

## ARTHUR AGARD AND THE CHAMBERLAINSHIP OF THE EXCHEQUER, 1570–1615

By C. H. D. COLEMAN  
(Department of History, University College, London)

In the original issue of the *Dictionary of National Biography*, S. L. Lee took some pains to discredit the old, and hitherto respectable, tradition that Arthur Agard, the distinguished antiquarian from Foston in Derbyshire, had been appointed Deputy Chamberlain by Sir Nicholas Throckmorton in 1570, and had spent the remaining forty five years of his life in that office. Agard, Lee claimed, had entered the Exchequer at an early age, but only as a clerk, and had not been appointed a Deputy Chamberlain until 11 July 1603, when, as 'his patent of appointment in the Pell office proves conclusively', he succeeded Thomas Reve.<sup>1</sup> Lee, presumably, never asked himself how a man of Agard's ability could have spent the best part of his life in a minor clerkship, or how a minor clerk could have made the contribution to the organisation of the national archives he himself described, and the citation of the patent probably had the effect of discouraging anyone else from asking those rather obvious questions. As a result, the article has never been amended (although, rather curiously, the traditional date of Agard's Deputy Chamberlainship found its way into the *Concise Dictionary* and had to be corrected),<sup>2</sup> and Lee's revision has been generally accepted, even by an historian as thorough as May McKisack, in whose book on the Tudor medievalists Agard appears as something of a hero.<sup>3</sup> Lee was, however, completely wrong—not because he misread the date in the patent, but because he was, quite excusably, ignorant of the administrative context in which it was granted. Since the error both diminishes Agard's stature and obscures the real significance of his association with the Exchequer, it cannot be allowed to pass uncorrected.

In the latter half of the 16th century there was no single titular head of the Exchequer, but overall authority was, in theory, vested in three officers, the Treasurer and the two Chamberlains, to whom, in deference to tradition, all warrants for payment were directed. In practice, however, *de facto* headship was exercised by the two great Treasurers of the period, who were also Lord High Treasurers of England, William Paulet, first Marquis of Winchester, and William Cecil, Lord Burghley.<sup>4</sup> The Chamberlains—with the notable exception of Henry, Lord Stafford<sup>5</sup>—neither participated in the running of the Exchequer nor showed the least desire to do so, for the simple reason that they no longer had any significant duties to perform. As Peter Osborne, the Lord Treasurer's Remembrancer, reported to Burghley in 1572,<sup>6</sup> the Chamberlains were permitted to sit in Court with the four Barons, if they so wished, but not to participate in their deliberations; they were entitled to attend the annual election of sheriffs and express their opinions of the candidates; and they were jointly responsible, with the Treasurer, for the security of the treasury (he should have said treasuries) in which some valuables and a great many records, generally not relating to current business of the Exchequer, were kept.<sup>7</sup> Otherwise, nothing was expected of them but that they should arrange for the collection of their fees—worth £52 3s. 4d. a year each<sup>8</sup>—and appoint a deputy, a clerk, and an usher in the Lower Exchequer (the Receipt), and a deputy in the Upper (the Exchequer of Account) each.

The deputies in the Lower Exchequer—described sometimes as Under Chamberlains but usually as Deputy Chamberlains—had two important duties: to regulate the operations of the Tally Court and to discharge their patrons' responsibilities for the treasuries. The first required them to attend all sessions of the Court; to split all tallies prepared by the Writer of the Tallies and his clerks; to see that, in each case, the entries on the stock, the foil, and in the Court's official register, the Receipt Roll or Pell of Receipt, agreed in all respects with each other and the original Tellers' Bill; to present the

