- XII. *Account of a Manuscript, by Thomas Norton, Member of Parliament for, and Remembrancer to, the City of London, relating to the ancient Duties of the Lord Mayor and Corporation. In a Letter from J. PAYNE COLLIER, Esq., Vice-President, to THOMAS LOTT, Esq., F.S.A.*

Read March 22, 1855.

MY DEAR SIR,

The recent investigations respecting the Charter of the City of London, and the manner in which it has worked, may seem to give particular interest to a manuscript to which I take the liberty to direct your attention and that of the Fellows of our Society. It is entitled—

“An Exhortation or Rule, set down by Mr. Norton, some time Remembrancer of London, whereby the Lord Mayor of London is to order himself and the City.”

This document forms part of a quarto MS. volume, which has been for some time in my possession, which includes copies of a variety of other curious and important papers, and which was formerly the property of Sir Christopher Hatton, the celebrated Lord Chancellor of England, more remarkable for his disqualifications than for any fitness for the office. He, however, had the discretion to surround himself with lawyers, and it may be doubted whether, on the whole, equity was not as well administered from 1587 to 1591 as at many previous periods.

The ownership of the volume by Sir Christopher Hatton is proved, not merely by his autograph on both sides of the vellum cover, but by corrections in his own handwriting, and by the fact that the collection is preceded by a manuscript dedication to him, subscribed by a person of the name of Thomas Mynatts. This dedication is also material, since it ascertains the source from which the original papers, copied upon 150 closely-written pages, were derived. Hence it appears that Mynatts had been one of the clerks of the Star Chamber; that the documents he transcribed had been the property of Sir Nicholas Bacon, and that they had been given to Mynatts by Anthony Bacon, then abroad, who, as is well known, was once the proprietor of that vast mass of valuable MSS. now deposited at Lambeth. Mynatts also mentions Anthony Bacon's gifted brother Francis,

and tells Sir Christopher Hatton that he (Mynatts) had prepared and presented to the same patron a collection of what he calls "the discourses" of Sir Nicholas Bacon, as well as abstracts of the treasons of Ballard, Babbington, and others, "whom, with great zeal and justice, and to your never-dying honour, both with God and men, you (Sir Christopher) did worthily and christianly pursue even to the death." Thus the source from which these various papers came, and the hands through which they passed, give us the fullest assurance of their authenticity, independently of any internal evidence afforded by their contents. One of these is the document I have selected as the subject of this letter.

Biographically it is of considerable interest, recollecting that it is the authorship of a man no less celebrated than Thomas Norton, the joint writer of the tragedy of "Gorboduc," the earliest blank-verse production of a dramatic kind in our language. His coadjutor in it was Thomas Sackville, who afterwards became Baron Buckhurst and Earl of Dorset, Lord High Treasurer of England. It establishes a new and not an unimportant fact in Norton's history, with which my friend Mr. W. D. Cooper was not acquainted when he wrote the memoirs of the two authors of "Gorboduc," preceding the reprint of that drama by the Shakespeare Society. I need hardly add that I was entirely ignorant of it, when I had occasion to speak of Norton and Sackville in my History of our early National Stage. Mr. W. D. Cooper was aware that Norton was for a considerable period one of the counsel for the Corporation of London; but neither he, nor any one else knew till now, that, when the paper under consideration was drawn up, he filled the lucrative and influential office of City Remembrancer. It is stated distinctly by Mynatts, who was his contemporary, that Norton had been called upon, in his capacity of Remembrancer, to prepare the instructions in question for the information and guidance of the first magistrate.

Norton died, as Mr. W. D. Cooper correctly informs us, in 1584; but we are able very distinctly to fix the date of this "exhortation or rule" (so Mynatts terms it), because Norton speaks of Mr. James Hawes as the Lord Mayor to whom it was addressed, and of Sir Alexander Avenon as one of his predecessors in office. It appears from Stow's Survey (I refer to the edition superintended, in 1842, by our friend and Fellow Mr. Thoms) that Sir Alexander Avenon was Lord Mayor in 1569; that Sir Rowland Heyward, also mentioned by Norton, was Lord Mayor in 1570; and that James Hawes, in whose mayoralty Norton wrote, filled the same office in 1574. Therefore 1574 is the precise year in which the MS. to which I am adverting was composed, which was ten years anterior to the demise of the author of it.

