

Original Documents.

REGULATIONS PROPOSED FOR THE OFFICE OF ARMS IN THE REIGN OF HENRY VIII.

FROM A TRANSCRIPT IN THE LIBRARY OF HIS GRACE THE DUKE OF NORTHUMBERLAND,
AT SYON HOUSE.

THE following documents, connected with the functions of the officers of arms, in the XVIth century, and the high position which they occupied in all matters of state and ceremony, have been preserved in the library of his Grace the Duke of Northumberland. They are here printed through his kind permission. The oath taken by Heralds at the time of their creation has been given by Weever¹ and other writers, but the form as preserved in the MS. at Syon appears to be of earlier date than those hitherto printed, to some of which it is for the most part similar. The inauguration oaths used in 1685-6, at the creation of Sir Henry St. George, Garter, John Dugdale, Norroy, and other officers of arms, closely resemble the form given by Weever, and printed from Philipot in the "Antiquarian Repertory," vol. i. p. 159. The very brief oath used in more recent times may be found in the "Repertory," vol. iii. p. 375, where it is given from Vincent's Collections, preserved at the Heralds' College.²

The draught of the order "for the welthe and quyetnes of th'office of Armes" has not, so far as we can ascertain, been printed or even noticed by any of the writers on the subject. We are disposed to attribute it to Sir Thomas Wriothesley, Garter king of arms in the reign of Henry VIII. He made large collections and wrote much himself on all matters connected with his official functions; and on his death, in 1534, bequeathed his books to his friend, Thomas Hawley, Clarenceux, and after his life to those who should hold the office of Garter, for ever. The proposed ordinances, of which a transcript, probably contemporary, has been preserved in the Duke of Northumberland's library at Syon House, appear to have been submitted by Garter to the Earl Marshal, designated at the close of the document, "your noble grace," with the request that he should put his hand to the confirmation of such articles therein as seemed advantageous to the office, and cause the officers of arms to do likewise. If the supposition be well grounded that Wriothesley was the author of this project, it was probably submitted either to Thomas Howard, Earl of Surrey, created Earl Marshal in 1509, or to his successor, Charles

¹ Weever, *Funeral Monuments*, p. 666.

² Compare also the oath as used at Nicholas Dethick's creation as Windsor herald, 1583, in his own account of the ceremonial, *Gent. Mag.*, November, 1836,

and given in his collections, *Ashm. MS.* 1116, p. 1. The herald's oath is also found in *Ashm. MSS.*, 846, p. 106; 857, pp. 1, 7; 1113, p. 31, and in other MS. collections.

Brandon, Duke of Suffolk. The former died in 1524, and in the previous year certain orders were concluded, of which a copy may be seen amongst Ashmole's Collections, thus entitled—"At a chapter houlden at the frise of Greenwich, the 23rd of May, 15 Henry VIII., it was ordained that the ordinances insuinge should be observed by the king at armes, wherunto the then officers at armes did set the[ir] signets manuell."³

It is not however certain that the provisions "for the welthe and quyetnes" of the office of arms, proposed by Garter in the draught under consideration, were actually carried into effect. The indecorous variance which too frequently prevailed, and the intrusion of one functionary upon the province of another, had from an early time called for some wholesome discipline.

In 1568 (18 July, 10 Eliz.), orders to be observed by the officers of arms were made by the Duke of Norfolk, at that time Earl Marshal.⁴ At a subsequent period no slight prejudice having arisen from disputes, at the time when Burleigh, with Lord Howard of Effingham and Lord Hunsdon, was deputed by Elizabeth by commission for the office of Earl Marshal, the orders were set forth, in 1596, of which the titles may be seen in Noble's "History of the College of Arms."⁵ It will be seen that although not identical with the ordinance here given, there is so close a resemblance in many clauses, that those orders were very probably grounded on the regulations drawn out, as we have supposed, by Wriothesley. Noble has also given the heads of regulations, for the most part to the same effect, proposed by Sir William Dethick, Garter, who held that office from 1586 to 1603.⁶ The principal features of all these injunctions are moreover familiar to us through the well-known "Discourse of the Duty and Office of an Herald of Arms," written by Francis Thynne, in 1605.⁷

