

JUSTICES OF THE PEACE IN MID-TUDOR DEVON CIRCA 1538-1570

THESIS

Presented to the Graduate Council of
Texas State University-San Marcos
in Partial Fulfillment of
the Requirements

for the Degree

Master of ARTS

by

Rebecca J. Zmarzly, B.A.

San Marcos, Texas
August 2007

JUSTICES OF THE PEACE IN MID-TUDOR DEVON CIRCA 1538-1570

Committee Members Approved:

Eugene Bourgeois II, Chair

Elizabeth Makowski

James McWilliams

Approved:

J. Michael Willoughby
Dean of the Graduate College

DEDICATION

This thesis is dedicated to my husband, Craig, for his help and support, and to Meredith, who is the inspiration for all my hard work.

ACKNOWLEDGEMENTS

I would like to express my thanks and appreciation for the many people who have supported and encouraged me while completing this project. First, I want to thank my husband, Craig Zmarzly, for his incredible patience, support, and child-rearing abilities while I was in the middle of my research and writing. I also want to thank my daughter, Meredith, for not only arriving in the middle of this undertaking, but for also being a tangible reminder of what life is really about. I thank my parents, Rick and LeAnn Kelley, and my siblings, Karey Johnson and Justin Kelley, for not rubbing it in too hard that my younger sister and brother have finished their post-graduate degrees before me. To Deborah Chetwood and Alix Floyd, thank you for your much needed advice (both professional and personal) and for being available when I needed some extra motivation. I would not expect anything less from the triumvirate of iniquity.

I would like to express my indebtedness to my advisor, Dr. Eugene Bourgeois II. His patience, knowledge, and guidance throughout this endeavor have given me the ability to produce a work that surpassed my own expectations. I also thank Dr. Elizabeth Makowski and Dr. James McWilliams for their expertise while providing me with invaluable instruction both in the classroom and via their comments on this work. In addition, I thank the staff at the UK National Archives in Kew, Surrey and the people and institutions who contributed online versions of much-needed source material.

This manuscript was submitted on June 25, 2007.

TABLE OF CONTENTS

	Page
ACKNOWLEDGEMENTS.....	iv
LIST OF TABLES.....	vii
LIST OF FIGURES.....	viii
LIST OF ABBREVIATIONS.....	ix
CHAPTER	
I. INTRODUCTION: LOCAL TUDOR ADMINISTRATIVE STUDIES: HISTORIOGRAPHY AND METHODOLOGY.....	1
Historiography.....	1
Methodology.....	13
II. ANALYSIS OF THE COMMISSIONS OF THE PEACE AND THE PIPE ROLLS FOR LOCAL MAGISTRATES IN DEVONSHIRE 1538-1570.....	19
III. COMPOSITION OF THE DEVONSHIRE JUSTICES OF THE PEACE FOR THE REIGNS OF HENRY VIII FROM CIRCA 1538 AND EDWARD VI.....	48
<i>Ex-officio</i> JPs.....	50
Devonshire JPs.....	62
IV. COMPOSITION OF THE DEVONSHIRE JUSTICES OF THE PEACE FOR THE REIGNS OF MARY I AND ELIZABETH I TO CIRCA 1570.....	75
<i>Ex-officio</i> JPs.....	77
Devonshire JPs.....	83
V. CONCLUSION: JUSTICES AND THE CROWN IN MID-TUDOR DEVONSHIRE.....	96

APPENDIX: JUSTICES OF THE PEACE FOR DEVON NAMED ON COMMISSIONS OF THE PEACE AND A <i>LIBRE PACIS</i>	102
Key to Chart.....	102
Explanatory Notes.....	103
Sources and Notes.....	104
BIBLIOGRAPHY.....	136

LIST OF TABLES

Table	Page
2.1. Justices of the Peace appointed to the Devon Commissions of the Peace, 1538-69	26
2.2. Numbers and percentages of <i>ex-officio</i> versus resident JPs on Devonshire Commissions of the Peace, 1538-69	30
2.3. Numbers of JPs listed in the pipe roll records, 1538-70	37
2.4. Numbers and percentages of active versus non-active resident JPs for Devon, 1538-69	39
2.5. Number of years each JP served and received per diem payments, 1538-70	41
2.6. Sheriffs named for Devonshire, 1538-70	44
3.1. Numbers and percentages of <i>ex-officio</i> versus resident JPs in Devonshire as listed on the commissions of the peace during the reigns of Henry VIII and Edward VI	50
4.1. Numbers and percentages of <i>ex-officio</i> versus resident JPs in Devonshire as listed on the commissions of the peace during the reigns of Mary I and Elizabeth I	77

LIST OF FIGURES

Figure	Page
1.1. Portion of a Pipe Roll membrane.....	14
2.1. Map of Devon, 1579	18
2.2. Trends in number of men listed on commissions of the peace and <i>Liber pacis</i> for Devon	27
2.3. Proportion of per diem payments paid in years	41

LIST OF ABBREVIATIONS

<i>APC</i>	<i>Acts of the Privy Council of England</i> , ed. John Roche Dasent, (HMSO 1890-3).
BPG	Burke's Peerage & Gentry
<i>CPR, Edward</i>	<i>Calendar of the Patent Rolls, Edward VI</i> , (PRO 1924-9).
<i>CPR, Elizabeth</i>	<i>Calendar of the Patent Rolls, Elizabeth I</i> , (HMSO 1939-86).
<i>CPR, Henry VII</i>	<i>Calendar of the Patent Rolls, Henry VII</i> (HMSO 1916).
<i>CPR, Mary</i>	<i>Calendar of the Patent Rolls, Philip and Mary</i> , (HMSO 1936-9).
<i>CSP, Mary</i>	<i>Calendar of State Papers, Domestic Series, Mary I 1553-1558</i> , ed. C. S. Knighton, (PRO 1998).
<i>CSPD</i>	<i>Calendar of State Papers, Domestic Series, of the Reigns of Edward VI, Mary, Elizabeth 1547-1580</i> , (PRO 1856).
<i>DNB</i>	<i>Dictionary of National Biography</i> , ed. Leslie Stephen, (New York: MacMillan and Company, 1888).
<i>HDTE</i>	<i>Historical Dictionary of Tudor England, 1485-1603</i> , ed. Ronald H. Fritze, (Westport, CT: Greenwood Press, 1991).
HMSO	Her (His) Majesty's Stationery Office
<i>LP</i>	<i>Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII</i> , ed. J. S. Brewer, J. Gairdner, R. H. Brodie, et al. (HMSO 1867-1910).
<i>PCC</i>	<i>Prerogative Court of Canterbury Wills, 1384-1858</i> [computer file]. (AHDS History [distributor]).
PRO	Public Record Office
TNA	The National Archives

CHAPTER I

INTRODUCTION: LOCAL TUDOR ADMINISTRATIVE STUDIES: HISTORIOGRAPHY AND METHODOLOGY

The mid-Tudor era of English history is characterized by larger than life monarchs, political changes, religious disputes and a move away from a medieval form of government. Early modern historians have long questioned the relationships between these political upheavals in order to determine not only what happened during this time, but also how and why it happened. Historians pose these types of questions for many fields of study; Tudor England is no different. But what makes the various aspects of Henrician, Edwardian, Marian and Elizabethan studies differ from those in other areas is that the Tudor scholar cannot escape one undeniable fact: changes during the Tudor regime impacted English history for centuries to come, right up to contemporary events today. Without the modifications the Tudor monarchs made to the English condition, modern forms of government, politics, administration, literature, philosophy, and culture might have been irrevocably altered.

