁴⁴Cal. State Papers, Domestic, I, 433, 435, 437, 444, 463, 464; Cal. State Papers, Simancas, II, 170, 176, 178, 185. See also Cal. State Papers, Simancas II, 350, 353, 365, 372-373.

¹⁴⁵Read, Cecil, 433-434, 435.

to speak for the king.¹⁴⁶ Thus, the Council was assigned to handle them.¹⁴⁷ At first, the Council assumed as adamant a position as the Queen and refused to stop the seizure and sale of Spanish goods.¹⁴⁸ After a long period of negotiations,¹⁴⁹ however, commercial intercourse between England and the dominions of Spain was reopened by the Treaty of Bristol in August, 1574.¹⁵⁰

From the reports of the Spanish Ambassador, it is evident that the Privy Council played a supervisory role in the making of this treaty. The actual negotiations on the English side were carried out by commissioners appointed for that purpose, but the commissioners were in continual contact with the Council's views.¹⁵¹ Moreover, the Council consulted merchants during the course of negotiations and dealt directly with the Spanish concerning particular points.¹⁵² It would seem, therefore, that the slow progress of the negotiations was its responsibility. According to the Spanish Ambassador, the Council

¹⁴⁶Cal. State Papers, Foreign, IX, 23, 37-39; X, 44, 85-86; Cal. State Papers, Simancas, II, 106-107, 112, 122-123, 124, 129, 372.

¹⁴⁷Cal. State Papers, Simancas, I, 128, 329; II, 128, 134; Cal. State Papers, Foreign, IX, 23, 26.

¹⁴⁸Cal. State Papers, Foreign, X, 85-86; The Earl of Leicester to Thomas Randolph, May 1, 1569, in Queen Elizabeth and Her Times, I, 314; Sir William Cecil to Sir Henry Norris, in Read, Cecil, p. 435; Cal. State Papers, Simancas, II, 219-220, 299, 303, 305-306.

¹⁴⁹Some of the leading documents relating to these negotiations can be found in Cal. State Papers, Foreign, IX, 516-518, 523, 527, 559; X, 42, 85, 451, 586-587; XI, 3; Cal. State Papers, Simancas, II, 1-502.

¹⁵⁰Salisbury MSS., II, 81; Frederick C. Diets, English Public Finance 1558-1641 (New York, [1932]), p. 15.

¹⁵¹Cal. State Papers, Simancas, II, 219, 244, 251-252, 267, 294, 296, 299, 303, 384, 423, 431-433, 435-436, 437, 462; Acts of the Privy Council, VIII, 201.

¹⁵²Acts of the Privy Council, VIII, 294; Cal. State Papers, Foreign, X, 85-86; Cal. State Papers, Simancas, II, 298, 353, 373.

was not overly eager for a settlement because it believed that the advantage was on the side of the English.¹⁵³ On March 10, 1571, he wrote that "the robberies and seizures have been going on as usual, and these people are now so obstinate in them that it will be very difficult to reform matters."¹⁵⁴

This obstinacy, moreover, was not limited to Anglo-Spanish commercial matters. The Council was also obstinate in its attitude toward the Hanseatic merchants.¹⁵⁵ Furthermore, this obstinacy was buttressed by the Merchant Adventurers, who were in a position to press for governmental favors.¹⁵⁶ Throughout the first twenty years of Elizabeth's reign, therefore, the Council used its authority and influence to whittle down the privileges of the Hanseatic merchants in England and to support English invasion of their home territory. In January, 1576, Hanseatic merchants were excluded from Blackwell Hall, the cloth purchasing center in London.¹⁵⁷ In retaliation, the Hanse induced Hamburg to withdraw the privileges it had granted to the Merchant Adventurers.¹⁵⁸ This further provoked the Council to issue a decree which abolished the privileges of the Hanse in England and placed them on the same footing as other foreigners.¹⁵⁹ Attempts to effect a reconciliation were futile and by 1580 the breach

¹⁵³ Cal. State Papers, Simancas, II, 299.

¹⁵⁴ Ibid., 296.

¹⁵⁵ Acts of the Privy Council, X, 300-302.

¹⁵⁶ Fisher, Econ. Hist. Rev., X, 108-109.

¹⁵⁷ Unwin, "Merchant Adventurers' Company," p. 212.

¹⁵⁸ Acts of the Privy Council, X, 301; Cal. State Papers, Foreign, XIII, 22, 383; Ehrenberg, pp. 137-141; Lipson, II, 204; Unwin, "Merchant Adventurers' Company," p. 213.

¹⁵⁹ Acts of the Privy Council, X, 300-302.

was complete.¹⁶⁰

Thus, during the first twenty years of Elizabeth's reign, the Council followed a policy of channeling the trade of England through restrictive companies while at the same time using commercial organizations in an attempt to increase the power and freedom of England's international position.¹⁶¹ This policy had called for deliberate and comprehensive action. Moreover, it included an interest in practically everything connected with English foreign trade. In line with this interest, the Privy Council exercised jurisdiction over such things as the suppression of piracy, restitution of pirated and wrecked goods, mercantile cases, trading monopolies regarding particular products,¹⁶² marine insurance, licenses to ship restricted products,¹⁶³ and control of ship movements.¹⁶⁴

Piracy, for example, occasioned many a headache for the Council.¹⁶⁵

Throughout the period under discussion it was rampant in the channel and adjacent European waterways. In an attempt to bring it under control, the Council issued special orders to its regular agents,¹⁶⁶ supervised the establishment of

¹⁶⁰Acts of the Privy Council, XI, 31; Salisbury MSS., II, 182, 232; Lipson, II, 204-205; Urwin, "Merchant Adventurers' Company," p. 213. See also Acts of the Privy Council, XI, 440; York Mercers and Merchant Adventurers, pp. 207-209.

¹⁶¹W. S. Holdsworth, A History of English Law (London, [1922]-1952), IV, 319-320.

¹⁶²Salisbury MSS., II, 144.

¹⁶³Acts of the Privy Council, VII, 338; VIII, 146, 307-308.

¹⁶⁴Acts of the Privy Council, VII, 5, 8, 53, 68, 69, 73, 90, 201-202, 237, 324-325, 369-370, 376, 383; Cal. State Papers, Domestic, I, 483.

¹⁶⁵Sir William Cecil to the Earl of Sussex, July 25, 1561, in Queen Elizabeth and Her Times, I, 66; Rye and Hereford MSS., p. 39; Cal. State Papers, Domestic, I, 305; Cal. State Papers, Simancas, I, 552. See also Sir William Cecil to the Earl of Sussex, March 3, 1564, in Queen Elizabeth and Her Times, I, 168-169.

¹⁶⁶Acts of the Privy Council, VII, 409.

a special piracy commission composed of gentlemen throughout the realm¹⁶⁷ and directed naval activity against pirates when that was considered necessary.¹⁶⁸ This problem is a story in itself, however. Suffice it to say that the Council never did adequately control it--perhaps because so many Englishmen in high places did not want it controlled¹⁶⁹ and the efforts it put forth in an endeavor to do so are subject to varying opinions. On February 15, 1563, for example, the Spanish Ambassador reported that the Council was lukewarm in its attempts to suppress the piratical actions of Englishmen.¹⁷⁰ But on August 7, 1564, a new Spanish Ambassador wrote that in his opinion the English government was doing its best to put down piracy in the waters surrounding the British Isles.¹⁷¹

Whatever spirit animated the Council regarding its anti-piracy measures, it is clear that the Council took an interest in the restoration of captured merchandise to its rightful owners whenever possible.¹⁷² As in problems of a like nature, however, it worked within the legal principles of the time and there was a costly process of litigation before restitution could be accom-

¹⁶⁷Acts of the Privy Council, VII, 278-290. See also Acts of the Privy Council, VIII, 114, 150; Kye and Hereford MSS., pp. 8, 8-11, 12; Salisbury MSS., II, 12-13.

¹⁶⁸Acts of the Privy Council, VI, 181, 183; X, 263, 271; Cal. State Papers, Domestic, I, 522, 527. See also Cal. State Papers, Domestic, I, 251.

¹⁶⁹Cal. State Papers, Domestic, I, 543, 590; Cal. State Papers, Simancas, I, 440-441, 449, 450, 472-473, 486, 539; Salisbury MSS., I, 286-287; II, 162. Moreover, in 1571 the "men of Aldborough" had to pay a fine for "trafficking with pirates."--Cal. State Papers, Domestic, I, 432.

¹⁷⁰Cal. State Papers, Simancas, I, 300-301.

¹⁷¹Ibid., 373. See also Cal. State Papers, Simancas, II, 293.

¹⁷²Acts of the Privy Council, VII, 173, 315-316, 245, 251, 253, 272, 291, 298, 320, 386, 389, 395; Cal. State Papers, Domestic, I, 538; Cal. State Papers, Simancas, I, 402-403.

plished.¹⁷³ In an attempt to simplify this process as much as possible, the Council used and supported the jurisdiction of the Admiralty Court.¹⁷⁴ Conflicting jurisdictional claims between the Admiralty Courts and other courts of the realm,¹⁷⁵ resistance to the Admiralty Court orders,¹⁷⁶ and non-sympathetic juries,¹⁷⁷ prevented this simplification from becoming as effective as it might have been. At any rate, Privy Council interest in the restitution of goods captured by pirates did not prevent the Spanish Ambassador from complaining about the delays and the decisions regarding such restitution.¹⁷⁸

As part of its overall interest in the foreign trade of England, the Council also concerned itself with the salvage of ships and cargoes wrecked on the English coast.¹⁷⁹ In its attempt to control this problem, the Council also used and supported the jurisdiction of the Admiralty Court,¹⁸⁰ but it did not limit itself to this intermediary in order to implement its will. On March 4, 1564, for example, the Council ordered the Justices of the Peace in Sussex to find and deliver oil wrecked on the Sussex coast to its rightful owner, a Por-

¹⁷³Cal. State Papers, Simancas, I, 163, 375-376, 386, 394.

¹⁷⁴Cal. State Papers, Domestic, I, 606; Cal. State Papers, Foreign, I, 490. See also Cal. State Papers, Domestic, I, 164, 175.

¹⁷⁵Acts of the Privy Council, VII, 12, 293.

¹⁷⁶Acts of the Privy Council, IX, 88.

¹⁷⁷Cal. State Papers, Simancas, I, 373, 375, 449.

¹⁷⁸Acts of the Privy Council, VII, 23; Cal. State Papers, Simancas, I, 375, 386, 403, 472-473, 486, 552.

¹⁷⁹Acts of the Privy Council, VII, 132, 141, 187; VIII, 79; Cal. State Papers, Domestic, I, 287, 289, 309, 331, 520, 575; Cal. State Papers, Foreign, II, 84, 85, 112, 114-115, 116, 141-142.

¹⁸⁰Acts of the Privy Council, VII, 163, 205.

tuguese merchant, even though in the possession of noblemen who claim it as "goodes wrecked."¹⁸¹

In general, however, recovery of wrecked goods as well as the restitution of valuables involved litigation and, more often than not, this litigation was supervised by the Admiralty Court with the approval of the Council. In many cases, the Council also used the facilities of the Admiralty Court in an attempt to settle mercantile cases where wrecked goods or pirates' booty was not the point at issue.¹⁸² Moreover, it called upon all officials to treat foreign commercial complaints fairly and decide them with speed "to thend that the Queen's subjects may have the like regard had unto them" in foreign countries.¹⁸³

This concern for the position of English traders in foreign countries also prompted it to use the government's prestige in support of their claims against foreign merchants and governments.¹⁸⁴ For example, it ordered English envoys abroad to forward the suits of English merchants and it used the threat of reprisal action to get satisfaction regarding their claims.¹⁸⁵ In some instances,

¹⁸¹Acts of the Privy Council, VII, 203.

¹⁸²Acts of the Privy Council, VII, 202, 222, 305-306, 308, 329, 386; VIII, 234, 346, 353-359; IX, 369-370, 370; X, 15. The Council also handled mercantile cases on its own and committed others to arbitration.—Acts of the Privy Council, VII, 62, 184-185, 227, 228-229, 243, 252; VIII, 364, 375-376.

¹⁸³Acts of the Privy Council, VII, 365-366; VIII, 114. See also Acts of the Privy Council, VII, 272-273, 357-358, 371.

¹⁸⁴Acts of the Privy Council, VII, 406-407; Cal. State Papers, Domestic, I, 405, 501, 535; Cal. State Papers, Simonses, I, 562; II, 535-536, 578, 592; Charles T. Martin, ed., "Journal of Sir Francis Walsingham, From Dec. 1570 to April 1583," The Camden Miscellany ([London], 1871), VI, 2, 4, 6, 14, 15.

¹⁸⁵Acts of the Privy Council, VII, 216, 247, 316-317, 335, 368-369, 379, 385-386, 391-392, 395, 399-400. See also Cal. State Papers, Domestic, I, 393, 517; Salisbury MSS., II, 71, 127.

however, the Council had to restrain certain Englishmen and English cities from taking such action on their own authority or by authority of English common law courts. The niceties of international relations were upset by these actions and the Council refused to leave them uncontrolled.¹⁸⁶

In conjunction with its efforts to control the reprisal activities of Elizabeth's subjects, the Council also tried to make them live up to commercial agreements made in good faith.¹⁸⁷ One of its most extensive efforts in this regard was made in behalf of merchants not satisfied with the results of marine insurance agreements. Upon complaint of a merchant that insurance money due him had not been paid, or had not been paid in full, the Council usually appointed a special commission to deal with the matter or had an official like the Lord Mayor of London or the Judge of the Admiralty appoint such a commission.¹⁸⁸ If this commission could not settle the matter, the Council took it upon itself to do so.¹⁸⁹ Attempts to evade obligations fairly made were disliked by the Council for they "tendeth to the derogacion of so aientient a custome as assurance amongst merchauntes"¹⁹⁰ and brought discredit to the realm.¹⁹¹

¹⁸⁶ Acts of the Privy Council, X, 97, 107; Rye and Hereford MSS., p. 54. See also Cal. State Papers, Domestic, I, 482, 492, 502; Rye and Hereford MSS., 23, 24, 43-44, 54.

¹⁸⁷ Acts of the Privy Council, VII, 332-333; IX, 112.

¹⁸⁸ Acts of the Privy Council, VIII, 167, 195-196, 206, 262, 348-349; IX, 90; Cal. State Papers, Domestic, I, 468.

¹⁸⁹ Acts of the Privy Council, VIII, 337, 348-349.

¹⁹⁰ Ibid., 196.

¹⁹¹ Ibid., 337.

Because of this concern for fair play, the Council tried repeatedly to obtain information regarding the principles followed by assurers. By clarifying and publishing these principles, the Council hoped to lessen the chance of fraud and make the settlement of controversies easier. Thus, on December 6, 1574, it asked the Lord Mayor, "by conference with suche as be most skilfull in these cases," to certify "what lawes, orders, and customes are used in those matters of assurance, to thend they may be put in ure accordinglie."¹⁹² This request was repeated on December 19, 1574, May 9, 1575, June 13, 1575, and November 8, 1575.¹⁹³ Even as late as June 13, 1576, however, the Council seems not to have obtained the information it wanted.¹⁹⁴ Its interest in marine insurance matters, however, continued unabated.¹⁹⁵

During the first twenty years of Queen Elizabeth's rule, therefore, the spirit and form of English foreign trade was greatly influenced by Privy Council action. The general impression of its achievement in the field of industrial regulation, and perhaps even more of domestic trade, is that it did not lead to much in the direction of greater conformity to the established code, nor did it give much of an impetus to the new forces of industrialization. But in foreign trade this impression is not valid. The Privy Council did succeed to a remarkable extent in organizing English foreign trade according to doctrines and conceptions derived from considerations of order, national power, and other ideas commonly tied together by the name of mercantilism.¹⁹⁶

¹⁹²Acts of the Privy Council, VIII, 321.

¹⁹³Acts of the Privy Council, VIII, 326, 374, 397; IX, 43.

¹⁹⁴Acts of the Privy Council, IX, 163.

¹⁹⁵Acts of the Privy Council, IX, 168, 177, 205, 230, 238, 327; X, 232.

¹⁹⁶Fisher, Econ. Hist. Rev., I, 116.

CHAPTER V

FINANCE: PUBLIC AND PRIVATE

In the sixteenth century, English economic relations rested upon a financial foundation. As part of this foundation, credit occupied a ubiquitous position. It formed part of the small cultivator's existence and was connected with the struggle of the craftsman to maintain a position of independence within the industrial organization. As Tawney has shown, borrowing was a normal and necessary incident in the life of the peasantry. In a world where seasons are uncertain and six months intervene between sowing and harvest, the need for credit was inherent in the nature of things.¹ If the craftsman did not suffer to the same extent as the small cultivator from the uncertainty of the seasons, his dependence upon credit was also intimate and direct. Unless he wanted to become a wage-earner, he had to find an opening to set up shop and possess the means to take advantage of it. Credit enabled him to gain these two things. Through its use, the craftsman was given the opportunity to acquire a shop with stock and to possess working capital. For the craftsman, whether or not to make use of credit was not the question. The question was on what terms it could be obtained.²

¹R. H. Tawney, Historical Introduction to A Discourse Upon Usury By Way of Dialogue and Crations, For the Better Variety and More Delight Of All those That Shall Read This Treatise [1572], by Thomas Wilson (New York, n.d.), pp. 19, 25-27.

²Ibid., pp. 27-28.

This ubiquitousness of credit also permeated upward into the ranks of the landholding aristocracy and gentry. These classes made use of credit to meet current expenses of their establishments, to stave off creditors, or to renew debts.³ Moreover, their financial embarrassments contributed to the land question of the day, for they mortgaged their lands to receive the credit they needed and these lands fell into the hands of persons determined to make a profit through the more rigorous methods of estate management.⁴ It was this type of landlord, for example, that enclosed common land and evicted tenants-at-will or copy holders.⁵

Credit also played a prominent part in the development of industry within England. In the woolen industry, for example, credit was used to bridge the gaps between successive production and distribution stages. The grazier sold wool on credit to the clothier who in turn advanced credit to his spinners and weavers. Unfinished cloth was put out to be dyed and finished and when it was ready for export the clothier could get an advance from the Merchant Adventurers or the cloth-workers at Blackwell Hall. More often, however, the clothier gave long credit to the exporting merchant and was paid by the latter when the cloth was sold.⁶

³Ibid., pp. 31-35.

⁴Edmund Lodge, Illustrations of British History, Biography, and Manners, in the Reigns of Henry VIII, Edward VI, Mary, Elizabeth, & James I, Exhibited in a series of Original Papers Selected from the MSS. of the Noble Families of Howard, Talbot, and Cecil (London, 1838), III, 41-44; Salisbury MSS., I, 573-574; Tawney, Introduction to A Discourse Upon Usury, pp. 35-41.

⁵Robert Crowley, The Way to Wealth, in Select Works of Robert Crowley, ed. J. M. Cowper (London, 1872), pp. 132-133; Tawney, Introduction to A Discourse Upon Usury, pp. 39-42. See also Rutland MSS., I, 79.

⁶Tawney, Introduction to A Discourse Upon Usury, pp. 43-49.

In the extractive industries, credit presented special difficulties and special opportunities. Not only was the interval before any return could be obtained even longer than in the production of cloth, there was the additional factor that, because of the backward condition of the English mining science and the scarcity of professional technicians, a considerable investment was necessary before a start could be made with the extraction of minerals. The smaller extractive enterprises, therefore, functioned on the credit advanced by their distributors. When mining was carried on upon a larger scale, other means had to be used and the joint-stock company came into prominent use.⁷

This development of a commercial organization designed to meet credit conditions in the mining industry was paralleled by similar developments with regard to foreign trade. By the third quarter of the century, the financing of foreign trade had become sufficiently profitable to form the main business of a special group of brokers and discount houses.⁸ The discounting of bills on Antwerp and other commercial centers formed the main means of export and import payments. In theory, the bill of exchange might be a mere instrument for the transference of money from place to place, but, in practice—since even the simplest transaction involved the element of time—even a bill payable at sight was necessarily an instrument of credit.⁹

Since credit was such an important factor in the financial foundations of English agriculture, industry, and foreign trade, it was also part of the finan-

⁷Select Charters, pp. 4-15; Scott, I, 39-41; II, 384; Tawney, Introduction to A Discourse Upon Usury, pp. 50-52.

⁸Tudor Economic Documents, III, 106-107; Burgon, I, 98-99; Tawney, Introduction to A Discourse Upon Usury, p. 67.

⁹Tawney, Introduction to A Discourse Upon Usury, pp. 68-72.

cial foundations of the English government. The government's ability to finance its operations, for example, rested not only on the credit relations of the people who paid its taxes, but also on its ability to secure credit on its own account.¹⁰

Thus, Privy Council interest in financial affairs was the product of two different, but interconnected, lines of credit development. The Council exhibited concern for the proper use of private credit¹¹ and it participated in credit operations for reasons of state. Under this latter heading, for example, the Council supervised the obtaining of government loans in foreign countries and prevailed upon the Mayor and Common Council of London to guarantee these loans in the name of the city.¹² The maintenance of Elizabeth's credit in those countries where loans were obtainable also constituted an important part of its financial function. The greater part of its work in this regard was connected with the financial and commercial operations of the Merchant Adventurers. It was partly because of this connection, for example, that the company acquired monopolistic privileges from Elizabeth's government.¹³

Privy Council use of the Merchant Adventurers to maintain and facilitate Elizabeth's credit in those countries where the company was established resulted from advice given the Queen and Council by Sir Thomas Gresham. Gresham ad-

¹⁰Frederick C. Diets, English Public Finance 1558-1641 (New York, [1932]), pp. 17, 26-27; Scott, I, 25, 27-30, 32-33, 52-53.

¹¹Tawney, Introduction to A Discourse Upon Usury, pp. 162-165.

¹²Acts of the Privy Council, VII, 35, 38, 101-102, 109-110, 110, 115, 131-132, 150, 151, 155, 204, 213, 217-218, 221-222, 255-256, 321, 340-341, 344-345; Cal. State Papers, Foreign, I, 13, 182.

¹³Uzwin, "Merchant Adventurers' Company," pp. 133-134, 150.

vocated that the Merchant Adventurers be compelled to pay the government's debts abroad from the receipts of their half-yearly shipments of cloth.¹⁴ After each half-yearly shipment of cloth to Flanders by the Merchant Adventurers, sterling rose in the Antwerp market as high as twenty-five Flemish shillings to the pound, since there was a keen demand for bills in England. The ordinary rate was lower and Gresham's plan included the idea that the government should profit by the margin. The Merchant Adventurers would pay the most pressing debts of the Queen in Flanders at the higher rate and would be reimbursed in London according to the lower rate. On a £30,000 loan, the government would save about £4,500 by the difference between the value of sterling in Flanders and in London at the times of borrowing and repayment.¹⁵

As mentioned before, the Merchant Adventurers did not willingly subscribe to this plan, for they were liable to lose heavily on the difference in exchange rates.¹⁶ In order to implement it, government pressure was necessary. When the Merchant Adventurers were about to transport their cloth overseas, an order was issued to stop the ships from sailing. As soon as the company agreed to the wishes of the government, this embargo was raised. Satisfaction of its credit demands was obtained for the government through its control of ship movements and foreign trade.¹⁷

¹⁴Sir Thomas Gresham to the Queen, 1558, in Burgon, I, 483-486; Sir Thomas Gresham to Sir William Cecil, March 1, 1559, in Burgon, I, 257-262. See also Tudor Economic Documents, II, 153-154.