It was evidently, and avowedly, only the comprehensive introduction, or preface, to a much larger and more detailed work upon the particular duties of the Lord Mayor, and upon the manner in which he was to derive assistance and advice from the Court of Aldermen, as well as from the Common Council. It must have been a volume of much bulk, judging from what Norton says of it; but what has since become of it I am unable to state. It is, I believe, a fact that the *Liber de Antiquis Legibus*, or *Cronica Majorum et Vicecomitum Londiniarum* (printed by the Camden Society in 1846), once, in some mysterious way, made its escape from the archives of the City to which it belongs: we cannot, therefore, much wonder if this treatise by Norton, following up the purposes of the older work, should not now be forthcoming. However, it may be discovered, and, if it be, we hope that, like the *Liber de Antiquis Legibus*, it will be printed. It must have contained highly curious and interesting matter regarding the then regulations and ordinances of the magistrates and the customs and habits of the citizens of London.

Norton commences his exhortation in the following words:—

“There be many reasons, which I ought not to doubt, that you do daily call to mind the weight of your charge in the office of Lord Mayor of London.”

He does not tell the Lord Mayor, James Hawes, that he does not doubt that he daily reflects on the burden of his duties, but merely that he “ought not” to doubt it, thereby implying, perhaps, that there was some reason to doubt it, although he does not inform us what were his grounds for hesitation. When he proceeds to say, “You are to remember how great a thing is the Lord Mayor,” the expression is again a little equivocal; but the writer certainly refers to the dignity and importance of the situation, for he goes on to remind Mr. James Hawes, whom he especially addresses, that the City of London is “the imperial chamber of so great a prince as our Sovereign Lady, the immediate Lieutenant of the most great and mighty God.” He adds subsequently, “Our Sovereign Lady, whom you shall serve, is the most nobly natured prince in the world, and therewith both so wise, as she would not so far have trusted you, if she had not been resolved well to trust you, and so gracious, as she will well allow of all true, plain, and honest meaning in all your predecessors, and most expressly in your worshipfull brother and friend Sir Alexander Avenon, hath appeared: and, above all other things, her Highness is so tenderly minded to her City of London, as the well guiding thereof cannot but be, in her consideration, a most allowed and pleasant service.”

A little adulation of this kind was, of course, to be expected; and from hence

Norton takes occasion to enumerate the aids the Lord Mayor might obtain from the Aldermen, the members of the Common Council, and from particular officers, enumerating the Recorder, the Common Serjeant, the Town Clerk, and a "wise and well-esteemed Solicitor." I mention this functionary in particular, with the epithets applied to him, because it relates to a point of some little importance in the history of the legal advisers of the City of London. Norton had himself been, as already stated, one of the Counsel of the City, and he mentions the Solicitor as a distinct office in 1574; but my friend Mr. W. D. Cooper, in a note to his Memoir of Norton, before referred to, tells us that, in Norton's time, "the office of City Solicitor, as distinct from City Counsel, did not exist;" and he subjoins as a matter of fact, upon which I dare say he was well informed, that the "earliest record in the Solicitor's office is in 1607." Still, although Norton speaks of the "wise and well-esteemed Solicitor" of the City, it is very possible that, at the period when he was writing, the duties of Solicitor might be performed by one of the City Counsel under the name of Solicitor. I only adduce Norton's evidence to shew that, when he was City Remembrancer, the office known as City Solicitor did exist, either separately, or in combination.*

It appears that, when Norton wrote this Exhortation, two books relating to the history, powers, and duties of the Magistrates of London, &c. were extant. "You have," he observes, "the ancient and late book of the City, the doings of your predecessors recorded, and their steps traced out." The "ancient book" was, of course, the *Liber de Antiquis Legibus*; but Norton does not give us any mark by which we should know what he terms "the late book of the City," unless he mean that work which he had himself compiled, and to which this Exhortation was a species of preface. It is the more probable that he alluded to his own labours, because, just afterwards, he tells us that he had proceeded with his undertaking by the request of the Corporation, and especially at the instance

* Since the above was written, Mr. W. D. Cooper has been enabled to make some further inquiries on the subject; and, in a note dated 5th April, 1855, he has kindly communicated to me the result: he says, "It is clear that in your MS., when Norton talks of Solicitor, he means Counsel, the same as the Queen's Solicitor or Attorney-General; for in 1572 the course was to appoint an Attorney for the City in each Court of Common Law, and a Clerk in Court, and also a Solicitor for causes in Chancery. There is also a record of a power of attorney to appear for the City in the Star-chamber; they had also City Counsel, and likewise other barristers, as City Pleaders. It was not till the Court held 28 Oct. 23 Eliz. that Robert Smith was appointed as City Solicitor, with a fee of twenty marks per annum, and he is described as the first Solicitor. Prior to that, Robert Christopher, one of the clerks of the Mayor's Court, had been appointed to solicit City causes; and, after Christopher, John Mersh, under-sheriff, surrendering that place, held a like appointment for City causes."

of Sir Rowland Heyward. The *Liber de Antiquis Legibus* is now in its proper depository; and if the City archives also contain the volume Norton prepared, we may be sure that the information it comprised would have been highly useful to the commissioners not long since sitting at Guildhall.