Historiography

The studies of local administration in the English counties tend to be few and far between; many historians who conduct research on this subject do so as a subset of national politics. G. R. Elton makes the case in his “Tudor revolution of government” theorem that transformations at the center of government also effected changes in the

localities, i.e. that power flowed out from the center into the shires. The crux of Elton's argument is that during Henry VIII's reign, Thomas Cromwell vaulted into the political sphere of the court and engineered a revolution in the concept of government, updating England's administration from one with a medieval basis to a modern one. Elton focuses solely on Cromwell's accomplishments during the 1530s, showing that in Cromwell's attempt to resolve the King's Great Matter he actually altered the methodology behind the English state. Elton argues that Cromwell's revolutionary use of statute enabled him to be the one in Henry's court who could make the transition from medieval to modern government.

However, Elton believes that this revolution took place solely at the center, even to the point of arguing that most of the governing by the elites in the shires had its root in the workings of Cromwell in the central government. Elton maintains that Cromwell's use of the circular letters, which were basically a "sign-off system" to ensure that the local JPs received and acknowledged orders from the crown were "better than any other method [that] could mobilise the whole force of the state in support of the King's policy." In fact, he styles his argument in a way that leads the reader to believe that even though Cromwell relied on the JPs, he actually had nothing but contempt for his underlings in the shires.¹

¹ Eugene J. Bourgeois II, "Henrician Government" (classroom lecture notes), Texas State University-San Marcos, San Marcos, Texas, 21 September 2005; G. R. Elton. *Policy and Police: The Enforcement of the Reformation in the Age of Thomas Cromwell*. (Cambridge: Cambridge University Press, 1972), 231.

Of necessity, however, he [Cromwell] was thus compelled not only to use the locality but up to a point, to defer to the locality; however much he wrestled with the possibility of concealment or malice, he depended in the last resort on the willingness, prejudices, and private ends of men over whom he had no hold except what general adjurations and general warnings could add to general loyalty and the desire to stand well with the fountain of patronage.²

If Elton's contention is to be believed then the only reason the local elite even considered administering justice is due to their own personal gain from the appointment. Elton paints all petty gentry with the same broad brushstrokes, pointing to a highly corrupt and debased organization. Yet he ignores the fact that somehow the office of JP had managed to survive and increase its clout for three hundred years by Henry VIII's time. If the local elite had been as corrupt and self-serving as Elton makes them out to be, then they would have been decommissioned long before the Tudors.

Elton's top-down or center-out approach to local administration during the mid-Tudor era is shared by several historians, notably John Guy. In his survey on Tudor England, Guy takes a viewpoint similar to Elton's ideology about the mid-Henrician years and applies it to the Tudor era as a whole. However, Guy is not as enamored with Cromwell as is Elton. Guy believes that Cardinal Thomas Wolsey (a previous Lord Chancellor to Henry VIII and Cromwell's patron) oversaw many of the governmental changes which occurred during the mid-Henrician years, with Cromwell merely acting as caretaker to those policies and continuing down Wolsey's path of administrative reform. Comments such as "following Wolsey's lead, Cromwell systematically developed the notion of a Crown-controlled magistracy" and "Cromwell's task, in short, was the finalize the work of Edward IV, Henry VII, and Wolsey" show Guy's readers that while

² Elton, *Policy and Police*, 382.

he believes Cromwell had an important part to play in the role of the JP, he was not the one who initiated the ideas.³

Yet Guy does not follow the centrist argument wholesale. He makes several comments during his discussion of Wolsey's and Cromwell's actions regarding the JPs that speak more toward a reconstructionist viewpoint, stating that Henry's policy toward local government was bilateral (both center-out and bottom-up) and that it would be impossible for the center to completely pull all the strings in the shires due to the sheer number of people involved. Guy's arguments are even more apparent in his analysis of the composition of the entire body of JPs under Elizabeth. Guy states that from the mid-sixteenth century through the end of Elizabeth's reign, sixty to ninety percent of royal household members were also MPs or JPs from their counties. "The overlap is so striking that it is useful to regard 'Court' and 'country' as the same people at different times of year." This statement is undoubtedly important to keep in mind when determining the impact of the shires on the crown and vice versa. As the scope of this study encompasses analyzing the makeup of the JP body for the thirty-two years in the middle of the Tudor regime from 1538-70 in Devonshire, it will be interesting to note if Guy's ideas of a dual identity for local and national political figures can be applied to any and every particular county.⁴

Alison Wall also tackles the subject of national versus local administration in her work *Power and Protest in England 1525-1640*, but she does so from a reconstructionist perspective, whereby the changes wrought in government were equally top-down and bottom-up. Like Guy she focuses on England as a whole and covers the bulk of the

³ John Guy, *Tudor England* (Oxford: Oxford University Press, 1988), 169, 144.

⁴ *Ibid.*, 168, 176, 389.

Tudor period (and the Stuarts up to the beginning of the Civil Wars), but unlike Guy she argues that the gentry and aristocracy jockeying for power in the localities impacted the central government just as much as the crown manipulated local affairs. She completely refutes Elton's argument that in order to keep good government, Cromwell (and by implication, other councilors throughout the Tudor era) had to keep firm reins on the local men by coercing them into action or reaction. Wall argues that the "private diaries and letters of JPs, and the surviving Quarter Sessions archives, demonstrate astonishing devotion to duty by many gentry while they held local office."⁵ Her viewpoint that both sides shared equally in the responsibilities of running the country tends to be more readily accepted in today's mainstream historical research, mainly due to the widespread influence of reconstructionism and post-modernism on the discipline.

In their scholarship, Elton, Guy, and Wall produced national histories which included information on the JPs and/or the local counties. Therefore, the main focus for these historians was the national government more so than the localities. Wall does discuss the counties in detail in her work, but the very perspective she takes on her scholarship necessitates her doing so. Her application of reconstructionism or "new" history to this subject implies a less centrist viewpoint. When viewing the political sphere from the center out to the localities like Elton and Guy have done, it makes sense for them to have structured their argument as they did. Because their focuses were crown politics and wholesale English administration, there would have been little room to look at specifics in the counties. However, the examples from the localities they do use to further their arguments come mainly from the Home Counties and/or other regions of

⁵ Alison Wall, *Power and Protest in England 1525-1640* (London: Arnold Publishers, 2000), 105.

pre-eminence such as East Anglia and the northern reaches of the country. Other than Guy mentioning Cromwell's attempts to fill the power void caused by the attainder and execution of the marquess of Exeter by creating the non-viable Council of the West in 1539⁶, neither historian mentions much about the specifics of Devon or the Westcountry at all. Neither Guy nor Elton assume the politics of one region apply to the country as a whole, but when doing national studies such as the ones they developed, it is important to include understand what events took place in the hinterlands as well as at the center.