authenticated stock to the accountant or debtor concerned; and to provide safe custody for the foil until its collection by their colleagues in the Upper Exchequer: the second, to keep one (after 1573 two) of the three keys to each of the treasuries; to undertake all searches; and to make all exemptions from the records.<sup>9</sup> The latter responsibilities were far more onerous than the former, as the Tally Court sat only during term and the two intercalary periods known as *Medium Tempus*—that is to say, on about 160 days a year<sup>10</sup>—while the treasuries had to be kept under constant surveillance and their contents made accessible (under strict controls) to both public and private parties in term and out. As a result, the Deputy Chamberlains performed substantially more in this respect than was in theory incumbent on them. In the first decade of Elizabeth's reign, for which period unusually complete records survive, they surveyed the structure of the treasuries and the condition of their contents, both routinely and after heavy rains and flooding; they supervised necessary maintenance, cleaning, repairs, and modifications; they prepared the treasuries for occasional inspections by the Treasurer and Under-treasurer; they dried and repaired records damaged by damp or flood; they made scutcheons for valuable records committed to their charge; they compiled repertories; they attended on the Privy Council, with records, both at Court, in the Star Chamber, and in the Treasurer's own house; and they assisted the Writer of the Tallies and the Clerk of the Pell with the examination of the Counterpells (discussed below) and the accounts of the Tellers and the Cofferer of the Household.<sup>11</sup> The Marquis of Winchester's decision, in 1566, to commit a number of documents of exceptional importance—Henry VIII's will and 'dyvers secrete writings' which only the Privy Council was allowed to open—to one of the treasuries in their charge, provides clear evidence of the good reputation and high status of its custodians.<sup>12</sup>

The clerks, who were often described in the fee books as Deputy Chamberlains to write the Counterpells, but more appropriately by Peter Osborne as Controllers of the Pell, occupied a far less important position. Anciently, responsibility for the receipt and issue of all money paid into the Lower Exchequer had been vested in the Treasurer and the two Chamberlains, for whose charge and discharge separate and independent records were kept—a Receipt Roll and an Issue Roll for the Treasurer, commonly called Pells of Receipt and Issue, after the skins of which they were composed, and a Receipt and an Issue Roll for each of the Chamberlains, commonly called Counterpells, because they were supposed to provide a controlment for the Treasurer's records.<sup>13</sup> But gradual changes in procedure over a very long period—formalised probably in the early years of Henry VIII's reign—resulted in the transfer of this responsibility to the Tellers and rendered some (if not all) of these records redundant. The three Issue Rolls were discontinued in about 1514, and, in the case of the two Counterpells, never revived.<sup>14</sup> The Pell of Receipt was retained, probably as a register of tallies struck rather than as a comprehensive record of receipts, since the trend in the 16th century was for increasing numbers of receipts to pass without tallies.<sup>15</sup> The Counterpells of Receipt may have been retained—for what purpose one cannot imagine—but it is rather more likely that they too were discontinued and revived later as a result of Henry, Lord Stafford's crusade to bring back the 'ancient course'.<sup>16</sup> After the amalgamation of the revenue courts in 1554, the business of the Tally Court increased considerably, and it became impractical—perhaps impossible—to keep up the cumbersome parchment rolls in Court, so the Clerk of the Pell, with the consent of the Treasurer, replaced his Pell with a paper Receipt Book, and from this the Pell and Counterpells were copied at leisure.<sup>17</sup> Since the Counterpells could not, after this, be regarded as a controlment for the Pell, Robert Petre, the Auditor of the Receipt, very sensibly stopped their production in 1572, no doubt with the blessing of all concerned, as the labour involved was very great, the fee very small, and the benefit non-existent.<sup>18</sup> The sole duty of the Controllers of the Pell was to produce the Counterpells, so after Petre's intervention, they had nothing whatever to contribute to the running of the Lower Exchequer, but retained their entitlement to a fee of £6 per annum each.<sup>19</sup>

The Ushers occupied a less important position still, but unlike the Controllers of the Pell, did have work to do. The full range of their duties cannot be determined, as no

description of the office survives, but they were probably expected, like their counterparts in the Upper Exchequer, to attend on the chief officers in their journeys to and from Westminster, to summon waiting accountants and debtors to, and make all announcements in, the Tally Court, and to do whatever else might be required of them.<sup>20</sup> Whatever the expectation, they were in fact employed by the Deputy Chamberlains, for the records teem with references to their labours in the treasuries, assisting with searches, supervising cleaning, making repertories, mustering tallies, collecting stationery, transferring records from repository to repository, and so on.<sup>21</sup>