¹⁵Sir Thomas Gresham to Sir William Cecil, March 1, 1559, in Burgon, I, 260-261; Tawney, Introduction to A Discourse Upon Usury, pp. 84-85.

¹⁶Scott, I, 26.

¹⁷Cal. State Papers, Domestic, I, 161; Scott, I, 26.

This operation was used mainly to settle debts outstanding in Flanders. At various times, however, during the first twenty years of Elizabeth's reign, needed money could not be raised in the Low Countries.¹⁸ When this situation occurred, the Privy Council supervised attempts to tap other money markets on the continent and sought loans from the Queen's subjects.¹⁹ During the crisis of 1569-1570, for example, as well as during the winter of 1575-1576, great efforts were made to obtain a loan in Germany,²⁰ and in 1563 letters of privy seal were issued to various people requiring them to loan the government £100 each.²¹ On production of privy seals issued in Queen Mary's time "of meaner sums," this £100 was scaled down by the subtraction of the advance already made.²²

In 1569, this device was again employed by the Council to raise money. During March and April, letters were sent to persons appointed as collectors requiring them to obtain a loan on privy seals from designated people. Repayment was promised in November of 1571.²³

There seems to have been a good deal of opposition to this particular loan. Thomas Gawdy, Esq., of Norwich, for example, petitioned to be excused

¹⁸Sir Thomas Gresham to Sir William Cecil, September 8, 1566, in Burgon, II, 158; Diets, p. 26; Richard Ehrenberg, Das Zeitalter der Fugger. Geldkapital und Creditverkehr im 16. Jahrhundert (Jena, 1896), II, 186.

¹⁹Cal. State Papers, Domestic, I, 182, 184, 394, 406, 415, 505; Cal. State Papers, Foreign, II, 514-518.

²⁰Diets, pp. 26-27, 38.

²¹Sir William Cecil to Sir Thomas Smith, November 19, 1562, in Queen Elizabeth and Her Times, I, 109; Diets, p. 17.

²²Diets, p. 17.

²³Ibid., p. 25.

from lending 100 marks because he had lent Queen Mary £10 which had not been repaid, because he was heavily in debt as a result of building, and because he supported a wife and many children. Moreover, he maintained that he had received nothing from his ancestors and since he was not "any great meddler in the trade of law" he could not enhance his financial position in that fashion.²⁴ The Cinque Ports also were vigorous in their efforts to get out of the loan. In 1563 they had protested to the Council that their charters exempted them from forced loans assessed in accordance with letters of Privy seal²⁵ and in 1569 they protested again.²⁶ This time, moreover, evidence indicates that their position was supported by legal opinion.²⁷ At first the Council refused to dispense the Cinque Ports from having to give the money required of them. The representatives of the ports were commanded to appear before the Council to explain their position and after their appearance they were ordered to go home and pay the money or present proof of their inability to do so.²⁸ On January 31, 1571, however, an order-in-council was issued at last discharging the inhabitants of the Cinque Ports from the loan, since it violated the rights granted them by their ancient charters.²⁹

In the counties, refusal to pay had the effect of provoking an investiga-

²⁴Great Britain, Historical Manuscripts Commission, 10th Report, Appendix, Part II, Report on the Manuscripts of the Family of Gawdy, Formerly of Norfolk (London, 1885), p. 5.

²⁵Cal. State Papers, Domestic, I, 224.

²⁶Diets, p. 25.

²⁷Cal. State Papers, Domestic, I, 384, 407.

²⁸Acts of the Privy Council, VII, 405.

²⁹Cal. State Papers, Domestic, I, 406; Diets, p. 25.

tion to the true estate of those that refused. On June 5, 1570, for example, the Council ordered an investigation to be made of the economic position of "William Wheleley, being appointed to lend the summe of C^{li}, hath exhibited a bill . . . alledging divers debtes by him owing, and thereby his insufficiencie to fend the money required at his handes, offering nevertheless to lend the summe of l^{li}" ³⁰ On November 13, the Council wrote to "Mr. Wilbrame, Recorder of London," to investigate the case of "one John Godderd of Shawford" who had been asked to lend the sum of £50. Godderd had petitioned the Council to have this amount reduced, "alledging his inhabilitie to performe the same by reason that he hath paid for a sonne of his for whose trouthe he stode bound unto the Lady Champion in the somme of C^{li}, and unto a woman in the same house, whom he had abused, in the summe of lx^{li}." In order to get to the truth of the matter, the Council ordered Wilbrame "to repaier unto the said Ladye Champyon and to know of her whether the said Godderd had paid any suche money, and yf he so dyd, wherefore the same was paid, to whom and at what tyme, and of that he shall have learnid herein to signifye with speede." ³¹ Other letters excusing persons from having to pay the sum required of them or ordering immediate payment unless further proof and an appearance before the Council indicated that a designated lender should be excused, indicate the Council's determination to get as much money as possible from this loan in the fairest way. ³² At one point, a man was even imprisoned because he "hath neither made payment thereof nor yet used himself in such sorte as shuld have besetid him" and was allowed

³⁰Acts of the Privy Council, VII, 361.

³¹Ibid., 400-401.

³²Acts of the Privy Council, VII, 366, 400-401, 403, 403-404, 407-408.

to remain imprisoned "for a good space" In this case, however, the Lords also ordered an investigation of the prisoner's contention that he was unable to pay the £50 required of him.³³

At the same time that it dealt with protests and requests for reductions, the Council urged its collectors to send up the names of men able to afford a loan which were omitted from the original lists sent to them. Apparently, some of the collectors took this admonition seriously and forwarded the names of those able to lend from £20 upwards. The Council replied to these collectors that it did not mean that any persons should be dealt with "for so mean sums" and ordered the collectors to confine their attention to men able to lend at least £50.³⁴ Moreover, in September of 1570, the Council attempted to find out how much money had been raised in this fashion. It wrote to its collectors asking them how many Privy Seals they had received since the first sending, to whom they had been directed, and what sums of money had been collected. In an effort to retain control of the money thus raised, the Council also ordered the collectors to report into whose hands the money was paid over, and what amount of loan money, if any, the collectors still retained. If any collector still had loan money in his possession, he was ordered to turn it in immediately.³⁵

Foreign loans and forced loans, however, were not the only connections the Council had with the credit operations of the Queen's government. In order to lessen the government's need for loans it supported the efforts of the Lord

³³Ibid., 404.

³⁴Diets, p. 25.

³⁵Acts of the Privy Council, VIII, 388. See also Cal. State Papers, Domestic, I, 396.

Treasurer to improve the normal peace-time revenues³⁶ and it upheld such things as patents granted for the main purpose of obtaining money.³⁷ During the last weeks of 1558, for example, various committees of the Council seem to have been appointed to study the navy, the land grants of Mary's reign, the household and wardrobe expenditures, the "state of the customs and what is meet to be reformed therein presently and what in a Parliament,"³⁸ the yearly revenue in lands and customs, the charges issuing out of the same, the debts owing by the crown, and the debts due to the crown.³⁹ In subsequent years it approved plans for the simplification and unification of crown lands and for stricter control of the customs in order to improve the revenue derived from these sources.⁴⁰ On either June 17 or 18, 1571, for instance, it wrote to the Archbishop of York telling him that a commission had been granted to search out concealed religious lands that should have come to the Queen, and ordering him to support the activities of this commission.⁴¹ Other letters to customs officials in various ports, as well as other evidence, testify to the Council's concern for the im-

³⁶Diets, pp. 19-21.

³⁷William Hyde Price, The English Patents of Monopoly (New York, 1906), pp. 14-16.

³⁸Diets, pp. 19-20.

³⁹Acts of the Privy Council, VII, 27-28; Cal. State Papers, Domestic, I, 119; Diets, 19-20.

⁴⁰1 Elis., c. 11, Statutes of the Realm, IV, pt. I, 372-374; Acts of the Privy Council, VII, 26-27, 102; Cal. State Papers, Domestic, I, 316; Diets, pp. 20-21; J. E. Neale, Elizabeth I and Her Parliaments 1559-1581 (London, 1953), pp. 73-74; A. P. Newton, "The Establishment of the Great Farm of the English Customs," Transactions of the Royal Historical Society, 4th Series, I (London, 1918), 129-155; Ramsay, p. 175, 185-189.

⁴¹Acts of the Privy Council, VIII, 30-31.

plementation and strict accounting of all customs charges.⁴²

In previous chapters, mention was made of the Council's role regarding patents.⁴³ Patents, however, were not only granted to make exceptions, or to help establish a new industry on English soil, or to define a foreign trade monopoly. They were also issued to get an established trade into the hands of a favored individual in order to benefit financially both him and the crown. Whatever financial considerations might have played a part in the granting and execution of patents of the regulatory type, patents were also granted for the paramount purpose of securing financial advantage both for the crown and the favored grantees, who divided their profits with the Queen by the payment of rents.⁴⁴ As in the case of patents of the regulatory type, the Council also undertook to enforce patents mainly concerned with the production of revenue.

Thus, on December 21, 1578, the Council wrote to the Mayor of Exeter ordering him to bond "John Hoyle and Thomas Walker, . . . together with John Hoyle, their servante" for an appearance before the Council regarding a matter of violence committed against "Thomas Page deputed for the execution of her Majesties Letters Patentes" granted for the sole importation of playing cards. Furthermore, the Mayor was to order these culprits to travel to London in company with the bearer of the Letter, "one of the Messengers of her Majesties Chamber," so that "no delays be used for the deferring of their said appar-

⁴²Acts of the Privy Council, VII, 13; Cal. State Papers, Domestic, I, 117, 119, 139, 150, 159, 161, 167, 182, 186, 187, 188, 190, 190, 230, 245, 278, 285, 298, 299, 307, 310, 314, 315, 318, 325, 378, 382, 391, 397, 398, 401, 498; Cal. State Papers, Foreign, I, 311-312; Cal. State Papers, Simancas, I, 77; Rye and Hereford MSS., p. 47; Salisbury MSS., I, 244; II, 23-24.

⁴³See pp. 44, 55-57, 68, 86.

⁴⁴Acts of the Privy Council, VII, 25; X, 434; Price, pp. 14-15.

ance.⁴⁵ Previous to this, the Council had ordered the appearance of a former Mayor of Cambridge who was accused of committing a similar offense while discharging his mayoralty duties.⁴⁶

The reason behind the Privy Council's efforts to uphold this playing card import monopoly is revealed in a letter written by the Council to the Master of the Rolls in connection with another violation of the Queen's patent. In this letter, the Council states that a patent was granted to "Half Bowes and Thomas Beddingfields, esquires, Pentioners unto her Highnes," for the sole importation of playing cards in consideration of the fact that it would yield "one hundred markes" a year to the crown. However, one "John Acheley" of London violated the Queen's grant by making and selling cards before or without the permission of the patentees, "thereby the gentlemen are not onlie defrauded of their benefitts, but also her Majestie like to loose her rent growing therof by them." In this case, however, the Council hoped that some accommodation could be arranged "which their Lordships rather wishe by reason the said Acheley dothe by his cardmaking set manie personnes on worke" which would otherwise be idle.⁴⁷

In addition to supporting efforts aimed at improving the normal peace revenues of the crown and enforcing revenue patents, the Council also attempted to lessen the government's need for credit by strictly administering subsidies granted by Parliament. During the first twenty years of Elizabeth's reign, Parliament granted subsidies in 1559, in 1563, in 1566, in 1571, and in 1576.

⁴⁵Acts of the Privy Council, X, 431.

⁴⁶Ibid.

⁴⁷Acts of the Privy Council, X, 434-435.

Elizabeth placed considerable reliance upon these parliamentary grants and the Privy Council endeavored to enhance the Queen's credit position by virtue of them.⁴⁸

Thus, on April 17, 1563, the Council wrote to the Earl of Rutland, Lord President in the North, Sir Marmaduke Constable "and three others," giving them instructions regarding the collection of the subsidy granted that year in the East Riding of Yorkshire.⁴⁹ In this letter the Council boasted that no pressure had been put on Parliament regarding this grant and that it had been willingly given because the members of Parliament had perceived "that the charges of the defence of the realm must far surmount this their gift and contribution."⁵⁰ This attempt to entice the North on to what the Council represented as the parliamentary bandwagon apparently failed, however, for two months later the Council wrote to these same collectors again, complaining of delay and ordering immediate payment in the North of the 1563 subsidy.⁵¹

In 1566, the Privy Council again issued instructions for the collection of this form of tax. While insisting that the required sum be collected, it cautioned its collectors not to assess any man beyond the limit to which he could pay and still retain his economic position.⁵² As manager of the realm, the Council was interested in seeing that the Queen's subjects remained in a sound

⁴⁸Diets, pp. 16-17, 21-22, 24, 27, 44.

⁴⁹Rutland MSS., I, 84. See also G. D. Ramsay, ed., Two Sixteenth Century Taxation Lists 1545 and 1576 (Devises, Eng., 1954), App. II, pp. 161-162.

⁵⁰Rutland MSS., I, 84.

⁵¹Ibid., 89.

⁵²Acts of the Privy Council, VII, 321-322. Cf. Acts of the Privy Council, IX, 37.

economic condition so that they could continue to share in the financial burdens of the government.⁵³ Moreover, the Council considered petitions asking to be relieved of having to pay the subsidy.⁵⁴ As in the case of the forced loans, these petitions usually resulted in the Council's ordering an investigation to be made of the petitioners' economic status and the allowance of justifiable reductions. On February 12, 1566, for example, the Lord Mayor was ordered to investigate the case of one "Augustine de Nale, stranger" who claimed he was assessed more than his substance could bear. On the basis of this investigation, the Mayor was to "take order that he may be so mitigated and assessed in such reasonable sorte as his substance may in reason and conscience bere."⁵⁵

Permission to reduce the amount of money required of a person according to his economic status, however, did not mean that the Council was not interested in a swift and plentiful collection. On March 9, 1566, for instance, it wrote to its collectors that it was concerned lest the subsidy not be collected by April 1, and ordering them to adjust their work so that all the money would be collected by that date.⁵⁶ At a later date, it temporarily rejected a suit made to the Queen by the Spanish Ambassador that Spanish merchants resident in England, but only acting as factors for others, should not have to pay the subsidy. In this regard, the Council ordered the Lord Treasurer to give order that these

⁵³This was in accord with the ideas advanced by those contemporary writers who maintained that the strength of the ruler depended upon the economic well-being of his subjects.--"Howe to Reforme the Realme in Settyng them to Worke and to Restore Tillage," Drei volkswirtschaftliche Dankschriften, pp. 60-61; Discourse of the Common Weal, p. 35.

⁵⁴Acts of the Privy Council, VII, 236, 343.

⁵⁵Acts of the Privy Council, VII, 326-327.

⁵⁶Acts of the Privy Council, VII, 336.

merchants not be molested, but that no other favor be "used towards them then is shewed to the subjectes of this realme; and to call unto him the Governour of the Merchautes, and to understand his opinyon concerninge the same."⁵⁷ It would seem that the opinion of the "governour of the Merchautes" was stronger than the Council's determination, for two months later a warrant was issued discharging these merchants from having to pay the subsidy.⁵⁸

Despite the Privy Council's interested administration of this 1566 subsidy, the money raised from it was considerably below that raised from the earlier grants of the Queen's reign.⁵⁹ When motion for this subsidy was moved in the House, it was coupled with another motion for the reviving of the suit touching the declaration of a successor.⁶⁰ The succession, of course, was a matter forbidden to Parliament by the Queen, but it was of such vital interest to the Commons "that they fell upon it with the greatest avidity until ordered by the Queen's express command to abandon it."⁶¹ Even the Queen's command, however, failed to bring the house back to the matter of the subsidy, for the question was raised whether the Queen's prohibition violated Commons' freedom of debate. In order to quiet dissatisfaction and unrest, therefore, and possibly to hasten action on the subsidy bill, the rate of the subsidy was reduced by one-third, from four shillings in the pound on land to two shillings, eight pence, and

⁵⁷Acts of the Privy Council, VII, 343.

⁵⁸Cal. State Papers, Domestic, I, 294.

⁵⁹Diets, p. 24.

⁶⁰Neale, p. 137.

⁶¹Diets, p. 23.

from two shillings, eight pence on goods to one shilling, ten pence.⁶² In this form, the subsidy bill was passed.⁶³

In connection with the 1566 subsidy, the government had tried to depart from the time-honored principle that subsidies were war measures, and had suffered a tactical defeat. During the next five years, therefore, the crown was reluctant to turn to the Commons for help in the form of a subsidy. Instead, reliance was placed upon the surplus which had accumulated in the treasury during the years of comparative peace and good financial management, upon the levy of the 1569 forced loan, upon advances made by the merchants of London, and upon the income derived from such revenue-producing transactions as the sale of export licenses and other revenue-producing devices.⁶⁴

Furthermore, attempts were made to preserve the Queen's credit by meeting the expenses involved in the maintenance of such things as bridges and harbors through the exploitation of other sources of income. In 1567, for example, the Council issued a proclamation in behalf of a national lottery, "to the intent that such commodities as may chance to arrive thereof after the charges borne, may be converted towards the reparation of the Havens, and strength of the Realme, and towards such other publique good workes."⁶⁵ Moreover, the Council tried to finance the repair of Dover harbor in a similar way. After having been rebuilt by Henry VIII, Dover had fallen into great disrepair and decay.

⁶²Neale, pp. 152, 160-161.

⁶³8 Eliz., c. 18. Statutes of the Realm, IV, pt. I, 505-519.

⁶⁴Diets, pp. 24, 25-29.

⁶⁵Steele, Proclamations, I, 66. See also Cal. State Papers, Domestic, I, 312, 314, 323.

Since it was the best naval base on the Channel, it was a national concern that repairs should be made.⁶⁶ Soon after the accession of Elizabeth steps were taken toward its repair and after some wrangling over who was to pay for this repair,⁶⁷ the Council decided that the nation as a whole should meet the charges. As early as 1565, it wrote to the Lord Warden that it considered repairs to the harbor of Dover "to be a matter of such importance that it cannot well be brought to passe without some generall assistance of the whole realme, which is to be ordered at Parliament, beinge now at hande."⁶⁸ Perhaps because of the difficulties experienced by the government in connection with the 1566 subsidy, this intent seems not to have been realized and it was not until 1577 that the Council determined again to lay the burden of repairs upon the nation. At the same time, however, it wanted this burden to be imposed in a way that should be least grievous and burdensome to all subjects. After long deliberation, the Council decided that it would "find no better means" than by "some small fine to be presently set, by way of license, upon all ale-houses, inns and taverns throughout this realm."⁶⁹

Accordingly, letters were sent "into all the shieres throughout the realme to inquire what number of innes, tavernes and alehouses are in every shiere, for a taxation to be laide upon them towards the repaying of the de-

⁶⁶Acts of the Privy Council, VII, 70, 82, 310-311; Diets, p. 45.

⁶⁷Acts of the Privy Council, VII, 206.

⁶⁸Acts of the Privy Council, VII, 310, 311.

⁶⁹Diets, p. 45.

caied haven of Dover."⁷⁰ This census was taken,⁷¹ but nothing further was done by the Council until 1580, when it ordered the Justices of the Peace to call in all old licenses for the keeping of ale-houses and to levy a fine of two shillings and six pence for every new license. During this interval, plans were also advanced for the taxation of Catholic recusants as a means of paying for the repairs to Dover haven, as well as other projects, but these plans were not brought to fruition until later.⁷²

This attitude of the Council toward the renovation of Dover's harbor, however, was not extended in its entirety to other public works projects. In general, the Council relied upon local funds to finance such things as the repair of bridges, piers and port facilities. It allowed its authority to be used in the solicitation of these funds, but it was reluctant to commit the government to any new extraordinary expenses. In 1573, for example, Yarmouth asked the Council to advance money toward the repair of its harbor. The Council accordingly dispatched some men to view the harbor, ascertain what repairs had already been completed, what was yet to be done, and how much money had already been spent, "to thintent that upon thinhabitantes sute they may appon the particular knowledge thereof deale with the Quenes Majestie for sum relief thereto."⁷³ The relief that the Council secured for Yarmouth, however, con-

⁷⁰Acts of the Privy Council, IX, 386. See also William Fletewood to Lord Burghley, July 30, 1577, in Queen Elizabeth and Her Times, II, 64.

⁷¹Cal. State Papers, Domestic, I, 480, 555, 557, 558, 562-566, 568, 570, 572, 581; Diets, p. 45.

⁷²Diets, pp. 45-47.

⁷³Acts of the Privy Council, VIII, 99.

sisted mainly of an export license for corn⁷⁴ and its support relative to the raising of money in Norfolk, Suffolk, and the town of Norwich. On May 24, 1573, for example, the Council wrote letters to the Sheriffs and Justices of the Peace in Norfolk and Suffolk, to the Bishop of Norwich, to the Mayor and Aldermen of Norwich, and to the Justices of Assize of the district asking them to procure contributions for the repair of Yarmouth's haven.⁷⁵ That the Council was serious in its support for this project is indicated by a later letter it sent to the Justices of the Peace in Suffolk calling them to task because Suffolk had as yet not made any Yarmouth contributions. In this letter the Council stated that it hoped Suffolk would not be "inferior" to Norfolk regarding the renovation of Yarmouth's haven, a project worthwhile and "beneficial for their country."⁷⁶ It cannot be doubted that the Council intended that Suffolk should make some contribution in accordance with the Council's request.

This method of financing needed projects was also adopted by the Council in other instances. In 1574, certain inhabitants of Devon and Somerset conceived the idea of "the making and repayings of a haven at Seaton in the countie of Devon." They transmitted their idea to the Council along with a request for a "licence under the Grete Seale together the voluntarise devocion of her Majesties subjects throughout the realme." Accordingly, the Council instructed the Lord Keeper "to consider of their devyse, and to alter andd adde what he shall thinke mete for the due gathering of the money and themployment thereof

⁷⁴Acts of the Privy Council, I, 96; W. Cunningham, The Growth of English Industry and Commerce (Cambridge, Eng., 1921-1925), II, 66. See also Cal. State Papers, Domestic, I, 517.

⁷⁵Acts of the Privy Council, VIII, 106.

⁷⁶Acts of the Privy Council, VIII, 194.

to the purpose intended."⁷⁷ The Lord Keeper in turn conferred with the Attorney General and Solicitor General in order to "drawe such a Bill, as the same being signed by her Majestie may be sufficient and convenient for this purpose and reasonable for her Majestie to graunte."⁷⁸

In other instances, however, the Council was not so accommodating. It refused to allow contributions to be raised outside of a particular area if it thought that the inhabitants of that area might have enough money to finance the project themselves or if it seemed wise not to go beyond established arrangements.⁷⁹ Thus, when the town of Scarborough asked for help in the financing of repairs to "their decayed piere," the Council asked the Archbishop of York first "to conferre with them of their own estates and habilities" and then to report "yf any side may be from the Quenes Majestie without direct charge."⁸⁰ On August 22, 1565, it wrote to the Justices of the Peace in Huntingdon that it could not sanction the gathering of a "benyvolence of the counties of Huntingdon, Cambridge and Bedforde" and the purveyance of "stone, tymber, carriages, workemen and other necessaries" for the repair of a bridge. The Council told these Justices that their request could not be granted, "for that there is a Statute that lymteth how that and all other decayed bridges through out the realme are to be repayred, which Statute they are willed to consider and put in execution, the order and aucthoryte whereof their Lordships can in no wyse gyve their consentes to have broken, lest other places of the realme . . . see to

⁷⁷Acts of the Privy Council, VIII, 323-324.

