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## *Antiquities of the King's Council*<sup>1</sup>

THE early history of the king's council is a subject of much obscurity. Of all the higher governing bodies existing in the fourteenth century the council is the least clearly understood. This is true for various reasons. Its records were not carefully kept, it had as yet no roll, its proceedings were much in secret, its membership was never declared, and of those who attended its sessions the names were generally not noted. Yet of its great activities and powers there is no doubt. While in certain aspects, such as its place in the constitution and the scope of its jurisdiction, the council has been the theme of the ablest writers,<sup>2</sup> less has been said as to what it was in its inner organisation. Anything, therefore, which helps to define it and give it greater historical reality cannot fail to have some value. Certain tangible things there are in the form of the councillor's oath, councillors' fees and wages, expenses of the council, the council chamber, and records of the council. In order to show some of the permanent and distinctive features of the council the subjects thus indicated, with the exception of the last,<sup>3</sup> will be considered in the present article.

<sup>1</sup> The title of this article is suggested by the heading to the chapter called 'Parliamentary Antiquities' in Stubbs's *Constitutional History of England*, vol. iii. ch. xx. The term king's council, rather than privy council, was that generally used during the fourteenth and most of the fifteenth centuries.

<sup>2</sup> Dicey, *Privy Council*; Palgrave, *Original Authority of the Privy Council*; Hale, *Jurisdiction of the House of Lords*.

<sup>3</sup> See my article on 'Early Records of the King's Council' in the *American Historical Review*, October 1905.

§ 1. *The Councillor's Oath.*

An oath was the first mark of distinction possessed by the council. Its importance is not so much that it defined the duties of a councillor, for this it did not do with any exactness, as that it gave a criterion of membership. Previously to the existence of an oath one cannot be sure that the council was a definite body. The development of such an oath can be followed from the early years of Henry III, when the council apart from other bodies was being formed. In a way the growth of the council can be seen in the accretion of this oath.

The first mention of such an oath is a rather indefinite allusion made in 1233, when Richard Marshall, in an altercation with the king's councillors, accused them of breaking their oaths, among others that of the faithful counsel which they had sworn to furnish the king.<sup>4</sup> Again, in 1237, when twelve new councillors were named, at the instance of the barons they swore to furnish the king faithful counsel, and the king was made to swear that he would obey their counsels.<sup>5</sup> In 1257, when the council was reconstituted by the election of new members, as many times occurred during Henry's reign, an oath drawn up by the clergy was taken by the councillors and also by the barons of the exchequer and the justices. The form of this oath, which is a fairly extended one has been preserved by a chronicler.<sup>6</sup> In 1258 the fifteen who were chosen to be of the king's council according to the Provisions of Oxford were sworn thereto.<sup>7</sup> In 1307 a still more extended formula of a councillor's oath appears inscribed upon the close roll of the last year of Edward I.<sup>8</sup> Although the existence of these oaths is well known, no one has pointed out that there is a relationship between them, the oath of 1257 in particular and the one stated in 1307 having so much in common as to warrant the inference that the latter must have been derived more or less directly from the former. This can be shown by a comparison of the two in the following manner :—

*Form of 1257.*

(1) Primo iuraverunt quod fidele  
consilium præstabunt domino regi,  
quod viderint profuturum.

*Form of 1307.*

(1) Qe bien e loiaument con-  
saillerez le Roy solunc votre sen et  
votre poair.

<sup>4</sup> Matt. Paris, *Chron. mai.* iii. 260.

<sup>5</sup> *Qui super sacrosancta iuraverunt quod fidele consilium præstarent, et ipse similiter iuravit quod eorum consiliis obediret* (*Dunstaple Ann.*, p. 145; Matt. Paris, *Hist.* ii. 894).

<sup>6</sup> *Burton Ann.* p. 395; Matt. Paris, *Chron. mai.* v. 638.

<sup>7</sup> Stubbs, *Select Charters*, p. 389.

<sup>8</sup> Given in *Rot. Parl.* i. 219, and in *Statutes of the Realm*, i. 448.

(2) Item quod nemini revelabunt consilium domini regis cui non revelandum et unde credant damnum posse venire.

(8) Item quod nihil consentient alienari de his quas ad antiquum dominium pertinent.

(4) Item quod procurabunt quod iustitia fiat omnibus tam divitibus quam pauperibus, magnis et parvis, secundum rectas consuetudines et leges regni.

(5) Item quod libere permittent de seipsis, amicis, et consanguineis, iustitiam fieri cuicumque petenti. Nec per eos impediatur iustitia fieri prece vel pretio, favore vel odio, sed bona fide procurabunt, quod magnus sicut parvus indicetur, secundum legem et consuetudinem regni. Nec sustentabunt vel defendent iniuriantes in iniuriis suis, opere vel sermone.

(2) E qe bien e loiaument son consail celerez.<sup>9</sup>

(8) E qe vous ne encuserez autre chose quil dirra au consail.

(4) E qe votre peyne eide e consail e tot votre poair dorrez e mettrez as droitures le Roy et de la corone garder et maintenir sauver et repeller par la ou vous porrez, sanz tort faire.

(5) E la ou vous savez les choses de la corone et les droitz le Roy concelez, ou a tort alienez, ou soustretz qe vous le frez saver au Roy.

(6) E qe la corone acrestrez a votre poair et en loaile manere.

(7) E qe vous ne serrez en lieu ne a consail ou le Roi se decresse de chose qe a la corone appent, si ce ne seit chose qe vous conveigne faire.

(9) E qe en jugement, ou droiture faire, la ou vous serrez assignez; vous nesparnierez nully pur hautesce, ne pur poverté, ne pur richesce, qe droit ne soit fait.

(8) E qe vous ne larrez pur nully, pour amour, ne haour, pur bon gre, ne pur mauveis gre, qe vous ne facez faire a chescun de quel estat ou condicion quil soit, droiture et reson solunc votre poair et a votre escient, e qe de nully rien ne prendrez pur tort faire ne droit delaier.

(10) E si vous eez fait alliaunce a seignurage ou a autre, par quey vous ne peussez cestes choses faire, ou tenir sauntz cele alliaunce enfreindre, qe vous le dirrez ou frez saver au Roy.

(11) E qe desormes alliance de serment ne freetz a nulli sauntz conge le Roy.

<sup>9</sup> Stubbs has incorrectly paraphrased this 'to expedite council' (*Const. Hist.* ii. 271).

(6) Item quod a nullo quem sciverint habere facere in curia regis vel ballivorum suorum, aliquod donum vel servitium recipient, per se vel per alium, quocumque modo, vel quacumque arte, occasione huiusmodi.

(7) Item si alicui de consilio pro certo innotuerit, vel a fide dignis audierit, aliquem alium consiliarium munus vel donum aliquod recepisse, exceptis esculento vel poculento, hoc deferet in publicam notionem totius consilii. Et si hoc convictus fuerit imperpetuum excludatur a consilio; et perdat terras et redditus suos, vel proventus bonorum suorum per unum annum. Et si tales proventus non habuerit, alias puniatur secundum arbitrium consiliariorum.