It is not to be disputed that Norton was a bitter and persevering enemy to the Roman Catholics, or Papists, as he thinks fit to call them. The title of "busy-body" was given to him in derision on this account, and in the MS. under consideration he is most violent in his abuse of them, and in his injunctions to the Lord Mayor and Aldermen to persecute and drive them out of the limits of the City: he calls upon the Corporation, most vehemently, to "suppress the boldness and growing of dangerous sects, and especially the heresy of Papistry, which hath [been] and is, not only the damnable destroyer of souls, but also the universal enemy and supplanter of all just crowns and kingdoms." He afterwards gives a sort of qualification of this strong language, which makes the matter even worse, for he says, "Although it may be true that some Papists are not traitors, because some men are seduced of simplicity or countenance, yet it is also true that there is no traitor to our Queen but he is a Papist, if he be of any religion at all." He dwells long and energetically upon this point, and afterwards, in a spirit of contrasted charity and benevolence, in reference to the Orphans' Fund, requires the Corporation to take the utmost care that it is applied to the fit purpose, and not wasted by city feasting and mercenary misappropriation. He also adverts, with strong censure, to the singular practice of stealing the children of citizens, and even of Aldermen, in order that they might partake of the benefit of this fund, remarking, in terms not now very intelligible, "it is good cheap if the price of stealing an Alderman's or citizen's child be but twelve pence in the pound." He also alludes to "the sale of the bodies of orphans for lewd practices, grievous to good citizens and slanderous to the world."

There is one passage, in the portion of this address which relates to the conservation of health and morality in London, which, when first I read it, particularly attracted my attention, and which, in connection with the history of our stage and popular amusements, is of no little interest. It is not known, upon any extant authority with which I am acquainted, that women were allowed to perform in our public theatres until after the Restoration of Charles II., who, from his French predilections, encouraged the practice, and did not fail to take advantage of it by selecting two or more of his mistresses from the boards of his own or of his brother's playhouse. These were the earliest actresses, properly so called, in this country; but from a remarkable portion of the MS. in my hands we

learn that, in the middle of the reign of Elizabeth, female tumblers were permitted to exhibit (we cannot find a more appropriate word) on the open stage in London. They were, it is true, Italians, but the circumstance of country can make no difference as to the fact. The words of Norton upon this subject are these:—

“And one [matter] here out of place, that should before have been spoken of. The present time requireth you have good care, and use good means touching the contagion of sickness—that the sick be kept from the whole—that the places of persons infected be made plain to be known, and the more relieved—that sweetness and wholesomeness of public places be provided for—that unnecessary, and scarcely honest, resort to plays and shows, to the occasion of throng and press, except in the service of God—and especially the assemblies to the unchaste, shameless, and unnatural tumbling of the Italian women, may be avoided.”

It is recorded by my friend Mr. Peter Cunningham in his “Extracts from the Accounts of the Revels at Court” (published by the Shakespeare Society in 1842), that in 1577 a company of Italian tumblers had performed before the Queen, but it is no where stated that these Italian tumblers, rewarded with court-favour and court-money, were females. Perhaps they were not so; but it is undeniable, on the evidence of Norton, that Italian women were to be publicly seen as tumblers at one of the playhouses in London, or in its suburbs, in the year 1574. This is a new, a characteristic, and an interesting fact, in reference to the state of theatres, and the state of morals, at that period in London and its neighbourhood. There were then only two, or at most three, buildings in existence, which had been erected for the express purpose of theatrical representations—the Theatre as it was distinctively called; the Curtain, also in Shoreditch, so named from the large cloth which separated the actors from the audience; and perhaps the Blackfriars playhouse, close to what is now the printing-office of “The Times” newspaper. These were all beyond the jurisdiction of the Lord Mayor and Corporation; but, although the city authorities would not permit any edifice to be raised and opened for public performances within the boundary of the walls, they could not prevent the application of inn-yards, surrounded by galleries, to the purpose; and, although the performers were often disturbed, such was the increasing popular passion for the drama, that the performances were frequent. It was most likely on a temporary stage, within London, that the Italian female tumblers performed, and excited the indignation of the City Remembrancer. It is singular that one of the authors of the first blank-verse tragedy in our language should speak of the “scarcely honest resort” of audiences to plays and theatres; and still more remarkable in the history of our early drama, that Bishop Still, the