⁷⁸Ibid., 325.

⁷⁹Acts of the Privy Council, VII, 167-168, 248-249.

⁸⁰Acts of the Privy Council, VII, 167.

have the like relief by extraordinary means."⁸¹ It is interesting to note, however, that in later years the Council did allow "extraordinary means" to be used relative to the financing of bridge (and road) repairs.⁸²

The obtaining of loans, however, plus support for plans and devices to lessen the government's dependence upon loans, did not constitute all of the Privy Council's financial functions. It also participated in attempts to maintain the Queen's credit through the reformation of the coinage and the control of foreign exchange transactions.

Thus, the Council used its power and influence in behalf of an orderly displacement of debased money by a restored coinage during 1560-1561. Its functions in this regard were mainly regulatory.⁸³ Furthermore, it ordered its agents to suppress rumors of new debasements⁸⁴ and it exhibited diligence and care regarding the apprehension and punishment of counterfeiters.

In 1559, for example, it ordered that two counterfeiters lodged in the Tower were to be examined and made to tell the names of their accomplices.⁸⁵ On January 27, 1564, the Duke of Bedford was informed that no mercy was to be accorded some captured counterfeiters, even though the Duke might want to extend such mercy. These counterfeiters were to be interrogated for information and, by implication, torture was to be used if necessary to secure the desired

⁸¹Acts of the Privy Council, VII, 248-249.

⁸²Acts of the Privy Council, IX, 17, 103-104, 117, 120, 131, 135, 150. See also Acts of the Privy Council, VIII, 289-290.

⁸³Cal. State Papers, Domestic, I, 159, 164, 170; Rutland MSS., I, 73. See also Salisbury MSS., I, 151.

⁸⁴Acts of the Privy Council, VII, 378; Cal. State Papers, Domestic, I, 193, 194; Shrewsbury and Coventry MSS., p. 50.

⁸⁵Acts of the Privy Council, VII, 92, 97.

information from them.⁸⁶ Moreover, the Council requested its agents to act against these counterfeiters so that "their poonyshment maybe a terroure to others of like lewde disposicion."⁸⁷

Other cases of counterfeiting also received the Council's careful attention. In December of 1573, the Attorney General was asked to consider the case of some counterfeiters taken at Oxford.⁸⁸ The next day the Council issued a commission of oyer and terminer⁸⁹ to the Mayor of Oxford so that he could determine the case. In this instance, the Council also requested that the relative examination documents were to be returned to it with one piece of the false coin as evidence.⁹⁰ On December 26, 1573, the Council ordered the Sheriff of Wiltshire "to apprehend one Fraunces Browninge, gentlemen, and send him up hither under ever garde, being suspected of false coyninge."⁹¹ In subsequent letters the Council ordered its agents to apprehend, examine, and present for trial before the Justices of Assise, persons connected with the practice of falsifying the Queen's coin.⁹² Sometimes if a counterfeiter indicated a will-

⁸⁶Acts of the Privy Council, VII, 185-186.

⁸⁷Acts of the Privy Council, VII, 191.

⁸⁸Acts of the Privy Council, VIII, 167.

⁸⁹"This was a commission addressed to certain of the king's justices and others directing them or any two or three of them to enquire concerning certain crimes committed in certain counties 'eaque omnia audiendum et terminandum.' The commissions might be either general, to enquire into all crimes committed within the area of the commission; or special, to enquire into a particular case, or in a particular place, or into certain specified crimes."--Holdsworth, I, 274.

⁹⁰Acts of the Privy Council, VIII, 167-169.

⁹¹Ibid., 173.

⁹²Acts of the Privy Council, VIII, 178, 250, 261, 283, 311, 344, 361, 398.

ingness to talk in order to save himself, the Council requested that he be delivered into their hands for judgment. In one instance, this change of venue saved a counterfeiter from the consequence of his crime. On May 31, 1574, the Council ordered a counterfeiter who wanted to save himself to be sent before it under guard.⁹³ In June, 1574, this man was committed to the Marshalsea.⁹⁴ The next month, however, the culprit was discharged "for having voluntarily acknowledged his offence."⁹⁵

Attempts to maintain the government's credit by protecting the standard of its coinage had its counterpart in the Privy Council's endeavors to control the foreign exchange mechanism. From a very early date, the machinery which exchange transactions offered for the collection of customs, for insisting on the importation of bullion, and for restricting its export, had led the crown to exercise, in theory at least, control over them.⁹⁶ In Elizabeth's reign, these reasons were supplemented by the desire to keep light foreign coins out of circulation and to prevent undervalued English coins from being transported abroad,⁹⁷ to check the depreciation of sterling in foreign money markets, and to control a condition affecting the important question of prices. Moreover, since it was by exchange transactions that the government raised and paid its largest foreign loans, exchange control involved the whole problem of credit in

⁹³Acts of the Privy Council, VIII, 250.

⁹⁴Ibid., 251.

⁹⁵Cal. State Papers, Domestic, I, 482.

⁹⁶Tawney, Introduction to A Discourse Upon Usury, p. 136. See also Acts of the Privy Council, VII, 364; II, 262-263.

⁹⁷Acts of the Privy Council, VII, 82; VIII, 25-26.

a sensitive and complex form.⁹⁸

Domestic prices, for example, were thought to be raised by speculative exchange movements which artificially deflated the value of sterling in foreign countries.⁹⁹ During the reign of Edward VI, prices rose to such a point as to threaten the social order¹⁰⁰ and contemporary writers attributed the situation to a fall in the foreign value of sterling due to illegitimate speculation. England had a debased currency during this period, but even acute writers explicitly denied a direct connection between debasement and the price level.¹⁰¹ The government attempted to control the price level at this time by suspending private exchange business, but, as has been noted, this attempt failed.

The climax of this struggle was reached during the eighteenth year of Elizabeth's reign. By this time, however, the government exhibited an awareness that the value of sterling abroad was connected to its intrinsic domestic value through its concern for a correctly valued coinage. But as a debtor state, the greater part of whose loans were held abroad (at least to 1575),¹⁰² and as a heavy buyer of foreign munitions,¹⁰³ the government felt that it was

⁹⁸Tawney, Introduction to A Discourse Upon Usury, p. 137.

⁹⁹"Policies to reduce this Realme of England unto a prosperous Wealth and Estate" (Goldsmith's Library, MS. no. 10), cited in Tawney, Introduction to A Discourse Upon Usury, p. 145; "Memorandum Prepared For the Royal Commission On The Exchanges, 1564," Tudor Economic Documents, III, 347; William Lane to Sir William Cecil, January 8, 1551, in Tudor Economic Documents, II, 184. See also Heckscher, II, 238.

¹⁰⁰Tawney, Introduction to A Discourse Upon Usury, pp. 144-145.

¹⁰¹"Policies to reduce this Realme of England unto a prosperous Wealth and Estate" (Goldsmith's Library, MS. no. 10), cited in Tawney, Introduction to A Discourse Upon Usury, p. 145.

¹⁰²Diets, p. 27; Tawney, Introduction to A Discourse Upon Usury, p. 146.

¹⁰³See p. 206.

necessary for it to exercise some control over the movement of sterling in foreign money markets, beyond that of maintaining a stable mint per ratio. "The control of exchange transactions was regarded as a necessary element in the policy of deflation, the first step towards which had been the recoinage of 1560."¹⁰⁴

Thus, a proclamation was issued in 1559 temporarily suspending exchange business and in 1564 a Royal Commission was appointed to investigate the problem.¹⁰⁵ The memoranda submitted to this commission, as well as memoranda drawn up in connection with Parliamentary consideration of a usury bill in 1571, show that depreciation of sterling abroad was still considered to be the result of disreputable exchange transactions. A return to the policy of controlling exchange transactions seemed to be the only effective way of dealing with the problem.¹⁰⁶

In 1575, Elizabeth's government took the first step towards nationalising exchange transactions by the appointment of Lord Burghley as Royal Exchanger. Through this appointment, Burghley received the power to appoint exchange brokers, to grant licenses to merchants, and, in short, to conduct a banking business.¹⁰⁷ As a follow-up to Burghley's appointment, two proclamations were

¹⁰⁴Tawney, Introduction to A Discourse Upon Usury, pp. 146-147. See also Walter Scott, A Collection of Scarce and Valuable Tracts, On the Most Interesting and Entertaining Subjects: But Chiefly such as Relate to the History and Constitution of These Kingdoms. Selected from an Infinite Number in Print and Manuscript, in the Royal, Cotton, Siion, and Other Public as well as Private, Libraries; Particularly That of the Late Lord Somers. 2nd ed. (London, 1809-1815), I, 164.

¹⁰⁵Tudor Economic Documents, III, 346; Tawney, Introduction to A Discourse Upon Usury, p. 147.

¹⁰⁶Tudor Economic Documents, III, 346-359, 361-370.

¹⁰⁷Tawney, Introduction to A Discourse Upon Usury, p. 150.

issued in the following year placing the exchange business under control of the Council. The first proclamation ordered the existing statutes with regard to exchange business to be put in force. In the second proclamation, the Council promulgated a series of rules "for the government and order of the Eschange, that the same may be used and kept accordyng to the lawes and statutes of the Realme"108

These rules embodied the substance of previous suggestions.¹⁰⁹ After reciting that "by the laws and statutes of the realme no man ought to make anie exchange or rechange of money but such as her majesty shall authorise, or their lawfull deputies," notification was given of the appointment of two haberdashers and a grocer--"men well acquainted with the manner of exchanges and rechanges from and to the city of London and to and from forsaigne parte" as exchange agents of the Queen. Private exchange dealing by unauthorized persons was henceforth prohibited. Moreover, these regulations stipulated that monetary exchanges should be made "as near as possible may be and as times of trade may suffer" to par, and only "for the use of known marchauntes." A tax of one farthing in the noble, or in all three halfpence in the pound, was imposed upon each party to the transaction.¹¹⁰

Thus, suspension of private exchange business was intended to raise the value of sterling and thereby enhance the credit of the government and the country. But this particular attempt to make foreign exchange business a

¹⁰⁸Steele, Proclamations, I, 76.

¹⁰⁹The main lines of the policy adopted by the government were set forth in a memorandum prepared in 1571.--Tudor Economic Documents, III, 367-370.

¹¹⁰Steele, Proclamations, I, 76.

state monopoly aroused a great deal of opposition in London and seems to have been a complete failure.¹¹¹ The merchants, for example, refused to accept quietly the dictates of the Privy Council. Their opposition to the Council's rules was ostensibly concentrated on the proposal to tax exchange transactions, but, in reality, it was directed against any attempt to bring the money market under the control of the state.¹¹² The system of credit financing in foreign trade had grown to a position of independence and refused to bow meekly to Tudor paternal tutelage.

This opposition on the part of the merchants, however, was not received kindly. Lord Burghley took the trouble to secure a list of people who declined to obey "the new order for the exchange" and also a report on their "unlawful traffic."¹¹³ There are also some indications that there was a disposition among Privy Council members to treat the leaders of the opposition as disaffected persons. Notwithstanding this, it appears that the protests of the merchants produced the desired effect, and that the Council's proclamation was withdrawn.¹¹⁴

Exchange transactions, however, were only part of the general business of the money market. The financiers who dealt in bills of exchange also subscribed to government loans and held the mortgages of the gentry. In the first part of this chapter mention was made of the fact that Elisabethan economic re-

¹¹¹Tawney, Introduction to A Discourse Upon Usury, p. 151.

¹¹²Tudor Economic Documents, II, 169-173; Georg Schanz, Englische Handelspolitik gegen Ende des Mittelalters (Leipzig, 1881), II, 642-647.

¹¹³Salisbury MSS., II, 143.

¹¹⁴Tawney, Introduction to A Discourse Upon Usury, pp. 152-153.

lations rested upon a financial foundation and that within this foundation credit was noted for its ubiquity. Because of its position, credit oiled the economic wheels of England. But sometimes this oil could become so overpowering that it seemed to make these wheels slip instead of turn. When interest rates seemed to be prohibitively high, when bankruptcies increased, when foreclosures seemed to be prevalent, and when debtors appeared to fill the prisons, credit was considered to be a danger to the well-being of the state. Its ubiquitousness could be exploited by the discontented and was, therefore, a menace to public order.¹¹⁵

Excessive opportunity regarding credit financing of cloth exports in the 1550's, for example, was thought to have contributed to the spread of the cloth industry into rural areas, to "boom and bust" conditions within the industry, which complicated good government, to cut-throat competition in the field of foreign trade, which lowered the prices of English wares abroad, and to the rise in prices and interest rates, which constituted a danger to the solvency of both the government and private individuals.¹¹⁶ Moreover, this official opinion with reference to the ubiquitousness of credit at particular times received support from clerical elements who thought in terms of the religious condemnation of usurious practices.¹¹⁷ This attitude, however, was received by a somewhat divided public. The sentiment of even the most conservative classes

¹¹⁵Ibid., pp. 130, 150.

¹¹⁶Tawney, Introduction to A Discourse Upon Usury, pp. 130, 162. See also Scott, I, 53-54.

¹¹⁷R. H. Tawney, Religion and the Rise of Capitalism A Historical Study (Holland Memorial Lectures, 1922) (London, [1926]), pp. 150-193; Tawney, Introduction to A Discourse Upon Usury, pp. 131-132; Fisher, Econ. Hist. Rev., X, 100.

had no objection to the use of credit, provided that it was regular and the income derived from it reasonable. Besides, as we have noted, many people based their livelihood on the making of necessary credit arrangements. Within these arrangements, however, there was a wide range of credit transactions whose character was more ambiguous. These transactions were liable to be classes as usurious and, as such, receive the opprobrium of the general public.¹¹⁸

During the reign of Elizabeth, usury was still considered a scandalous vice and various methods were used to combat it. It was forbidden by law under stringent penalties, and proceedings were taken against the usurer.¹¹⁹ Protests were addressed to the Privy Council against people suspected of usurious practices.¹²⁰ Moreover, various projects were proposed for the lending of money at a low rate of interest on a national scale¹²¹ and local or corporate organizations actually did provide facilities for borrowing on reasonable terms. At the same time, an attempt was made to achieve the same result by private charity or through the administration of the Elizabethan poor relief system.¹²²

Confronted with this somewhat divided attitude, the government was torn by conflicting interests. Its necessities compelled it to court at least the large financiers, but both tradition and interest united it with the opposition

¹¹⁸Tawney, Introduction to A Discourse Upon Usury, p. 122.

¹¹⁹Cal. State Papers, Domestic, I, 490, 613; Tawney, Introduction to A Discourse Upon Usury, pp. 124-125.

¹²⁰Tawney, Introduction to A Discourse Upon Usury, p. 125.

¹²¹Cal. State Papers, Domestic, I, 402, 535; Tudor Economic Documents, III, 370-377; D'Ewes, p. 178.

¹²²Tawney, Introduction to A Discourse Upon Usury, pp. 125-128.

against the supposed usurious use of credit.¹²³ In this matter, it chose whenever possible to support restrictions against the spread of credit innovations by controlling the rate of interest that could be agreed to by both borrower and lender and by otherwise supervising the credit contract.¹²⁴

Thus, the Privy Council participated in attempts to enforce the laws against usury. Moreover, it tried to increase the practical effectiveness of the laws and to supplement their deficiencies. Its action in this regard was similar to that taken in controversies between landlords and tenants.¹²⁵ In 1576, for example, it appointed a very strong commission "for the hearing and ordering of the causes betwene certain prisoners remayning in her Majesties Bench for causes of debt or trespas betwene partie and partie." Because this commission "tended to the relief of sundry poore men that have fewe or none to sue for them," the commissioners were required "by some agreement amonge themselves some of them may appointe from tyme to tyme to sitt in the said Commission to examine the state of the cause, to call the parties before them and to take such order betwene them for the relief of the prisoners and satisfieng of the creditours as by the said Commission is appointed."¹²⁶ Moreover, the Council energetically supported the activities of this commission. It warned those "refusing contemptuously to appere before her Majesties Commissioners deputed to treat with the creditours of suche as remaine prisoners for debt in her

¹²³ Sir William Cecil to Sir Thomas Smith, February 27, 1564, in Queen Elizabeth and her Times, I, 126; Tawney, Introduction to A Discourse Upon Usury, p. 122.

¹²⁴ Tawney, Introduction to A Discourse Upon Usury, pp. 162-163.

¹²⁵ Ibid., p. 164.

¹²⁶ Acts of the Privy Council, X, 110.

Majesties Bench" that they had better "make their apparaunce at all tymes when they shalbe so required, and not to faile at their perill."¹²⁷ Furthermore, the Council took cognizance of cases in which the commission had failed to get the creditors to agree to a composition, "that thereupon their Lordships may deal therein according to equity and conscience."¹²⁸

In addition to helping those who were already prisoners for debt, the Council endeavored to prevent others from falling into that category. It issued orders in favor of men in economic difficulties that virtually prevented their creditors from proceeding against them.¹²⁹ On August 24, 1578, for instance, it issued the following: "A Protection for William Nutshawe of Sowthampton, marchant, that none of his creditours do molest or trouble or arrest his goodes, merchandises or suerties for viij monethes after the date hereof"¹³⁰ Furthermore, it made an effort to see that the laws against usury were enforced on the local level by local authorities.¹³¹ The administration of these laws became part of the regular routine of the Justices of the Peace and presentments were made at the Quarter Sessions.¹³² Moreover, the Council took cognizance of petitions complaining of irregularities in the handling of credit problems and it endeavored to exercise a moderating influence

¹²⁷ Ibid., 209.

¹²⁸ Acts of the Privy Council, X, 199, 209, 251, 255, 294, 318, 338, 388.

¹²⁹ Acts of the Privy Council, VIII, 128. See also Cal. State Papers, Domestic, I, 315.

¹³⁰ Acts of the Privy Council, X, 315.

¹³¹ Tawney, Introduction to A Discourse Upon Usury, pp. 162-163.

¹³² Tudor Economic Documents, II, 163-164.

between debtor and creditor by trying to arrange a compromise, sometimes by means of a specially appointed commission or arbitrator.¹³³

At the same time, the Council did not intend that debts contracted legitimately should not be paid. On November 11, 1564, for example, it ordered "the Mayor and Bailifes of Guideforde to stave cone Raphe Cleverleye, remaineng in wards there upon a condemnation of debt, untill they shall have advertised the Lordes and receive furdur order from them after the satisfaction of the debt."¹³⁴

Ten months earlier, the Council had ordered a debtor immediately to pay his debts because he "hath by indirect meanes shifted him self from the answering" of his debt, "so as no ordinary processe of laws can be executed upon him."¹³⁵

As late as November 16, 1578, the Council again took action against a debtor who was trying to get out of paying his debt seemingly for spurious reasons. In this instance, the difference in when a new year started between the Julian and Gregorian calendars seemed to be involved. The debt was dated July 15, 1577, and was due January 15, 1578. The Council, however, accepted the creditor's contention that the debt should have been paid according to the old calendar and directed that the debtor remain in prison until payment was made.¹³⁶

Despite its own use of credit, therefore, the Privy Council's financial policy was essentially a conservative one. Its actions were directed toward the restriction of credit and not toward a more prolific use of credit func-

¹³³Acts of the Privy Council, VIII, 128; Cal. State Papers, Domestic, I, 490; Tudor Economic Documents, II, 164-167.

¹³⁴Acts of the Privy Council, VII, 163.

¹³⁵Acts of the Privy Council, VII, 195. See also Acts of the Privy Council, VII, 47.

¹³⁶Acts of the Privy Council, X, 391-392.

tions and facilities. In the realm of public finance, for example, it approved efforts of such men as the Marquis of Winchester and Lord Burghley¹³⁷ to establish governmental operations on something of a pay-as-you-go basis.¹³⁸ Moreover, hope for the establishment of an operational capital fund was included in the support given by the Privy Council to such things as domestic prospecting and foreign adventuring.¹³⁹ At the same time, the Council attempted to help the Queen's subjects to establish their financial affairs on a stable basis. Because of its concern for order, and its interest in economic efficiency, the supervision of private credit transactions presented itself to the Council as analogous to the problem of enclosures, the maintenance of the food supply, the regulation of industry, the control of foreign trade, and other measures by which it attempted to check the disarrangement of customary economic relations. For reasons of state, credit had to be regulated.¹⁴⁰ But like its efforts in favor of the small cultivator, the Privy Council did not follow a comprehensive credit control plan; its efforts in this regard were, therefore, somewhat capricious and irregular.

¹³⁷The Marquis of Winchester held the position of Lord Treasurer from 1550 to 1572. Sir William Cecil, later Lord Burghley, held it from 1572 to 1598. Even during Winchester's period as Lord Treasurer, however, Cecil was active in the financial affairs of the Crown.--Diets, pp. 6, 32-35.

¹³⁸Diets, pp. 7-48.

¹³⁹The idea that a state had to have more money available than its neighbors in order to be powerful was strong at this time.--Diets, p. 28; Heckscher, II, 46-47.

¹⁴⁰Tawney, Introduction to A Discourse Upon Usury, p. 162.

CHAPTER VI

SOCIO-ECONOMIC COORDINATION

In previous sections of this study, mention was made of the Privy Council's efforts to restrict entry into some occupations and to prevent the extinction of others. It was also pointed out that the Council attempted to regulate the operations of some commercial organizations and to protect the quality of their products. In addition, a pervading motive behind Privy Council intervention in the economic relations of England was shown to be a concern for order.¹ As a corollary to this motive, the Council also endeavored to make sure that the economic order it wanted to see exist did not flounder because of generally unstable social conditions.

Thus, the Privy Council was very interested in the general problem of unemployment. Unemployment contributed to discontent which in turn produced riots and other manifestations of a disordered social situation. In the clothing industry, as has been noted, the Privy Council attempted to avoid this condition by requiring employers to retain their employees during times of depression. If they could not pay the wages of their employees out of current profits, these employers were expected to use the profits they had accumulated during

¹See pp. 12-16.

prosperous years.² In contrast to this attitude, the Privy Council also desired that all those able to work should accept a job or should otherwise connect themselves with some organization that could exercise supervision over them.³

According to law, for example, every English subject between the age of twelve and sixty, not having an independent economic position, was required to work either in agriculture, commerce, or industry. Anyone not holding a lawful position could be forced to work "uppon request made by anny person usinge the Arts or mystery, wherein the saide person so required hath beyne exercised," and his term of employment was usually set for a year. Moreover, mobility of labor was restricted by requiring workers to obtain a testimonial from the local authorities in their last place of employment which had to be presented to the authorities of the new area where they wanted to work. If a worker could not produce such a testimonial, the law ordained that he "shalbe imprysoned untill he procure a testymonyall . . . , the whiche if he cannot doo within the space of xxj dayes next after the first daye of his ymprysonment, then the sayde persone to be whipped and used as a vagabunde" Moreover, anyone

²Cal. State Papers, Domestic, I, 243; Salisbury MSS., II, 251; Pepys MSS., 58; E. Lipson, The Economic History of England, 5th ed. (London, 1929-1931), III, 300-305, 311.