(12) (To be taken by the justices only.)

E qe rien ne prendrez de doun de nully, pur pled ne pur autre chose, quil eit a faire devant vous, si ceo ne soit manger et beiver a la journee.

In the first clause of the oath of 1257 we find the reproduction of a single phrase used in 1237, a fact which, standing by itself, would not have much significance. Between the oath of 1257 and that of 1307, if we make allowance for the difference of language and of time, there are many points in common, together with some equally significant modifications. The loyalty clause of the first article is in substance the same in both. The secrecy clause remains, with the addition of the third article in the later form. The earlier form in its third clause provides against the alienation of the royal domains, while the later one guards the rights of the crown more amply in three clauses. The clauses regarding impartial justice to rich and poor, without favour or price, and according to law, though differently expressed, are strikingly similar in substance. The tenth and eleventh clauses of Edward's oath have sprung from some other source. The last clause, that none of the council shall receive gifts except for food and drink, was in the first instance applied to all councillors, to barons of the exchequer, to justices, and to all other bailiffs except sheriffs; in the latter instance it was imposed in a more limited sense upon justices only.

That the oath which was used in 1307, on the occasion when the bishop of London was sworn before the parliament at Carlisle, was something already known is implied in the statement upon the roll of parliament that it was sent there by the king's clerk.<sup>10</sup> Moreover, what is of greater value, the fact that the councillor's

<sup>10</sup> *Rot. Parl.* i. 219.

oath was in common use from the early years of Edward I is shown with sufficient clearness by a number of instances. Thus in the year 1284 a letter of the king to the justiciar of Ireland and the treasurer and barons of the exchequer of Dublin says, 'As the king wills that Walter de Wymburn, *sworn of the king's council* in England, shall assist in the judiciary of Ireland, he orders the justiciar to admit Walter to all things there touching the king as one of his council.'<sup>11</sup> Of the year 1295 there are letters of credence in favour of the two friars William de Geynesburgh and Hugh de Mammecestre, who were said to be *sworn of the king's council*.<sup>12</sup> In the same year writs of summons to parliament were issued to certain men called 'sworn deans of the council.'<sup>13</sup> In 1296 the treasurer and barons of the exchequer were assisted in a case tried before them by the new archbishop of Dublin and Hugh le Despenser, who were said to be *sworn of the king's council*.<sup>14</sup>

That the oath received some revision at the time that it was inscribed upon the roll is more than likely; for in the following year, which is the first of Edward II, it appears again upon the close roll, with some further slight changes of form.<sup>15</sup> These changes consist of the addition or insertion of certain qualifying phrases which tend to amplify the sense. Thus, in the third clause to the words *de chose quil dirra au consail* are added *qe touche le conseil le Roi*; to the fourth clause is added *et solunc ce qil affert a son office*; and to the ninth, *a votre poair*. The greatest change is in the fifth clause, where instead of *qe vous le frez savel au Roy* there stands *qe vous le freez adrescer a votre poer ou qe vous le frez savel au Roi ou a son conseil en la manere qe a vous appent*.

Still another stage in the gradual unfolding of the oath may be elicited from the form used in the king's council of Ireland at about the same time. This oath is recorded in the 'Red Book of the Exchequer' of Dublin.<sup>16</sup> While no date is given or suggested there are reasons for believing that it is an earlier statement of the councillor's oath than that upon the English roll. On comparison of the Irish oath, so far as the damaged condition of the record permits, with its counterpart in England the following facts appear. The forms of words are suggestive of the thirteenth rather than of the fourteenth century, as, for instance, the use of *rey*

<sup>11</sup> *Calendar of Close Rolls*, 12 Ed. I, p. 277.

<sup>12</sup> *Ibid.* 23 Ed. I, p. 440. They were summoned together 'with others of the council,' as appears in *Parliamentary Writs*, i. 55.

<sup>13</sup> *Ibid.* i. 29.

<sup>14</sup> *Et per Thesaurarium et Barones, fratrem W. de Hotham et H. le Despenser de consilio Regis iuratos eis assidentes concordatum, &c. &c.* (Memoranda Roll, K. R., 25 Ed. I, m. 54 d.)

<sup>15</sup> The oath of Edward II is printed in *Foedera*, i. 1009, and in *Parliamentary Writs*, ii. pt. ii. § 3.

<sup>16</sup> P. 64.

instead of *roy*, *sey* for *se*, *poer* for *poair*, *solum* for *solunc*. The clauses correspond to those in the oath of Edward I rather than that of Edward II, for the added phrases of the later oath in no case occur. The one is by no means a copy of the other, for in the Irish record the verbs are all cast in the third person, while in the English they are in the second person. Moreover in one point at least the Irish oath lacks a qualifying phrase which the other contains. Thus in the seventh clause the Irish oath reads *e qe il ne serra ou le Rey sey descesse*, &c.; the English oath with ampler phrase says *e qe vous ne serrez en lieu ne a conseil ou le Roi se descesse*. As hardly more than half of the writing of the Dublin oath is legible it is not possible to make further comparisons. Enough is clear, however, to make a valuable addition to the argument that the councillor's oath was in its several articles a gradual accumulation, and that it was in general use much earlier than anyone has hitherto ventured to state.

The existence of an oath in the king's council of Gascony appears a few years later. In the seventh year of Edward II a letter to the seneschal says that the king, having confidence in the fidelity and sane counsel of Arnald William de Marsan, who had lately remained in England, and wishing to retain him of his council in the duchy, commanded the seneschal to receive his oath and admit him to the councils in like manner as others of the council.<sup>17</sup> About the year 1327, in a series of articles sent by the citizens of Bordeaux against John Coloni, one of the king's council of Gascony, an accusation was made that he had broken his oath to counsel well and loyally in sending to the seneschal letters for the pardon of certain murderers.<sup>18</sup> The words *consaillier bien et loyaumentz* are a reflexion of the first clause of the English oath. During the reign of Edward III there were instances of the swearing of councillors in the province frequent enough to show that it was the usual practice.

Considering further the contents of the oath we may discern something of the character of the council. As the terms of the oath were wide and varied so was the council a large and inclusive body. The same oath which enjoined loyalty, secrecy, and defence of the rights of the crown demanded also impartiality in judgments and integrity as to bribes. The former pertained properly to the obligations of a councillor in a political sense, the latter to the

<sup>17</sup> *Et ideo mandamus quod accepto sacramento a prefato Arnaldo in hac parte debito ipsum ad consilia nostra nos in dicto ducatu tangentia sicut ceteros de consilio nostro ibidem quotiens ipsum adesse contigerit admittatis* (Gascon Rolls, 7 Ed. II, m. 8).

