XXVI.—*On the Early History of Lord Lieutenants of Counties. In a Letter to the VISCOUNT MAHON, President, from Sir HENRY ELLIS, K.H. Director.*

Read Feb. 2 and 9, 1854.

MY LORD,

British Museum, Feb. 2, 1854.

I BEG to lay before your Lordship and our Society a few short Remarks upon the early history of Lord Lieutenants of Counties, introductory to two sets of Instructions granted to the same nobleman, first in the reign of King Philip and Queen Mary, and, secondly, by Queen Elizabeth, showing a gradual and sensible improvement in the details of the lieutenancies, as carried out by the latter queen.

Lord Lieutenants of Counties appear to have been first appointed in the 16th century; they succeeded the Commissions of Array, which the Crown in earlier times had been accustomed to issue. The earliest of these appointments are to be recognized in the Commissions "*de arraiatione et capitaneo generali, contra Francos*," issued, for a large range of the counties of the kingdom, to the Dukes of Norfolk and Suffolk, and to the then Lord Russell, in 1545.

Blackstone, however, says, "About the reign of King Henry the Eighth, and his children, Lord Lieutenants began to be introduced as standing representatives of the Crown to keep the counties in military order; for we find them mentioned as known officers in the statute 4 and 5 Phil. and Mary, chap. 3, though they had not been long in use, for Camden speaks of them (in the *Britannia*), in the time of Queen Elizabeth, as extraordinary magistrates constituted only in times of difficulty and danger."^a

The first of the Instructions which I now lay before the Society, is of the exact date mentioned by Blackstone, in his Commentaries, namely, the 4th and 5th of Philip and Mary, on which very account it was probably preserved in one of the volumes of Sir Julius Cæsar's manuscripts,^b from which I have transcribed it, as a sort of pattern copy of the Instructions.

The second code is dated in 1574. Both, as I have already mentioned, were given to the same nobleman, Francis Earl of Bedford.

I remain, my Lord,

Your Lordship's faithful Servant,

HENRY ELLIS.

^a Charles the First, in 1642, endeavoured to revive the Commission of Array.

^b MS. Lansd. 155, fol. 297 b, 299, 303.

I.

“MARIE THE QUEENE.

“Instructions geven by the King and Queen’s Majesties to their right trustie and right welbeloved cosen, the Erle of Bedford, appointed their Hignes Lieutenant of the Counties of Dorset, Devon, Cornewall, and their Citie of Exeter, the 17th daie of March, the fourth and fifth yeares of their Majesties’ raignes.

“Inprimis, the said Lieutenant to have with him his Commission, his Instructions, and his Letters.

“To departe forthwith to his chardge with all diligencie.

“To geve order straight for the raysing of beacons and watchyng of the same according to such orders as be appointed, and to geve the chardge of the beacons to men of understanding.

“To cause musters to be taken of all persons within the lieutenancie, of their weapons and of their armor, and to picke out and describe all the able horsemen and footmen, their names and dwelling places.

“To call all the gentlemen of the shere together, and to take view of all their serving-men; and of all such horses and geldings as they have, meete to sett the serving-men upon them; and to consider what number there is of them able to carrie a dimi-lance, and howe many light horsemen.

“To appointe meete Captens for the horsemen and for the footmen, such as he shall thinke most convenient, dividing the shere by hundreds, or such numbers as he shall thinke meete.

“To appoint to everie Capten the nombre he shall leade; to deliver him the names and dwelling places of his nombre; and to deliver him a precepte or commandement for his nombres within that hundred to obaie him, and to all officers for his assistance yf anie disobaie.

“To order every Capten to take often musters and viewes of his bande, seeing them harnessed with weapons and armor convenient, so as he may well knowe them, and have them alwaies in a readiness.

“To appoint to what places and upon what warning everie capitaine shall resorte to with their men for defence.

“To consider what dangerous places there be for the landing of the enemies upon the sea-coasts; and to cause the inhabitants next unto that place, and if they be not able their neighbours next unto them, to helpe them to make newe or to repaire, as the cause shall require for defence of that place, trenches and bulwarks of earth.