When other historians look at administration and government in individual counties or regions, a different picture emerges. Historians such as Eugene Bourgeois and Diarmaid MacCulloch advocate a more reciprocal approach between the localities and the center as a means of describing Tudor politics in their studies of Cambridgeshire and Suffolk, respectively. These historians advocate the notion that the composition of the JP pool made a difference in the way that local politics were carried out in particular shires. Lack of a strong, noble, ruling elite or the possession of a solid county/regional identity tended to make these counties less reactive to changes in London. Proximity to London did not matter; Cambridgeshire and Suffolk were just as likely to display independence in their local government as any other shire. What did matter was the fact that the local administrators in these areas had no compunctions about resisting the crown, sometimes to the tune of open rebellion.

MacCulloch's work on Tudor Suffolk deals mainly with government and religion during the entirety of the sixteenth century. Even though he tackles old-school topics in his work, he does so from a strictly county perspective, one that he realizes may take criticism. However, he makes a valid point when he mentions that the arrangements of

⁶ Guy, 176.

public records are usually county-centric or specific, starting with the Exchequer in the twelfth century. MacCulloch does eventually put Suffolk in proper context within England, when he discusses first the shire's relationship with Norfolk and other East Anglian counties and then shows how gradual changes to the power structure in the county reduced the power of the nobility and increased the power of the gentry on the national level. MacCulloch believes that the rise of the JP during the Tudor era changed everyday life in the shires, as he states that the "Quarter Sessions and assizes would be the basis of county life by the end of the century."⁷

Even so, the crown still held sway over the new power in the shire by creating the post of lord lieutenant and maintaining control of JP appointments via the commissions. The process began with the stripping away of Suffolk's nobility. Throughout the Tudor era, the noble landed families in the area all lost, regained, and then lost again their status. MacCulloch believes that the central government engineered this confusion deliberately. While he agrees that a reliable nobleman was the best mediator between the crown and the populace, a regional magnate who became too powerful was a threat, especially as the religious and political upheavals of the century progressed.⁸ Because members of the local aristocracy were stripped of their power, the crown needed substitutes to make the center's voice heard in the localities. The office of lord lieutenant filled that role in some way, but the fact that the lord lieutenant was usually a courtier and had little or no history within the particular county or region he served changed the power balance between shire and crown. In addition, the crown "retained whip-hand over the commission of the

⁷ Diarmaid MacCulloch, *Suffolk and the Tudors: Politics and Religion in an English County 1500-1600* (Oxford: Clarendon Press, 1986), 2, 34.

⁸ *Ibid.*, 53, 103.

peace, knowing that it had a surplus of applicants for the justices' Bench to choose from."⁹ The end of the Tudor era saw a complete change in the hows and whys of government from the beginning of the sixteenth century, but the reciprocal relationship between crown and shire still existed as the nation headed into the Stuart monarchy.

Eugene Bourgeois is another historian who has created a county study based on the "new" English history. His work on Cambridgeshire from ca. 1520-1603 falls along the same lines as MacCulloch's research on Suffolk, but it differs somewhat due to Bourgeois' usage of social history to complement his ideas on the political and religious nature of political elite in Tudor Cambridge. His main reason for completing his work this way is because "defining the ruling elite in this manner has wider implications, not only for more detailed analysis of the local elite, but also for gauging the local impact of political developments at the centre and the Reformation."¹⁰

Bourgeois agrees with MacCulloch's assessment that the lack of a resident peer in the localities greatly increased the political activity of the gentry, but unlike Suffolk which had resident peers then lost them (several times), Cambridgeshire was without a local nobleman until Mary's reign. Bourgeois argues that due to the lack of aristocracy, a small, select group of Cambridgeshire residents dominated the county government where the men shared power among themselves from the 1520s.¹¹ The ruling elite seemed to remain relatively stable during the Marian regime, but the older, more conservative Catholic majority gradually gave way to younger, more radical, Protestant leadership.

⁹ MacCulloch, 338.

¹⁰ Eugene J Bourgeois II, *The Ruling Elite of Cambridgeshire, England, c. 1520-1603* (New York: The Edwin Mellen Press, 2003), 2.

¹¹ *Ibid.*, 271.

Bourgeois gives several reasons for this change, including a more permanent lord lieutenant presence in the shire, lack of popular unrest, and a gradual supplanting of members by the new guard. Even though the religious ideals of the new JPs differed significantly from those of their predecessors, the fact that the ruling elite was connected by social and familial bonds held most of the problems at bay. In addition, most of the gentry who held power were residents of the shire. This reality, coupled with even more social and familial ties with the crown, gave the local elite of Cambridgeshire a definite presence in the lives of the local populace and the country at large.¹²

Bourgeois also takes his research a step beyond that of MacCulloch and others who have done county administrative histories by using additional sources to determine the activity and participation of the men chosen to rule Tudor Cambridgeshire. Bourgeois uses sources such as Quarter Sessions attendance records, pipe roll accounting records, and other out-of-sessions and *ad hoc* commissions to formulate a clearer understanding and create a more concrete picture of the men who were actually in the trenches, doing the work day in and day out by differentiating the ceremonial or *ex-officio* and honorific members on a commission of the peace.¹³ Culling out the actual office-holders may seem to provide only a small distinction, yet it speaks volumes on the actualities of policy and administration.

Historians have compiled local histories for several counties in Tudor England, and while some scholars have tackled the issue from a Westcountry perspective, they are few and far between. J.P.D. Cooper has completed work on the southwest from a mainly administrative history perspective, but it focuses on the Westcountry as a whole,

¹² Bourgeois, 274-8.

¹³ *Ibid.*, 6-7.

combining Devon with Cornwall. While it is true that several JPs from Devon and Cornwall appeared on both counties' commissions, portions of Devon were included in the Duchy of Cornwall, and the two shires shared similar economic administration due to the stannaries, the two shires should not always be lumped together in historical scholarship.

In his work *Propaganda and the Tudor State: Political Culture in the Westcountry*, Cooper discusses the political condition of the southwest during the Tudor era. Cooper uses his study on the Westcountry to provide another refutation of Elton's idea of a "Tudor revolution in government" by explicitly stating that he is part of the "new" British history dedicated to that goal. His ideas to "map the responses of Devon and Cornwall to the intensifying relationship between the administrative centre, represented by crown and parliament, and the provinces of sixteenth-century England" fall right in line with the studies done by MacCulloch and Bourgeois.¹⁴ Lack of a resident peer during the last two-thirds of the period and a ruling elite so connected by marriage that they seemed to be almost incestuous gave the southwest similar characteristics to other regions of England. However, there are several aspects of the Westcountry that made it quite different from other areas of the country. The residents of Devon (and by association Cornwall) did not share the same level of satisfaction as the populace in Suffolk and Cambridgeshire, demonstrated by their participation in several rebellions and uprisings. Compounding this dissatisfaction was the geographic profile of the region, an area situated far from London which was comprised of moors, wastelands, and a large expanse of coastline. In addition, some of the Westcountry population,

¹⁴ J.P.D. Cooper, *Propaganda and the Tudor State: Political Culture in the Westcountry* (Oxford: Clarendon Press, 2003), 6, 2.

particularly in Cornwall, considered themselves to be a separate race much like the Welsh. These differences helped to create a unique identity among the people who lived in the shires of the extreme southwest of England.