<sup>18</sup> *Item qe le dit Johan Coloni le qel est du conseil notre dit seigneur le Roy en Gascoigne et le qel est tenuz de luy a consaillier bien et loyaumentz, encontre son serment as fet donner au seneschal de Gascoigne, qe nadqueres fut, lettres de pardonanté, &c.* (Chancery Miscellaneous Rolls, 14/50.)

duties of a judge. It is true that at the time this oath was in force the justices of both benches as well as the barons of the exchequer were *ex officio* members of the council, though they had an oath of their own as well.<sup>19</sup> Afterwards there was a change in this respect. As the justices and barons of the exchequer were drawn away from the council there was a differentiation of the oaths. In the twentieth year of Edward III, in order to effect certain judicial reforms, the justices were required to swear to a newly devised oath that applied to their duties specifically.<sup>20</sup> The regular oath of the justices, as it finally appears in the 'Red Book of the Exchequer,'<sup>21</sup> adopts certain striking phrases of the councillor's oath; as, for instance, *qe pur hautesce ne pur richesce ne pur amour ne pur haour ne pur estat de nuly, &c., qe riens ne prendrout de nuly, except mangier et beytre quant a la journee*. Henceforth the justices, together with the barons of the exchequer, while continuing to be advisers of the council did not take the councillor's oath.

In the reign of Richard II the councillor's oath reappears with some significant changes. In the first parliament it was proposed that the councillors then appointed should be sworn in the following manner:—

Soient serementz . . . *bien et loialement conseiller le Roy en toutes choses q serront moevez ou tretez devant eux selonc leurs sen et poairs ; et q toute chose q y doit estre tenuz en secret sanz descouvrir, ne descouvriront a aucun estrange, autrement q nel doivent faire par reson.*<sup>22</sup>

These articles recall the first two clauses of the old oath, those of loyalty and of secrecy, which have been somewhat enlarged. That to guard the rights of the crown was still a part of the oath is suggested in the impeachment of Suffolk in 1386.<sup>23</sup> But the clauses pertaining to the duties of judges no longer appear.

From this time the oaths of councillors, as well as other matters pertaining to the council, were frequently dictated in parliament. Occasionally, as in the fiftieth year of Edward III, the tenth year of Richard II, and the eighth year of Henry IV, when new councils were appointed in parliament, special oaths were required of the councillors to observe and enforce the ordinances that were then passed.<sup>24</sup> Whether these special oaths took the place of the old initiatory oath or only supplemented it, it is impossible to say. In the third year of Henry VI the form of the oath

<sup>19</sup> In the twenty-sixth year of Edward I a justice of the bench was sworn in his office according to a form of oath provided by the king's council (Memoranda Roll, K. R., 26 Ed. I, m. 15).

<sup>20</sup> The ordinance is in the *Statutes of the Realm*, i. 303. The oath form is upon the Close Roll 20 Ed. III, m. 12 d.

<sup>21</sup> Printed in the *First Report on the Public Records*, p. 236. <sup>22</sup> *Rot. Parl.* iii. 7.

<sup>23</sup> He was accused of seeking to purchase estates of the king below their value, at a time when he was of the privy council and sworn to it (*ibid.* iii. 219).

<sup>24</sup> *Ibid.* ii. 322 ; iii. 246, 588.



was once more revised and prescribed by authority of parliament.<sup>25</sup> This form was thenceforth that regularly used, and was inscribed with other official forms in the 'Book of Oaths.'<sup>26</sup> It embodies, in terms more general and well rounded than before, the old obligations of loyalty, secrecy, integrity, and faithfulness to the interests of the king and the realm. Inasmuch as it is then a well-understood feature of the constitution there is no need here to pursue the topic further.

### § 2. *Councillors' Fees and Wages.*

The growth of the council may be followed also on its financial side, as in the payment of members and other expenses incidental to its work. The fees and wages of councillors were a feature which developed later than the oath. The first perquisite of a councillor was an official robe out of the king's wardrobe, such as all officers and other members of the household received. The letters patent appointing councillors commonly mention the right of receiving the robes, one or two each year.<sup>27</sup> According to the wardrobe accounts, which begin in the reign of Edward I,<sup>28</sup> the same kind of robe was received by the clerks and other minor officials as by the great men, who had no other claim to them than that of their position in the council. Some received the money value instead, which was four marks each. In the seventeenth year of Edward III orders were given to pay the arrearages of robes which the king granted yearly to several of his sworn councillors.<sup>29</sup> In the second year of Henry IV members of the council, besides servants, officers, justices, clerks of the chancery, and barons of the exchequer, were declared exempt from the law of livery.<sup>30</sup> It does not appear, however, that there ever was a distinctive councillor's robe, such as there came to be in France.

Other remunerations, which were said to be for services at the council, began in an irregular way in the reign of Edward II. In the tenth year of Edward II the bishop of Norwich, who was assigned by the council as an envoy to Rome, was granted 200*l.* for attending to the king's affairs with others of the council for a long time before he went to Rome.<sup>31</sup> In the twelfth year of Edward III the bishop of Coventry and Lichfield was to be paid 100*l.* for his expenses in London, where the king caused him to stay 'for no short time,' to treat with others of the council upon the state of the

<sup>25</sup> *Rot. Parl.* v. 407.

<sup>26</sup> It is given in the *First Report on the Public Records*, p. 222. See also Nicolas, *Proceedings of the Privy Council*, iii. 147, v. 72.

<sup>27</sup> *Calendar of Patent Rolls*, 11 Ed. II, p. 53; 8 Ed. III, p. 266; 20 Ed. III, p. 91, &c.

<sup>28</sup> One for the twenty-eighth year of Edward I was printed by the Society of Antiquaries, 1787.

<sup>29</sup> *Calendar of Patent Rolls*, 17 Ed. III, p. 185.

<sup>30</sup> *Rot. Parl.* iii. 477.

<sup>31</sup> *Calendar of Patent Rolls*, 10 Ed. II, p. 420.



realm.<sup>32</sup> In the sixteenth year of Edward II, Roger Beler, one of the barons of the exchequer, on being retained as one of the king's council for life, was granted two manors.<sup>33</sup>

In the greater number of cases at this time councillors were paid annual salaries, while some of them received life annuities. In the eighth year of Edward III there is an order to the exchequer for the payment to Robert de Shireburn of the arrears due to him as one of the council, at the rate of 40s. yearly, besides the price of a robe every year, between the eighteenth year of Edward II and the sixth year of Edward III.<sup>34</sup> In the twelfth year of the same reign Robin de Forresto was engaged as one of the king's councillors with an annuity of 100 marks for life, which money was assigned to him out of the customs of the port of Boston, and which he later transferred to another with the consent of the council, on condition that he should serve as faithfully as before.<sup>35</sup> The several foreigners who were received in Edward III's council generally were granted liberal annuities. Reymund Corneli, the Aragonese, was assigned a yearly fee of 200*l.* for life out of the issues of the duchy of Aquitaine.<sup>36</sup> The cardinal bishop of Frascati was given a yearly fee of 50 marks from the same source,<sup>37</sup> and the cardinal of Genoa one of 20*l.*<sup>38</sup> In the third year of the same reign two knights were sent to engage Ordino, lord of Cuk, of the isle of Anglesey, to be of the king's council and retinue for life and to arrange compensation at their discretion.<sup>39</sup> In 1346 a petition of the commons asked that the pension which Master Reymund Pelegrini, the pope's nuncio, received be annulled. This the king refused to do, stating among other reasons that he was sworn of the council.<sup>40</sup>