The deputies in the Upper Exchequer—known as Joiners of the Tallies—had one significant duty only and that was to validate the tally stocks brought in by accountants and debtors called to account in the Upper Exchequer. Their part in the course, therefore, was to collect, from their colleagues in the Lower Exchequer, the foil of each tally struck; to file it away (in a bundle appropriate to the shire, the month and the year of the payment), and to keep it safe under two keys until required by the party concerned; to produce it then and join it with the stock from which it had been detached, so establishing the latter's validity or otherwise; to record the successful joining in a Controlment Book, and, with a private symbol, on both parts of the tally; to present the joined tally and the Controlment Book to the appropriate Secondary in the Pipe for examination and comparison; to secure the Secondary's hand to their record in the Controlment Book; to surrender the stock to the Secondary for onward transmission to the treasuries; and to lay up the foil in their own office.<sup>22</sup>

Conventionally, the Ushers were appointed for life, so the initial grant of the office was sufficient to secure the patentee's enjoyment of it until he died or retired, unless of course he misbehaved. The other officers were appointed for the life of the grantor only, presumably because they, unlike the Ushers, were his personal representatives. So when a Chamberlain died, each of them had, if he wished to retain his office, to sue out a new patent; to be admitted, after swearing an oath in Court, by either the Treasurer or Undertreasurer; and (to ensure the payment of his fee) to register the new patent with the Auditor of the Receipt and, after 1597, the Clerk of the Pell. Patents were recorded in the Auditors' (and later Pells' Office) Patent Books,<sup>23</sup> admittances in the Black Book of the Exchequer,<sup>24</sup> the more convenient of the two sources to use.

Thomas Reve, the man Agard succeeded, may have entered the Exchequer in or shortly after 1554, as one of the keepers of the records of the dissolved Court of Augmentations.<sup>25</sup> What is certain is that he was admitted as a Deputy Chamberlain on 17 May 1557; that he served Henry, Lord Stafford and his successor Sir Nicholas Throckmorton in this capacity; and that he died in office between Michaelmas and Christmas 1569, at which time his widow collected the last instalment of his fee.<sup>26</sup> Agard, who had been associated with Throckmorton since his childhood,<sup>27</sup> was granted the vacant office and admitted to it on 8 February 1570. He retained it until his death in August 1615, serving, after the demise of his first patron, Thomas Randolph (from 17 June 1572), Thomas West (from 5 November 1590), George Young of Wilkieston (from 11 July 1603), and Sir John Poyntz (from 17 May 1613).<sup>28</sup> So Anthony Wood, the originator of the traditional version of the antiquarian's career, was correct in all respects, and S. L. Lee only to the extent that Agard did succeed Thomas Reve in office. Had the biographer been at all familiar with the conventions of office-holding in the Exchequer, he would surely never have mistaken what was probably Agard's fourth patent for his first.

As Deputy Chamberlain in this period, Agard probably enjoyed a more exalted position than any of his 16th century predecessors. The death, on 10 March 1572, of the Marquis of Winchester, a stubborn conservative whose support had enabled a series of personal servants in the Receipt to revive many of the redundant practices of the 'ancient course' and the Keeper of the Records in the Tower to thwart Stafford's efforts to take over that repository, enabled Robert Petre and Sir Walter Mildmay, who by this time was Undertreasurer as well as Chancellor of the Exchequer, to scrap the whole of the old Treasurer's programme and (to simplify somewhat) to restore the less cumbersome and more effective procedures which had prevailed until the early years of Elizabeth's