“To cause the in land dwellers of the shire to furnish the numbers that goe from their quarters for their defence at the sea costs, not onlie of sufficient money to paie for their victualls when they come there, but also to have consideration of their chardges in coming back again; and of the tyme, which may be peradventure ten or twelve days, of their aboade upon the sea coste, whereunto the said inland men may be induced, seeing the others goo forth to adventure their lives for their defence, and to the intente that they may remayne the more quiet at home.

“The Lieutenant, if he see the force of his enemies on lande so greate as he shall not be able with the force of his chardge to withstand them; then to withdrawe himself with his force to the places of advantage within his chardge, breaking the bridges behinde them, cutting of trenches, throwing downe of trees, and giving such other impeachment to the enemy as may be devised untill a greater force may come unto him for his aide; geving immediatelie upon such landing advertisement unto the Queen’s Highnes or her Privie Counsell, and to other Lieutenants next adjoyning unto him for his further aide.

“To cause diligent watch to be kept in all townes and boroughes within his lieutenancie, according to the orders prescribed for the same.

“To have speciale regarde for the punishment of vagabonds, spreaders of ill tales, and devisers or reporters of seditious rumors, by such paines as are ordained by the lawes of the realme in that behalfe.

“To see the K. and Q.’s Highnes, of all able men indifferentlie, that noe man meete to serve be withdrawen from service by parcialitie, favor, or other like pretence, and unmeete men placed in lieu of them.

“To have a speciall care to keepe the shire in good order and quiet, especiallie at the tyme of levying the subsidie.

“To see the Statutes made for the musters and furniture of armor in this last session of Parliament trulie and uprightlie executed and kepte of all such as they shall put in truste, to muster or levie any number of men, and therefor to have as speciall care as they tender their Highness’s service and the mayntaining of the subjects’ good will and dueties towards them.

MARIE THE QUEEN.”

QUEEN ELIZABETH’S INSTRUCTIONS to the EARL of BEDFORD, in 1574.

It is worthy of notice that in the second paragraph of these Instructions, the cause which induced the Queen to issue them is said to have been occasioned by reason of “the doubtful proceedings of the French many manner of waies, to the annoyance and danger of the Realm.” But there was no fear of

invasion from France in 1574 : France and England were in amity. The real reason is given in the Commission itself, in which the Instructions were enclosed, and which will be found at the end of the present communication. The reasons really were "the great preparations which the King of Spain was making by sea to send into the Low Countries," in going to which his fleet had to pass through the British sea.

II.

“ ELIZABETH R.

“ Instructions geven by the Queen’s Majestie unto her right trustie and right well-beloved Cosen and Councillor, the Erle of Bedford, Lieutenant of her Counties of Devon, Cornewall, and her Cittie of Exeter.

“ Imprimis, where the said Erle is made and constituted her Majestie’s Lieutenant of the said Counties of Devon, Cornewall, and the Cittie of Exeter, by Her Majestie’s Letters Patents under her Great Seale of England, Her Ma^{tie}’s pleasure is he shall in like manner, as he hath afore tyme accustomed in like causes, geve notice thereof to the Justices of Peace and other her Ma^s ministers within everie of the said countries and cittie, and directe to them such orders for the better government of the said shires and cittie as to his wisdome shall seem meete.

“ Item, because at this presente, as the said Erle knoweth, her Ma^{tie} is speciallie occasioned, by reason of the doubtfull proceedings of the French, many manner of waies, to the annoyance and danger of this realme, to put the same with all speede in good order for defence thereof, and speciallie all parties thereof lying upon the sea-coasts, against such attempts or invasions as may be made. Therefore, Her Ma^{tie} requireth most earnestlie her said cosen immediatelie with all speede, upon the receipt hereof, to renew such good orders as by him were the last yere taken upon musters for the putting of the whole force of both the said counties in such a readiness of all men for horsemen and footemen, and for armor, horse, weapons, and other necessarie furniture as the same may, by the direction of her Ma^{tie}, or of her said Cosen, best and most readily serve for the defence of any sodaine attempte, wherein her Ma^{tie} doth lesse prescribe by any particularitie to her said Cosen in what sorte the same were best to be done, because yt is well knowne in what good order and readines the same two counties and cittie were the last yere by the wisdome and carefulnes of the said Erle, and yet for that at this presente here appeareth more cause to have the same, yf yt may be, in a larger force and in more readiness, her Ma^{tie} would have good celeritie used therein.