writer of nearly our first comedy, full of broad humour and coarse drollery, should afterwards have become so decided an enemy to the stage, that he would not allow a public company to act in a place where he possessed the power to prevent them. We may suppose, that when Norton censures the "scarcely honest resort" to theatres, he might not refer to the acting of our regular drama, then in its infancy, but to the "unchaste, shameless, and unnatural tumbling of the Italian women," who may, as it were, have obtruded themselves on the stage, to the exclusion of those dramatic performances, which led the way to the production of plays, such as they became in the hands of Shakespeare, his predecessors, and his contemporaries.

Returning to Norton, and to his book, as he himself calls it, for the guidance and government of the then Lord Mayor Hawes, and his successors, he informs us that he had drawn it out of the wholesome precedents established, perhaps, by the corporate officers, from the period to which the *Liber de Antiquis Legibus* belongs. He suggests to the Lord Mayor and Aldermen that they should from time to time note in the margin such beneficial changes as occurred: they were also to keep a sort of daily register, which from month to month they were to peruse, "in order that they may consider what things be left undone in the former months, and remain to be expedited in time following." He adds—

"You must not look to find a large description how and in what form everything is to be done that is here mentioned; so should the book have been too large for your use, and yet impossible to have the whole therein fully contained."

Hence we see clearly what must have been the scope and character of Norton's work, and we may be sure that it included many matters, both of fact and of advice, a knowledge of which would have been of the greatest service during the progress of the late inquiry.

The conclusion of this Exhortation is, like the beginning, of a religious character, and Norton calls upon the Lord Mayor and his brethren to recollect that, as God is the giver of all good things, they owe their prosperity to him. Norton, therefore, requires them to begin all business with prayer; and he states a fact, not, I believe, ascertained from the History or Journals of Parliament, that the daily custom for the two Houses to commence their proceedings with prayers was then a recently established practice, and a comparative novelty: his words are, "I could gladly wish that some form of prayer might daily be used in your court and council chamber, by you and all your brethren, before you enter into causes. It is so used in the Parliament; and, though *such use be but of late*, I trust it shall be continued, and grow to be old: and, surely I speak it of good heart to yourself, I heartily wish to you the honour and blessing to have it begun in your time."

On the evidence of Norton himself, we are able to correct an inaccuracy, into which his biographers have fallen, when they tell us that he was born in the parish of Streatley, in Bedfordshire. He was a native of London, and, moreover, at the time he wrote the MS. in our hands, he was one of the representatives of the City in Parliament. It has been supposed that it was his father who sat for London in 13 and 14 Elizabeth (1571-2), but it was certainly the son, who continued in the exercise of this high and important trust, while he also filled the office of City Remembrancer. These are new and not unimportant facts in the life of a man who, independently of any other claims to our notice, was the author of the three first acts of the first tragedy in blank verse ever performed in this kingdom. In the last paragraph of his Exhortation, Norton tells the Lord Mayor where he was born, where he was brought up, and the right London possessed to his gratitude.

"I am," he says, "born a citizen, and here brought up: according to my right, I have accepted my freedom, and bound myself to this city by the oath of a freeman. I have served, and do remain at this present in trust and in charge to serve the City in Parliament; I have placed my dwelling here, and do take my part of the City's good provision; I am the City's officer, and called to their councils; I have the City's fee, and owe my attendance. Thus many things, beside the love of my country, and the special request made for this matter, and some particular good will, which, I think, you make account I do bear you, have moved me, not only to draw this book, but also to add these devices. I pray you to take them in good part, and therewith my readiness to do the City and you, in your place, the best service I can; and I shall count my labours best accepted, when I shall see and be a witness of your good endeavours accordingly."

The preceding is the substance of fifteen closely written quarto pages. It is a very material document as regards the City of London, its privileges, its duties, and its government, and there can be no doubt that the original of my copy ought to be found in the library or archives of the city. Perhaps, on a strict search, it may be discovered, as well indeed as the volume to which it must have been prefixed. We have belonging to our Society, besides yourself, several high and influential members of the Corporation of London, and, now their attention is drawn to the subject of Norton's labours, nearly three centuries ago, it may be hoped that a fresh investigation will bring to light, if not the work he produced, some other valuable muniment connected with the city and its ancient officers.

I remain, my dear Sir, &c.

Riverside, Maidenhead, 17 March, 1855.

J. PAYNE COLLIER.