reign.<sup>29</sup> The turnabout was a momentous one, but two if its consequences only merit consideration here. The Counterpells of Receipt were, as has already been mentioned, discontinued, and the Auditor of the Receipt was restored to the position of principal executive in the Lower Exchequer. The effect of the first was to exclude the Controllers of the Pell from active participation in the operations of the Receipt, and to sever, for once and for all, the Chamberlains' ancient connection with its accounts—in short, to conclude the very long process in which their office changed from one concerned principally with money to one concerned principally with records. The effect of the second was to make it impossible for the Auditor of the Receipt—who as custodian of the Treasurer's key shared with the Deputy Chamberlains and, until 1573, the Yeoman Usher, responsibility for the treasuries<sup>30</sup>—to act as anything more than a security officer; his many duties in connection with the oversight of the Tellers, and the demands on his time made by the endlessly repeated complaints and criticisms of the Clerk of the Pell, left him no opportunity to share the work of his colleagues. Responsibility for the management of the ancient records had necessarily, therefore, to be shouldered by the Deputy Chamberlains. So from 1572 onwards, the latter were, strictly speaking, the only representatives of the Chamberlains in the Receipt, and the principal archivists of the Exchequer. Agard's own role was enhanced by an unexpected scandal in 1573. During the Easter weekend, when the Receipt was locked up and its staff on holiday, a thief broke through the roof of one of the Tellers' offices, forced open a money chest, and made off with the enormous sum of £380. Subsequent investigation revealed that the custodian, William Stanton, a highly regarded man who had served in the Lower Exchequer for years, had neglected his duties.<sup>31</sup> As a result he was imprisoned in the Marshalsea and deprived of all his posts, including those of keeper of the third key to the treasuries, and Controller of the Pell to George Talbot, sixth Earl of Shrewsbury. The Treasurer, presumably, transferred the forfeited key to the Deputy Chamberlains,<sup>32</sup> and Thomas Burrow, very much the senior Deputy Chamberlain at the time, took the opportunity to retire from his own office to that vacated by Stanton.<sup>33</sup> So in late March or early April 1573, Agard acquired a key of his own to the treasuries, and on 9 February 1574—the date on which the offices changed hands—took over, and retained for the next 41 years, Thomas Burrow's mantle of responsibility. His post provided him with a comfortable income, principally from fees for searches and replications,<sup>34</sup> and extensively modernised offices,<sup>35</sup> conveniently situated near the Tally Court, the treasuries, and many other government offices; it guaranteed him, through his work in the Tally Court, a wide circle of acquaintance among men of substance and education, and through his work as an archivist, irregular but frequent contact with members of the Privy Council and holders of the great offices of state; it provided him with access to the treasuries, 365 days a year if he wished, which not only facilitated his own researches but made him a vital intermediary between the archives and other antiquarians not so privileged; and it imposed on him principally the responsibility for carrying forward the massive reorganisation of the archives which the amalgamation of the revenue courts had necessitated and Henry, Lord Stafford had set in motion.

The use he actually made of these opportunities is, of course, another story, and one which has been, in part, told elsewhere.<sup>36</sup> Suffice it to say here that none of those who has studied Agard appears to have made use of the most important of the original sources—the Tellers' Rolls, which alone contain a comprehensive record of all expenditure in and on the treasuries.<sup>37</sup> Preliminary research in these unwieldy records, and in the far more convenient but less comprehensive accounts of the Yeoman Usher,<sup>38</sup> suggests that his predecessor Thomas Reve and some of his colleagues deserve far more attention than they have so far received, but that Agard's own achievements have probably been underestimated all the same.

#### REFERENCES

<sup>1</sup> *D.N.B.*, i, 172-3.

<sup>2</sup> *Concise D.N.B.*, pt.1, 10, 1457.

<sup>3</sup> May McKisack, *Medieval History in the Tudor Age*, 85-93.