Even though the provinces were located in the extreme southwest, Devon and Cornwall still shared a strong relationship to the crown. The resident peer at the beginning of the era (Henry, marquess of Exeter, and earl of Devon) was the first cousin of Henry VIII and subsequently carried out many ceremonial functions at court. The Westcountry's physical location meant that seaborne invasion was extremely likely; therefore, the crown took special pains to keep the region fortified along the seacoast. The two shires also returned a good many men to Parliament. Life in the southwest was not backward and unworldly; Cooper argues that "a complex and mutually beneficial relationship existed between westernmost shires and the crown, which was able to capitalize on the structures and symbols of regional difference."¹⁵

The idea of a back-and-forth struggle between national and local politics opens up the field of local county histories by implementing a "new" history school of thought to the traditional subject of administrative history. However, one question remains: Is it possible to complete studies like those done by Alison Wall for each county in England and make one sweeping generality for all English shires or even for all shires in a particular region? Future historical scholarship will go a long way into answering this question. Local histories, which have been sorely neglected in the past, could prove vital to increasing the understanding of the dynamics in mid-Tudor politics, if nothing else than to fill in the gaps or provide specific case studies. This new avenue of study poses another interesting question: Is it possible to do a local administrative history from a

¹⁵ Cooper, 3.

revisionist perspective? For areas where there was a strong JP presence, it makes sense to advocate a study along the lines of the “new” English history, but for counties that may not have had much change, regions that may have included a strong, ruling, landed elite already in place, or shires in which the power may have vacillated between local whims and strong crown control, where does the revisionist thought fit?

One issue that impacts this question is whether or not to include the various English Religious Reformations and ecclesiastical changes as a means of assessing center vs. local politics. In some counties this is a very important aspect; in others it plays a peripheral role at best. Eamon Duffy argues this in his book *The Stripping of the Altars: Traditional Religion in England 1400-1580*, when he says “It was clear therefore that the intensity and scope of the Henrician assault on popular religion would vary greatly from region to region, diocese to diocese...”¹⁶ Even though the bulk of this variation undoubtedly stemmed from religious issues, there were still some inherent political aspects in it as well. Many revisionist Reformation scholars see a cause-and-effect relationship in the political and religious changes that characterize late-Henrician administration. Alterations to the religious observances at the center necessitated change in the localities, but the rebellions and dissent in some regions also sparked subsequent policy modifications at the center. This concept is the core of the revisionist “new” English history, that neither side was isolated or completely responsible for change in the country as a whole.

The study of local administration in England is one that many historians are turning to in order to formulate their arguments for political change. Because many

¹⁶ Eamon Duffy, *The Stripping of the Altars: Traditional Religion in England 1400-1580*, 2nd ed. (New Haven: Yale University Press, 2005), 415.

prominent historians in the field have already assessed the argument from the nationalistic or centrist viewpoint, it is important to have the local and regional studies to provide a counterpoint to their conclusions. These local histories, many of which inherently fall under the revisionist heading, show that not all Tudor history was monarchy-centric or that all decisions made by the central government ignored attitudes and actions from the hinterlands. Changes in the localities did impact policy at the center. As time went on, this fact became more and more prevalent in most counties throughout England, ultimately culminating during the Stuart era in civil war and regicide.

Methodology

In order to adequately prepare a local history for a mid-Tudor era county, it is necessary to have both national and local sources. Useful primary sources can fall into either category, or they can span both. Pipe rolls, the accounting records of the sheriffs to the Exchequer, are a vital tool in determining the names of the JPs in a particular county. These records show who the sheriffs paid for attending the Quarter Sessions courts, the main provincial courts ostensibly held in each county four times per year in which the JPs were the main magistrates. Because the pipe rolls originated with the local government but were official Exchequer documents, these sources are ones which are considered to be both local and national. The pipe rolls give the names of the men who actually showed up to do the administrative work in the shire proper by providing an accounting of the *per diem* each man received for his service; therefore, they must have been appointed JPs at some point by the crown even if they were not named on an official published commission of the peace. However, due to the lack of consistent or chronological patents originating from the central government, it is impossible to

or pipe rolls. The original manuscripts, documents, letters and various other administrative papers provide a more or less complete overview of life at court. This type of source is very useful when attempting to determine the questions of local administration, such as why a particular person was chosen as a JP or if local activity brought to the monarch's attention affected a commission or appointment. The *Calendars of Patent Rolls* contain the open or public letters of the monarch or his ministers which were sent to specific groups or individual people in order to grant them land, offices, deeds, etc. Oftentimes the actual commissions of the peace would be found in these particular collections, in addition to directives to groups of men who might be named as JPs in a particular shire in a different type of document altogether.

Local sources might be harder to come by for a historian looking to do an administrative history for a particular shire. Destruction of records due to natural causes or deliberate actions would strip pertinent information from the realm of scholarship. Personal caches of letters, diaries, or journals are useful tools for the local historian when they exist. Parish records also provide an insight to local politics, particularly after the start of the Reformation period. For the top-down/center-out historians, local sources are not as important as the central ones, because these historians believe that most directives and action came from the core. For the revisionist Tudor scholar, however, local sources are a treasure trove because they can help prove the theory that activity on the local level may have influenced policy at the top.

Utilization of the pipe rolls, *Calendars of State Papers*, *Calendars of Patent Rolls*, and other such primary documentation, indicates that a mid-Tudor scholar who is attempting to ascertain the identities of the ruling elite of a particular county should

employ prosopography as well. Prosopography, according to the Oxford Prosopography Portal, is defined as “as an independent science of social history embracing genealogy, onomastics and demography.”¹⁷ Some aspects of studying Tudor administrative history can rely solely on information gleaned from printed or official record sources, such as verifying participation in *ad hoc* commissions, identifying local JPs who also served in Parliament, or researching the case records and minutes of various courts held throughout the county. These facets of Tudor historical research concentrate mainly on the actions of the ruling elite instead of their backgrounds and usually do not need to utilize prosopographical methods. Prosopography is nonetheless an important tool to employ in the particular type of research being conducted in this study because the approach to determining the natures of the men chosen as JP is more detailed. By identifying not only the names of the Devon JPs but also their families, lineages, marriages, or landholdings, it is possible to gain a more complete picture of the local administrative scene and determine a pattern of who was chosen by the crown to govern the shire. If family ties or land ownership played an important role in the selection of the ruling elite of Devon, then this methodology will provide the needed framework for a more in-depth analysis of these characteristics.