In the cases of the great men payment was gracefully said to be 'for their expense in attending the council;' with others it was 'for their labours and costs.' Besides annual salaries another method of payment was that of wages by the day. Payments of this kind were more likely to be made in the cases of clerks and other minor men, who received in this way 6*s.* 8*d.*, 10*s.*, or 20*s.* a day. This method made it necessary that personal accounts in detail should be rendered at the exchequer. A few such accounts are to be found among the *particulæ* of exchequer records, giving upon small detached membranes statements in detail of time spent in attendance at the council and of the money received.<sup>41</sup> They afford no little information as to the amount and kind of services thus performed.

<sup>32</sup> *Calendar of Close Rolls*, 12 Ed. III, p. 343. The payment is entered on the Issue Roll (Pells) 13 Ric. II, Mich. m. 25.

<sup>33</sup> *Calendar of Patent Rolls*, 16 Ed. II, p. 247.

<sup>34</sup> *Calendar of Close Rolls*, 8 Ed. III, p. 266.

<sup>35</sup> *Calendar of Patent Rolls*, 12 Ed. III, p. 189; 14 Ed. III, pp. 465, 523; *Calendar of Close Rolls*, 15 Ed. III, p. 88.

<sup>36</sup> *Calendar of Patent Rolls*, 3 Ed. III, p. 416.

<sup>37</sup> *Ibid.* 8 Ed. III, p. 29.

<sup>38</sup> *Ibid.* 10 Ed. III, p. 247.

<sup>39</sup> *Foedera*, ii. pt. ii. 773.

<sup>40</sup> *Rot. Parl.* ii. 163.

<sup>41</sup> *Accounts, Exchequer*, K. R., bundle 96.

The earliest account of the kind is that of Master Andrew de Offord, a professor of civil law and king's clerk, who in the twentieth year of Edward III, as one of the council, was granted a fee at the rate of 100 marks a year when in service abroad, and at the rate of 50 marks a year when in England, besides two robes each year.<sup>42</sup> As his time was much divided between going abroad and staying at home he rendered his accounts of the days spent. In this way his fee in one year amounted to 69*l.* 9*½d.*, and in the next year to 76*l.* 11*s.* 9*½d.*<sup>43</sup> The accounts of Bartholomew de Burgherssh, a knight and king's chamberlain, run for four consecutive years from the twenty-fifth to the twenty-eighth years of the same reign at the rate of 20*s.* a day.<sup>44</sup> In one year it is shown that he served at the council as many as 249 days, and in other years 240, 207, and 109 days respectively.<sup>45</sup> In view of the work that was done by the council it is not surprising to find that some men served as much as this.

Under Richard II an effort was made to bring the matter of councillors' wages to a system. There was evidently a plan that councillors should be paid according to their rank and service. Of the council appointed in parliament in the first year most if not all of the members received pay; the bishop of Carlisle with a salary of 400 marks a year, the earl of March with 200*l.* a year, Richard de Stafford, baronet, with 200 marks, Henry Leacrop, knight, with 200 marks,<sup>46</sup> and Hugh de Segrave, knight, with wages of 6*s.* 8*d.* a day.<sup>47</sup> Not every year, however, was the plan so consistently carried out. A further step was taken when in the thirteenth year a rule was made for the payment of councillors. In the ordinances of that year 'for the governance of the council' it was stated that the 'bachelors,' as the minor men were called, should be paid reasonable wages for the time that they worked at the council, and that the 'lords of the council' should be paid according to their work and expenses.<sup>48</sup> In the light of the accounts this meant that the former were to receive wages by the day, while the latter were to be granted salaries in round sums according to their rank. The amounts were to be determined by the council itself. The ordinances of 1390, however, bear on their face the stamp of a party measure, which was carried by the Gloucester faction against the king. The king on the other hand while permitting the enactments to be made did not put them into effect. It was his personal policy, like that of Edward III, richly to reward certain favourites and leave the others to provide for their own expenses.

<sup>42</sup> *Calendar of Patent Rolls*, 20 Ed. III, p. 91.

<sup>43</sup> *Accounts, Exchequer, K. R.*, bundle 96/2 and 3.

<sup>44</sup> *Ibid.* 96/4-7.

<sup>45</sup> *Ibid.* 96/5.

<sup>46</sup> *Issue Roll (Pells)*, 1 Ric. II, *passim*.

<sup>47</sup> *Accounts, Exchequer, K. R.*, 96/14.

<sup>48</sup> Nicolas, *Proceedings of the Privy Council*, i. 18 a.

In the reign of Henry IV the councillors, whose influence was greatly enhanced by the revolution, received payments more generally and regularly than ever before. The duke of York received a salary of 200*l.*,<sup>49</sup> the archbishop of Canterbury 200*l.*,<sup>50</sup> Bishop Beaufort 200*l.*,<sup>51</sup> and other bishops 200*l.* or 200 marks a year. Barons and knights received salaries of 100*l.* or 100 marks, squires 100 marks, and certain commoners 50 marks a year.<sup>52</sup> At one time the prince of Wales was allowed 1,000 marks for his expenses in attending the council.<sup>53</sup> In 1406, when a new council of seventeen was appointed in parliament, the question of wages was treated as follows. The speaker of the house asked to be informed whether the council would undertake the task of governing. 'Decidedly,' answered the archbishop of Canterbury, speaking for the others as well as himself, 'if there is enough of funds, not otherwise.'<sup>54</sup> The commons forthwith embodied a clause in one of their petitions that 'the lords of the council be reasonably rewarded for their labour.'<sup>55</sup> In allotting the salaries at this time a resolution appears among the minutes of the council that the rolls of the exchequer be searched to ascertain what councillors received in the reign of Edward III.<sup>56</sup>

In 1422, the second year of Henry VI, when the *personnel* of the council again became a matter of supreme concern, an extensive schedule of salaries, by ordinance of the council, was drawn up.<sup>57</sup> While it was declared to have been made after scrutiny of the rolls and in accordance with the usage of Richard II and Henry IV,<sup>58</sup> it was a far more consistent plan than anything done before. According to this schedule, to which may be added certain items from other sources, councillors received salaries on the following scale :—

An archbishop . . . . .	200 <i>l.</i>
A duke . . . . .	200 <i>l.</i>
The chancellor . . . . .	200 <i>l.</i>
Henry Beaufort . . . . .	200 <i>l.</i>
Other bishops . . . . .	200 marks
Earls . . . . .	200 marks
The treasurer . . . . .	200 marks
Barons . . . . .	100 <i>l.</i>
Baronets . . . . .	100 <i>l.</i>
Knights . . . . .	100 <i>l.</i>
Esquires . . . . .	40 <i>l.</i>

<sup>49</sup> Issue Roll (Pells), 10 Hen. IV, Easter, m. 7.