- <sup>4</sup> For the history of the Exchequer in this period see J. D. Alsop, 'The Exchequer of Receipt in the reign of Edward VI' (Cambridge Univ. Ph.D. thesis, 1978), which covers far more than the reign of Edward VI, and G. R. Elton, *Studies in Tudor and Stuart politics and government*, i, 355–88, which provides a vivid picture of the many disturbances in the Receipt in Elizabeth's reign.
- <sup>5</sup> A. H. Anderson, 'Henry, Lord Stafford (1501–1563) in local and central government', *Economic History Review (E.H.R.)* lxxviii, 225–42.
- <sup>6</sup> The authorship of the tract and the date of its composition are discussed in W. H. Bryson, 'Exchequer equity bibliography', *American Journal of Legal History*, xiv, 333–348.
- <sup>7</sup> Cambridge University Library (C.U.L.), MS.Gg.2.7 ff.27–8. Osborne's brief description of the contents of the treasuries should be supplemented by reference to Agard's in F. Palgrave, *The Antient Kalenders and Inventories of the Treasury of His Majesty's Exchequer*, iii, 311–335.
- <sup>8</sup> Public Record Office (P.R.O.), E403/2261.
- <sup>9</sup> C.U.L., MS.Gg.2.7 ff.87–8.
- <sup>10</sup> Alsop, *op. cit.*, 77–8.
- <sup>11</sup> P.R.O., E407/68/3–7 *passim*. Dr. Alsop kindly drew my attention to these records.
- <sup>12</sup> P.R.O., E36/266 f.76v. The Humphrey Shelton who deposited the documents in the Lower Treasury was a personal servant of the Treasurer who had a few days before been admitted as Writer of the Tallies. E36/266 f.76r.
- <sup>13</sup> P.R.O., E407/71 f.213r. There are many other such references in this collection.
- <sup>14</sup> Alsop, *op. cit.*, 55–62.
- <sup>15</sup> P.R.O., E407/71 f.45r.
- <sup>16</sup> Anderson, *op. cit.*, 232, 239.
- <sup>17</sup> The paper book was introduced on 2 October 1559. P.R.O., E401/1794.
- <sup>18</sup> Trinity College (T.C.), MS.0.2.20, 21. One Counterpell, at least, was prepared for Michaelmas 1571–2, but none after that term. P.R.O., E401/1352.
- <sup>19</sup> C.U.L., MS.Gg.2.7 f.84; P.R.O., E403/2261.
- <sup>20</sup> C.U.L., MS.Gg.2.7 f.79r.
- <sup>21</sup> P.R.O., E407/68/3–7 *passim*.
- <sup>22</sup> C.U.L., MS.Gg.2.7 ff.73–4; P.R.O., E407/71 ff.9v–10v.
- <sup>23</sup> See *G.C.P.R.O.*, i, 100–1.
- <sup>24</sup> P.R.O., E36/266.
- <sup>25</sup> W. C. Richardson, *History of the Court of Augmentations 1536–1554*, 439–440.
- <sup>26</sup> P.R.O., E36/266 f.75r; P.R.O., E403/2259.
- <sup>27</sup> McKisack, *op. cit.*, 90.
- <sup>28</sup> P.R.O., E36/266 ff.77v (Throckmorton), 78v (Randolph), 79v (West), 92v (Poyntz); Palgrave, *op. cit.*, iii, 451 (Young).
- <sup>29</sup> These controversial views of administrative trends in the 1560s and early 1570s, and of Winchester's responsibility for them, cannot be fully defended here. For the beginning of Winchester's campaign to restore 'the ancient course' and his quarrel with Sir John Baker (mentioned only briefly in Anderson, *op. cit.*, 239) see British Library (B.L.), Lansd. MS.106 ff.14–15; for Stafford's exclusion from the record repository in the Tower and Winchester's support for the Keeper, see R. B. Wernham, 'The Public Records in the Sixteenth and Seventeenth Centuries', *English Historical Scholarship in the Sixteenth and Seventeenth Centuries*, ed. L. Fox, 16–17; for Mildmay's responsibility for the reorganisation of the Receipt and Winchester's attempts to stop it see P.R.O., E407/71 ff.14r., 97r., 107r., 199r., and B. L. Lansd. MS.106 f.6r; fo.; for a description of the Receipt immediately after the reorganisation see T.C., MS.0.2.20, 16–22.
- <sup>30</sup> C.U.L., MS.Gg.2.7, f.87v.
- <sup>31</sup> H. Hall, *The antiquities and curiosities of the Exchequer*, 96–104; IND 17055 f.257v; Alsop, *op. cit.*, 349 (incorrect regarding the final stages of Stanton's career, as shown below).
- <sup>32</sup> T.C., MS.0.2.20, 19, 21–2.
- <sup>33</sup> P.R.O., E36/266 ff.75v, 79r. Christopher Fenton was appointed to the place Burrow vacated. P.R.O., E36/266 f.78v.
- <sup>34</sup> The Deputy Chamberlains' salary was only £10 a year, but they were entitled to the lion's share of the substantial charges for searches and replications. P.R.O., E403/2261; Alsop, *op. cit.*, 43.
- <sup>35</sup> P.R.O., E351/3204 f.12r (assuming, as seems probable, that Agard took over Reve's offices). A detailed account of the reconstruction of the Exchequer in the 1560s is to be found in H. M. Colvin (ed.), *The History of the King's Works*, iii, 71 sqq.
- <sup>36</sup> McKisack, *op. cit.*, *passim*.
- <sup>37</sup> *G.C.P.R.O.*, I, 103.
- <sup>38</sup> P.R.O., E407/68.