In addition to prosopography, knowledge of paleography and various languages also helps the Tudor historian decipher primary sources. Sources such as the *Calendars of State Papers* and *Calendars of Patent Rolls* have already been translated (where necessary), edited, and printed, which makes the information in those sources very easy to extrapolate. However, when researching using the pipe rolls (which are still in

¹⁷ Prosopography Centre: “Prosopography: Definition.” *Modern History Research Unit, University of Oxford* [home page on-line]; available from <http://users.ox.ac.uk/~prosop/prosopdefinition.htm>; Internet; accessed 9 March 2006.

manuscript form, written in Latin), various letters, and/or other supporting documentation not previously edited or printed in contemporary typeset, a firm grounding in paleography and the principles of prosopography is essential. Failure to utilize these types of sources in local studies because of unfamiliarity with adjunct ancillary sciences does a disservice to the historical profession, and it also compromises the validity of the research.



Figure 2.1. Map of Devon, 1579. This map was drawn by Christopher Saxton as part of the *Atlas of the Counties of England and Wales*. It is found in The British Library, Maps.C.3.bb.5 f10. © The British Library. All Rights Reserved.

CHAPTER II

ANALYSIS OF THE COMMISSIONS OF THE PEACE AND THE PIPE ROLLS FOR LOCAL MAGISTRATES IN DEVONSHIRE 1538-1570

The subject of this study is Devonshire, or Devon, one of the counties in the extreme southwest of England. Devon borders Cornwall, yet Devon does not exhibit the same characteristics that make some English declare Cornwall to be almost a separate country. Devon is the home of Exeter, which in the Tudor era was the largest city in the southwestern area of the country. Tudor-era Devon has never been considered in a local administrative study in its own right; most of the time historians include Devon in with research on Cornwall in order to formulate a theory on the actions of the “Westcountry.” This intermingling poses a problem to the historian choosing to focus exclusively on Devonshire, since not only must he or she consider any previous scholarship on Devon, but the Tudor scholar must also focus on the Westcountry as a whole.

Devon is one of the two westernmost shires in England, situated on the southwestern peninsula sandwiched between Cornwall and Somerset. Even with its far distance from London, the crown paid special attention to the region. The cathedral city of Exeter was the largest city in the southwest and the center for most commercial, social, ecclesiastical, and governmental aspects of life for the surrounding inhabitants, and due to its pre-eminence it was made a county corporate in 1537.¹ The role Exeter played in

¹ Her Majesty’s Stationery Office (hereafter “HMSO”) *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII* (hereafter “LP”), vol.. 12, pt. 2, ed. James Gairdner (London, 1890), 227.

southwestern civic affairs guaranteed that Devon would show up on the crown's radar at regular intervals. In addition, the location of England's stannaries² in Devon made the area an important one for goods and manufacturing, so important that there existed both a Stannary Court and Lord Warden of the Stannaries independent of regular local administration.³

The changing face of government during the Tudor era was evident in the reverberating struggles between the crown and the localities to govern efficiently and effectively. The crown needed able and loyal men to represent its interests in the shires, but the ruling elite also expected a measure of courtesy and cooperation from the center. One of the most important areas in which the Tudor dynasty impacted the then emerging nation-state of England was in political and governmental administration, particularly in the shires. From 1195 onward, the crown had used its influence and patronage to enlist the aid of the county elite to administer justice in the localities. It did so by formalizing the process in documents known as "commissions of the peace," which created the Justice of the Peace, or JP⁴. Even though the implementation of this new concept of

² Stannaries are the tin-mining areas located in Devon or Cornwall. The name derives from the Latin "*stannum*" which means "tin."

³ MP Richard Strode, (father of Elizabethan JP William Strode), was the center of a 1512 controversy between the House of Commons and the Stannary Court regarding the rights of parliamentarians to discuss and debate legislation of matters outside their ageis. He was arrested on the authority of the Stannary Court for introducing "certeyn bylles...for the reformacion of the perysshing hurtyng and distroyng of dyvers Portis Havyns and Crekys and oder billys, for the comen wele of the said Countie." The ruling of the Stannary Court which fined and imprisoned Strode was overturned by Parliament, which created Strode's Act. This act forbade the persecution or condemnation of anyone speaking on a matter within Parliament, which in effect created the parliamentary privilege of free speech. (4 Hen. 8 c. 8). The Ministry of Justice, "Privilege of Parliament Act 1512," *The UK Statute Law Database* [home page on-line], available from <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=107&NavFrom=2&parentActiveTextDocId=1517759&activetextdocid=1517761#attrib;> Internet, accessed 28 June 2007.

⁴ Originally, the men who participated in this movement were known as "Keepers of the Peace." The current terminology of "Justice of the Peace" or "JP" originated in 1361 during the reign of Edward III.

administration in the shires illustrated a more sophisticated approach to government, most monarchs during the Middle Ages used their JPs to play a more or less secondary role to the sheriff in local matters. Beginning with the reign of Henry VII, however, Tudor monarchs began steadily increasing the numbers of JPs named in the commissions of the peace, and by the mid- to late-sixteenth century most shires had a number doubled or even tripled to that of 1485. This phenomenon is explained by Professor G.R. Elton in his work *England Under the Tudors* when he says, “The justices of the peace, local and (virtually) unpaid gentlemen appointed and supervised by the crown, were the mainstay of the Tudor system of law-enforcement.” The men appointed as justices might serve the central government in additional capacities such as running for election as a Member of Parliament, accepting another commission such as gaol delivery and/or oyer and terminer, or serving in one of the myriad of central governmental positions, but by and large many Tudor JPs were local or petty gentry, gentlemen who took the business of running their county seriously. Local political maneuvering did not exist on the same scale in mid-Tudor Devonshire as it did at the center or in other shires, and because of the commitment of the men who participated in the overall governing of the county, Devon enjoyed a fairly stable ruling elite throughout the changes wrought in a relatively short time span by four monarchs with radically different agendas.⁵

The main goal of this study is to evaluate the available sources to determine who the most significant government agents in Devonshire were during the years 1538-70. By analyzing printed primary sources, unpublished public records, and relevant secondary

⁵ G.R. Elton, *England Under the Tudors* (London: Methuen & Co. Ltd., 1962), 59, 63. According to Elton, “oyer and terminer” (from the French “to hear and determine”) was a originally a commission issued for a specific person(s) for a case to be held at the king’s bench, whereas gaol delivery was a commission used to hold several men in custody until they could be seen by one of the king’s judges. They were later combined in the sixteenth century.

materials, local government officials (JPs) will be identified and examined from the last eight years of Henry VIII's reign through the religious and political upheavals of Edward VI and Mary into the first twelve years of Elizabeth I's rule. There are several reasons for selecting this time span. First, I have the pipe roll records for 1538-70⁶, so those dates became the limiting parameters of my research into other printed primary sources. Second, the years 1538-70 encompass the religious, social, and political changes that came about *after* the Henrician reformation was finished. By analyzing these years in particular, I will be able to determine the repercussions in Devonshire for almost two full generations after the changes occurred. The focus on identifying the ruling elite of Devon will help to determine if the changes that were made at the center impacted the choice of JPs in the various commissions of the peace. Third, much scholarship has already been done in similar areas for Devon and Cornwall for the early Tudor era or the late Elizabethan and early Stuart eras. Since most research into Devon includes it with Cornwall as a subset of the Westcountry, this study itself is somewhat unique. In his book *Propaganda and the Tudor State: Political Culture in the Westcountry*, J.P.D. Cooper laments the dearth of studies on the local administration of the western shires: "The history of the western peninsula in the Tudor period had not received the attention it deserves...the history of Tudor Devon is less full, and far less politicized, than that of its western neighbour [Cornwall]."⁷ This study of mid-Tudor Devon will only fill a small part of that gap.