A remarkable feature of the following document consists in the evidence which it supplies of the arbitrary power exercised by the officers of arms, especially in matters connected with funeral ceremonies. In the XVIth century, and the earlier part of the XVIIth, the jurisdiction of the Earl Marshal's Court appears to have been absolute in all questions concerning the office of arms or the privileges of heralds. The correspondence between the provincial deputies and the officers of arms, such as has been preserved amongst Ashmole's Collections, presents singular instances of such arbitrary jurisdiction.⁸ We find these functionaries making bitter complaint that "Gent' keepe theire buryalls secret, and are growne so miserable that they will not have an escutcheon of armes made for them;" whilst illegal hatchments or penons were pulled down, and on one occasion the ignorant arms-painter, who had intruded upon the proper functions of the heralds, suffered the loss of an ear for his presumption.⁹

³ Ashmol. MS. No. 763, f. 181, b—182, b. See Mr. Black's Catalogue, col. 377.

⁴ See transcripts of this ordinance, Ashmol. MSS., 846, p. 102, and 857, p. 22. A general chapter was held, 14 Eliz., at which statutes and orders were established by consent of all the officers of arms. Glover's draught may be seen, Ashmol. MS. 839, p. 693.

⁵ History of the College of Arms,

Appendix p. xii. The chapters enumerated are fifteen, commencing with "the scite of the house appropriated to the college of heralds," of which no mention occurs in the draught of the order by Garter, here printed.

⁶ Ibid. p. x.

⁷ Hearn's Collection of Curious Discourses, vol. i., p. 153.

⁸ Ashmol. MS. 836, f. 171, &c.

⁹ The following documents are here

THE OTHES OF HERAULDES.¹

(Syon MS., fol. 17.)

Furste, ye schall sweyre to our Suffraigne Lorde the Kyng, that made you of the Ordre of Heraude in his exelent (*sic*) presence, and to be trewe in all maner poyntes. And if ye here ony maner Language or ony other thynges that sholde towch treason to His Highe and exelent personne or other wise in ony poyntes, as God defende, ye shall discover hit to his highe and excellent parsonne, or to his noble and discrete Cowncell. So helpe you God and Holydome.

Item, ye shall be servysable and Secret in all poyntes, except Treasone, and obediense to all knighthode and gentilnes to Lordes and Ladies, and to all gentilmen and gentilwomen, and as a Confessour of Armes, and Cawse, and Conceill to all them trowthe, worschippe, and vertewe, in that you² in you is (*sic*). So helpe you God and Holydome.

Item, ye shall be trewe of all your repourtes, And diligent to seke wurshippe and desire to be in place ther greate Semble of prynces and pryncessis, Lordes, Ladies, and Estates of great worshippe, wher through ye may have connyng to reporte to youre prynce or pryncesse or other astates such wurshippe as is Occupied ther. So helpe you God and Holydome.

Item, ye shall promyse in Case that fortune fall ye to mete ony gentilman of name and of Armes, that hath loste his goodes in our Suffraigne Lorde Service or in ony other place of wurshippe, if he requyred you of youre goode to his Sustenance, ye shall gyve or Leande hym to your powre. So helpe you Gode and Holydome.³

Item, if Case fall that ye be in ony place that ye here ony language betwene gentilman and gentilman that sholde towche ony stryfe or debate betwene them twoo, and after that ye be send for to come befor our Suffraigne Prince, Lorde, or Juge, to beyr a witnes of the forsaide langage (*sic*), ye shall kepe your mowth close and beyre no witnes withoute leave of both parties. And with their leave ye shall say the Trewth, and leyt neyther for love nor dreade. So helpe you God and Holydome.