“ Item, whereas, the laste yere, order was geven to all Lieutenants that everie person within their rules should be furnished of horse, armor, and weapons accord-

ing to the late lawes provided, Her Ma^{tie}, upon experience had, perceaveth that for juste and necessarie defence of the Realme, the said lawes either (wanting) sufficient provision, or ells the interpretacion therof is so by sondrie persons construed to their privat ease and relief of chardge, which in manie is more regarded than the care of the Commonwealth, so as therby the realme shall lacke that ordinary defence that both by the abilitie of good naturall subjects may be well borne, and for necessitie must not be neglected. Therefore Her Ma^{tie}, being by Almighty God ordained the Sovereigne Queene next under Him of the whole state of the realme, and being desirous to preserve the same againste the malice of all enemies, to the honor and suretie of the same kingdome and defence of all her people, thinketh yt necessarie to remedie their defaultes, and speciallie to redresse the abuses and evill interpretacon of the lawe. And therefore Her Ma^{tie} willeth and requireth her saide Cosen to consider, by the aide of such discreete persons as he shall thinke meete to use, in what sorte everie person hath bene certified by the muster bookes this last yeare, to be furnished with horse, geldings, armor, and weapons, and in the particular consideracon thereof not to respecte only the valor and substance whereof the same person is supposed to be of by the assessors for the subsidie, but rather, for the augmentacion of the strength of the Shire, the true and most probable value either in landes or goodes of everie person (as either by their open doings in the worlde or by other probable meanes shall appeare likelie), and according to the same estimacion and probable likelihood, in Her Ma^{ties} name, and by her speciall authority, prescribe every such person so un-revalued to be better and more amplie furnished, either with horse, gelding, corslet, bowe, bill, hand-gonne, or such like, or with a more number of anie of them; and therein Her Majestie most earnestlie requireth her said Cosen to use this Her Highnes authority according to his wisdom either by his owne knowledge or by such wise and carefull men as he shall thinke meete, with the increase of furniture for the warre over and above such lymitacon as was made in the former musters; in which pointe, although Her Ma^{tie} is well assured that the credit of her said Cosen shall serve to make a good augmentacon of power and strength within his rule, yet hath Her Ma^{tie} thought meete for a declaracon of her pleasure to appointe certain speciall persons within the said shires, being not assessed in the subsidie to so great a value as is lymitted by the acte of parliament to be chargeable, with the findings of horses or geldings, to be nevertheless chargeable therewith, as men supposed by divers waies able thereto, and so at this tyme as the case requireth, the names of whom shall appeare in a scedule hereunto annexed and signed with Her Ma^{ties} hande, to every of which the said Lieutenant, except he shall knowe anie reasonable cause or lett to the contrarie,