⁶ The pipe rolls exist for the years before and after my time period, but due to time constraints I was only able to obtain this thirty-two year subset.

⁷ Cooper, 4-5.

Many studies of this type also include information on the lord lieutenants and/or sheriffs of the county or region, but that data is not included in this study because it does not provide any additional information or show a significant departure from the list of JPs. Only two lord lieutenants were named for Devon during this time period: John, Lord Russell and John (Bourchier), earl of Bath. Neither of these men were resident peers of Devon; they merely stepped in to fill the vacuum caused by the demise of the earldom of Devon with the execution of the marquess of Exeter in 1538. In addition, the lieutenancy was only used occasionally and temporarily during the period in times of local and national unrest, and only became more regular and quasi-permanent from the 1580s. The list of sheriffs for Devonshire during this time reads almost as a roll call for the group of JPs, so obviously the local elite merely passed the office back and forth amongst themselves. Every sheriff for Devon from 1538-70 was also a JP at some point during the time period, so an analysis of these men in their roles as sheriff will be implied by working only with the list of JPs.⁸

Devon was a hotbed of political unrest during the mid-Tudor era, shown by various rebellions against the crown and central ministers. The Prayer Book or Western Rebellion of 1549 and Wyatt's Rebellion in 1554 showed that the local ruling elite of Devonshire would not necessarily be cowed and forced to adhere to policy created at the center. However, in looking at the reasons behind and dates for these rebellions, it is impossible not to see a religious rationale for this popular unrest. The Prayer Book or

⁸ John, earl of Bath was technically a resident peer as the Bourchier family had been residents of Devon for many years, but I am not considering him as such. Prior to his being made the earl of Bath in 1536, the only landed peers in the Westcountry were the Courtenays. Since John Lord Russell took over many administrative duties after the execution of the marquess of Exeter (Henry Courtenay), the connection between the peerage and the district was severed. The earl of Bath had his main residence at Hengrave Hall in Suffolk (TNA: PRO SP 11/9, no. 14/2), and most likely spent much of his time outside of Devon; Mark Charles Fissel, *English Warfare, 1511 – 1642* (London: Routledge, 2001), 50-4.

Western Rebellion came about as a direct consequence of the Act of Uniformity in January 1549 and the order for all parish churches to utilize only the Book of Common Prayer in their liturgical services. The religiously conservative populace may have been the instigators of this rebellion, but the local government (including the JPs) did nothing to prevent the protests until the crown directed them to do so. They could have been afraid of the mob or even sympathized with the cause. Conversely, even though Wyatt's rebellion sparked and took off in Kent (on the other side of the country), nevertheless several of Devon's JPs and other ruling elite participated in the revolt against Queen Mary's marriage to Philip of Spain. Wyatt's rebellion involved one of Devon's premier families in its machinations, with JP Sir Peter Carew heading the western contingent of the conspiracy. J.P.D. Cooper even goes so far to rename the situation the "Wyatt-Carew Conspiracy." The events of this rebellion unfolded differently than in the Prayer Book uprising, with members of the local gentry as the instigators instead of the lower classes. Carew was unsuccessful in rousing the local populace in his opposition to the crown, and he fled England in disgrace and exile. These two scenarios illustrate the religious differences between members of the local administration: some JPs fought to retain traditional Catholic practices in the local churches while five years later other JPs fought to condemn the marriage of a Catholic monarch to another Catholic head of state.⁹

In this study, a total of 146 men have been identified as being named as a justice of the peace for Devon: 116 local JPs listed on a commission of the peace, *Liber pacis*, or pipe roll entry and thirty *ex-officio* appointments. A detailed listing of these men in their capacity as JP is shown in table form in Appendix A. The format of the appendix follows a similar fashion to those created by A. Hassell Smith and subsequently utilized

⁹ Wall, *Power and Protest*, 174; Cooper, 163.

by Diarmaid MacCulloch and Eugene Bourgeois in their respective county histories. I have listed the names of each JP in alphabetical order, and for each JP there is an indication of the ranking of his order on the commission. Appendix A also imparts other useful information if known: “S” signifies the justice served as sheriff for that particular year, and “/” signifies that the justice died in that year. When incorporating the data from the pipe rolls, indicating participation via *per diem* payments, I have used an “X” to signify supposed attendance without indication of rank order.

Commissions of the peace were usually issued every year, and a new commission was issued in between if there was a change in status of one of the JPs, such as a JP being added, dismissed, or knighted (and therefore needed to be repositioned on the hierarchy in the listing).¹⁰ Unfortunately, no more than a handful of commissions survive for the Tudor era, with only a few in consecutive order. This study utilizes thirteen separate commissions spanning the time period between 1538 and 1570. Two of those commissions exist for years in which a commission had already been issued, but they are not identical to the first. The crown created these duplicate commissions due to a change in status for one or more of the JPs, such as in 1540 when the February commission listed Thomas Cromwell as an *ex-officio* member, but the July 1540 omitted him (Cromwell was already imprisoned in the Tower of London by the time the July commission was issued). The commissions are printed in readily available sources: *Letters and Papers, Foreign and Domestic, for the Reign of Henry VIII*, *Calendars of Patent Rolls* and *Calendars of State Papers* for Edward VI, Mary, and Elizabeth I. The commissions from Henry VIII’s reign are by far the most comprehensive for the time period in this study,

¹⁰ Wall, *Power and Protest*, 46.

with commissions issued in 1538, 1539, 1540 (2), 1541, 1543, and 1544. Only one commission exists for Edward VI's reign in 1547, with one commission in 1554 and a *Liber pacis* in 1555 for Mary. Commissions are available for three years during the portion of Elizabeth's reign covered in this study: 1562, 1564, and 1569 (2). It is unfortunate that no commission for the beginning of Elizabeth's reign exists, as there was most likely a marked difference in the men chosen for the commission.

Table 2.1. JPs appointed to the Devon Commissions of the Peace, 1538-69.

Date	No. of Men	Date	No. of Men
9 Jul 1538	43	26 May 1547	49
5 Jul 1539	43	18 Feb 1554	31
9 Feb 1540	39	Apr/May 1555 ¹¹	35
16 Jul 1540	40	11 Feb 1562	38
22 Feb 1541	38	1 Jun 1564	42
9 Feb 1543	44	4 Nov 1569	37
12 Feb 1544	54	4 Nov 1569 ¹²	35

Sources: *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII* (Vols. XIII-XVI, XXIII, XX); *Calendar of the Patent Rolls, Edward VI* (Vol. I); *Calendar of the Patent Rolls, Philip and Mary* (Vol. I); *Calendar of State Papers, Domestic Series, Mary I (1553-1558)*; *Calendar of the Patent Rolls, Elizabeth I* (Vols. II, III, V).