Item, ye shall be serviseable and trew to all wydowes and Maydens of their Supportes in all wurshippe and conceill to all vertewes. And if ony man wuld diswurshippe or fource them other in ony maner, or otherwise take

printed *in extenso*. The words—the, their, that, &c., being sometimes so written, sometimes—y^e, &c., have been printed uniformly with th. The volume of miscellaneous collections in which these transcripts occur comprises various contemporary draughts, ceremonials, &c., chiefly relating to the sixteenth century. Amongst these are certain notices of Scottish affairs, which, by the kind permission of the Duke of Northumberland, have been communicated to the Society of Antiquaries of Scotland.

¹ Weever, *Fun. Mon.*, p. 666, printed "The Oath of the Herald at the time of his creation before his Sovereigne," for

the most part similar to this but not identical with it, and the language in which it is expressed seems of a more recent time.

² Compare the expression *infra*,—"in all that in you is." Possibly these words were written by the first hand "y^e in you is."

³ This pledge of a generosity, worthy of the most vaunted days of chivalry, does not occur in the later formula of the herald's oath; in that printed by Weever the promise is thus qualified, "Ye shall give him part of such good as God hath sent you, to your power, and as you may beare." *Fun. Mon.* p. 667.

from them their goodes ageinst the Lawe of God and of al gentylnes, yf they requyre you of your goode Supportacion ye shall diligently and trewly certifie it to your Suffraigne Lorde, Prynce, or Lorde, or Judge, to helpe them that they may have right in all that in you is, as the Matter requyrithe. So helpe you God and Holydome.

Item, ye shall promesste to your powre to forsake all vyces and take you to all vertewes. And to be no commen gooar to Tavernes wiche mighte cawse onvertewouse and oncleane langage. And that ye be no dyse Playar nor Hasardar. And that ye flee places of debate and onhonest places. And the Company of whomen onhoneste. This Articles and other abovesaide ye sweyre trewly to kepe with all your myghte and power. So helpe you God and Holydome.⁴

THORDE DRAWEN AND MADE BY GARTIER KYNG OF ARMES OF ALL YNGLOND
FOR THE WELTHE AND QUYETNES OF THOFFICE OF ARMES.

(Syon MS., fol. 24.)

Furst, Where thofficers of Armes of this Noble Realme of Englonde afor this tyme have ben had in greate Estymacion, and reputid the most experte and most approvyd persons in knowledge of all thinges aparteynyng to nobilitie, above all other officers of strange realmes, And so have contynued and have bene suffyciently mayntenyd by many yeres in the tyme of dyverse famous and noble kynges and prynces, Wich officers of armes both of utilitye and Necessitie be requysite to be had, both for ordning of armes and Crestis, Connysauncis and devicis, Registryng of Pedegrewis and recordeyng of marciall actis and valiante dedis, achewide by persons of Nobilitie and Reynowme, The knowledge wherof can not be lightly had withowte grete study, longe contynuaunce, and daily experyense, for lernyng and exersyeyng of the same, wiche Lernyng and Exersice must ryse of reasone, of diligent study, serchyng of Antiquities, and of oftyne communicacion had, and assemblies of all such as be experte and playnly instruct in the featis of the said office, so that thoffice do not decay through owr negligens, that we may reforme owr selfis, doying owr dewties to god and to owr Suffraigne Lord the Kyngis Highnes.