<sup>50</sup> *Ibid.* 8 Hen. IV, Easter, m. 2.

<sup>51</sup> *Ibid.*

<sup>52</sup> Issue Rolls, *passim*. See also Wylie, *Henry IV*, vol. ii. pp. 429, 479, and vol. iv. pp. 51, 52.

<sup>53</sup> Issue Roll, 14 Hen. IV; Wylie, iv. 51.

<sup>54</sup> *Rot. Parl.* iii. 573.

<sup>55</sup> *Ibid.* p. 577.

<sup>56</sup> Nicolas, *Proceedings of the Privy Council*, i. 297.

<sup>57</sup> *Ibid.* iii. 18.

<sup>58</sup> Accounts, Exchequer, K. R., 96/16.

An additional feature of the scheme was that deductions should be made for absences. A councillor receiving 200*l.* a year should lose 1*l.* for every day that he was absent while the council was in full term; one receiving 200 marks should lose 1 mark and the others at the same rate. A difficulty, however, arose at the exchequer when, after some years, the attempt was made to pay the accounts, for the council records were not so well kept that it was possible to ascertain every day of one's attendance. In several instances the king ordered the treasurer and barons of the exchequer to accept the statements of the councillors themselves.<sup>59</sup> From the exchequer rolls it appears that very slight attention was paid to this provision for the exaction of fines.

For the same reason, no doubt, that it was too uncertain and clumsy, the method of wages by the day since the reign of Richard II had fallen into disuse. In some cases even men who were to receive daily wages were afterwards paid to their satisfaction in round sums.<sup>60</sup> During the same time also there was a general disappearance of life annuities. This was due to the strong influence of parliament which was exerted over the council from the beginning of Richard II's reign. Salaries were bestowed usually with the limitation, *quamdiu ipsum intendentem consilio fore contigerit*.<sup>61</sup> A few exceptions occurred in the way of life grants during the years of Richard's personal government.<sup>62</sup> Under Henry IV there was barely a single instance of the kind. Yet when the pressure of parliament was slackened and the king could again act with a free hand grants of life annuities reappear. Henry VI began making such grants in 1497.<sup>63</sup>

### § 3. *Expenses of the Council.*

The business of the council was not carried on without a variety of incidental expenses, which are useful as side-lights to its history. Among the things which were known as the 'expenses' of the council were the meals and other refreshments which were served; for the sessions began early, between eight and nine at the latest, as the ordinances of 1390 enjoin.<sup>64</sup> When, therefore, from pressure of business, long sittings were held, whether early or

<sup>59</sup> Accounts, Exchequer, K. R., 96/16-20.

<sup>60</sup> In the eighteenth year of Richard II Edward Dalyngrugg, whose wages at the council amounted to 43*l.* 10*s.*, was contented with a payment of 40*l.* (Issue Roll [Pells] 18 Ric. II, Mich. m. 18.)

<sup>61</sup> Issue Rolls, *passim*.

<sup>62</sup> Nicolas, *Proceedings of the Privy Council*, v. 72; vi. 315.

<sup>63</sup> *Calendar of Patent Rolls*, 13 Ric. II, p. 120; Issue Roll (Pells) 13 Ric. II, Mich. m. 23; *Calendar of Patent Rolls*, 17 Ric. II, p. 391. With regard to a grant of 100 marks a year for life which was made to Laurentius Drew, an equivocal statement was made that he should receive it for the time that he should attend the council (Issue Roll [Pells], 17 Ric. II, Easter, m. 6).

<sup>64</sup> Nicolas, *Proceedings of the Privy Council*, i. 18 a.

late, breakfasts were sometimes provided, or even dinners. Of the *iantacula*, or breakfasts of the council, there are some very curious records in the accounts of the exchequer.<sup>65</sup> These contain special accounts, upon small and isolated pieces of parchment, of the different articles of food, with their prices, besides the cost of carriage and culinary services. The cost of such a meal varied, according to the number present and the elaborateness of the menu, between 6s. 9d. and 9l. a day, but it was often about 60s. a day. The earliest account of this kind is of the forty-first year of Edward III.<sup>66</sup>

We may here give one of these lists, which is by no means the most elaborate.<sup>67</sup>

4 pikes . . . . .	17s.
Salmon . . . . .	6s.
Plaice and merling . . . . .	8s.
12 crabs and lobsters . . . . .	5s. 6d.
Eels . . . . .	5s. 6d.
4 salt fish . . . . .	3s. 10d.
Bread . . . . .	5s. 6½d.
Portage of fish . . . . .	2d.
Boat hire . . . . .	16d.
Oatmeal . . . . .	1d.
Vinegar . . . . .	1d.
Butter . . . . .	5d.
Salt . . . . .	4d.
Beans . . . . .	10d.
Onions . . . . .	1d.
Mustard . . . . .	1d.
Vinegar and ginger . . . . .	4d.
4 pounds of almonds . . . . .	19d.
1 pound raisins of currants . . . . .	4d.
½ ounce saffron . . . . .	6d.
2 ounces of powder of ginger . . . . .	6d.
1 ounce of powder of pepper . . . . .	2d.
1 ounce powder of cinemon . . . . .	4d.
Suger . . . . .	2½d.
Fuel . . . . .	2s. 10d.
46 gallons of ale . . . . .	9s. 7d.
Cups . . . . .	12d.
	72s. 11d.
Cooking and labour . . . . .	6s. 8d.
	79s. 7d.

<sup>65</sup> Accounts, Exchequer, K. R., 96/8-13.

<sup>66</sup> It is entitled *Expense facta apud Westmminster XV<sup>o</sup> die Septembris anno regni Edwardi XLI<sup>o</sup> pro iantaculo dominorum cancellarii, thesaurarii, Willelmi Wykeham, et aliorum de consilio secreto domini Regis Londoniae* (Accounts, Exchequer, K. R., 96/8).

<sup>67</sup> Accounts, Exchequer, K. R., 96/11.

That this was a Friday meal is shown by the absence of meat. Usually in these repasts a large variety in the way of meat, fish, and game may be observed, while in the way of vegetables there was naturally but little. Spices and sweets, which were the products of the orient, were not wanting. Wine as well as ale in abundance was usually provided.