³"Privy Council to London Aldermen, 20 June, 1569," in Frank Aydelotte, Elizabethan Rogues and Vagabonds, Oxford Historical and Literary Studies, Vol. I (Oxford, 1913), app. 6, p. 152; "The queen's council to the high sheriff of Yorkshire, and the justices of those parts," in John Strype, Annals of the Reformation and Establishment of Religion, and other various occurrences in the Church of England, During Queen Elizabeth's Happy Reign: Together With an Appendix of Original Papers of State, Records, and Letters (Oxford, 1824), I, pt. II, app. LIIII, pp. 554-558. See also Cal. State Papers, Domestic, I, 158; Strype, I, pt. II, 295-296.

hiring such a person had to forfeit five pounds for every such offense.⁴

The attitude of the law, therefore, came close to the belief that every English subject had an obligation to work or otherwise bring benefit to his community through the exercise of his talents.⁵ Moreover, it reflected the idea that this obligation should be fulfilled in a static way.⁶ Because of the importance agriculture played in this concept regarding the economic life of England, for example, the law even stipulated that "in the tyme of hey or corne harvest" the Justices of the Peace, "and also the cunstable or other hed officer of every towneshippe," upon request "and for thaveydinge of the losse of any corne, grayne or heye, shall and may cause all . . . artyficers and persons as be mete to labour . . . to serve by the daye for the mowinge reapinge . . . in-ning of corne, grayne and hey" Persons selected for this service could not refuse, "vpon paine to suffer ymprysonment in the stockes by the space of two daies and one nyght" ⁷ Moreover, in the various provisions made by local authorities to assist those who were willing to work but could not find jobs, this obligatory element is also evident.⁸ The borough of Lincoln, for instance, passed an ordinance in 1562 which stated that all workmen "and la-

⁴"The Statute of Artificers (5 Eliz. c. 4), 1563," Tudor Economic Documents, I, 339-342.

⁵Eli F. Heckscher, Mercantilism, trans. Mendel Shapiro (London, 1935), I, 228.

⁶Lipson, II, 391. See also Salisbury MSS., I, 162.

⁷"The Statute of Artificers (5 Eliz. c. 4), 1563," Tudor Economic Documents, I, 344.

⁸The Records of the City of Norwich, comp. and ed. William Hudson and John Cottingham Tingey (London, 1906), II, 343-358; Tudor Economic Documents, II, 316-336.

bourers out of work to stand every morning at Stonebow for one hour at the least, with their things they work withal, that those who lack workmen may find them; on pain of imprisonment."⁹ The actions of the Privy Council with regard to the question of manpower utilization reflected both the provisions of the national law and the ordinances of local communities. For one thing, it defended the idea that every Englishman should be made to work if he could by upholding the poor relief laws which embodied this principle.¹⁰ One indication of this approval can be gathered from its support for the establishment of workhouses for the unemployed.¹¹ Furthermore, in 1563, a man had to defend himself before the Privy Council against accusations that he had slandered existing poor relief practices. This man denied that he had said that the poor could be better provided for by committing them to the rich to be kept or by diverting the stream of extravagant spending to their use. He also felt it necessary to deny that he believed in a "community of things."¹²

At the same time that it upheld the poor relief laws, moreover, the Council used the principle of obligatory labor to levy workmen for military construction tasks.¹³ Its attitude in this regard was similar to its attitude re-

⁹Great Britain, Historical Manuscripts Commission, 14th Report, Appendix, Part VIII, The Manuscripts of Lincoln, Bury St. Edmunds, and Great Grimsby Corporations; and of the Deans and Chapters of Worcester and Lichfield, &c. (London, 1895), p. 54.

¹⁰14 Elis., c. 5; 18 Elis., c. 3, in Tudor Economic Documents, II, 328-331, 331-334; Acts of the Privy Council, IX, 247; E. M. Leonard, The Early History of English Poor Relief (Cambridge, Eng., 1900), pp. 92-94, 98-115; Lipson, III, 416-430.

¹¹Acts of the Privy Council, VIII, 328.

¹²Salisbury MSS., II, 63-64.

¹³Acts of the Privy Council, VII, 136, 137; VIII, 212, 375; Cal. State Papers

garding the impressment of sailors for the navy.¹⁴ If the situation required it, local communities had an obligation to provide workmen for tasks which the government felt had to be done and these workmen could not refuse to perform the services required of them.¹⁵ On March 19, 1574, for instance, the Council ordered the Justices of the Peace in Dorset to help "Thomas Leighton, esquier, Capten of her Majesties Isle of Garnesey" to impress six masons, twenty-four laborers, and two carpenters for service on the Queen's works in that island, "as heretofore in such like her Majesties workes hath been accustomed." It was also stipulated in this letter that Leighton was "to answer the conduct, transportation money and wages according to her Majesties usuall entertainment."¹⁶ Moreover, in May of 1575, the Justices in Dorset were again ordered to levy workmen in their county and "send them into thisle of Garnesey, to be there imployed in the Quenes Majesties workes and fortifications."¹⁷ Other letters indicate that workmen were obtained in this way for service on the fortifications at Berwick, in Ireland, and for military construction jobs connected with English expeditions to the continent.¹⁸ Furthermore, the number of

Foreign, I, 91, 96, 216, 218, 219, 225; II, 560; Great Britain, Historical Manuscripts Commission, 12th Report, Appendix, Part IX, The Manuscripts of The Duke of Beauford, K. G., The Earls of Donoughmore, and Others (London, 1891), p. 457; Salisbury MSS., I, 256; Shrewsbury and Coventry MSS., p. 50.

¹⁴Acts of the Privy Council, VII, 265.

¹⁵In this regard, complaint was even made of persons "taking up labourers by commission, and selling them at fairs for 10 groats and 2s. each."--Cal. State Papers, Domestic, I, 155.

¹⁶Acts of the Privy Council, VIII, 212.

¹⁷Ibid., 375.

¹⁸Cal. State Papers, Domestic, I, 120, 216, 218, 219, 225; Cal. State Papers, Foreign, I, 91, 96; II, 560; Beauford MSS., p. 457; Salisbury MSS., I, p. 256; Shrewsbury and Coventry MSS., p. 50.

workmen raised through impressment sometimes ran into the thousands, each county having to contribute a designated quota when such a large contingent was needed.¹⁹

Because of its concern for the possible results of unemployment and its support for the idea that everyone had an obligation to work, the Privy Council was particularly harsh toward persons who seemingly did not want to work or who otherwise refused to become part of an economic organization. Thus, it wrote many letters to its local agents ordering the apprehension and punishment of persons who appeared to be voluntary vagrants.²⁰ On August 8, 1562, for example, it wrote "to the Sherif and Justices of peax in the county of Oxon" to proceed "without delaye against the vagabondes naming themselves Egyptians, taken in that countye and comitted to Oxforde Castell, and to remove the rest remaining in Wallingforde Castell to Oxforde, so as they may receive their try-all togethther."²¹ In July of 1571, it sent a letter to the Council of the Marches, "enjoining that on 20 August, 12 September, and 12 October ensuing, from 7 o'cl. at night until 3 the next afternoon, strict watch be kept in the whole shire, for the apprehension of all rogues, vagabonds, and sturdy beggars," who, were to be "punished by stocking and sharp and severe whipping."²² More-

¹⁹Cal. State Papers, Domestic, I, 120, 216, 225.

²⁰Acts of the Privy Council, VII, 166; Aydelotte, pp. 4, 64-68; A. V. Judges, The Elizabethan Underworld A collection of Tudor and early Stuart tracts and ballads telling of the lives and misdoings of vagabonds, thieves, rogues and coseners, and giving some account of the operation of the criminal law (London, 1930), p. xi.

²¹Acts of the Privy Council, VII, 125.

²²Rye and Hereford MSS., p. 329. This order was one of a series that the Council issued between 1569 and 1572 in an attempt to synchronize searches for vagabonds throughout a whole county or groups of counties. In 1571, for exam-

over, on June 14, 1573, the Council ordered the "Justices of Assises of the Countie of Hereford" to arrest some "lewd persons calling themselves Egyptians" and to "trye and execute according to lawe the principall heddes and ringleaders for terror and example."²³ The rest were to be proceeded against as "rogues"²⁴ and sent home into their "cuntries" or otherwise used with "such moderacion as they shall thinke good."²⁵

These orders seem to have produced the desired results in the counties. There is a great deal of evidence to indicate that the Justices of the Peace, and other local officials, did make an effort to control the movement of "vagrant persones havinge no masters nor any certaintie howe or wherby to lyve."²⁶ Reports are plentiful, indicating that "watch and ward"²⁷ was kept and that captured vagabonds "were punyshed by stockinge, with sharpe and severe whippinge."²⁸ Sometimes these reports were combined with reports concerning the eating of meat on prohibited days and church attendance.²⁹ In one report,

ple, these searches affected at least eighteen counties and took place on agreed days at monthly intervals throughout the whole area concerned.--See Shrewsbury and Coventry MSS., pp. 50-51; Judges, Underworld, p. xi; Aydelotte, p. 4.

²³Acts of the Privy Council, VIII, 116.

²⁴For the legislative definition of this term see 14 Eliz., c. 5, Tudor Economic Documents, II, 328-329. See also Cal. State Papers, Domestic, I, 137, 139.

²⁵Acts of the Privy Council, VIII, 116.

²⁶"Privy Council to London Aldermen, 20 June, 1569," in Aydelotte, app. 6, p. 152.

²⁷Cal. State Papers, Domestic, I, 424.

²⁸Cal. State Papers, Domestic, I, 421. See also Cal. State Papers, Domestic, I, 138, 141, 334, 350, 353, 368, 418, 419, 420, 422-423, 424, 425, 426, 427, 428, 430; William Fletewood to Lord Burghley, August 8, 1575, in Queen Elizabeth and Her Times, II, 18-21.

²⁹Cal. State Papers, Domestic, I, 441, 442.

however, it was stated that "watch and ward had been made for rogues and vagabonds in Cirencester and the seven adjacent Hundreds," but that no suspected persons had been found.³⁰ Whether or not vagabonds were apprehended, it is evident that local authorities were ready to deal harshly with them. The boroughs of Lincoln and Salisbury, for example, each had ordinances specifying that all "vagabundes, extra-vagrantes, and idel persons"³¹ were to be driven away from their cities.³² In Gloucester, the town council even paid for "byrche to make rodde to beate the Egycoyans naked abowte the citie."³³

The term Egyptian, for vagabond, or vagrant, or idle person, of course, covered a multitude of sins. Some persons classed as such did not want to work, others chose to work in an unlawful manner, while some were forced into a wasteful existence by the economic pressures of the period.³⁴ What united these people and the terms used to designate them was the fact that they seemed to be unsupervised men, that they were unattached subjects.³⁵ To the Council, one of the benefits of obligatory employment and local responsibility regarding the problem of those not employed was its connotation of supervision.³⁶ This

³⁰Cal. State Papers, Domestic, I, 424.

³¹Great Britain, Historical Manuscripts Commission, Report on Manuscripts in Various Collections. Vol. IV. The Manuscripts of Bishop of Salisbury; Bishop of Exeter; Dean and Chapter of Exeter; Earl of Leicester; Sir William Clayton, Bart.; Major Money-Kyrle; F. H. T. Jervoise, Esq.; Glamham Hall; Corporations of Salisbury, Orford and Aldeburgh (Dublin, 1907), pp. 225-226.

³²Lincoln, Bury St. Edmunds, and Great Grimsby MSS., p. 64; Hist. MSS. Comm., Report on Manuscripts in Various Collections, IV, 225-226.

³³Beaufort MSS., p. 468.

³⁴Aydelotte, pp. 1-20; Judges, Underworld, pp. xiv-xxvi.

³⁵Aydelotte, pp. 3-20.

³⁶"Privy Council to London Aldermen, 20 June, 1569," in Aydelotte, app. 6, p. 152.

sort of supervision seemed highly desirable to these statesmen who were concerned for the preservation of law and order and for the maintenance of conditions which made law and order possible.

In this context, therefore, the Council also made great efforts to see that unemployed soldiers returned to the local areas from which they were levied and that refugees were settled in such a manner as to be capable of being supervised. In April of 1573, for example, the Sheriff of Kent was ordered to take steps to see that persons calling themselves soldiers were dispersed,³⁷ and on May 1 of the same year a general order was issued "to the Queen's Majesties officers of Quinboroughe, or els where" to command these soldiers, who had been ready to go to the Low Countries, to separate and go home "orels to be taken for vagabundes."³⁸ Moreover, on December 4, 1575, the Lord Keeper and the Lord Treasurer were ordered to suppress highway robberies and "numbers of tall men calling themselves discharged soldiers of Ireland" who were making trouble for "her Majesty's true subjects."³⁹

In order to maintain some sort of control over the influx of refugees into England during the first twenty years of Elizabeth's reign, the Privy Council followed a strict census system. Periodically, local authorities were ordered to take a census of the people in their areas, including foreigners, and on the basis of these reports, plus other information, the Privy Council made its decisions regarding alien settlement and deportation. On December 1, 1567, for example, the Spanish Ambassador reported that a census of London had been or-

³⁷Acts of the Privy Council, VIII, 100.

³⁸Ibid. See also Acts of the Privy Council, VIII, 134.

³⁹Salisbury MSS., II, 123.

dered and that this census had been conducted with much care.⁴⁰ Furthermore, he reported that its purpose had been "to learn who had come to this country since the beginning of the disturbance in Flanders, the numbers, rank and religion of such people and to make proper regulation with regard to them."⁴¹ On October 28, 1571, the Council also wrote to the "Mayor, Customer, Comptroller and Searcher of the town of Rye" ordering them to undertake a census. In this letter the Council indicated that it was concerned lest too many foreigners congregate in one place to the detriment of law and order in that place. At the same time, it showed an interest in getting rid of "unprofitable" immigrants, but Rye was not to deport any until after the Privy Council had been notified and had sent its approval.⁴²

In 1572, the Council ordered this resident census procedure to be supplemented by a census taken at the ports of those entering England as refugees. This port census was to be reported to the Council "every foretene daies or oftener if the numbers do encrease." By this time it was apparent to the Council that many people were fleeing into England since the "universall murders violently committed" in Paris and Flanders and although "common and Christian Charitie" indicated that they should be welcomed, prudence dictated that an account should be kept of those entering the realm.⁴³

Information furnished by the census takers moved the Council to act in either of two general ways. If an alien seemed incapable of supervision, ac-

⁴⁰Cal. State Papers, Simancas, I, 685.

⁴¹Ibid., 686.

⁴²Rye and Hereford MSS., pp. 4-5.

⁴³Rye and Hereford MSS., pp. 21-22.

tion was taken to get him out of England. Other aliens who were not adverse to supervision and who could contribute something to the economic well-being of the realm, were settled in areas where their economic skills could be utilized or they were separated so that their numbers would not constitute a danger to the peace and order of the state.⁴⁴

Thus, in 1574, the Council directed the Lord Mayor of London and "other of her Majesties officers within the Liberties adjoyninge" to command those foreigners not belonging to a church, "nor registered in any boke," to leave England. A time limit was to be set for their departure and they were not to be allowed to join a church just in order to stay on English soil.⁴⁵ On November 8 of the same year, the Council informed some refugees that they could not move to Lynn from Norwich, "but if they will remaine where they be and conforme them selves to order, her Majestie is pleased to suffer them yf not they may departe the realme and have pasport accordinglye."⁴⁶ Moreover, in 1577, the Council took action against those who were evading its census control by having themselves smuggled into England.⁴⁷ Anything that smacked of an unwillingness on the part of refugees to be orderly incurred the Council's displeasure.

Those aliens who were willing to indicate their orderliness through conformity to supervision did not have to fear the Council's wrath. The only problem that had to be handled by the Council with regard to them was to determine where and in what manner this supervision was to be exercised. In making

⁴⁴Acts of the Privy Council, VIII, 135.

⁴⁵Acts of the Privy Council, VIII, 198.

⁴⁶Ibid., 311.

⁴⁷Rye and Hereford MSS., p. 56.

decisions of this sort, the Council considered the economic needs of various localities within England as well as the question of order.

In 1570, for example, some Flemish refugees were allowed to settle at Rye in consideration of the fact that they would be beneficial to the town.⁴⁸ Six years later the Council approved the movement of some foreigners from Colchester to Halstead in Essex for a similar economic reason.⁴⁹ Previous to this, the Council had supervised a transfer of some foreigners from Sandwich to Canterbury for the benefit of both order and English economic welfare.⁵⁰ On October 26, 1574, the Council wrote to the Lord Warden of the Cinque Ports that information received by it indicated that too many foreigners had settled in Sandwich. The Lord Warden was to make inquiries and if there actually was an "overplus," some foreigners were to be removed to convenient places more remote from the sea coast. Furthermore, the Lord Warden was to "further admonishe the hed officers there to have a dewe regard to the observancion thereof, that no abuse be comitted."⁵¹

In answer to this order, the Lord Warden recommended that some Walloons be transported inland to Canterbury, but that all of the Dutch settlers in Sandwich be allowed to remain there. On February 6, 1575, the Council told the Lord Warden that his recommendation with regard to the Walloons was acceptable

⁴⁸Acts of the Privy Council, VII, 380.

⁴⁹Cal. State Papers, Domestic, I, 525, 575.

⁵⁰A limited number of these foreigners had been given permission in 1561 to settle in Sandwich chiefly because of the economic help they could bring to the town.--Cal. State Papers, Domestic, I, 179; William Boys, Collections for an History of Sandwich in Kent with Notices of the other Cinque Ports and Members, and of Richborough (Canterbury, 1792), app. G, p. 740.

⁵¹Acts of the Privy Council, VIII, 306.

and that they had written to the Dean and Chapter of Canterbury, as well as to the Mayor, asking them "what roome they might have to receave them by Esther or Midsomer next, and at prices, and upon retorne of their aunswer" the Council would inform the Lord Warden what he should tell the Walloons. As for the Dutch, the Council rejected the Lord Warden's suggestion that they should all be allowed to remain in Sandwich. The Dutch were to reduce the number of their families in Sandwich or go elsewhere by midsummer.⁵²

By February 20, the Council had received a favorable answer from Canterbury, for on that day they ordered the Lord Warden to transport a hundred Walloon families to that town "by Midsomer Daye." Moreover, the Lord Warden was "to have regarde" that the ones he picked to go "not be of the meanest sort; but choise . . . suche as be makers of Bayes, grograines, etc."⁵³ It is not clear what happened to the Dutch, but an indication of the dilemma that must have confronted them can be gathered from a letter written to the Lord Warden by the Mayor "and Jurats" of Rye with respect to a similar situation faced by some French refugees. These refugees had been ordered in 1575 to "avoide the towne by midsomer next" and they did not know what to do. They were loath to go home, but there seemed to be no other place where they could go. In the meantime, the time set for their departure was drawing near. Rye took pity on them and informed the Lord Warden that "though we could very well spare them, yet what your Honor shall thinke well of concerninge their departure or above we shall for our partes leike well of also."⁵⁴ Because of its responsibility for

⁵²Acts of the Privy Council, VIII, 336-337.

⁵³Acts of the Privy Council, VIII, 346.

⁵⁴Rye and Hereford MSS., p. 42.

the maintenance of conditions which made law and order possible, the Privy Council felt that it could not always assume such an accommodating position.

It is interesting to note, moreover, that the Council did not relinquish its responsibility for the proper settlement of aliens in England even after it had divided them into what it considered to be safer and more manageable units. The agreements that these safer and more manageable units made with the local authorities in the places where they had to settle were often worked out by Council members and usually had to be approved by the Council before they could be put into effect.⁵⁵ More often than not, these agreements included stipulations that the foreigners were to use the poor and idle able-bodied workers of the town in the clothing operations.⁵⁶ As a matter of fact, the hope that the settlement of foreigners, who knew how to manufacture the "new draperies"⁵⁷ would rejuvenate the economic life of a particular area prompted many a town to invite them or to petition the Privy Council that they be ordered to settle within the petitioning town.⁵⁸ But foreign workers were not always welcome in some localities, for they seemed to constitute a threat to the economic endeavors.⁵⁹ The Council felt it necessary, therefore, to supervise formal agreements between local authorities and immigrant settlers in order to avoid trouble that

⁵⁵Cal. State Papers, Domestic, I, 410; Cunningham, II, 82-83.

⁵⁶Records of Norwich, II, 332.

⁵⁷The goods introduced into England during Elizabeth's reign by weavers from the continent are usually called by this term.

⁵⁸Lincoln, Bury St. Edmunds, Great Grimsby MSS., p. 61; Records of Norwich, II, 332. See also Tudor Economic Documents, I, 315-316.

⁵⁹Cal. State Papers, Domestic, I, 424, 447, 496; Tudor Economic Documents, I, 309-310.

could be caused by unconciliated economic differences or local prejudice.⁶⁰

In line with the supervision of working contracts between aliens and local communities, and as part of its attitude toward English labor, the Privy Council also participated in the regulation of employment conditions and wages relative to native workers. For example, evidence indicates that the Council knew some local industries paid wages that were below reasonable levels.⁶¹ Furthermore, it is reasonable to hold that the Council was as eager to have local authorities participate in the fixing of adequate wages as it was to have them enforce statutory apprenticeship regulations.⁶² As has been noted before, the Council was determined to protect the poorer sort by keeping down the prices of grain, bread, ale, and beer, but many members also wanted to protect the English laborer through the establishment of reasonable wage-rates.⁶³

In 1563, therefore, the government supported Parliamentary passage of the Statute of Apprentices, by which the statutory limit on wages contained in previous acts dealing with labor was abrogated.⁶⁴ Under the new law, the Justices

⁶⁰ Cal. State Papers, Domestic, I, 410; Cunningham, pp. 82-83; Philip Morant, The History and Antiquities of the County of Essex Compiled from the Best and Most Ancient Historians; From Domesday-Book, Inquisitiones Post Mortem, and other, the most Valuable Records and MSS., &c. (London, 1763), I, 75.

⁶¹ A. E. Bland, P. A. Brown, and R. H. Tawney, eds., English Economic History Select Documents (London, 1930), p. 337; Lipson, II, 49.

⁶² John U. Nef, Industry and Government In France and England, 1540-1640 (Ithaca, [1957]), pp. 47-48.

⁶³ Nef, Industry and Government, pp. 47-48. In 1560 the Justices of the Peace in Northamptonshire and in 1561 the Justices of the Peace in Buckinghamshire framed schedules of wages higher than the statutory rates in accordance with a special directive from the Queen. These schedules were sent to Sir William Cecil.--Tudor Economic Documents, I, 334-338; Lipson, III, 252-253.

⁶⁴ "The Statute of Artificers (5 Elis. c. 4), 1563," Tudor Economic Documents, I, 338-339.

of the Peace were to call "unto them suche discrete and grate persons of the said Corporate as they shall thinke mete" in order to confer with them "respectyng the plentie or scarcity of the tyme and other circumstances, necessarily to be considered." After a conference of this sort, the Justices of the Peace were then "to lymyt rate and appoynte the wage" within the limits of their authority for "so many of the said Artyficers Handycraftsmen . . . or any other laborer, servante or workemen whose wages in tyme past hath bynn by any lawe or statute rated and appoynted, as also the wages of all other laborers . . . which have not been rated, as they . . . shall thinke mete by their discrecions to be rated" These wage regulations were then to be sent to the Chancery, "wheruppon it shalbe lawfull to the lorde chaunceller of Englande or Lorde keper . . . upon Declaracion therof to the queenes majestie . . . to cause to be prynted and sent downe . . . into every county . . . x or xij Proclamacions or more conteynyng in every of them" the wage rates that had been made. Furthermore, these proclamations were to contain the "commaundement . . . straightly to observe the same and to all Iustices (etc.) . . . to se the same duellie and severly observed."⁶⁵

Proof exists that under the watchful eye of the Privy Council the Justices of the Peace did fix wages according to the provisions of this law. County wage assessments exist, for example, for every decade of Elizabeth's reign and there are clear indications that the wage levels thus set were enforced.⁶⁶

⁶⁵Ibid., 343.