shall geve expresse charges and commandement in Her Majesties name to prepare and have in a readiness by a reasonable daie such furniture of horse and geldings as in the said scedule is particularly assigned and lymitted to serve at all tymes for defence of the realme. And if it shall appeare that any other within those shires and cittie, being omytted in the said schedule, shall be able also to sustaine the like chardge, it shall be lefte to the discretion of the saide Lieutenante to command such also to make such furniture as to him shall seeme meete; and if any shall be founde so obstinate that shall not follow such assessments or appointments as the said Lieutenant shall appointe and thinke meete, then Her Ma^{tie} would and thinketh most necessarie that some example might be made by a further due triall, inquisiçon, and examinaçon of his valor and substance; and so in the ende constrained to obaie Her Ma^{ty} cõmaundement geven by her Lieuten^t, or ells to receave such punishment as to such a contempt shall appertaine; for that in their cases yt behoveth to have some earnestnes used, the meaning thereof being onlie to the defence of the realme, to the which all mens substances, yea, and their lives, be subject. And like as the said Lieutenant shall augment the number of horsemen by meanes of putting in execution the intente of the saide schedule, so shall he use the like meanes upon consideraçon of other mens valewes that be liable by order of the statute to finde a furniture of armor or corsletts, and weapons and artillery, and assesse as many as he shall thinke convenient either by himself or by advice of others; not only to augment their furniture above the former rates, but also order that such others as have not at all been contributorie to the like, and may well enough sustaine some chardge herein, be also chardged with some convenient furniture as to their abilitie shall seeme meete for the service of the countrie. And as soone as the saide Erle shall have made a newe and larger assessment, as well of horsemen as footmen, then was upon the last musters, and shall see any good likelihood of performance thereof, Her Ma^{tie} requireth that she might be therof advertised, wherby she may the better be satisfied in her expectations. And in this pointe whatsoever the said Erle shall further doe by any further advice to the furtherance of this purpose, either by augmenting the force of their shires, either in horsemen or in footmen, or in furniture of more armor or weapons amongst the meaner sorte of farmers or such like, that be of secreat wealth and never chardged with service as the gentlemen be, Her Ma^{tie} shall most thankfullie accepte and allowe.

“ Item, besides the lacke of furniture of armor, Her Ma^{tie} also perceaveth that in the whole realme there is lacke of men exercised and trained in feates of warre; either to wear their armor, to use their weapons, to march in order, to doe such

other things as be requisite; and therefore Her Ma^{tie}, by advice of her Councell, is resolved that her people, being able for the warre, shall be hereafter instructed in some parte in these pointes. And whereas yt shall be thought that there be not to be had by the provision of the said Lieutenant sufficient gentlemen of knowledge, either of their owne retinewe or within those shires and cittie to instructe the people, at convenient tymes, in the points aforesaid, Her Ma^{tie} will addresse certaine honest chosen Captens, having knowledge, into divers shires, to be at the musters and at such assemblies as for that purpose the Lieutenant shall appointe; and there to teach and traine the people to understand how to weare their armor, use their weapons, and doe such like thynges, which as yt seemeth needfull to be done, so seemeth it most convenient to be upon every holyday, in the afternoone, in sundrie places to be chosen, meete for two or three monethes space; in the doing whereof Her Majestie doth not doubt but, by the order of the said Lieutenant, the grave and discrete gentlemen in everie quarter will be present and attendant for conservation of peace and good will.

“Item, because the counties of Devon and Cornwall lie upon the sea-coast, and on the parte of the sea hath adjoining the counties of Dorsett and Sommerset, like as Her Ma^{tie} geveth order to the counties of Wiltshire, Sommersett, and Gloucester, to have good regard to give succors as neede shall require to the aide of the said counties of Devon and Cornewall, and that also the south parte of Wales shall doe the semblable towards Cornewall upon any dangerous attempts upon the coastes, so Her Ma^{tie} requireth the said Lieutenant of Devon to have good regarde that convenient succors be geven by his order to the defence of Cornewall out of Devon; for the better execucon whereof, Her Ma^{tie} thinketh best that there should be a conference had, either by the said Lieutenant or by the Justices that be borderers upon each countrie, and a certaine assignation accorded and put in writing, under their handes, what aide shall be geven from any of the shires as aforesaid, and what Captaines shall leade the same, upon what manner of warning, and upon what occasions, and with what conductors, nombers, and furniture the same aide shall come, with such other necessarie things as in such causes be requisite; which matter being well and circumspectly ordered, may herafter serve to good purpose, and, upon experience had, may be, as need shall be, reformed and brought to some perfection.