Expenses for the *prandia*, or dinners of the council, which were said to be for the sake of expediting business, appear in the reign of Richard II and after.<sup>68</sup> From the amounts of money spent, as well as from the quantities of food and drink provided, on one occasion there being forty-six gallons of ale, it is necessary to suppose that large numbers, including many attendants other than members, were served. At a feast of this kind in the first year of Henry V there were said to be present the chancellor, the treasurer, and others of the council, the justices and barons of the exchequer, besides 'diverse other persons who were there for the day on business touching the welfare of the king and the realm.'<sup>69</sup>

It appears also that wine or fruit was furnished to the council occasionally for its refreshment. In the thirty-second year of Edward III there is an item of 2s. for wine and perry purchased for the council;<sup>70</sup> in the thirty-ninth year a pipe of good wine.<sup>71</sup> In the first year of Richard II there was a payment of 75s. for wine purchased for the lords of the council, who for several days remained late in the afternoon on the secret business of the king.<sup>72</sup> At another time apples were bought for the council.<sup>73</sup> More often there is upon the exchequer roll the indefinite statement of 'expenses' for the council.<sup>74</sup> In the reign of Henry VIII the accounts of the diet of the council are regularly entered in little books.<sup>75</sup>

A still more frequent form of expense incurred by the council, or by its authority, was for the payment of messengers. The issue rolls are filled with items for the carrying of letters and writs to and fro. Among these were the writs of summons to members, *de veniendo ad consilium*, and those to other parties, *de*

<sup>68</sup> Devon, *Issues of the Exchequer*, p. 220; Issue Rolls (Pells), 14 Ric. II, Easter, 12 Aug.; *ibid.* 29 Nov. and 22 Apr., &c.

<sup>69</sup> *In diversis expensis factis pro cancellario, thesaurario, ac aliis de consilio domini Regis, iusticiariis et baronibus de scaccario, et diversis aliis personis in prandio apud Westmonasterium per unum diem existentibus, &c.*; 71s. 8d. (Issue Rolls [Pells], 1 Hen. V, Easter, m. 2).

<sup>70</sup> Devon, *Issues of the Exchequer*, p. 168.

<sup>71</sup> Close Roll, 39 Ed. III, m. 20.

<sup>72</sup> *Pro expensis dominorum de consilio Regis pro mora ipsorum dominorum apud Westminster in diversis diebus post nonam pro secretis negotiis ipsius domini Regis* (Issue Roll [Pells], 1 Ric. II, Pasch. 2 July).

<sup>73</sup> *Pro pomis vocatis Blaunderell* (*ibid.* Pasch. 18 May).

<sup>74</sup> Devon, *Issues of the Exchequer*, pp. 166, 168; Issue Roll, 44 Ed. III, no. 417, 446.

<sup>75</sup> Accounts, Exchequer, K. R., 96/27-31; also *Calendar of State Papers*, Henry VIII, iv. 1097.

*reniendo coram consilio*, and particularly those orders, *quibusdam certis de causis*, for the arrest of persons 'till otherwise ordered by the council.' That such writs were issued under the great seal is well known, for they may be found upon the close rolls; but that they were in like manner sent under the privy seal would not otherwise be so clear. From the writs of summons to individual councillors thus noted many a meeting of the inner council can be reconstructed.

#### § 4. *The Council Chamber.*

Equally important in the history of the council are the few facts that can be gathered about its place of meeting. While the council might meet anywhere, and never ceased to be migratory, it was from the beginning most often at London or Westminster. Even if some of the council attended the king wherever he might be, there was still with fair regularity a council at Westminster.<sup>76</sup> In the event of the council at any other place undertaking its customary work of reviewing cases, there was the risk and expense of conveying rolls, deeds, and other records, the repositories of which were for the most part at Westminster. Thus in the fourth year of Edward III we find Elias de Jonestone, a clerk who had much to do with council affairs, receiving by indenture certain rolls and deeds from the treasurer and chamberlains of the exchequer at Westminster, which he was to bear to the council at Oseney, and for the return of which he was responsible.<sup>77</sup> One may find also payments to messengers bearing books and other material of the exchequer to the council at one place or another.<sup>78</sup> At London or Westminster the council held its sessions most frequently at the exchequer, but also at a chamber in the Tower, in the green chamber of the palace, in the chamber de Marcolf, in the chapel of St. Stephen, and even in private houses. In the *hospitium* of the archbishop of York at Westminster there was a king's chamber where not infrequently formal meetings of the council were held.<sup>79</sup> The house of Otto de Grandisono, near the palace at Westminster,<sup>80</sup> and the chapter house of the Order of Preachers<sup>81</sup> were used for the same purpose.

The most frequent place of meeting was no doubt the old council chamber of the exchequer, which is known from the time of Henry II.<sup>82</sup> In the sixth year of Edward III mention is made

<sup>76</sup> In the seventh year of Edward II were appointed conservators of the peace in Kent who were to make returns from month to month to the council at Westminster (*Calendar of Patent Rolls*, 7 Ed. II, p. 122).

<sup>77</sup> Chancery Miscellaneous Roll, 17/11.

<sup>78</sup> Issue Rolls (Fells), 45 Ed. III, no. 256, m. 15.

<sup>79</sup> Close Roll, 30 Ed. I, 8 d.

<sup>81</sup> Close Roll, 49 Ed. III, m. 40 d.

<sup>80</sup> *Rot. Parl.* i. 76.

<sup>82</sup> *Dialogus de Scaccario*, i. 7.



of the chamber at the exchequer 'where the king's council is commonly held.'<sup>83</sup> It was most likely for this need that a new pile of buildings, between the great hall and the palace, and next to the exchequer receipt, was begun at least as early as 1346.<sup>84</sup> That it was built as early as that year is shown in the record of a law case which in the twentieth year was heard in 'the new council chamber next to the exchequer.'<sup>85</sup> It was expressly appointed for the use of the council,<sup>86</sup> and was henceforth so used. It was called the 'star chamber' from the first,<sup>87</sup> though it was quite as often referred to as 'the council chamber next to the receipt of the exchequer.'

From time to time various articles for the use of the council in its deliberations therein were purchased. In the fiftieth year of Edward III there was an expense of 64*s.* for twelve cushions for the star chamber, ordered for the lords of the council there to consult.<sup>88</sup> In the seventh year of Richard II a kalendar was purchased for 7*s.*, to be kept for the use of the lords of the council in the star chamber.<sup>89</sup> Rushes and mats were provided for the star chamber, the same as for the receipt of the exchequer.<sup>90</sup> In the reign of Henry IV the furnishings became more luxurious, for in the first year of that reign were purchased, by command of the council, five rich cloths and twelve cushions worked with the arms and collar of the king's livery, also some tapestry work and a dozen green cloths, at a cost of 7*l.* 18*s.* 10*d.*, for the advantage and accommodation, as it is stated, of the lords and nobility appointed to consult in the star chamber.<sup>91</sup> Of the office of keeper of the chamber evidence begins under Richard II. In the third year of that reign there is an entry for the payment of a fee of 40*s.* to the doorkeeper of the receipt of the exchequer for his services in guard-

<sup>83</sup> *Calendar of Close Rolls*, 6 Ed. III, p. 573.