⁶⁶Acts of the Privy Council, VII, 230; X, 287; Great Britain, Historical Manuscripts Commission, Report on Manuscripts in Various Collections. Vol. VII. The Bishop of London; St. George's Chapel, Windsor; Diocese of Gloucester; Corporations of Beccles, Dunwich, Southwold and Thetford; Duke of Norfolk; Earl

Moreover, proclamations establishing wage rates for various counties were sent down to these counties over the signatures of Council members. These proclamations, of course, also enjoined the Justices of the Peace to see that strict compliance was secured relative to the wage rates thus established.⁶⁷

In addition to its desire that a reasonable wage be paid to the English worker, the Council also took an interest in the employment conditions to which this worker was subject. This interest, however, was sporadic and ill-defined. It ranged from participation in the enforcement of almost servile working conditions for agricultural laborers⁶⁸ to concern for a maid-servant whose mistress was accused of "hard dealings."⁶⁹ In agreement with its attitude toward other aspects of English economic affairs, the Council wanted social justice and equity to be accorded the English worker, but its actions in this regard were colored by its concern for order and a predilection for expediency.

of Essex; Sir Hervey Bruce, Co. Frewen, H. C. Staunton Esq. and F. Merittens, Esq. (London, 1914), p. 139; Exeter Records, pp. 50, 50-51; Lincoln, Bury St. Edmunds and Great Grimsby MSS., p. 56; Middlesex County Records Volume I. Indictments, Coroners' Inquests-Post-Mortem and Recognisances from } Edward VI. to the End of the Reign of Queen Elizabeth, ed. John Cordy Jeaffreson (n.p., [1886]), pp. 50-51, 63; Tudor Economic Documents, I, 334, 351-353; R. Keith Kelsall, Wage Regulation Under the Statute of Artificers (London, [1938]), appendix I, pp. III-III2; Lippson, III, 256-257, 515-516; B. H. Putnam, "The Earliest Form of Lombard's 'Kirenarcha' and a Kent Wage Assessment of 1563," English Historical Review, XLI, No. CLXII (April, 1926), 260-273; B. H. Putnam, "Northamptonshire Wage Assessments of 1560 and 1667," Economic Historical Review, I, No. 1 (January, 1927), 124-134; James E. Thorold Rogers, A History of Agriculture and Prices in England From the Year After the Oxford Parliament (1259) To the Commencement of the Continental War (1793) Compiled Entirely From Original and Contemporaneous Records (Oxford, 1866-1902), IV, 120-123.

⁶⁷ Steele, Proclamations, I, 61, 70.

⁶⁸ These conditions are outlined in "The Statute of Artificers (5 Eliz. c. 4), 1563," Tudor Economic Documents, I, 342.

⁶⁹ Acts of the Privy Council, IX, 350.

With regard to those subjects of the Queen who could not work or who were the victims of economic adversity, the Privy Council sometimes exhibited a certain solicitude.⁷⁰ The factor of poverty, for example, often motivated the Council to intervene in the economic troubles of Englishmen. It protected tenants from the threat of eviction "for want of payment of the rent at the time due"⁷¹ and as has been noted before, it intervened in law suits where one party seemed to be at a disadvantage for want of financial resources.⁷² Furthermore, it approved the payment of pensions "in consideration of . . . hurtes happened . . . in service in the warres,"⁷³ and it attempted to see that widows received the proper pensions due them from their dead husbands' property.⁷⁴

At the same time the Council showed a tender regard for the children of unlawful men. On July 8, 1562, for example, in a letter written to one "Richard Fenys" thanking him for apprehending some "Egyptians" the Council informed him that "for their children (whose yeres may make declaracion that they were innocent of their parents lewdness) he is required, upon conference with the rest of the Justices herein, to do as they shall thinke requisite."⁷⁵ Almost twelve years later, the Council again interceded in a criminal matter in order

⁷⁰Lipson, III, 439-443.

⁷¹Acts of the Privy Council, XII, 183. See also Acts of the Privy Council, VIII, 97; X, 235, 236.

⁷²Acts of the Privy Council, IX, 61, 83. See also Acts of the Privy Council, VII, 299-300.

⁷³Acts of the Privy Council, VII, 311. See also Acts of the Privy Council, IX, 115.

⁷⁴Acts of the Privy Council, VIII, 259.

⁷⁵Acts of the Privy Council, VII, 112.

to help the dependents of an unlawful person. On July 12, 1574, it wrote to the Dean of Lincoln ordering him to see that "the wife and children of Thomas Gower, goldsmith, now prisoner in the Marshalsey, may be relieved with the goodes of the said Thomas," and that "no extremitie be used in the keeping backe of the said goodes, but that they may be imploied to the use aforessaid."⁷⁶

Moreover, there are indications that the Council exercised a beneficial general supervision over the affairs of hospitals for the sick--which were sometimes medieval foundations reorganised under public management⁷⁷ as well as over other charitable foundations.⁷⁸ That the Council was not immune to the plight of the poor can be gathered from its answer to an invitation to attend a banquet customarily given upon entry of a new Lord Mayor of London. The members of the Council could not attend this banquet, nor did they think it was convenient to hold it on the date specified because the plague was active within the city. However, the Council did think that the money usually spent for this banquet should be bestowed upon the poor and they, therefore, ordered the Lord Mayor "to give order aswell for the forbearing of the said Feaste and also the distributing of the expences to the pore, and hereof to advertise their Lordships."⁷⁹

In ordering the distribution of money to the poor, however, it would ap-

⁷⁶Acts of the Privy Council, VIII, 268.

⁷⁷Lipson, III, 416.

⁷⁸Acts of the Privy Council, IX, 27, 64; X, 233-234, 369, 390; Cal. State Papers, Domestic, I, 515. See also Cal. State Papers, Domestic, I, 130, 133, 134, 141, 145, 150, 242, 286, 333, 383, 385, 386, 430, 444, 446, 526; Hist. MSS. Comm., Report On Manuscripts in Various Collections, IV, 224; Exeter Records, pp. 6, 271; Salisbury MSS., I, 118; Shrewsbury and Coventry MSS., pp. 125-126.

⁷⁹Acts of the Privy Council, VIII, 303.

pear that the Council did not mean that those who made an unlawful practice of seeking alms should benefit. On September 10, 1565, for example, it wrote to the Lord Mayor ordering him to punish a man for counterfeiting licenses to beg along with "all others that be alrebye or shalbe hereafter detected of this falte." These counterfeiting beggars were "to be severilye poonished for the same to the terrour and example of others."⁸⁰ In 1571, the Council wrote again to the Lord Mayor regarding the problem of beggars in London. Too many people were begging in a disorderly manner and the Mayor was ordered to devise some means of punishing the sturdy while helping those really in need, "according to the lawes and suche orders as were put in execucion in the tyme of King Edward"⁸¹ The Council really considered this confusion between truly impotent poor and the rascals who traded on the charity of their fellow men worthy of definition, for in March of 1572 it appointed a single commission to figure out how relief could be given to London's poor without some of this relief falling into the hands of those it considered to be in the same class as vagabonds. As usual, people in this latter group were not to be relieved; they were to be suppressed.⁸²

In order to control social problems according to distinctions of this sort, however, the Council was forced to interfere in other aspects of England's existent mechanism. For one thing, the Council made a serious attempt to see that its local agents were men upon whom it could depend. As stated before, the Council carefully supervised the selection of men for such bodies as the

⁸⁰ Acts of the Privy Council, VII, 257.

⁸¹ Acts of the Privy Council, VIII, 52-53.

⁸² Acts of the Privy Council, VIII, 72-73.

commission of restraint for corn and victuals, and there is every indication that it also gave serious attention to the problem of personnel with respect to the other numerous commissions that were active during the first twenty years of Elizabeth's reign.⁸³ Moreover, the Council made an effort to commend the members of these commissions when they did a good job,⁸⁴ to support them when such support was necessary,⁸⁵ and to otherwise exhibit the government's appreciation and solicitude for their efforts.⁸⁶ In 1566, for example, the Council wrote a curious letter of concern to "the Comysyssioners heretofore appointed for the portes to contynue the cares herein comytted to their trust and yet not to overcharge themselves or their deputies otherwise then is convenient."⁸⁷ During the period 1573-1574 when there was a great scarcity of corn in England, the Council also wrote many letters to various commissioners of restraint "thanking them for their paines."⁸⁸

In addition, the Council tried to weed out from the commission of the peace those Justices who seemed to be unfitted for positions of responsibility or who were considered to be not reliable because of their religion. In 1561,

⁸³W. S. Holdsworth, A History of English Law (London, [1922]-1952), IV, 68-70.

⁸⁴Acts of the Privy Council, VIII, 150, 208.

⁸⁵Acts of the Privy Council, VII, 307; VIII, 150.

⁸⁶Acts of the Privy Council, IX, 280. At the same time, the Council did not hesitate to criticize the members of a commission when it thought that the commission was not doing the job for which it was organized.—Acts of the Privy Council, X, 337.

⁸⁷Acts of the Privy Council, VII, 325.

⁸⁸Acts of the Privy Council, VIII, 208. See also Acts of the Privy Council, VIII, 104, 113-114, 115.

for example, it was proposed that no retainer of any other person be appointed a Justice of the Peace.⁸⁹ During December of 1564, the Council decided to suspend "Wm. Cardynal, Esquire" from the commission of the peace because of charges that he had used "unfitting words" against the Master of Requests.⁹⁰ On November 28, 1576, it sent a note to the Lord Keeper concerning certain persons "to be put out of the Commission of the Peace because their Lordships be certified from the Buisshoppes that they come not to the church."⁹¹ Five days later, however, on December 2, the Lord Keeper was ordered to replace the names of "Thomas Townsend and marten Barney in the Commission of the Peace for Norfolk," because the Council was now satisfied that they did attend the established church.⁹²

It is interesting to note, moreover, that the Council expected its county agents to be well supplied with information. In 1575, for example, the Council ordered the Custos Rotulorum⁹³ of Northampton--who was no other than Lord Burghley himself--to furnish it with "a certificate of the number and names of all the Hundreds within that County and of the ordinary limits and divisions used by the Justices of the Peace, together with the names of the Justices within each of such divisions, and also of the Coroners and Clerks of the Peace or

⁸⁹Cal. State Papers, Domestic, I, 178.

⁹⁰Salisbury MSS., I, 314.

⁹¹Acts of the Privy Council, IX, 233.

⁹²Ibid., 238.

⁹³For a contemporary account of the power, duties, and importance of this county official see William Lambard[e], Eirenarcha: or of The office of the Iuftices of Peace, in two Bookes: Gathered 1579. and now reuifed, and first published, in the 24. yeere of the peaceable reigne of our gracious Queene Elizabeth (London, 1582), pp. 299-302.

their deputies."⁹⁴ Other local officials also supplied information on almost a day-to-day basis of the problems faced and solved by them.⁹⁵ From available evidence, it appears that the Council had enough information that it could use to keep its finger firmly on the pulse of local affairs.⁹⁶

In view of its interest in seeing that reliable men occupied responsible positions on the inter-county and county level, it is not surprising that the Council interfered in the governing of various English towns as well. During the first twenty years of Elizabeth's reign such towns as Berwick, Canterbury, Chester, Dover, Feversham, Norwich, Oxford, Rye, Shrewsbury, and even London were forced to agree at one time or another to the governmental wishes of the Council and its members.⁹⁷ In 1565, for example, the Council supported the authority of the Lord Warden of the Cinque Ports against that of the Mayor of Feversham. The Mayor was warned that if he did not satisfy the Lord Warden and could not prevail upon the Council to accept his excuse, he would be punished.⁹⁸ For culpable misconduct while in office, the Mayor of Carlisle was imprisoned

⁹⁴ Salisbury MSS., II, 99.

⁹⁵ Salisbury MSS., II, 116-117, 164, 222; Queen Elizabeth and Her Times, II 66-69, 70-72, 72-74, 86-89.

⁹⁶ In this connection see A Collection of Original Letters from the Bishops to the Privy Council, 1564, With Returns of the Justices of the Peace and others Within Their Respective Dioceses, Classified according to their Religious Convictions, ed. Mary Bateson, in The Camden Miscellany ([London], 1847-1952), IX, 1-83.

⁹⁷ Acts of the Privy Council, VII, 232; Cal. State Papers, Domestic, I, 186. See also Rutland MSS., I, 80.

⁹⁸ Acts of the Privy Council, VII, 240.

on the complaint of some of Carlisle's inhabitants.⁹⁹ Moreover, for a while, Norwich was policed by an official appointed directly by the Council.¹⁰⁰ In 1574, Dover was pressured to accept a man preferred by the Council as town clerk¹⁰¹ and a commission was even appointed "to examine certain things objected against Mr. Alderman Hawes, late elected to be Lord Mayor of the Citee of London."¹⁰² On August 30, 1576, the Council warned the municipal authorities in Hereford to see that in electing their Mayor they made choice of none but such "as wilbe contented to accept the othe appointed by the lawes of this realme to be taken by such as be appointed to publique offices, and such a one as is well knowne to be a favorer of the Religion now established."¹⁰³ In 1578, the Council suspended the results of an election in Dover because the man elected was not the one that it had nominated and it ordered the people it considered to be responsible for this impolite election to appear before it.¹⁰⁴ Furthermore, the Council supported the result of another poll because the man elected was acceptable to it, and ordered those "that have ben impugners of the said election, yf they shall refuse to allowe the same" to appear, "to the number of foure," before it.¹⁰⁵ As a result of this electoral confusion, Dover

⁹⁹Acts of the Privy Council, VII, 344. See also Acts of the Privy Council, VII, 347, 349-350.

¹⁰⁰Acts of the Privy Council, VII, 362.

¹⁰¹Acts of the Privy Council, VIII, 291.

¹⁰²Ibid., 300.

¹⁰³Acts of the Privy Council, IX, 197.

¹⁰⁴Acts of the Privy Council, X, 27-28.

¹⁰⁵Ibid., 91.

formed new rules regarding the election of its Mayor, which the Council approved.¹⁰⁶

Side by side with its interest in seeing that only trustworthy men held local governmental positions, the Council also endeavored to settle the personal and economic differences that existed between the people from which it drew its county officials and that which existed within and between local administrative areas such as towns. Numerous entries appear in the registers of the Council, for example, concerning the appointment of arbitrators to settle private quarrels.¹⁰⁷ Moreover, the Council attempted to settle disputes between London and Rye, London and Norwich, and other town combinations, over rights of entry, for example, and sale of goods within a particular town.¹⁰⁸ In addition, the Council became involved in disputes between royal officials who held positions such as captains of castles and the towns wherein these castles were located. These disputes usually involved the defining of jurisdictional and territorial limits.¹⁰⁹

¹⁰⁶Acts of the Privy Council, I, 314, 319; Cal. State Papers, Domestic, I, 599.

¹⁰⁷Acts of the Privy Council, VII, 225, 230, 292, 294, 338-339; VIII, 319, 325, 335, 349, 353, 353, 392, 394. See also Cal. State Papers, Domestic, I, 231, 515, 521, 522; Rutland MSS., I, 78, 92, 115; Salisbury MSS., I, 268-269, 276; II, 38-39.

¹⁰⁸Records of Norwich, II, 144-145, 145, 268-269, 379, 380-381; Rye and Hereford MSS., pp. 39, 41, 50. See also Acts of the Privy Council, VII, 331-332, 334-335, 397; VIII, 31, 34, 36-37, 82, 103, 150, 259-260; Great Britain, Historical Manuscripts Commission, 11th Report, Appendix, Part III, The Manuscripts of the Corporations of Southampton and King's Lynn (London, 1887), 208; Lincoln, Bury St. Edmunds and Great Grimsby MSS., pp. 50-51; Rye and Hereford MSS., pp. 35, 38-39, 40, 41, 50, 52.

¹⁰⁹Acts of the Privy Council, VII, 168, 176, 190, 207-208, 234, 238, 267, 307, 309, 310, 311. See also Acts of the Privy Council, VII, 246.

In this connection, the Council also functioned as a supervising policeman with regard to fairs held within and outside of towns. On April 20, 1559, for instance, it appointed "John Ferrers and Humfrey Welles, esquiers, to take care of the well ordering of the walke of the Fayre of Tamworthe on the parte of the county of Stafford, so as the peax may be conserved."¹¹⁰ Almost twenty years later, on October 31, 1578, the Council ordered the suspension of Guildford Fair because of the plague.¹¹¹ In this instance, however, the Council promised to take steps to protect the town in case its "graunt of keping the said Faire by non usance might hereafter be called in question"¹¹² Thus, it is evident that the Council also participated in the granting of privileges to hold fairs.¹¹³

Interestingly enough, the Privy Council also tried to protect the realm from the carelessness, indifference, or frivolity of its local officials. On June 25, 1562, for instance, the Lord Mayor and Aldermen of London were admonished to "present themselves on St. Peter's Eve at the Watche, for the better order of the Cytie, wherein ys not ment that any pompe or pageantes be shewed, but only that the cyty may be the better ruled."¹¹⁴ In November of 1565, the Bishop of Durham "and the rest of the Justices of Peace of that Bisshopricke" were informed that "it hath com to the Lords of the Counsell's knowledge that

¹¹⁰Acts of the Privy Council, VII, 91.

¹¹¹Acts of the Privy Council, X, 362.

¹¹²Ibid.

¹¹³On this point see also Hist. MSS. Comm., Report on Manuscripts in Various Collections, IV, 301-302; Cal. State Papers, Domestic, I, 530, 532, 537, 549.

¹¹⁴Acts of the Privy Council, VII, 107.

divers bridges within that Bisshopricke, and namely, that at Newcastle, are fallen of late into grete decaye, and hytherto no deligence used by the said Justices for the reparacion of the same." Therefore, the Council reprimanded these officials and ordered them "to have better consideracion of their duties in this parte henceforth, and to take indelayed order for the reparacion of the said bridges, and specially of that at Newcastle, in such sorte and order as is appointed by the Lawes and Statutes of the realme."¹¹⁵ Moreover, the Council took an interest in the implementation of laws for the local repair of highways¹¹⁶ and encouraged the activities of control commissions concerned with problems of drainage and water transportation.¹¹⁷ Elizabeth's government seemed to be aware of the benefits that would come to it and the realm from usable roads, rivers, and bridges,¹¹⁸ and the Privy Council attempted to see that local areas carried out their lawful responsibilities to ensure their usefulness.¹¹⁹ As has been mentioned before, sometimes repairs to bridges and highways even seemed important enough to receive the Council's support on a national level.

As a complement to its concern for England's transportation system, the

¹¹⁵ Acts of the Privy Council, VII, 290. See also Acts of the Privy Council, VIII, 19.

¹¹⁶ Acts of the Privy Council, IX, 117, 120-121, 131, 135, 150; Cal. State Papers, Domestic, I, 523.

¹¹⁷ Acts of the Privy Council, VII, 406; VIII, 271; X, 321; Cal. State Papers, Domestic, I, 523.

¹¹⁸ 13 Elis., c. 18. Statutes of the Realm, IV, pt. I, 553; Acts of the Privy Council, VIII, 362.

¹¹⁹ Acts of the Privy Council, VII, 290; Lipson, II, 440-441. See also Acts of the Privy Council, VIII, 10, 136, 354, 362-363.

Council also exercised some jurisdiction relative to the placing of particular industries within various towns and areas. In 1577, for example, the Council engaged in a battle with some inhabitants of Northampton relative to orders it had approved regarding the placing of malt kilns within the town "for the avoiding of the danger of the said kilnes by fyre."¹²⁰ On May 13, 1577, the Council wrote to the Mayor of Northampton that "about two yeres past at her Majesties being in Northampton shiere complainte was made unto them that by the use of sundrie malte kilns in that towne grete inconvenience of fier had happened" and therefore, an order had been promulgated according to which the "malt kilns in question should be either suppressed" or moved to safer positions. Now, however, the Lords had been informed that this order was being disobeyed and, not liking "that any shold so contemptuouslie breke the said order," the Council ordered the Mayor to send the non-conformist malt kilners to appear before it.¹²¹ The Mayor of Northampton obeyed this order and it appears that from September through December the Council was confronted with the problem of investigating the declarations of these people that they had reasonable cause to "not followe the said orders."¹²² It would seem, however, that the Council was determined to keep the zoning control for malt kilns in Northampton within its jurisdiction, for the Mayor had to get the permission of the Council before he could sanction the erection of such kilns. In answer to a request of this sort, for example, the Council informed the Mayor on December 2, 1577, that he could allow one John Mercer to erect a malt kiln in a place not "daingerouse upon any

¹²⁰Acts of the Privy Council, X, 33.

¹²¹Acts of the Privy Council, IX, 345.

¹²²Acts of the Privy Council, X, 33, 33-34, 46-47, 106.

inconvenient of fyer."¹²³

From the preceding, it is evident that the Council's concern for law and order and the maintenance of conditions that made law and order possible forced it to interfere not only into those aspects of orderliness directly concerned with English economic relations, but also into those spheres which seemed related to an organized social scheme. Sometimes the multitudinous nature of this interference seemed to defeat its very purpose. In 1574, for instance, the Council admitted that there were perhaps too many governmental commissions in existence when it wrote to some Justices of the Peace "concerninge soche as under color of sum Comyssions trobled the people."¹²⁴ The Justices to whom the Council wrote this letter were asked to meet and "consider what they were and with which the inhabitauntes were moste grevid and what they thought might be suffered and what staid; and thereupon, with the advice of the Justices of Assises repaying thither to stay them as willed by their Lordships so to do."¹²⁵ In line with this problem, complaints were also made by some commission members that they had too many governmental things to do at too great an expense to themselves.¹²⁶

Moreover, it seems plain that the Council never did achieve that element of single-mindedness and integrity in its officials so necessary for a successfully efficient bureaucratic state. The county gentlemen, for example, never

¹²³Acts of the Privy Council, X, 106.

¹²⁴Acts of the Privy Council, VIII, 208.

¹²⁵Ibid.

¹²⁶utland MSS., I, 115-116.

could bring themselves to act as part of a completely impersonal system.¹²⁷ Furthermore, despite its interference in municipal affairs, the Council recognized the power and privileges claimed by some boroughs because of their charters. In 1565, for instance, the Council upheld the right of the Cinque Ports to conduct trials relative to the disposition of pirates and their goods captured in the area of the Cinque Ports. The Admiralty was recognized as having the right to examine such culprits and to bring charges against them, but they were to be returned to the Lord Warden for trial "within the liberties and jurisdiction of the V Portes."¹²⁸ Despite its pretence at absolutism, the Elizabethan government was sensitive to claims of local privileges and it sometimes appealed to the need for cooperation in order to disarm any discontent that might arise because of a feeling that these rights were being violated. When some necessary and important step was being contemplated which would involve the problem of local privileges, the Council might write, as it did to Rye in 1565, that "our meaninge is not to infrindge any liberties or privileges, so we doubt not but that you and all good subjectes do thinke yt convenient that every man should geve the best helpe he maie to the furtheraunce of justice, which beinge so much required at your handes, we doubt not of your conformitie therin accordinglie."¹²⁹ It seems clear that the Council took as great interest as it did in the control of vagabondism, the proper settlement

¹²⁷ Acts of the Privy Council, VII, 133-134; Lord Abergavenny to Sir William Cecil, April 8, 1577, in Queen Elizabeth and Her Times, II, 51-53; William Tyldesley to Sir William Cecil, September 3, 1561, in Tudor Economic Documents, I, 330-332; Heckscher, I, 247-252.