Item, that we three kyngis of armes, Gartier kyng of armes over all Englonde, Clarenceux kyng of armes of the Sowth, and Norrey kyng of armes of the Northe, loke to owr othes, that we bee sworne befor the kyngis highenes to his honour, and advauntage of this his realme, to study every day to be more cunnyng then other in thoffyce of armes, to tech other of the saide office, how they shuld doo accordyng to owr olde ordynauncis and Rolles of the same, To have knowledge of noble gentilmen of this realme, of their Cootis, Who is moost able to serve the kyng owr Suffraigne Lord in his warres, or otherwise, Them with their Yssewis trewly regester, all such armes as they beyre, with their

⁴ This clause, as given in Weever, ends thus.—“So God you helpe and holydoome, and by this Booke, and Crosse of this sword, that belongeth to Knighthood.” Fun. Mon. p. 667. Amongst the ne-

cessaries there enumerated for the creation of a herald, are, a book, whereon he must take his oath, a drawn sword, collar of SS., a bowl of wine, to pour over his head, &c.

- differencis dewe in armys to be gevyne, and their servisse that they owe by their tenour to the kynge our Suffraigne Lorde.
- Item, the saide kingis of armes to kepe trewly their visitacions, and to teach other herauldis and pursyvauntis of all dowbtis concernyng their offyce, if they demande them so to doo, to tech them their demandis.
- Item, as oft as nede shall requyre, to kepe chapiters for the reformation and welthe of thoffycers, to thencrease of Cunnyng and lernyng, and to regester all actis of honoure in maner and forme as they be doon, as farfourth as their Cunnyng and power may extende.
- Item, that Clarenceux and Norrey kyngis of armes [bring] all such patentis of armes or confirmacions and pedegrewes by them gyvyne (and visitacione *interlined*) to ony parson or persons, to be seen and Regesterde after the old Custome by a certein day, in the bokys of gartier Pryncipall kyng at armes, upon payne—
- Item, that all herauldis and pureyvauntis of the Kyngis Coote, and all other Ordynary or extraordinare, or ony other offycer of armes of the Realme of Ynglonde, not being of the Kyngis Coote, to kepe their order in goyng on Festyvall days according to their rowmes and awneyentye, not goyng oon at thother Heelis, but a good space on from the other at all tymes, so that it may be saide, that we kepe good order seyng we be thorderers of all other.
- Item, that every offycer know and forbeir his awneyent feylowe to suffer hym to speyke, not to Reply ageinst hym till he have herd his reasone, And then to speyke and shew his mynd; And if that ony demande hym ony questione, to putte it to his awneyent if he be there, and that no pureyvaunte assoyle if a Heralde be there, And if a Kyng of armes be there to put it to hym to assoyle, so that no man of thoffice medle, his awneyent being present.
- Item, for all such days as they Ordynarye shuld gyve attendaunce on the kynges highenes at ony festyvall day,⁵ if it be a kyng of armes, and he be absent, when the kyngis grace goith to Evensong, he shall lose of his parte to his company being there for that defaulte—xvj d. A Heralde—viij d. And a pureyvaunte—iiij d. that shuld be their ordynarye. And if he defawte the next day, to dowble the same some, onles he be sicke or have commandment of the Kyng or his concell contrary, or els thes to stand in effect without favour of ony of them of what degree so ever he be, without the cause or leytt aforsaide.
- Item, that neyther Heralde ne Pureyvaunt of armes medle with nothing that longith unto the kyngis of armes, without the aucthorytie of the said kyngis, that is to say, Enterementis, nor to order ony armes, as quartier, or mynyshe,⁶ or putt in Pale mariages, without the lycens of the Kyngis of armes, Nor crestis nor devices, nor Instruccions or Pedegrewis of⁷ ony thing longying to thoffice of the forsaide Kyngis of armes, withoute theyr lauffull auctorytie, upon such payne as shalbe ordnyed by chapiter. Nor they to have non advantage of the kyngis of

⁵ Henry VII. in the third year of his reign made an ordinance for the regular attendance of the heralds on principal feasts, councils, &c., and that on all ordinary occasions a king of arms, herald and pursuivant, should attend in rotation, according to the scheme then settled, with

certain liveries and fees. Anstis, *Order of the Garter*, vol. i. 472.

⁶ Marks of cadency, or differences of arms, were sometimes termed diminutions.