There was an increase in the total numbers of JPs commissioned as the years progressed during Henry VIII's rule, peaking at fifty-four with the 1544 commission of the peace. However, this number drops by more than a third at the beginning of Mary's reign (see Figure 2.2), a trend noted in other local county studies. Wall shows increases for Warwickshire and Shropshire from 1531-6 from twenty-two to twenty-seven and

¹¹ *Libri pacis* (Books of the Peace) were a list of all the JPs in England and Wales. They were heavily edited from year to year, and only a few survive for the Tudor era. *There* is no specific date on this *Liber pacis*, but the notation on the entry indicates the date must be between 23 April and 15 May 1555. Public Record Office (hereafter "PRO"), *Calendar of State Papers Domestic Series of the reign of Mary I 1553-1558* (hereafter "CSP, Mary"), ed. C.S. Knighton (London, 1998), 80.

¹² There are two distinct entries for commissions of the peace for Devon in this same roll. There are no *ex-officio* appointments listed on the second version, but since the numbers of JPs listed remain almost the same, more local JPs obviously were added. Correcting the total on the second commission by adding nine *ex-officio* members would bring the total to forty-four.

nineteen to twenty-six men respectively. MacCulloch shows a steady incline from the beginning of Henry VIII's reign to Mary, with a slight dip after Elizabeth I ascended the throne. However, Elizabeth's numbers take a similar path as Henry's, rising slowly over the course of her reign. Bourgeois shows similar numbers: a slow increase during Henry's tenure and a drop around Mary's ascension, with a rebuilding during Elizabeth's monarchy. Finally, Jeffery Hankins notes a trend almost identical to that of Devon in his thesis on Tudor Hertfordshire, with large increases right before a fairly substantial drop around the start of Mary's rule. One possible reason is a purge of Protestant JPs, another is that many of the old guard who died in the intervening years between the end of Henry VIII's reign and the beginning of Mary's were not replaced. A third reason is the fact the number of *ex-officio* appointments were cut in half when Mary ascended the throne to six from twelve under Henry and Edward. Because later commissions of the peace do not exist for Mary's reign, it is difficult to determine if the numbers of JPs increased later in during her tenure, but the *Liber pacis* in 1555 does show a slight increase.¹³

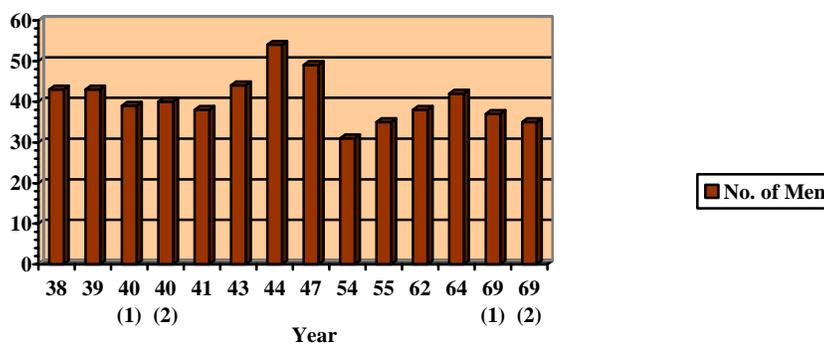


Figure 2.2. Trends in the number of men listed on commissions of the peace and *Liber pacis* for Devon from 1538-69. The sharp decline of Marian appointees is noted in most Tudor county administrative histories.

¹³ See Wall, *Power and Protest*, 47; MacCulloch, 372-4, 411-3; Bourgeois, 321-2; Jeffery R. Hankins, "Tudor Local Government and Administration in the County of Hertfordshire, circa 1520-1580." (M.A. thesis, Texas State University-San Marcos, 1998), 35-6.

Every commission of the peace followed a similar format (with the exception of the second 1569 commission which omits the *ex-officio* appointments): a listing of *ex-officio* members, a list of the JPs who had been elevated as knights, the rest of the county JPs named in order of precedence, and the name of the *custos rotulorum*. There is usually an indication of those JPs who are marked as “being of the *quorum*,”¹⁴ a class which signified that they were learned in the law. The main distinctions on the commissions, however, derived from the differences between the *ex-officio* and regular Bench members. The prominent councilors, churchmen, and military adjuncts to the realm at large that comprised list the *ex-officio* officers were not expected to perform the normal administrative and judicial functions in the counties to which they were commissioned. These non-resident dignitaries were named to the majority (if not all) of the commissions for the country as a whole and did not usually perform tasks mandated by out-of-sessions or *ad hoc* commissions. Even though they were normally non-participatory in local Bench affairs, the fact remains that their inclusion on the commissions gave them the opportunity, however unexercised it may have been, to interfere with the local government. In Devon during this period no indication of an *ex-officio* member partaking in Quarter Sessions courts exists; however, the peerage was not eligible to receive a *per diem* compensation for any work done on the Bench, so if any of these men participated in the sessions, it would not be reflected in the pipe roll accounting records.¹⁵

¹⁴ The legal term “of the *quorum*” rose from a clause in the commission of oyer and terminer which had a provision that one of the specified judges be present who had legal knowledge (*quorum aliquem vestrum A. B., C. D &c., unum esse volumus*). Charles Austin Beard. *The Office of Justice of the Peace in England in its Origin and Development*, (New York: AMS Press, 1967), 146.

¹⁵ Frank J. Goodnow, “Local Government in England” *Political Science Quarterly*, 2 no. 4 (Dec 1887), 645 [journal on-line]; available from <http://links.jstor.org/sici?sici=0032-3195%28188712>

In mid-Tudor Devon, the *ex-officio* members comprised fifteen to thirty percent of the commissions and the *Liber pacis* from 1538 to 1569. As shown in Table 2.2, the proportion of honorific appointments was greater during Henry VIII's reign with numbers near thirty percent for the bulk of the years covered in this study, whereas the percentages during the later monarchies tended to hover closer to twenty to twenty-five percent under Edward VI and Elizabeth and fifteen to twenty percent under Mary. The numbers of *ex-officio* appointments remained fairly static, yet their makeup of the commissions decreased by ten percent on average from 1538 to 1569. This trend shows that the increases in the numbers of JPs throughout the mid-Tudor era focused more on the addition of local resident JPs, a fact which decreased potential crown involvement in the shire as the years progressed.¹⁶ This may not be an important distinction for Devon, because the available data show little to no direct crown involvement in the justices' Bench through the participation of *ex-officio* members. Most of the time, crown involvement in the local administration was a scare tactic used to keep the local governments in line, but that threat may have lessened as the Tudor era progressed merely due to the lower proportion of honorific appointments.

[http://www.britainonline.com/england/england-1538-1569/england-1538-1569.html](#); Internet; accessed 25 March 2007. For a complete history on the formation and rise of the English JP, see pages 643-8; Bourgeois, 51.

¹⁶ This trend is true even for the end of Henry VIII's reign, when his percentage of *ex-officio* to local JPs fell below twenty percent. The increase in the number of overall JP appointments coupled with a decrease in the *ex-officio* ones during the last few years of Henry VIII's show a proportion closer to those of the later Tudor monarchs.