¹²⁸ Acts of the Privy Council, VII, 293.

¹²⁹ Rye and Hereford MSS., p. 8.

of aliens, the administration of local affairs, and so forth, in order to get this conformity that was so much required, not only for justice, but also for the implementation of the Council's economic ideas.

CHAPTER VII

SUMMARY AND CONCLUSION

From the evidence presented in the preceding sections of this study, it is evident that the Privy Council felt empowered to deal with practically every aspect of English economic relations. During the first twenty years of Elizabeth's rule, it considered the economic relationship of a farmer to his land, his fellow farmers, his landlord, his government, and the economic conditions of the age. In a similar fashion, it intervened in the economic relations of the small business man with his supplier, his financier, his distributor, and his methods of production. To the English laborer, the Privy Council extended help in the form of food supply and wage regulations, while at the same time it attempted to enforce industry and class conformity through time and mobility rules. The question of who should be allowed to engage in foreign trade of England was thought to be within the jurisdiction of the Council and the organization of effort to exploit the resources of England did not go unnoticed or unwanted. Problems of public finance were considered by the Council and the scope of its activities included efforts to distribute fairly the government's financial needs among the Queen's rateable subjects. Moreover, it participated in the discussions and actions connected with the management of larger problems that pervaded the economic life of practically every English subject, such as the revaluation of the coinage and provision for the unemployed or unemployable. In other words, the totality of the economic relations of England was capable

of being affected by the authority and influence of Elizabeth's Privy Council.

Furthermore it can be said that the Privy Council took its economic responsibilities seriously. Its consideration of English economic problems was not limited to intermittent action with respect to great economic issues, nor was its economic attitude one of aristocratic disinterest and scorn.¹ Economic questions were continuously dealt with throughout this twenty-year period of the Queen's reign. On almost every day that the Council sat, its agenda included some item in the economic sphere. In this regard, it is significant that the registers of the Council sometimes say very little of the important political and religious problems of the period while reporting Council action with regard to relatively small economic matters.² At certain times the Council itself became irritated at the scope and variety of the problems presented to it for solution, and it sent some of them to subordinate government officials for consideration because the Council's agenda was so crowded it hardly had time to deal with more important matters.³ In addition, the manner in which the Council attempted to get its economic orders executed reflected the scope and intensity of its interference. It is evident, for example, that the Council used many people to further its designs rather than a limited number within a well-defined bureaucracy. Since the Council's economic sphere of au-

¹Acts of the Privy Council, IX, 327; X, 235-236.

²Acts of the Privy Council, VIII, vii-viii; IX, xxv-xxvi; Holdsworth, IV, 63; Lord Eustace Percy, The Privy Council under the Tudors The Stanhope Essay 1907 (Oxford, 1907), p. 18.

³Acts of the Privy Council, IX, 340. In 1589, the Council established definite rules and procedures for the delegation of business not considered important enough to be handled by the Council itself.--Acts of the Privy Council, XVIII, 181; Tanner, pp. 227, 243-245.

thority and influence was seemingly all inclusive, it was perhaps natural that it relied upon many members of the society it was governing to carry out its orders. The formation of a disciplined bureaucracy might have enabled it to chart more firmly the course of certain economic developments during Elizabeth's first twenty years,⁴ but it would not have been in accord with the Privy Council's jurisdictional pretensions.

In line with its jurisdictional position, therefore, the Council used the instrument of the commission to help it supervise the economic relations of England. Commissions such as those responsible for the regulation of foodstuff movements and drainage problems, as well as the commission of the peace, were nationwide in intent, but they were composed of many locally active people.⁵ Furthermore, the Council's general attitude towards these commissions was that of broadening their local base of participation rather than that of restricting their membership.⁶ Rather than direct professionals, the Council chose to continue the tradition it had inherited and supervise the efforts of many local people in the hope that consensus would produce conformity and obedience with regard to the government's position on economic affairs.⁷ Along with nationwide commissions, and the Justices of the Peace, the Council also used the services of special commissions, sheriffs, municipal authorities, justices of As-

⁴Ref, Industry and Government, pp. 55-57.

⁵Acts of the Privy Council, VII, 250, 267-268; VIII, 158, 219, 252; IX, 52-53, 210-211, 366; X, 809; Cal. State Papers, Domestic, I, 201, 260, 261, 262, 264, 267, 268, 269, 278, 292, 412, 474, 529, 539; Cal. State Papers, Foreign, I, 296; Salisbury MSS., II, 118, 184-185.

⁶Acts of the Privy Council, VIII, 144, 158, 219; X, 268-269.

⁷Acts of the Privy Council, IX, 366; X, 334-355; Holdsworth, IV, 71-80.

size, customs agents, and subordinate royal councils. Its executive powers over the kingdom at large, for example, were extended and increased in particular localities by the Councils of the North and of Wales.⁸ Moreover, it held special control over the County Palatine of Chester and the Royal Duchy of Lancaster, and it did not hesitate to use the services of informers.⁹

With such a diversity of available enforcement personnel, it is not surprising that the Council also attempted to have its agents enforce its instructions in a variety of ways. The Justices of the Peace, for example, considered economic enforcement problems at their Quarter Sessions' courts and were often told to consult and work with the Justices of Assize.¹⁰ Moreover, economic cases were often committed to Assizes determination and the Justices of Assize

⁸ Acts of the Privy Council, VII, 233, 277; VIII, 33, 178; IX, 187, 382; X, 101, 115-117; Conyers Read, Mr. Secretary Walsingham and the Policy of Queen Elizabeth (Oxford, 1925), I, 265; Rachel R. Reid, The King's Council in the North (New York, 1921), pp. 186-216; J. R. Tanner, Tudor Constitutional Documents A.D. 1485-1603 with an historical commentary (Cambridge, Eng., 1948), p. 332; Holdsworth, IV, 73-75.

⁹ 27 Henr. VIII, c. 24. Statutes of the Realm, III, 555; Acts of the Privy Council, IX, 200, 204, 207, 210, 228, 231, 234, 236-238; Tanner, pp. 350-351; Joseph B. Yates, ed., The Rights and Jurisdiction of the County Palatine of Chester, The Earls Palatine, The Chamberlain, and other Officers; and Disputes Concerning the Jurisdiction of the Court of Exchequer with the City of Chester, &c., in Chetham Miscellanies ([Manchester], 1851-1875), II, 6-7, 14-27.

¹⁰ Acts of the Privy Council, VIII, 197, 350; IX, 5, 91, 160, 262, 285-286; Beaufort MSS., pp. 458-460; Lambard(e), Eirenarcha, pp. 323-382; Great Britain, Historical Manuscripts Commission, Report on Manuscripts in Various Collections. Vol. I. Berwick-Upon-Tweed, Burford and Lostwithiel Corporations; The Counties of Wilts and Worcester; The Bishop of Chichester; and the Deans and Chapters of Chichester, Canterbury and Salisbury (London, 1901), pp. 65-68; Wiltshire County Records Minutes of Proceedings in Sessions 1563 and 1574 to 1592, ed. H. C. Johnson (Devizes, Eng., 1949), pp. 1-44; R. W. Merriman, "Extracts From the Records of the Wiltshire Quarter Sessions," The Wiltshire Archaeological and Natural History Magazine, XX, (1882), 325-327, 336-341; XXI, 75-79, 84-94; Heckscher I, 246-252; Holdsworth, IV, 137-151.

were used to supervise the economic efforts of the Justices of the Peace.¹¹ In other instances, cases were delegated to the courts at Westminster, either those following the common law or prerogative courts such as the Court of Requests.¹² It was through the facilities of the Admiralty Court that such matters as the impressment of ships and mariners, embargo, reprisals, preservation of wreck, repression of piracy, and convoy were heard and determined.¹³ Furthermore, extensive use was made of arbitration and negotiation processes, while in many instances Sheriffs and other officials were ordered to send economic malefactors before the Council, either under bond or under guard of persons such as messengers of the Queen's Chamber.¹⁴ These malefactors might be judged by the Council sitting in regular session or in the Court of the Star

¹¹Acts of the Privy Council, IX, 31, 36-37, 68-69, 82, 103, 106, 111, 116, 343; Charles A. Beard, The Office of Justice of the Peace in England in its Origin and Development, Studies in History, Economics and Public Law, Edited by the Faculty of Political Science of Columbia University, Vol. XX, No. 1 (New York, 1904), pp. 77-78; Holdsworth, IV, 75-76. By an act of 1542, the Judges of Assize were authorized to hear and determine negligence or other misdemeanors of the Justices of the Peace.—33 Henr. VIII, c. 10, Statutes of the Realm, III, 842.

¹²Acts of the Privy Council, VIII, 97, 244; X, 406. For the history, jurisdiction, and procedure of the Court of Requests see Select Cases in the Court of Requests A.D. 1497-1569, ed. I. S. Leadam (London, 1898), pp. ix-cxxiv; Tanner, pp. 299-303.

¹³R. G. Marsden, "The High Court of Admiralty in Relation to National History, Commerce and the Colonisation of America--A.D. 1550-1650," Transactions of the Royal Historical Society, New Series, XVI (London, [1902]), 71. The government also attempted to protect the jurisdiction of the Admiralty Court from encroachments on the part of the common law courts.—Select Pleas in the Court of the Admiralty, ed. Reginald C. Marsden (London, 1894), II, xii-xiii.

¹⁴Acts of the Privy Council, IX, 223-224; X, 319-320, 343, 402.

Chamber.¹⁵ The Council felt that it could exercise original jurisdiction in economic matters, but it is noteworthy that it supplemented, and sometimes complemented, its claimed jurisdiction through use of practically every aspect of the English law enforcement system.¹⁶

In order fully to explain the Council's utilization of this system, a separate study would be necessary.¹⁷ It must be pointed out, however, that the Council's extensive use of English law enforcement agencies is related to the problem of what motivated the Council to interfere in the economic relations of Englishmen in the first place. In this regard, it is obvious that one motivating factor was the responsibility exercised by the Council for the economic day-to-day running of the country.

From the preceding sections of this study, one can note this responsibility in action. In dealing with the problem of rural riots and rural financing the Council exercised its responsibility for the day-to-day running of the agricultural community. Its concern lest food not be available when needed at reasonable prices, and its attempt to ensure the free movement of raw materials, is indicative of its responsibility for the daily economic life of both the rural

¹⁵Acts of the Privy Council, VII, 242, 245; IX, 16, 114, 132, 148; X, 375-376, 399; Cora L. Scofield, A Study of the Court of Star Chamber Largely Based on Manuscripts in the British Museum and the Public Record Office (Chicago, 1900), pp. 52-53. See also Acts of the Privy Council, IX, 139; X, 115-116.

¹⁶Acts of the Privy Council, VIII, 138-139, 252, 293, 309, 350; IX, 5, 23, 262; X, 274-275, 319-320, 359, 402.

¹⁷Since English government was still, to a large extent, conducted by courts acting through judicial forms, a full explanation of the Council's utilization of the English law enforcement system would require an analysis of the encroachments being made upon the sphere of common law jurisdiction by the prerogative courts, as well as a definition of the Council's position between these rival courts and clashing jurisdictions.--See Holdsworth, IV, 83-88.

dweller and the people who inhabited English towns. Moreover, its interference in commercial and mercantile law suits reveals the extent of its involvement in the day-to-day affairs of the English business community. The jurisdiction which it exercised over economic disputes between Englishmen, between foreigners and Englishmen, between Englishmen and foreign governments, and, in general, between creditors and debtors, all point to a desire to uphold a commercial agreement, to prevent the economic extinction of businessmen because of rapacity, and to otherwise regulate the daily business relations of England.¹⁸ Moreover, its attitude toward vagabonds and other related problems, indicates that considerations of law and order, as well as the maintenance of conditions that made law and order possible were prominent in its deliberations and in its actions regarding the day-to-day running of the country.

Apart from this motive, however, did the Council follow an overall plan with regard to its economic orders? Were the Council's actions motivated by an adherence to the demands of a general economic theory or to a series of related theories? Can one say that its efforts were consistent with respect to a comprehensive purpose? Since the Council never published an explicit manifesto explaining its doctrinal position, answers to questions of this sort must be sought in the relation of the Council's orders to the economic regulations which it supported, as well as to contemporary economic expressions and statements of Council members.

In this regard, it is reasonably clear that the Council's efforts in behalf of the small cultivator were motivated by considerations similar to those that prompted Parliament to enact laws for the maintenance of tillage and

¹⁸Acts of the Privy Council, VIII, 341, 355; IX, 230-231; X, 34, 37, 66.

against the depopulation of rural areas.¹⁹ As a Council member and as the Queen's Principal Secretary of State, Cecil expressed his approval of a law of this sort passed by Parliament in 1563.²⁰ Moreover, in addition to handling individual enclosure and eviction problems, the Council also took steps generally to enforce these laws.²¹ On July 20, 1565, for example, the members of the Council agreed "that the Commissions for tillage, inclosiours and sheepe shold be sent out of hande, for which purpose" the Lord Keeper "was spoken unto to cause the same to be forth with doon."²²

It cannot be said, however, that the Council's concern for the maintenance of tillage and the small cultivator prompted it to enforce these laws to the hilt. It was not motivated, in this regard, as strongly as Somerset's government.²³ Its most striking action, therefore, was taken in cases of disorder and hardship or for military reasons.²⁴ Moreover, the Council took no steps to otherwise relieve the land problem. In 1576, for example, a proposal was presented to Burghley that, whereas "before this tyme kinges and other noble men

¹⁹39 Elis., c. 1; 39 Elis., c. 2. Statutes of the Realm, IV, pt. II, 891, 892-893.

²⁰Sir William Cecil to Sir Thomas Smith, February 27, 1563, in Queen Elizabeth and Her Times, I, 126-127; Conyers Read, Mr. Secretary Cecil and Queen Elizabeth (New York, 1955), p. 276.

²¹Acts of the Privy Council, IX, 285-286; Steele, Proclamations, I, 68; Lipson, II, 398-399.

²²Acts of the Privy Council, VII, 233-234.

²³R. H. Tawney, The Agrarian Problem in the Sixteenth Century (New York, 1912), pp. 362-374.

²⁴It is interesting to note that military reasons prompted the Council to press for the enclosure of all land within twenty miles of the northern border. --Rutland MSS., I, 73, 74, 75; Reid, 199-200.

of this realme hath founde faulte with the great number of pasturs, which hath byn the Decaye and putinge downe of many plowes, wherby corne and other victuall waxethe scant, and made lawes to redress and amend the same, which dyd not take effecte, but are rather increassid and nothing amendid" the waste grounds of England should be "plowed, and sowed with corne, wherof is now needs." By using waste land in this fashion, enough grain would be raised "sufficient to serve this realme and spare for other with owt helpe or ayde of the pasturs, nor needs to seeke for corne to forren and strainge cuntryes" At the same time this proposal made much of the fact that friction between landlord and tenant regarding the common use of waste land would be eliminated through the orderly division of such land among tenants on the basis of former claims and obligations. As a result of this division, every man would "make the most and best of his grounde, for his own profyts, and the welthe of his country, and doe no wronge to any man, But shall reape the frewt of his own labour." In order to accomplish such a scheme as this, however, governmental action would be necessary.²⁵ The Council, however, did nothing to implement this proposal.

Thus, despite the concern it exhibited for the retention of tillage land and the preservation of the small cultivator, the Council did not function according to an active plan designed to ease the pressure placed on the problem by the growth of the large market-orientated agricultural estate. With respect to the matter of foodstuff distribution, the Council did act more comprehensively, but its attention was also colored by the factor of expediency and the

²⁵"Letter from Alderman Box to Burghley, Proposing Compulsory Division and Sowing of Wastes, c. 1576," Tudor Economic Documents, I, 72-77.

taint of inconsistency. In general, The Council was motivated because of the danger and hardship connected with conditions of scarcity. It tried to relieve conditions of this sort by preventing the exportation of foodstuffs, by localizing the problem of supply, and, when necessary, by encouraging importation.

In 1565, for instance, Bruges requested the Council to allow its agents to take up grain in England "for the better furnyshieng of their cyte and state" because of the scarcity of grain which existed in the Bruges area. The Council reluctantly turned down this request because a domestic scarcity had resulted in grain being "demynysed more than a halfe parte" and "pryces dayly moche encreasinge." Moreover, the Council emphasized the fact that the "subjects of this realme" were existing under conditions conducive to exportation and that London had already requested permission to bring grain into the kingdom. Bruges, therefore, could not be helped by England until such time "when it shall please almightye God to send more plenty" into Elizabeth's kingdom.²⁶

London, however, as well as other parts of the realm, could be helped in times of dearth through the encouragement of grain importation.²⁷ The Council's attitude on this point can be gained from a letter sent by the Lord Treasurer to the Lord Mayor of London in 1573. The Lord Treasurer wrote that "touching the bringing in of grayne out of Estland or other forren places and liberties ether to sell the same at prices reasonable here or otherwise recarry the same fraelis without further charge into other places," the Council thought the Mayor's request reasonable and for "the releve and benefits of the Cittie" were

²⁶Acts of the Privy Council, VII, 261-262.

²⁷Acts of the Privy Council, IX, 219-220.

"content to be suters to the Queenes ma(jes)tie."²⁸

The Council's apprehensive attitude concerning conditions of scarcity, however, was somewhat at odds with the spirit of the laws made for the regulation of the grain trade. These laws were mercantilistic in tone and sought to encourage tillage by providing for the export of English grain.²⁹ In 1563, for example, Parliament ostensibly gave the grain export trade its wholehearted support, for in a law enacted in that year the only specified restraint was that arising from high prices.³⁰ Moreover, the Parliament of 1571 passed a law expressly stated to favor tillage by allowing exportation. Subjects of the Queen were given permission to export grain without any restraint at any time upon condition that they would ship such grain to friendly nations, that the ships carrying it should be owned solely by Englishmen, and that prices should be reasonable and moderate in the counties from which export was contemplated.³¹

Under this law, however, the government could at any time prohibit the export of grain from one district or from the country as a whole.³² As has been noted, the Council often exercised such a right. So often did it do so, and with a motive so different than the intent of the laws, that one authority has even stated that the statutory policy was almost negligible as far as concerns

²⁸ MS., Guildhall, London Journals of the Common Council, XI, pt. I, fol. 49b, cited in Norman Scott Brien Gras, The Evolution of the English Corn Market From the Twelfth to the Eighteenth Century (Cambridge, Mass., 1926), p. 227. See also Acts of the Privy Council, VIII, 107.

²⁹ 1 Elis., c. 11, 5 Elis., c. 5, 13 Elis., c. 13. Statutes of the Realm, IV, pt. I, 374, 422-428, 547.

³⁰ 5 Elis., c. 5. Statutes of the Realm, IV, pt. I, 422-428; Gras, p. 140.

³¹ 13 Elis., c. 13. Statutes of the Realm, IV, pt. I, 547; Gras, p. 141.

³² Gras, p. 141.

the actual trade in grain. "It was largely a registration on the one hand of the mercantilist aims of the government under non-existing ideal conditions, and on the other, of the policy of corn producing communities, to the interests and prejudices of which it was politic to give attention, even if it was not possible to follow them."³³

Furthermore, the Council's attempt to localize the supply problem was somewhat inconsistent with its knowledge of London's needs. That it appreciated the seriousness of the situation confronting a growing London can be gained from the many letters that passed between the Council and the Lord Mayor. Sometimes the Council ordered the London authorities to make sure that London had adequate provisions.³⁴ At other times, the Lord Mayor asked the Council to use its authority and influence in behalf of the city.³⁵ This relationship between the Council and the city was so close that one can say that under normal conditions the grain policy of the Council was dictated by the needs of London.³⁶

It is a fact, however, that the first twenty years of Elizabeth's reign experienced many periods of great scarcity.³⁷ Almost every year abnormal condi-

³³Gras, p. 229.

³⁴Acts of the Privy Council, VIII, 276.

³⁵The Lord Mayor of London to Lord Burghley, May 10, 1573, in Queen Elizabeth and Her Times, II, 478.

³⁶Gras, pp. 221-228. See also F. J. Fisher, "The Development of the London Food Market," Essays in Economic History, Reprints edited for The Economic History Society by E. H. Carr-Wilson (London, [1954]), pp. 135-151; Thomas Norton, Instructions to the Lord Mayor of London, 1574-5: Whereby he is to govern himself and the City. From the original Manuscript, formerly the property of Sir Christopher Hatton (London, 1866), pp. 9-10.

³⁷Gras, p. 229. Sometimes scarcity conditions even prompted the Council to authorize the sale of grain seized by local officials from foreign ships.--Acts of the Privy Council, VIII, 106, 110, 119, 121-122.

tions existed and at least some part of the country was under restraint.³⁸ By localising the supply problem under these conditions, the Council failed to facilitate the exchange of grain, its transportation from a district of plenty to one of scarcity, from the countryside to the town.³⁹ The whole underlying principle upon which it based its policy of supervision and regulation, and therefore of restraint, worked against such an exchange.⁴⁰ Since restraint situations were so prevalent during this period, therefore, the Council neglected to develop and implement a comprehensive plan for the continuous provisioning of London or the most profitable distribution of foodstuffs within England.⁴¹

At the same time, the Council's interest in seeing that the military needs of England did not go unsatisfied sometimes militated against the retention of local supplies.⁴² In addition, the Council did nothing in the way of directly encouraging the use of new farming methods designed to produce bigger and better crops more often.⁴³ It is true that the profitable use of these methods

³⁸Acts of the Privy Council, VII, 223, 258-259, 260-261, 270; VIII, 45, 85, 158, 389, 392-393; IX, 52-53, 210-211, 215; X, 61, 220-221; Cal. State Papers, Domestic, I, 268, 449.

³⁹Gras, pp. 241-242. The Council, however, did not want to prevent the transportation of grain entirely from one area to another in times of scarcity. --Acts of the Privy Council, VIII, 116, 230; Gras, n. 3, p. 240.

⁴⁰Gras, p. 242.

⁴¹Ibid., 223-228.

⁴²Acts of the Privy Council, VIII, 174.