“Item, wher Her Ma^{tie} shall not address anie speciall person to the musters to traine the people in warlike manner, in that case Her Ma^{tie} would that such gentlemen as the said Lieutenant shall appointe in severall partes of the shire may have instructions containing their pointes or such like as followeth. First, to see

that noe manner of able person be permitted to be absent from the muster ; next, that the armor be seene and worne upon the backes of the person that shall weare them, and made fitt for them ; that where any shall lacke armor that either ought to have yt or shall be ordered to have yt, they be commaunded to provide yt by a reasonable daie, and to be informed that they shall have the same of the Q^s Ma^{ties} Store, upon such reasonable prices as in the ende of these instructions shall appeare.

“ Finallie, Her Ma^{tie} requireth to her said Lieutenant the care and government of her said counties and citty, to be preserved both in quiet from danger of mutinies and rebellions, and from offence of the enemies ; which two things be the principall causes of this Her Ma^{ties} Commission, remitting the order of all other controversies concerning plea of lande to the order of the lawes of the realme, except, upon consent of both parts, mediaçon may be made by the order of the Lieutenant, and so the same may be compounded, wherein surelie much good may be procured, and occasion given to concorde and quiet.

“ THE PRICE OF ARMOR AND ARTILLERIE.

“ The armor for a dimi-lance	.	.	.	liij s. iiij d.
A corslett	.	.	.	xxx s.
A currier, complet	.	.	.	xvj s. viij d.
Harquebush, complete	.	.	.	viij s.
Dagge, complete	.	.	.	xvj s. viij d.
A bowe of ewe	.	.	.	ij s. vj d.
Liverie arrowes and shafte	.	.	.	xxij d.
Morris pike	.	.	.	ij s.
A dimi-lance staffe	.	.	.	iiij s. iiij d.
A northerne staffe	.	.	.	ij s. vj d.
A black bill	.	.	.	xvj d.
A halberd	.	.	.	vj s. viij d.
A murrion	.	.	.	vj s. viij d.
Almaine rivette	.	.	.	x s.
Sculler, the peece	.	.	.	vij d.

“ INSTRUCTIONS geven to our right trustie and right welbeloved Cosen and counsellor, the Erle, &c., ut supra the first of June, 1574.

“ In primis, where we have made and constituted you our Lieutenant of our said counties and cittie by our letters patents under our great seale of this our

realme of England, our pleasure is that forthwith you shall give notice thereof to the Justices of Peace, and other our ministers within every of our said Counties and Cittie, and directe to them such order for the better government of the said shires and cittie as to you shall seeme meete.

“Item, where we are geven to understande of great preparation that the King of Spaine maketh by sea to sende into the Lowe Countries, we think it good providence, in respect as some unkindness that hath passed betwene us, to be carefull for the conservation of our realme from all sodaine invasion; and therefore we will that with all speede you take order for the defence of our said counties and cittie, especially those parts thereof lying upon the sea-coasts which be most subject to the dangerous attemptes of forraine enemies. For your better direction herein, you shall, by our order, receive from one of our secretaries a copie of such letters as are written by our Privie Counsell to the Justices of those shires that coast upon the sea, those onlie excepted that are presently commytted to your government, by the which you shall both perceave in what order of defence they are directed to put themselves in to withstand all forraine invasion, as also howe and in what manner they shall behave themselves towards the King of Spaines navie as shall resorte unto our partes.

“Item, whereas of late we have geven order to our Privie Counsell to write their severall letters into all the shires within this our realme to certain noblemen and gentlemen chosen for that purpose, to see whether such persons as by lawe are bounde to kepe horses, as well dimi-lances as light horse, are furnished according to the said lawes in that behalf provided. We have also appointed that there shall be delivered unto you a copie of the said Lettres, wherein we shall require you to doe the uttermost of your judgement, that there may followe within your government that good execution of the said lawes as may serve to strengthen the same in theis tymes of suspicion and danger.

“Finallie, we remitte to you the care and concernment of our said counties and cittie, to be preserved both in quiet from danger of mutinies and rebellions, and also from offence of the enemies, w^{ch} two things be the principall causes of this our Commission; referring the order of all other controversies concerning plea of landes to the order of this our realme, except, upon consente of both parties, mediation may be made by order of you our Lieutenant, and so the same may be procured, and occasion geven to concorde and quiet.”