⁷ *Sic*. Possibly an error of the transcriber for "Or ony thing," &c.

armes, till they be well reconsylde and know their defaultis, without their lawfull auctorytie in that behalf, They havynge auctoritie to have them entred in the Bokis of the kyngis of armes their doings from tyme to tyme trewly and according to thold ordynauncis of the saide office.

Item, that no paynter medle with no armory of no mans puttyng to hym, Nor take upon hym to medle with burials of ony maner of parson or persons, of what degre, astate, or condicion so ever they bee, without the Lycens of a kyng of armes appoyntid ; and if he doo, the kyng of armes to put the Busynes to other wurkemen till he be reconsyld ; And they to have no profytt of the saide kingis of armes handis after a Lawfull wornyng.

Item, that thoffycers of armes, herauldis and pursyvauntis shall visytte all the paynters, Marblelers, glasyers, and goldsmynes, for armes not lawfull, to brynge the Trycke to the kyngis of armes ; And if he be not trew Armory, to deface them at their pannels or they goo to ony place for memorye ; to thynntent they may aske cowncell in so doying of Kyngis of armes and of them that have Auctoritie.

Item, that No waxchaunders seit or poynte ony armes uppe or achementis of ony parsons, till the parties have agreid with the kyng of armes, as they will have the favour of the saide kyng of armes for their proffyttes in gretter caussis for ther advauntagis, and therfor to be paynede.⁸

Item, that thoffycers of armes that be expert in lernyng, takyng payn in thes thinges to see them executid, shall have profytte and advantage before them of thoffice that applieth them to no lernyng, nor in this thing aforsaide take no payne, [who ?] schall have no profytte in tyme comyng.

Item, that no offyicer of armes from hensforth complaynyng⁹ to ony Estate or gentilman ageinst ony offyicer of armes, but onely to the Compayny of the kyngis and offycers of armes furst, The wich offycers shall redresse the said complaynt amongst them selfis or otherwise in their Chapyter, Indifferently and equally, withowt ony favour or parcyaltye, or els to complayne to therle Marshall.

Item, that every offyicer of armes use and haunte honest placis and good compaigny ; And that they eschew all placis and parsons wich manifestly and openly be sklawnderde ; And if he be of good behaviour and maners, that he kepe hym self from shame and vicious language, and above all thingis from speykyng openly ony villany in presens of the People. And in tyme convenient that he applye hym self to reede Bokis of good maners and Eloquens, Cronycles, Actis, and gestis of honour, feattis of armes, and the proprieties of Colours, and herbis and stonys, to thynntent that they may be the more acceptable and commendable and wurthy to have preferrement to come to honour, with payn—

Item, we wull that in every Chapiter Certen dowbtis be movyd for thawgmentacion of thoffice in Seyens, and the said dowbtis, so assoyled by

⁸ The waxchanders appear to have taken a leading part in ancient obsequies. Besides torches and numerous lights around the hearse, they probably were engaged in supplying the cerecloth for

the embalming. It is recorded that Elizabeth, second daughter of Henry VII., was "cered by the wax-chandler." Dart's *Westm.*, vol. ii. p. 28.

⁹ Possibly an error for "complayn."

good deliberacion and determyned trewly, for a perpetuall memory to be regesterd, upon payne—

Item, we wyll that no man presume to take upon hym to make visitacion or to have knowledge of Certen armys of ony Estate or gentilman, what so ever he be, in maner aforesaid, withowt the Lycens of the furst kyng of armes, or of the kyng of armes of the marches that the gentilman is of, upon Payne—

Wherfor your said Oratour most humbly besechithe your noble grace with good deliberacion to peruse thes articles by the said gartier thus made and drawn for the quyetnes of thoffice, and after your gracis most high discreccion to put your hand to the confirmacion of such of them as your grace doith suppose concerne the welth of thoffice. And to commaunde and cawse the offycers to doo likewise to them and such other as your grace shall devyce and ordeyn.