⁴³For an example of the type of agricultural advice available at this time see Thomas Tusser, Five Hundred Pointes of Good Husbandrie. The Edition of 1580 Collated with those of 1573 and 1577. Together with a Reprint, from the Unique Copy in the British Museum of "A Hundreth Good Pointes of Husbandrie," 1557. Edited by W. Payne and Sidney J. Hertridge (London, 1878).

seemed to depend on the success of the enclosure movement, but the Council showed no initiative with regard to their adoption in local areas where the movement toward the growth of the large estate was not a problem.⁴⁴ The Council's efforts to protect the English consumer were certainly laudable, but they contributed very little toward a long-lasting solution to England's food supply problem.⁴⁵ At the same time, the Council's failure to encourage directly the domestic production of foodstuffs was out of step with what appears to have been its general attitude toward the industrialization of England. Indications are that the Council was motivated in this respect not only by a fear of social disorder as a result of unemployment and a concern for hardship, but also by a very strong interest in making England economically self-sufficient.⁴⁶ Its efforts to increase the domestic consumption of fish were geared to this idea.⁴⁷ Moreover, its efforts to better the quality of English dyeing were motivated by the desire to sever the hold that the continental finishing industry had on the English cloth trade.⁴⁸ In 1579, for example, the Council instructed the dyers

⁴⁴Tudor Economic Documents, III, 63-68. For an account of the incidence and complex character of the enclosure movement during this period see E. C. K. Gonner, Common Land and Inclosure (London, 1912), pp. 107-141.

⁴⁵"Lord Mayor's Orders Concerning the Dearth in the Growing Metropolis, 18 August, 1596," in Gras, App. L, pp. 456-457; Fisher, "London Food Market," Reprints, p. 151. See also Gras, pp. 242-250.

⁴⁶Cal. State Papers, Foreign, I, 582-583; Lipson, III, 353-354; Read, Cecil, pp. 276, 300, 373.

⁴⁷"Arguments to prove that it is necessary for the restoring of the Navye of England to have more fishe eaten and therfor one daye more in the weeke ordeyned to be a fissh daye, and that to be Wednesdays, rather than any other," Tudor Economic Documents, II, 10b-110; Shrewsbury and Coventry MSS., p. 52; Lawrence A. Harper, The English Navigation Laws A Seventeenth-Century Experiment in Social Engineering (New York, 1939), pp. 25-31; Heckscher, II, 38.

⁴⁸"Reasons to move a forbearng of the restitution of the entercourse to Antwerpe." Tudor Economic Documents, II, 47.

of England to appoint two of their number, "thone a silk dier thother a clothe dier, to repaire into Moscovia and Persia" for the purpose of learning better dyeing methods. The dyers were asked to defray the charges of this expedition, but, "forasmuch as their Lordships" were "enformed there will redounds both to the whole Realme and to that Companye a great benefit and commoditys," the Council indicated that it would be quite willing to consider a request for governmental financial assistance, in order to insure the success of this venture.⁴⁹

Even the Council's interference in the domestic wool trade was to some extent motivated by its bias in favor of protecting English industry. Along with efforts to assure a fair internal distribution of wool, the Council also endeavored to see that its exportation would not be detrimental to the English cloth industry. In 1578, for example, it wrote to "the Maieur and Society of the Staple" telling them that Harlem and Leyden in Holland had requested "to be releived with some quantitie of shepes fells out of this realme for iiij yeres." The Staplers were asked to consider this request and advise the Council "howe they may be releived therein, and that they may have all favour and curtesie showed them herein that may be, so that the same be not to the greate detriement of the comen weale or hinderance to her Majesties owne subjectes."⁵⁰

⁴⁹Gras, p. 229. This quotation is used to support the conclusions given in this study concerning the grain policy of the Privy Council in relation to that of Parliament. The statutory policy favored tillage, looked to increased exportation, and contained provisions which were intended to strengthen the naval resources of the realm. It represented the government's policy insofar as principles were concerned; such principles now being commonly bound together under the name of mercantilism. The grain policy of the Privy Council favored the retention of local supplies and represented the government's policy insofar as circumstances involving the actual conduct of the government were concerned.

⁵⁰Acts of the Privy Council, X, 322.

This attitude, moreover, was in accord with that manifested by Parliament.⁵¹

With regard to the cloth industry itself, the Council's desire to protect the quality of English-made cloth and at the same time reduce the number of its producers was also motivated by a quest for self-sufficiency. Cecil, for example, maintained that "people that depend upon making of cloth ar of worse condition to be quietly governed than the husbandmen." At the same time, he held that excessive cloth-making had diminished the number of available artificers, and "also laborers for all comen workes." Furthermore, the "demination of clothyng" in England would be profitable because "therby the tilladg of the realme is notoriously decayed, which is yerly manifest in that contrary to former tymes, the realme is dryven to be furnished with forrayn corne, and specially the Citee of London."⁵² Quality control through proper execution of the laws designed for that purpose, plus strict enforcement of growth regulations, would force marginal cloth-makers out of the cloth-making business and into economic endeavors which were more advantageous to a well ordered, self-sufficient state.⁵³

To become economically self-sufficient, of course, England had to develop needed industries equal to those on the Continent while at the same time organizing a corresponding exploitation of its natural resources. When Elizabeth came to the throne, England was technically behind the Continent.⁵⁴ Before Sir

⁵¹Hackscher, II, 137-138.

⁵²"Reasons to move a forbearying of the restitution of the intercourse to Antwerpe," Tudor Economic Documents, II, 45.

⁵³Tudor Economic Documents, II, 47; Read, Cecil, 297-298.

⁵⁴Lipson, III, 352-353.

Thomas Gresham could build an exchange transaction building, like one existing in Antwerp, for example, he had to arrange for the importation of materials, and for workmen who could put these materials together to form the elaborate edifice that he wanted.⁵⁵ About the middle of the sixteenth century, however, evidence indicates that an enormous expansion began in the output of coal, salt, glass, and ships with a corresponding increase in the production of many other industrial commodities, such as alum, soap, gunpowder, metal goods, and accessories.⁵⁶ "The growth in the importance of mining and manufacturing in the national economy was, it seems scarcely less rapid between the middle of the eighteenth century and the first Reform Act."⁵⁷ Other evidence indicates that the rapid growth of industry, along with the striking increase in the importance and complexity of the domestic system, which began at this time, was accompanied by equally remarkable changes in industrial technique and scale of enterprise.⁵⁸

These developments were not unknown to the Council. From the reports that were made to individual councillors as well as to the Council itself, it is evident that the Council knew and did not dislike what was going on.⁵⁹ Further-

⁵⁵ John W. Burgon, The Life and Times of Sir Thomas Gresham, Knt. (London, n.d.), I, 115-121; Lipsen, III, 56.

⁵⁶ J. U. Nef, "The Progress of Technology and the Growth of Large-Scale Industry in Great Britain, 1540-1640," Essays in Economic History Reprints edited for The Economic History Society by E. M. Carus-Wilson (London, [1954]), p. 89.

⁵⁷ Nef, "Progress of Technology," Reprints, p. 89.

⁵⁸ Ibid., pp. 89-90.

⁵⁹ Cal. State Papers, Domestic, I, 119, 147, 168, 171, 178, 180, 214, 220, 232, 234, 251-253, 255-256, 268, 296-297, 307-309, 315, 393, 402, 411, 421, 436, 438, 440-441, 443, 447, 467, 502, 511-512, 517, 519, 533-534, 554, 587, 598, 611; Cal. State Papers, Foreign, II, 119, 132. See also Acts of the Privy Council, VII, 138, 170-171; Cal. State Papers, Foreign, II, 50; Queen Elizabeth and Her Times, I, 10, 221-223; Great Britain, Historical Manuscripts Commission,

more, the Council's concern for the success of Frobisher's ventures led it to take an interest in the processing of the ore brought home by him. This interest made it aware of some of the financial and technical requirements related to this aspect of industrialisation.⁶⁰ At the same time, individual councillors like Cecil and the Earl of Leicester were themselves important members of various mining and manufacturing companies.⁶¹ Cecil, for instance, was at the same time the governor of the Mines Royal as well as one of the company's largest shareholders with two whole shares.⁶² These councillors, needless to say, actively supported the affairs of the projects in which they were interested.

About 1566, for example, agents of the Mines Royal had found and were working a vein of copper at Newlands near Derwentfells in Cumberland on the manor of the Earl of Northumberland.⁶³ Altogether 600,000 pounds of ore had been raised when the Earl prohibited the miners from removing it.⁶⁴ In the controversy that followed, Cecil, Leicester, and the Earl of Pembroke jointly wrote to Northumberland requiring him "to obey the Queen's injunction to suffer Thomas Thurland and Daniel Hechstetter, or their assigns, to carry away the ore

15th Report, Appendix, Part II, The Manuscripts of J. Eliot Hodgkin, Esq., F.S.A., of Richmond, Surrey (London, 1897), pp. 33-34; Rutland MSS., I, 116; Salisbury MSS., II, 37, 143.

⁶⁰Acts of the Privy Council, X, 136, 147, 156, 177, 271-272; George Born Manhart, The English Search for a Northwest Passage in the Time of Queen Elizabeth. Studies in English Commerce and Exploration in the Reign of Elizabeth (Philadelphia, 1924), pp. 56-59, 78-79.

⁶¹Cal. State Papers, Domestic, I, 288; Select Charters, pp. 5, 18.

⁶²William Robert Scott, The Constitution and Finance of English, Scottish Irish Joint-Stock Companies to 1720 (New York, 1951), I, 46, 68; II, 395.

⁶³Cal. State Papers, Domestic, I, 276; Scott, II, 385.

⁶⁴Scott, II, 385.

dug up at Newland, in Cumberland."⁶⁵ Northumberland's refusal to act according to this letter and to admit that the beneficiaries under a grant of mine royal were entitled to enter on private property and remove ores led to a celebrated suit, the Queen vs. the Earl of Northumberland, which was heard in the Court of Exchequer before all the judges of England and the Barons of the Exchequer. After some erudite arguments on both sides, a unanimous verdict was issued against Northumberland.⁶⁶ Since the Newlands ore contained silver, and the quantity was not stated, the presumption was that its value exceeded that of copper. Previously it had been declared that all mines of gold and silver within the realm, whether in the lands of the Queen or her subjects, belonged to the Crown.⁶⁷ The government, therefore, had the right to grant patents for the exploitation of these mines and to insist that the patentees be allowed to conduct their work on private property.⁶⁸ It is significant that after this verdict was handed down, the Queen received a letter from one of the promoters of the Mines Royal congratulating her on her triumph over the Earl of Northumberland.⁶⁹

Many other examples could also be presented which would connect various

⁶⁵Cal. State Papers, Domestic, I, 288. See also Cal. State Papers, Domestic, I, 289.

⁶⁶Cal. State Papers, Domestic, I, 289-292, 320; Scott, II, 385-386.

⁶⁷J. U. Nef, The Rise of the British Coal Industry (London, 1932), I, 268; Scott, II, 386.

⁶⁸Scott, II, 386.

⁶⁹Daniel Heckstetter to the Queen, May 31, 1567, in Salisbury MSS., I, 345. For Heckstetter's opinion of the part played by Cecil in the Affairs of the Mines Royal see Daniel Heckstetter and Hans Louver to Alderman Duckett, April 23, 1566, in Cal. State Papers, Domestic, I, 270.

councillors to the industrialization taking place in England during the first twenty years of Elizabeth's reign. Suffice it to say, however, that evidence indicates Elizabeth's ministers participated in a deliberate attempt on the part of the government to make England self-sufficient insofar as natural resources permitted.⁷⁰ On the other hand, there is little evidence to indicate that the Council studiously planned and actively supervised this attempt.⁷¹ It never did establish a national administration for mines nor did it participate directly in the internal affairs of newly formed industrial companies. On the basis of available evidence, it would not be unreasonable to say that the Council was eager to participate in the development of heavy industry, but it did not have the capital, nor the authority, nor the agents, needed to carry through a program of state enterprise embracing all new branches of mining and manufacturing.⁷²

Moreover, the Council worked within a framework of somewhat irreconcilable economic attitudes. Its apparently favorable attitude toward restrictive measures designed to control or encourage certain economic endeavors worked against the establishment of a self-supporting industrial system.⁷³ The Statute of Apprentices, for example, and the Council's efforts to secure enforcement of its provisions, restricted the mobility of labor "without which rapid industrializa-

⁷⁰Lipson, III, 353-354; Read, Cecil, pp. 276, 300, 373; Scott, I, 31, 39-41.

⁷¹For example, there were no établissements of the luxury industry in England and no privileged manufacturers royal as there were in France.--Heckscher, I, 221-222.

⁷²See, Industry and Government, pp. 98-101, 103-104.

⁷³Heckscher, II, 151-152.

tion and spectacular commercial expansion are impossible."⁷⁴ The flow of capital to the cloth industry and away from it was hindered by the Council's efforts to control the location and growth of cloth-making in the interests of order, social conservation, and market independence.⁷⁵ Elizabeth's Council was not presented a blank sheet upon which to write a wholly new program and the influence of tradition and medieval economic psychology is apparent in its attitude toward the industrialisation of England.⁷⁶ It acted in accordance with principles which had been previously put into action by municipal bodies, and while its province of action embraced problems relating to wages, apprenticeship, unemployment, trade unionism, technical processes of industry, and encouragement of new industrial endeavors, it exercised little positive influence upon industrial growth.⁷⁷ Despite the interest shown by its members in the development of new industries, England's rapid industrial advance during this period took place independently of the Council; it was not dependent upon the Council for its success. Whatever industrial self-sufficiency England did attain was due more to the growth of the market than to the Council's efforts in behalf of production control.⁷⁸

⁷⁴F. J. Fisher, "Commercial Trends and Policy in Sixteenth-Century England," Economic History Review, X (1939-1940), 113.

⁷⁵George Unwin, "The Merchant Adventurers' Company in the Reign of Elizabeth," Studies in Economic History: The Collected Papers of George Unwin (London, 1927), p. 196.

⁷⁶Lipson, III, 392-393.

⁷⁷The Statute of Artificers (5 Eliz., c. 4), for example, is nothing more than a convenient summary of previous legislative enactments based on principles put into operation by municipal bodies.--Tudor Economic Documents, I, 338-339; Lipson, III, 207-208.

⁷⁸Fisher, "London Food Market," Reprints, p. 140; Edward Hughes, Studies in Administration and Finance 1558-1825 with Special Reference to the History of Salt Taxation in England (n.p., 1930), p. 36.

In the sphere of foreign trade, however, the Council's movements in the comparable endeavors in the direction of volume control were more influential. By 1578, for example, the legal overseas trade of England was controlled by restrictive companies under the patronage of Elizabeth's government.⁷⁹ The lawful merchandising of English goods abroad had become a privilege that was obtainable only through conformity with the patent rights of these companies and the orders of the Privy Council. Any person who could not qualify as a member of one of these companies, or who refused to adhere to their internal regulations, was either driven from the field or became an illicit trader.⁸⁰

As noted before, the Council favored the establishment of regulatory companies because it believed that a free and wide open foreign trade was detrimental to the interests of the Crown and the country. It can be said, for example, that the Council operated in an economic atmosphere that included the belief that the world contained a fixed quantity of economic resources which could be increased in one country only at the expense of another.⁸¹ According to this belief, therefore, trade depressions were caused by product disposal difficulties due to the too rapid exhaustion of a market country's resources. This rapid exhaustion was blamed on the activities of an excessive number of

⁷⁹Unwin, "Merchant Adventurers' Company," pp. 168-187; Fisher, Econ. Hist. Rev., I, 115-116.

⁸⁰"It is thus to the later sixteenth century that--a priori--our attention should be drawn in any attempt to throw light upon the origins of large-scale smuggling."--G. D. Ramsay, English Overseas Trade During the Centuries of Emergence (London, 1957), p. 174.

⁸¹Heckscher, II, 24; Unwin, "Merchant Adventurers' Company," pp. 171-172.

merchants who sold an excessive amount of inferior merchandise at low prices.⁸²

It was the Council's hope that this problem could be solved by restricting the number of merchants who could engage in foreign trade and by enhancing the price of English products through sales volume limitations and quality control.⁸³ In accordance with this hope, the Council actively supported patents which manifested these ideas.

At the same time, the Council was not untouched by the idea that a favorable balance of trade was very desirable for England.⁸⁴ Cecil, for instance, wrote that it was "manifest that nothing robbeth the realm of England but when more merchandise is brought into the realm than is carried forth."⁸⁵ This was so because the value difference had to be made up through the payment of money, and according to current economic formulations, the exportation of bullion was

⁸²John Wheeler, A Treatise of Commerce Reproduced from the London Edition of 1601 With A Bibliographical Note by George Burton Hotchkiss (New York, 1931), pp. 55-56; Lipson, II, 240-241.

⁸³High prices were considered as constituting the essence of a well-ordered trade. The Merchant Adventurers, for example, used various devices to keep export prices at a high level.--Wheeler, pp. 44-58; Lipson, II, 234; Fisher, Econ. Hist. Rev., X, 114; Tudor Economic Documents, III, 271-272.

⁸⁴"A Treatise Concerninge the Staple and the Commodities of this Realme," Drei volkswirtschaftliche Denkschriften aus der Zeit Heinrichs VIII, ed. Reinhold Pauli (Göttingen, 1878), p. 32; "Polices to Reduce this Realme of Englands vnto a Prosperous Wealth and Estate," Tudor Economic Documents, III, 318, 321; "Considerations for the restraynte of transportinge Gould out of the realme and also for the mynters and coyners therof," in Georg Schanz, Englische Handelspolitik gegen Ende des Mittelalters (Leipzig, 1881), II, 649; Discourse of the Common Weal, pp. 62-63; Jacob Viner, "English Theories of Foreign Trade Before Adam Smith," Journal of Political Economy, XXXVIII (June-August, 1930), 255-256; Jacob Viner, Studies in the Theory of International Trade (New York, 1937), pp. 6-8.

⁸⁵"Inconueniences of enlarging any power to bring any more wine into the realm," in Read, Cecil, p. 371.

not only unwise, but also unlawful.⁸⁶ He proposed, therefore, to "abridge the use of such foreign commodities as be not necessary for us, whereof the excess of silks is one, of wine and spice another."⁸⁷ The protection extended to the English cap-making industry, interference in the wine trade, attempts to control "the multiplying of taverns"⁸⁸ and repeated efforts to enforce apparel regulations,⁸⁹ all partook of this balance-of-trade idea.⁹⁰ It is interesting to note that the Council was in accord with the legislative laws of the realm on this matter.⁹¹

Support for the establishment and activities of restrictive trading companies was also dictated by a spirit of economic nationalism that existed among Council members and by the financial needs of the Crown. The members of Elizabeth's council, for example, were deeply involved in attempts to share in the wealth of Africa, Asia, and Spanish America.⁹² Moreover, this involvement was

⁸⁶"Considerations for the restraynte of transportinge Gould out of the realme and also for the mynters and coyners therof," in Schanz, II, pp. 648-649; "Inconveniencies of enlarging any power to bring any more wine into the realm," in Read, Cecil, pp. 371-372; Discourse of the Common Weal, p. 63.

⁸⁷"Inconveniencies of enlarging any power to bring any more wine into the realm," in Read, Cecil, p. 372.

⁸⁸Ibid.

⁸⁹Wilfrid Hooper, "The Tudor Sumpuary Laws," The English Historical Review, IX, No. CXIX (July, 1915), 436-449; Rye and Hereford MSS., p. 329.

⁹⁰"In two ordinances of 1574 and 1588, Cecil referred directly to the balance of trade as the cause for his anti-luxury measures."--Heckscher, II, 110.

⁹¹See 5 Eliz., c. 7. Statutes of the Realm, IV, pt. I, 428-429.

⁹²Acts of the Privy Council, VII, 316; Cal. State Papers, Domestic, I, 183, 260; Cal. State Papers, Foreign, II, 205; Cal. State Papers, Simancas, I, 504, 548, 556, 584-585, 585, 588, 593, 613, 642, 646, 652, 656-657; Salisbury MSS., I, 347. See also Cal. State Papers, Simancas, I, 5; Read, Cecil, pp. 427-430; Scott, I, 83-84; Umwin, "Merchant Adventurers' Company," pp. 184-185; Alfred

coated by a rationale of principle. Thus, Cecil's attitude that the Pope had no right to partition the world and to give and take kingdoms to whomever he pleased was reported as being the real reason why the Council did not completely suppress trading voyages to Africa and the New World; the quest for profit was reported as being of secondary importance.⁹³ Furthermore, this aggressively independent foreign trade attitude was reflected in the conduct of England's economic relations with continental powers. There were many people in England, for instance, who believed dependence upon the Antwerp market was necessary for the political as well as economic welfare of England, but the Council was not unduly influenced by this position.⁹⁴ Cecil, for one, contemplated with equanimity the severance of the old economic ties with the Low Countries. After the government had placed its 1564 embargo on the export of cloth to the Netherlands, Cecil was inclined to think that England ought to seize the occasion for reforming the ills ascribed to the excessive production and exportation of cloth to Antwerp. He thought that since the great majority of cloths exported were "fine white cloths," or unfinished cloth, the only people that would be affected by an absolute break would be those that made this type of cloth. It was his opinion that "if the statutes that are provided for making of true clothes, for prohibiting of men to be clothiers that have been brought up in the faculty, and for such like (were enforced) it would breed a smaller number

Cecil Wood, A History of the Levant Company (n.p., 1935), p. 10.

⁹³Cal. State Papers, Simancas, I, 218-219.

⁹⁴The 1563-1564 English-Netherlands economic war, for example, drew forth a spate of memoranda on the general subject of the cloth trade. For the most part, these economic expressions argued for the continuation of the trade through Antwerp.--Read, Cecil, p. 295.

of clothiers of that sort." Until this situation could be brought about, however, those people that became employed through lack of a white cloth market could be taught "to dye and color" cloth, or make other types, the sale of which "remaineth as good as before, both into Spain, France, and unto the east countries." Those that could not be absorbed into other aspects of the cloth trade, or into other fields of endeavor, could be sent "into Ireland to help the peopling of the countries there."⁹⁵

In the negotiations that followed the 1564 Anglo-Spanish commercial break, this position was used to gain as much as possible for England.⁹⁶ Despite his inclination towards the breaking of England's dependence upon the Antwerp market, Cecil was well aware that it could not be accomplished in an abrupt fashion and that some sort of settlement with the Low Countries was necessary. He wrote in September of 1564: "We here do see it very necessary to return to the Low Countries, for although it were to great purpose to divert some part of our trade from thence, and is seen possible, yet the matter was not so foreseen, considering it fell out upon a casualty, but that our country shall not be presently able to endure the holding out."⁹⁷ One of the greatest problems facing England because of this break was "the lack of revenue for the Queen of the

⁹⁵"Reasons to move a forbearng of the restitution of the entercourse to Antwerpe," in Read, Cecil, pp. 295-298.

⁹⁶Sir William Cecil to Sir Thomas Smith, November 26, 1564, December 30, 1564, June 3, 1565, October 16, 1565, in Queen Elizabeth and Her Times, I, 178-179, 181-185, 198-199, 208-212; Joseph Marie Bruno Constantin Kervyn de Lettenhove, Relations Politiques des Pays-Bas et de l'Angleterre sous le Règne de Philippe II (Bruxelles, 1882-1900), IV, 35-154; Salisbury MSS., I, 331. See also Cal. State Papers, Simancas, I, 375.

⁹⁷Sir William Cecil to Sir Thomas Smith, September 12, 1564, in Queen Elizabeth and Her Times, I, 175.