<sup>84</sup> The work of Mr. W. Paley Baildon entitled *The Court of Star Chamber* is the most valuable book dealing with the subject on its antiquarian side. To his account it is possible to make a few additions. Thus the operation of building, which he has placed in the year 1347, must have been begun somewhat earlier, for in 1346 it was sufficiently advanced to be used by the council, as the reference in the following note shows.

<sup>85</sup> *Placita in Cancellaria*, no. 21. This was the phrase by which it was commonly designated.

<sup>86</sup> In the twenty-third year a council meeting was held *en la novele chambre iouste la receyte del Eschequier ordeine pur le conseil* (Memoranda Roll, K. R., 23 Ed. III, Trinity, m. 3; and Close Roll, 23 Ed. III, pt. 1, m. 2 d).

<sup>87</sup> In the tiler's accounts, 21-22 Ed. III, Exchequer, K. R., 470/17; Close Roll, 29 Ed. III; Issue Roll (Pells), 50 Ed. III, Mich. m. 32.

<sup>88</sup> *Willelmo Barker, capitero de London, in denariis sibi liberatis per manus proprias pro XII quysyns cum operatione et estuffamento eorundem ab eo emptis ad opus Regis pro camera stellata infra Receptam scaccarii ordinatis pro dominis de consilio Regis ibidem consulendis lxxij s.* (Issue Roll [Pells], 50 Ed. III, Mich. m. 32).

<sup>89</sup> Devon, *Issues of the Exchequer*, p. 274.

<sup>90</sup> Issue Roll (Pells), 14 R. II, Mich. 26 Oct., and 18 R. II, Mich. 18 Oct.

<sup>91</sup> Devon, *Issues of the Exchequer*, p. 274.

ing the doors of the star chamber as well as the doors of the receipt.<sup>92</sup> In the sixth year of Henry IV a grant by letter patent was made to William Norton, king's esquire, of the offices of usher of the receipt of the exchequer and keeper of the council chamber. This grant was confirmed in the first year of Henry VI.<sup>93</sup>

Here, no doubt, was done most of the routine business of the council, which consisted of the consideration of petitions, reviewing records, and hearing cases. 'The home of the council' it was frequently called.<sup>94</sup> Certainly some and perhaps many of the cases before the king and council in chancery, previously to the separation of the chancery court from the council, were heard in this room.<sup>95</sup> Various other chambers of the palace were also used, as for the ceremony of the delivery of the great seal. There was a certain chamber next to the star chamber, between it and the adjoining chapel; <sup>96</sup> a private council chamber next the white chamber; <sup>97</sup> and a certain secret chamber of the king,<sup>98</sup> which may have been the same as the former. In the eighteenth year of Richard II there is an item of expense for rushes and mats provided for the exchequer, as well as for the star chamber and other rooms appointed for the council.<sup>99</sup>

#### § 5. *The Clerk of the Council.*

The equipment of the council as a working body was not complete until a special clerk, to be known as the clerk of the council, was assigned to it. About this office in its beginning there has been much uncertainty from want of data. It has been supposed that Master John Prophete, who in the reign of Richard II undoubtedly did clerical work for the council, was the first to hold the office. This was the inference of the eminent editor of the *Acts and Proceedings of the Privy Council*.<sup>100</sup> For this conjecture, which was not based upon any clear statement of facts, he was sharply criticised by the editor of the *Roll of the Proceedings of the King's Council* in Ireland.<sup>101</sup> So far as it was known to these and other writers no earlier notice of the clerk of the council occurs than in certain parliamentary ordinances of the

<sup>92</sup> Issue Roll (Pells), 8 Ric. II, Mich. m. 12.

<sup>93</sup> *Calendar of Patent Rolls*, 1 Hen. VI, p. 51.

<sup>94</sup> Nicolas, *Proceedings of the Privy Council*, ii. 288, 297, &c.

<sup>95</sup> Close Roll, 8 Ric. II, m. 29.

<sup>96</sup> *Ibid.* 2 Ric. II, m. 1 d.

<sup>97</sup> *Ibid.* 51 Ed. III, m. 7 d.

<sup>98</sup> *Ibid.* 8 Ric. II, m. 22 d; *Placita in Cancellaria*, no. 18.

<sup>99</sup> *Pro camera stellata et aliis domibus ordinatis pro consilio Regis* (Issue Roll [Pells], 18 Ric. II, Easter [no. 337], m. 2; 1 Hen. IV, Mich. m. 5; 10 Hen. IV, Easter, m. 11).

<sup>100</sup> 'That Prophete was clerk of the council in the 18th Ric. II is to be presumed from the documents which he drew up and signed' (Nicolas, i. p. xvii).

<sup>101</sup> Graves, p. xxvi.

year 1422.<sup>102</sup> The manner in which the office is then mentioned suggests that it was not at that time newly created. In this state of uncertainty the question has rested. But in the light of additional evidence furnished mostly by the issue rolls of the exchequer, it is now possible to give a sufficiently clear account of the office of clerk of the council from its beginning. Before the reign of Richard II it does not appear that there was any settled arrangement as to which clerk of the chancery or of the privy seal should act as scribe for the council. There were, indeed, a number of clerks who were sworn members of the council and to whom were assigned tasks of one kind and another.<sup>103</sup> In the reigns of Edward II and Edward III Elias de Jonestone was a king's clerk, who drafted a number of council documents besides doing many other incidental services.<sup>104</sup> It is likely too, from the appearance of the writing, that many of the brief notes made in the council were not by the hand of any professional scribe.

With the reign of Richard II it becomes clear that more than any others the clerks of the privy seal were associated with the council in this way. William of Wykeham, bishop of Winchester, the chancellor, is somewhat strangely styled 'clerk of the privy seal and head of the privy council.'<sup>105</sup> In the second year of that reign John de Wendlynburgh, senior clerk in the office of the privy seal, received a fee of 40*l.* for the services which he had rendered continually, remaining with the council from the time of the coronation until 5 Nov. of the following year.<sup>106</sup> In the parliamentary proceedings of the thirteenth year it is stated that the chancellor, the treasurer, and all the lords of the council, except the clerk of the privy seal, offered the king their resignations.<sup>107</sup> The clerk who is thus mentioned in connexion with the council was Master John Prophete, whose name then appears as a signature upon a number of documents, including warrants of the privy seal and other memoranda of the council.<sup>108</sup> Too much stress, however, must not be laid upon this fact, for it was then

<sup>102</sup> Nicolas, *Proceedings of the Privy Council*, iii. 18. In this point a reference to the clerk of the council in the year 1419 which occurs in *Foedera*, ix. 749 (original edition), was overlooked.

<sup>103</sup> *Assigner clerks de son conseil a survoier ses busoignes* (*Parliamentary Proceedings*, v. 14).

<sup>104</sup> *Diplomatic Documents, Chancery*, pp. 192, 263; *Chancery Miscellaneous Rolls*, 17/11, &c.