Customs," and "the sudden stay at home of the people that belong to cloth making."⁹⁸ However, Cecil appears to have believed that time was on England's side.⁹⁹ This belief, combined with a willingness to dispense with the Antwerp market and the fact that England could dispose of some part of its cloth production in other areas,¹⁰⁰ induced the government to drag out the negotiations until a not unfavorable agreement was accorded it.¹⁰¹

These bargaining principles were also present in the Council's relations with the Hanse. Elizabeth's government took the position that the Hanse had to grant privileges to the merchants of England similar to those held by Hanseatic merchants in London.¹⁰² In addition, the Council's attitude towards the German merchants was colored by its desire to increase the maritime might of the kingdom through an English monopoly of the naval transportation in and out of the realm¹⁰³ and by its close financial association with the Merchant Adventurers. Since the Hanse refused to agree to the Council's position, and since the Merchant Adventurers were opposed to the trading status of Hanseatic merchants in England, nationalistic considerations prompted the Council to suspend and later abrogate the privileges formerly held by the Hanse Traders.¹⁰⁴ By the 1580's,

⁹⁸ Ibid.

⁹⁹ Read, Cecil, 293.

¹⁰⁰ "Reasons to move a forbearng of the restitution of the entercourse to Antwerpe," Tudor Economic Documents, II, 47; Sir William Cecil to Sir Thomas Smith, November 26, 1564, in Queen Elizabeth and Her Times, I, 179.

¹⁰¹ Read, Cecil, pp. 292-294.

¹⁰² Acts of the Privy Council, X, 301-302.

¹⁰³ Harper, pp. 19-33.

¹⁰⁴ Acts of the Privy Council, VII, 114-115; X, 300-302; Wheeler, pp. 95-101, 113-115.

for example, the cloth trade of England was controlled by English merchants; Hanseatic traders could no longer compete with them.¹⁰⁵

In imposing a framework of restrictive companies, restrictive regulations, and economic nationalism upon the foreign trade of England, however, the Council acted against some aspects of this field of economic endeavor. For one thing, it hindered the general expansion of English foreign trade.¹⁰⁶ Moreover, its unfavorable attitude towards the importation of luxury items did not take into consideration the fact that these items were used as payment for English exports.¹⁰⁷ At the same time, its nationalistic economic attitude aided and abetted the growth of privateering which, in the long run, harmed rather than helped the country.¹⁰⁸ Against the profits derived from these expeditions, for example, must be set the cumulative effects of the disturbances of trade which they caused as well as the diversion and occasional loss of capital which could have been better employed.¹⁰⁹ Furthermore, its readiness to break off economic ties in behalf of its nationalistic aims played havoc with the main-

¹⁰⁵Unwin, "Merchant Adventurers' Company," pp. 213-214; Astrid Friis, Alderman Cockayne's Project and the Cloth Trade The Commercial Policy of England in its Main Aspects 1603-1625 (London, 1927), p. 47.

¹⁰⁶Unwin, "Merchant Adventurers' Company," 168, 172-174, 201, 213, 217. See also Heckscher, I, 388.

¹⁰⁷Wheeler, pp. 21-24.

¹⁰⁸Fisher, Econ. Hist. Rev., X, 105; Lipson, III, 210-212; Scott, I, 80, 84-85; Unwin, "Merchant Adventurers' Company," pp. 175-180. Some responsible Englishmen, however, deplored the spread of privateering and piracy.--Sir Thomas Chaloner to the Queen, November 30, 1564, in Queen Elizabeth and Her Times, I, 178.

¹⁰⁹Lipson, III, 211-212.

tenance of sound trading relations.¹¹⁰ The detention of the Spanish treasure and the subsequent commercial break with Spain, for instance, resulted in the loss of an important market and the disturbance of production over the whole country.¹¹¹ Contemporary writers, viewing events on the surface, congratulated themselves on the fact that the value of Spanish goods confiscated in England because of the break exceeded the value of English goods seized by Spanish authorities.¹¹² This differential, however, was not compensatory for the losses suffered by merchants through the disruption of existing commercial relations.¹¹³

At the same time, however, the results of privateering and the detention of the Spanish treasure must be viewed in the light of existing opinions regarding the possibility of an Anglo-Spanish war. If war was considered to be a good possibility, privateering was not altogether bad, while the seizure of Spanish bullion hurt the Spaniards and gave Elisabeth a "war chest" at a badly needed time.¹¹⁴ In this regard, evidence indicates that the Council worked in an atmosphere constantly in motion in response to the relentless pressure of war and fear of war. France, Spain, and the Pope, were all considered as potential invaders.¹¹⁵ Permeating practically all of its major economic consid-

¹¹⁰Capital was immobilized; merchants were unable to meet their engagements; and international credit arrangements were disrupted.--See Scott, I, 51-52; Unwin, "Merchant Adventurers' Company," pp. 176-179.

¹¹¹Scott, I, 51. See also Cal. State Papers, Simancas, II, 548-549.

¹¹²William Camden, Annales Rerum Anglicarum, regnante Elizabetha, 1717, I, p. 177, cited in Scott, I, 51.

¹¹³Scott, I, 51-52; Unwin, "Merchant Adventurers' Company," p. 177.

¹¹⁴Scott, I, 84-85.

¹¹⁵"A short Memoryall of the State of the Realme," Samuel Haynes, A Collection of State Papers Relating to Affairs in the Reigns of King Henry VIII, King

erations was the idea of how to best avoid problems that would threaten "if warres should chance."¹¹⁶

Thus, its concern for the small cultivator was permeated with the idea that his preservation was required for military reasons.¹¹⁷ Moreover, the maintenance of tillage was needed in order to reduce the need for the importation of foreign grain and the corresponding danger of this importation being cut off in time of war.¹¹⁸ Industrialization was accepted in a friendly spirit with the hope that it would lessen England's dependence upon foreign military supplies.¹¹⁹ The grants of monopoly patents, for example, were conditioned by the desire to improve the military preparedness of the realm,¹²⁰ and the Council undertook to support promoters of projects that were intended to enhance the military position of the kingdom. In 1578, for example, it wrote to some gentlemen that, "where uppon an offer made by one Cornelis for the furniture of her Majestie with a great quantitie of saltpeter" some common land in "the New Forreste" had to be leased to him which the inhabitants of that area were un-

Edward VI, Queen Mary, and Queen Elizabeth, From the Year 1542 to 1570 (London, 1740), pp. 579-588; Lord William Paget to Sir Thomas Parry and Sir William Cecil, February 20, 1559, in Salisbury MSS., I, 151; Cal. State Papers, Foreign, I, 138, 521; II, 103.

¹¹⁶Sir Thomas Gresham to Sir William Cecil, August 9, 1562, in John W. Burgon, The Life and Times of Sir Thomas Gresham (London, n.d.), II, 11.

¹¹⁷Tudor Economic Documents, I, 78.

¹¹⁸"Inconveniences of enlarging any power to bring any more wine into the realm," in Read, Cecil, p. 372. See also Brian Pearce, "Elizabethan Food Policy and the Armed Forces," Economic History Review, XII, Nos. 1 & 2 (1942), 39-46.

¹¹⁹Sir Thomas Chaloner to Sir William Cecil, September 29, 1559, in Queen Elizabeth and Her Times, I, 11; Cal. State Papers, Foreign, I, 582-583.

¹²⁰Tudor Economic Documents, I, 244; Cunningham, II, 58-61. See also Tudor Economic Documents, III, 173-199, 370-376.

willing to dispense with, the Council desired them to deal with these common land users, "and yf any of them shall refuse to yeilde to conformetie they shall geve them day to make their apparence before their Lordships."¹²¹ After the Council had obtained the conformity it wanted it further ordered its agents "from tyme to tyme to be ayding and assisting to the said Cornelis in all things nedeful for the accomplishing of that which is promised," because the Council's whole intention "in this behaulf is directed to the furderrance of her Majesties service to supplie suche a want as this realme cannot be without."¹²² Furthermore, the rearmament program lay behind the Council's intensive efforts for the improvement of English shipping.¹²³ At the same time, this program also played a part in determining the Council's policy toward trading companies. Their charters, for instance, required them to use English vessels and they were expected to contribute otherwise to the military potential of the realm.¹²⁴

Moreover, financing of military expeditions and the desire to be able to finance offensive or defensive forces when needed exercised a persistent and ever-increasing influence upon economic policy.¹²⁵ Most petitions for patents, for instance, contained promises that the customs revenue would be increased if

¹²¹Acts of the Privy Council, X, 142.

¹²²Acts of the Privy Council, X, 170-171. The agreement that was finally made is in Acts of the Privy Council, X, 159-161.

¹²³Tudor Economic Documents, II, 104-110.

¹²⁴Thus, the Russia Company was required to use English ships "sailed for the most part with English Mariners."--Hakluyt, III, 89-90. See also Harper, p. 32; Scott, I, 30.

¹²⁵Lawrence Stone, "State Control in Sixteenth-Century England," Economic History Review, XVII, No. 2 (1947), 114.

they were granted.¹²⁶ The relations of the Council with the Merchant Adventurers were heavily conditioned by the help the company was able to give the Council regarding the raising of money.¹²⁷ Frobisher's expedition, as well as other semi-piratical ventures, were approved in consideration of the treasure which they were expected to bring into the realm.¹²⁸ At the same time, import restrictions were intended to deny monetary benefits to a potential enemy. In opposing a greater importation of wines, for example, Cecil declared that it would "enricheth France, whose power England ought not to increase."¹²⁹ Prohibitions against the importation of other items from other countries were based as well upon the need to build up domestic industry as upon an attempt to deny another country the use of English money that would be used to pay for them.¹³⁰

At the start of Elizabeth's reign the lack of military supplies in England and the corresponding dependence of the country on foreign markets was the source of great anxiety to the Council.¹³¹ In accordance with this anxiety,

¹²⁶Tudor Economic Documents, III, 389; Stone, 114.

¹²⁷Sir Thomas Gresham to Sir William Cecil, March 1, 1559, in Burgon, I, 257-262; The Queen to the Governor of the Merchant Adventurers at Antwerp, August 28, 1560, Tudor Economic Documents, II, 153-154; Unwin, "Merchant Adventurers' Company," p. 158.

¹²⁸Scott, I, 71-92; Unwin, "Merchant Adventurers' Company," pp. 175-176.

¹²⁹"Inconveniences of enlarging any power to bring any more wine into the realm," in Read, Cecil, p. 372.

¹³⁰"Reasons to move a forbearng of the restitution of the entercourse to Antwerpe," Tudor Economic Documents, II, 45.

¹³¹The idea that England was militarily weak dominated the arguments of those who favored invading Scotland in 1559 as well as those who opposed this move. --Cal. State Papers, Foreign, I, 519-524; II, 191-198; The State Papers and Letters of Sir Ralph Sadler, Knight Bannert, ed. Arthur Clifford (Edinburgh,

the Council supervised the importation of military items from the Low Countries and elsewhere,¹³² while at the same time it sought to increase the self-sufficient military might of the realm.¹³³ It would appear that in response to a fear of war, the Council, along with conservative and responsible opinion, wanted to make England into an autocratic state. According to this idea, security, and not prosperity, was the object of its economic endeavors.¹³⁴

The complexity of the Tudor period, however, does not lend itself easily to simple explanations regarding economic policy.¹³⁵ In this study, an attempt was made to investigate the managerial position of Elizabeth's Privy Council in relation to its corporate activities in the economic field for the years 1558-1578. No deliberate effort was expended to place the Council within the existing constitutional, political, and legal system, nor was the economic history of England for the first twenty years of Elizabeth's reign rewritten. The work of historians such as Tawney, Lipson, Heckscher, Unwin, Fisher, Diets, and Cunningham was drawn upon to provide the economic setting for the Council's activities, as well as to support some of the explanations presented in this study with regard to these activities, but no comprehensive endeavor was made to ex-

1809), I, 377, 382; II, 207; Read, Cecil, pp. 151-172.

¹³²Cal. State Papers, Foreign, I, 60, 105, 161-162, 517-518; II, 18, 44, 48, 68, 207-208, 220, 248, 310-311, 338.

¹³³As early as 1560 Cecil was superintending experiments in the mixing of gunpowder.--Cal. State Papers, Domestic, I, 160; Scott, I, 31. See also "Elizabeth arms England which Mary had left defenceless," An English Garner Tudor Tracts 1532-1588 With an Introduction by A. F. Pollard (Westminster, Eng., 1903), pp. 57-81.

¹³⁴Cal. State Papers, Foreign, I, 582-583; Salisbury MSS., 390; Read, Cecil, p. 373, Stone, 110.

¹³⁵Stone, 110.

amine all facets of Elizabethan economic history independently of the aforementioned authorities.

In its attempt to investigate the managerial position of Elizabeth's Privy Council, this study directed its attention to an independent examination of the Council's directives on economic affairs for the period under discussion. When satisfactory directives covering certain periods of time and areas were either unavailable or non-existent, recourse was had to related evidence. Moreover, this study limited itself to those formative years in the development of Elizabethan economic relations when the government could and did devote a great deal of attention to economic problems. Between 1558 and 1578, the structure of Elizabethan economic relations took shape while the attention of Elizabeth's government was not yet overwhelmingly jaundiced with the problems related to the struggle with Spain.¹³⁶ If one can accept the premise that the earliest and most concentrated responses to situations are the ones most indicative of motive and position, this study provides a valid picture of the Council's economic leadership through a presentation of its earliest and most undiverted answers to the problems with which it felt called upon to deal.

Furthermore, because its subject, its mode of procedure, and the period of time covered by it are integral parts of its presentation, this study seems to be the only one of its kind in existence. Essays by Dacey, Gladish, and Percy, as well as commentaries by Holdsworth, Pollard, and Read, mention the extensive and varied nature of Privy Council interference in English life on all levels, but they are either too broad in scope, too sparse in content, too selective in

¹³⁶The amount and nature of the economic legislation enacted by Parliament during this period supports this contention. These laws are appropriately noted in the text.

presenting their evidence, too concerned with placing the Council within the existing constitutional, political, and legal system, or, as in the case of Gladish, too poorly written to adequately present the Council's activities with regard to economic affairs. In the first chapter of this study, contemporary evidence was bolstered by the use of these authorities in order to illustrate what the Council was and how it was organized. Because the examples presented in the succeeding chapters of this study are more vitally concentrated, as well as being surrounded by an economic setting, they go beyond Dicey, Gladish, Percy, Pollard, and Read, in showing, for example, that the outstanding thing about the Council's economic position was the range, frequency, and expedient nature of its interference in the economic relations of England.¹³⁷

Moreover, because of its topic, its mode of procedure, and the period of time covered by it, this study can be said to enhance the work of those historians from which it drew its economic setting. Cunningham, Lipson, and Heckscher, for instance, all refer to the Privy Council in their works, but since their works cover a wide range of both time and subject matter, they do not spell out the Council's activities and position with regard to either the totality of English economic affairs or any particular aspect thereof. In addition, their tendency is to accept the premise that the state was interested in economic relations because of its desire to become wealthier, or more powerful, or more self-sufficient than its neighbors. To support this contention, they

¹³⁷ Furthermore, this study can correct at least one error made in a previous work. From the examples presented in this study, it is evident that Gladish is wrong in stating that the first orders of the Council regarding the compulsory eating of fish date from February, 1589.--See Gladish, p. 97. At the same time, this study supports the view of Pollard and others that the jurisdictional line between the Privy Council and the Court of the Star Chamber was very indistinct.--See Pollard, English Historical Review, XXXVII, 530-539.

cite selected evidence divided by a wide range of years. Contemporary writers, enactments of Parliament, records of debates in Parliament, as well as royal proclamations and other prerogative orders, are used to illustrate the attitude and interference of the state in economic affairs without any pretense at favoritism. Assuming that their economic facts are correct and that their economic interpretations of these facts are not wholly divorced from the truth, this study complements their work by showing, in a concentrated and more detailed fashion, how Elizabeth's Privy Council, the foremost prerogative part of the English state next to the Queen, acted in relation to particular aspects, as well as the totality, of existing economic facts and ideas. Thus, for example, this independent study illustrates the activities and attitude of the Privy Council with regard to the implementation of political lent and the control of economic middlemen much more fully than Lipson. Furthermore, Lipson's contention that the policy of the state during this period was primarily dictated by the demands of an ever-changing environment, although generally directed toward the pursuit of more self-sufficient power than its neighbors, seems to be substantiated by the actions of Elizabeth's Privy Council as revealed in this study. At the same time, in view of the paucity of evidence to the contrary, the contention of Nef and others that agricultural and industrial advances during the reign of Elizabeth were due more to the expansion of the market than to the actions of the Privy Council can be accepted as essentially valid.

In addition, Heckscher's relatively unsupported opinion that the "most characteristic feature of the economic policy of the Stuarts and of the Tudors was the continual endeavor to aid the new classes of society who suffered from

the new capitalist development, above all the weavers and artisans generally, against the entrepreneurs and managers of industry and commerce, and also the agricultural population oppressed by the enclosures and sheep rearing,¹³⁸ finds some support in the directives issued by the Privy Council. On the basis of this study as a unit, however, it is evident that the designation "most characteristic" must be redirected, for, as has been noted, the Privy Council never developed a systematic and comprehensive plan in behalf of Heckscher's new classes of society. Rather, this study would agree with Tawney that the Council's efforts in this regard were spotty and generally dictated by circumstances connected with special hardship and the fear of political and social instability. The Council had to rely for the execution of its orders on the people who were doing whatever oppressing there was, and this fact in relation to the Council's desire to maintain a rigid socio-economic order, as well as its wish to make and keep England a formidable world power, prevented the Council from throwing its full weight behind the unprivileged classes.

From the evidence presented in this study, moreover, it is possible to confirm and correct some conclusions about the Privy Council advanced in economic histories more monographic in tone than Cunningham, Lipson, and Heckscher. For example, on the strength of many more examples than presented by Tawney, it is possible to confirm his contention that though, on the whole, the attitude of Elizabeth's Privy Council toward enclosures was the traditional one as presented by him, the Council did not forcefully interfere except in cases of special hardship or when there was serious danger to the well-being of the state. Furthermore, this study supports the work of Leonard in that it shows, on the

¹³⁸Heckscher, p. 257.

basis of earlier and more examples than cited by her, that Elizabeth's Privy Council concerned itself with the relief of the poor in a way that linked together the repression of vagrants with the care of the legitimate poor in the interests of maintaining order. As mentioned before, the Privy Council was not immune to the plight of the poor, but it sought the solution to the problem of the poor and unemployed in organization rather than unsupervised charity.

At the same time, this study enlarges upon the hints given by Urrin and Holdsworth concerning Privy Council intervention in commercial relationships of all kinds. It goes beyond these works, for instance, in showing that the Privy Council interfered in business dealings connected with land transactions and that it felt empowered to intervene in the daily business affairs of the commercial and mercantile community. Moreover, this study illustrates better than both Urrin and Fisher, the fact that the Privy Council supported the privileges of restrictive companies engaged in foreign trade against the onslaughts of outsiders and the inside attacks of their own members. It also illustrates the Council's role in areas connected with sixteenth century foreign trade not covered by either Urrin and Fisher, such as the preservation of wreck, the restitution of pirated goods, the supervision of reprisal action, and marine insurance. In a like manner, this study illustrates the Council's activities in public and private finance with an emphasis and detail not used by either Diets or Tawney.

Furthermore, because of its more detailed investigation of the Council's interference with regard to the trade in foodstuffs, this study casts serious doubt upon the conclusion of Gras that the policy of the Privy Council with re-

gard to the grain supply was dictated by the policy of London.¹³⁹ Rather, as has been noted, both conditions and the orders of the Council indicate that retention of local supplies in order to ensure a fair price was the object behind the activities of the Privy Council in this economic area.

Thus, in terms of its objectives and limitations, this study surpasses existing works on the Privy Council, it enhances and complements the work of some economic historians, and, at the same time, it confirms and corrects the work of others by re-examining the evidence they used whenever possible in relation to additional evidence not used by them. In its presentation and conclusions, this study offered answers to some of the questions posed in the first chapter. It related how and in what direction the Council exercised its influence; it noted the Council's appreciation of the problems that instigated the promulgation of its directives; it mentioned whether or not the policies of the Council differed from those of Parliament; and it presented the Council's connections with the instruments of Elizabeth's authority, the Court of the Star Chamber, the Court of Requests, the Councils of the North and of the Marches of Wales, the Justices of the Peace, and other royal agencies. Granted that the complexity of the Tudor period does not lend itself easily to simple

¹³⁹Gras, p. 225. Moreover, in at least one instance, the evidence Gras uses to support his contention can be questioned. On page 228 of his work, Evolution of the English Corn Market, he states that in 1565 Cambridge petitioned against the transportation of grain from Lynn but that the government refused to check this transportation because the grain was being shipped from Lynn for the victualling of London. Evidence uncovered by this study indicates that on June 18, 1565, a complaint was sent to Cecil regarding the excessive exportation of corn from the neighborhood of Cambridge, especially from Lynn, with a request that authority be given for "a stay of all corn within five miles of the University." On June 25, 1565, the Earl of Leicester and Sir William Cecil promised to stay the exportation of grain from Cambridge until further order could be taken.--Cal. State Papers, Domestic, I, 253.

explanations regarding economic policy, this study has, in this regard, advanced the work concerned with explanations of this sort by emphasizing the intimate and active connection of the Privy Council with English economic relations for the formative years 1558-1578. It has shown that what general controls the Council did seek to impose seem to have been in agreement with what is today commonly known as mercantilistic economic thought,^{1h0} but that the Council's main purpose was not to implement an economic theory or a related set of theories. Its purpose was to manage England in the way that it thought best. From this study, it is evident that this way included the structural establishment of a rigid socio-economic order infused with the determination to make and keep England an independently formidable world power.^{1h1}

This ideal, however, was sabotaged by the very efforts made in its behalf, by the conditions responsible for whatever success it did attain,^{1h2} and by the natural duties of government. Attempts at stratification sometimes imposed too great a strain on what was a restless economy, and movements in the direction of industrial, commercial and military strength were too economically attractive to be contained. Thus, conformity with the Council's position was obtainable only in compatible areas. The success of its policy depended upon the voluntary support given it in the interests of security against internal unrest and external attack, or by budding capitalists whose cooperation with the gov-

^{1h0}Fisher, Econ. Hist. Rev., X, 116.

^{1h1}Stone, 120.

^{1h2}Sir William Cecil to Sir Christopher Hatton, May 12, 1587, in Sir Harris Nicolas, Memoirs of the Life and Times of Sir Christopher Hatton, K. G. (London, 1847), pp. 470-472.

ernment could be expected to redound to their advantage.¹⁴³

Under these conditions, the Council played a middle-of-the-road role. It did not assume the leadership of what was a new economic spirit, nor did it go all out to quash its objectionable manifestations. The business of government obliged it to compromise and its economic management of England consisted mainly of using the traditions bequeathed to it as well as its own prejudices and desires in a search for workable solutions to current problems. In the course of time these solutions hardened into some sort of a conscious uniformity,¹⁴⁴ the righteousness and efficacy of which are the subject of intellectual controversy even today.¹⁴⁵

¹⁴³Stone, 120.

¹⁴⁴Unwin, "Merchant Adventurers' Company," p. 184.

¹⁴⁵Stone, 103.

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APPROVAL SHEET

The dissertation submitted by Vincent H. Ponko, Jr., has been read and approved by five members of the Department of History.

The final copies have been examined by the director of the dissertation and the signature which appears below verifies the fact that any necessary changes have been incorporated, and that the dissertation is now given final approval with reference to content, form, and mechanical accuracy.

The dissertation is therefore accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy.

August 5, 1959
Date

William D. Griffith
Signature of Adviser