<sup>105</sup> *Clericus privati sigilli, et capitalis secreti consilii ac gubernator magni consilii* (*Pat. Rolls*, 1 Ric. II; *Rot. Parl.* iii. 888).

<sup>106</sup> *Issue Roll (Palls)*, 2 Ric. II, Mich. m. 6. At various other times the same John and other clerks of the privy seal were sent with messages by the council (*ibid.* 49 Ed. III, m. 10; 6 Ric. II, Mich. m. 17; 7 Ric. II, Easter, m. 18; 8 Ric. II, m. 24).

<sup>107</sup> *Rot. Parl.* iii. 246.

<sup>108</sup> Warrants, Privy Seal, file 1539; Nicolas, *Proceedings of the Privy Council*, vol. i.

the common practice for clerks and sponsors to countersign such documents, and his name is not the only one which appears in this way.<sup>109</sup> That Prophete's position was different from that of any other clerk is shown by the fact that in the fourteenth year he was receiving a fee of 40*l.*, which the king granted him 'by advice of the council for his expenses at the council.'<sup>110</sup> The next year he received another such fee.<sup>111</sup> In the sixteenth year, specifically as 'clerk of the council,' he received his fee 'for his labours and expenses in times past, travelling to different places by command of the council as well as remaining continuously with the council.'<sup>112</sup> This statement confirms beyond a doubt the inference of Sir Harris Nicolas.

It does not appear, however, that the position was even then a fixed office, for in the next year Prophete was called 'clerk in the office of the privy seal,'<sup>113</sup> as he was before. No mention is made again of the clerk of the council for some years. Master John Prophete meantime rose to higher positions. In the first year of Henry IV he was made one of the council, with a salary of 100*l.* a year;<sup>114</sup> in 1402 he became king's secretary,<sup>115</sup> and in 1406 keeper of the privy seal.<sup>116</sup> His successor in the clerical work of the council was Robert Fry. He also was a clerk of the privy seal and at one time is mentioned as a subordinate of Prophete's.<sup>117</sup> In the third year of Henry IV Robert Fry, designated as 'one of the clerks in the office of the privy seal,' received a fee of 40 marks for his labours in writing the acts of the council.<sup>118</sup> In the three following years his fee for the same work was 20*l.*<sup>119</sup> In the eighth year, as 'clerk of the council,' he is found receiving a fee of 40 marks for his services in the council from Christmas of the seventh year.<sup>120</sup> From this time the position may be

<sup>109</sup> Some are signed by James Billyngford, who was in the nineteenth year made chief clerk of the crown in chancery (*Calendar of Patent Rolls*, 19 Ric. II, p. 711).

<sup>110</sup> *Iohani Prophete clerico . . . in persolutionem XL marcarum quas dominus Rex de avisamento consilii sui liberare mandavit de dono suo de regardo pro custubus et expensis per ipsum habitis circa consilium Regis* (Issue Roll [Pells], 14 Ric. II, Mich. m. 8).

<sup>111</sup> *Ibid.* 15 Ric. II, Mich. m. 22.

<sup>112</sup> *Magistro Iohani Profete clerico consilii Regis . . . in persolutionem XL li. quas dominus Rex de avisamento consilii sui sibi liberare mandavit de dono suo causa laboris et custuum per ipsum habitum temporibus preteritis, tam equitando ad diversa loca in servicio Regis de mandato consilii sui, quam morando continus circa consilium Regis predictum* (Issue Roll [Pells], 16 Ric. II, Mich. (no. 827), m. 20).

<sup>113</sup> *Ibid.* 17 Ric. II, Mich. 30 Jan.

<sup>114</sup> *Ibid.* 1 Hen. IV, Easter, m. 9.

<sup>115</sup> Nicolas, *Proceedings of the Privy Council*, ii. 78.

<sup>116</sup> Issue Rolls (Pells), 10 H. IV, Easter, m. 8. For his ecclesiastical preferments see Wylie, *Henry IV*, ii. 484.

<sup>117</sup> Nicolas, *Proceedings of the Privy Council*, i. 88; Issue Rolls (Pells), 17 Ric. II, Mich. 30 Jan.

<sup>118</sup> *Ibid.* 3 Hen. IV, Mich. m. 12.

<sup>119</sup> *Ibid.* 4 Hen. IV, Mich. m. 14; 5 Hen. IV, m. 21; 6 Hen. IV, Mich. m. 11.

<sup>120</sup> *Ibid.* 8 Hen. IV, Mich. (no. 363) m. 10.

regarded as a permanent office, for it was held continuously by Robert Fry at the same salary of 40 marks until the tenth year of Henry V.<sup>121</sup> He was succeeded by Richard Caudray, who was already in some way associated with the office; for in the seventh year of Henry V, 1419, Caudray was one of several appointed to an embassy sent to France, in which he was named as clerk of the council.<sup>122</sup> Not until the retirement of Robert Fry,<sup>123</sup> who must then have been an old man, did Caudray receive the salary of the office.<sup>124</sup> This salary of 40 marks remained the same through the reign of Richard III.<sup>125</sup>

The office, therefore, was already well established when it was mentioned in the aforementioned ordinances of 1422. It was then enacted 'that the clerk of the council be charged and sworn to write daily the names of all the lords that be present from time to time, to see what, how, and by whom everything passeth.'<sup>126</sup>

Other problems concerning the council yet remain to be discussed. The material here offered, incomplete as it is, adds something to what is already known, and serves to make more tangible an institution which was in its nature peculiarly inscrutable, and which has eluded a more direct manner of description. Enough has been said to make it evident that the most important features which the privy council of later times is known to have possessed were well established before the reign of Richard II. The organic changes, through which it passed, were for the most part not those of statutory regulation, but of gradual growth in an institution already mature.

JAMES F. BALDWIN.

<sup>121</sup> *Roberto Fry clerico consilii domini Regis . . . in persolutionem XL marcarum quas dominus Rex de assensu consilii sui liberare mandavit pro riguardo suo causa officii sui predicti* (Issue Rolls [Pells] 10 Hen. IV, Mich. 1 m. 18 ; 1 Hen. V, Mich. m. 7).

<sup>122</sup> *Foedera*, ix. 749.

<sup>123</sup> Robert Fry withdrew to the position of secondary clerk in the office of the privy seal with a salary of 10*l*. (*Calendar of Patent Rolls*, 1 Hen. VI, p. 22 ; Issue Roll [Pells], 3 Hen. V, Mich. m. 6.)

<sup>124</sup> *Ricardo Caudray clerico de consilio Regis . . . in persolutionem XL marcarum quas idem dominus Rex de assensu consilii sui dicto Ricardo de riguardo liberare mandavit causa predicti officii sui . . . prout Roberto Fry nuper clerico de consilio nuper Regis solutum fuit* (ibid. 1 Hen. VI, Easter, m. 9).

<sup>125</sup> *Calendar of Patent Rolls*, 1 Ric. III, p. 461.

<sup>126</sup> Nicolas, *Proceedings of the Privy Council*, iii. 18.