Table 2.2. Numbers and percentages of *ex-officio* versus resident JPs on Devonshire Commissions of the Peace, 1538-69.

Date	Number	Percentage	Date	Number	Percentage
9 Jul 1538	11/32	26/74	26 May 1547	10/39	20/80
5 Jul 1539	12/31	28/72	18 Feb 1554	6/25	19/81
9 Feb 1540	11/28	28/72	Apr/May 1555	5/30	14/86
16 Jul 1540	11/29	28/72	11 Feb 1562	9/29	24/76
22 Feb 1541	11/27	29/71	1 Jun 1564	9/33	21/79
9 Feb 1543	10/34	23/77	4 Nov 1569	9/28	24/76
12 Feb 1544	10/44	19/81	4 Nov 1569 ¹⁷	0/35	0/100

Sources: *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII* (Vols. XIII-XVI, XXIII, XX); *Calendar of the Patent Rolls, Edward VI* (Vol. I); *Calendar of the Patent Rolls, Philip and Mary* (Vol. I); *Calendar of State Papers, Domestic Series, Mary I (1553-1558)*; *Calendar of the Patent Rolls, Elizabeth I* (Vols. II, III, V).

The men who were named as *ex-officio* officers in the Devonshire commissions of the peace varied from year to year, but usually a man was included until he fell out of favor or died. For example, the 1539 commission lists twelve *ex-officio* appointments: Sir Thomas Audeley; Thomas, duke of Norfolk; Charles, duke of Suffolk; Thomas, lord Cromwell; Henry, marquess of Dorset; William, earl of Southampton; John, bishop of Exeter; Sir John, lord Russell; John, lord Zouche; Edmund, lord Braye; Sir Richard Lyster; and Sir Thomas Willoughby. The commission the following year in February 1540 contains eleven *ex-officio* appointments: Sir Thomas Audeley; Thomas, duke of Norfolk; Charles, duke of Suffolk; Thomas, lord Cromwell; Henry, marquess of Dorset; William, earl of Southampton; John, bishop of Exeter; Sir John, lord Russell; John, lord Zouche; Sir Richard Lyster; and Sir Thomas Willoughby; everyone from the 1539 list except Lord Braye who died shortly thereafter. The commission put forth in July 1540 also lists eleven *ex-officio* members: Sir Thomas Audeley; Thomas, duke of Norfolk;

¹⁷ Correcting these numbers to compensate for the missing *ex-officio* JPs would bring the Number to 9/44 and the Percentage to 20/80.

Charles, duke of Suffolk; Henry, marquess of Dorset; William, earl of Southampton; John, earl of Bath; John, bishop of Exeter; Sir John, lord Russell; John, lord Zouche; Sir Richard Lyster; and Sir Thomas Willoughby. The only difference between the February and July 1540 *ex-officio* commissions is that Thomas Cromwell was removed and John, earl of Bath was added. This trend continues throughout the rest of the mid-Tudor era, with some *ex-officio* officers straddling the demarcation line between monarchs, such as Sir Humphrey Brown; John, bishop of Exeter; and John, earl of Bath being listed on commissions for Henry VIII, Edward VI, and Mary. Two-thirds of Elizabeth's *ex-officio* appointments were new as of the 1562 commission, with John, lord Seint John; William, marquess of Winchester; and William, earl of Pembroke having previously been named under Edward or Mary. Some of old appointments were obviously replaced because they died (Sir William Stamford; John, bishop of Exeter), and others either left office or were out of favor with the new monarch.

While determining the *ex-officio* appointments are important in outlining the nature of the crown in the shires, the main focus for this study is the local elite administration of Devon. The local JPs named on the commissions of the peace for Devon follow a similar pattern as those for the *ex-officio* appointments. During Henry VIII's reign, the number of local magistrate appointments range from a low of twenty-six in 1541 to a high of forty-one in 1544. Eighteen of the men named during the Henrician period were appointed on all seven commissions (John Amadas, Sir John Arundell, Anthony Bery, Robert Brytt, Wimond Carew, Sir Philip Champernon, Robert Chidley, Sir Thomas Denys, Sir Richard Edgecombe, Bartholomew Fortescue, Lewis Fortescue,

Richard Hals, Sir John Pollard, Humphrey Prideaux, John Rowe, William Roupe, Sir John Whyddon, and Alexander Wood), and seven more were named on at least five (Sir George Carew, Sir John Chamond, Sir John Fulford Sr., John Harrys, John Ridgeway, Sir Thomas Stukeley, and Richard Yarde). Most of these men remained on the various commissions until they died, most of them from natural causes. Several of the JPs had been life-long appointments beginning in Henry VII's time and remaining on office until their deaths, men like Sir George Carew, Sir Peter Edgecombe, and Sir Thomas Stukeley. Many of these men were also sons or brothers of previous Devon JPs, with names like Carew, Fortescue, Pollard, and Prideaux which indicated they were members of some of the leading families in the shire.

The appointments under Edward VI continued in the same vein, with at least half of the JPs returning from Henry's 1544 commission. Many new names showed up during this time, which would seem to indicate a shift in policy or politics. However, this fact is misleading. Some of the new men were appointed for the first and only time during the mid-Tudor period under Edward—Nicholas Adamps the elder, John Buttshed, Peter Courtenay, Robert Fulford, Simon Heynes (dean of Exeter), Walter Rawley (father of Sir Walter Raleigh), John Seyntclere, and Thomas Yarde—yet these men never received *per diem* compensation, so the odds are they never actually served on the Bench. Of the other new men appointed during 1547 (John Arscott the elder, Sir Gawain Carew, Robert Carey, Richard Duke, Henry Fortescue, John Prideaux, William Strode, and Edmund Sture) the majority of them served well into Elizabeth's reign and all but Henry Fortescue showed up at least once on the pipe rolls, indicating they did participate in the Quarter Sessions at one time or another. Also, several of these men were connected to the leading

families in the shire, either by being direct descendants or marrying into a clan. Sir Gawain Carew, Robert Cary, Richard Duke, Henry Fortescue, and John Prideaux were all members of families that long had roots established in Devon. William Strode married Elizabeth, daughter of Philip Courtenay, one of the oldest and powerful families in the region. These may have been new men coming into the fold, but they also possessed the pedigree to stick around.

With the reintroduction of Catholicism into England, one might be tempted to think that part of Mary's agenda would include a wholesale change of local administration. In Devon, however, this is far from the case. There are far fewer JPs named on her commission than any other years, but the number of active JPs is consistent with other reigns.¹⁸ Two of the appointed JPs only served during Mary's reign according to the commission of the peace (James Coffyn and James Courtenay), and Courtenay is the only one who shows up on the pipe rolls. Just going strictly by the commissions, there looks as if there is another Marian appointee, Thomas Hatche, but analysis of the pipe roll records shows that Hatche actually started his service in 1550, under the authority of Edward VI. This example illustrates why it is important to gather information about JPs from sources other than the scattered commissions of the peace. Knowing that Hatche came on board during the Edwardian era puts a completely different connotation on his service record because he was not a one-time appointee by Mary. The rest of the JPs under Marian authority were men who served under Henry VIII and Edward VI, and this fact furthers the argument that a select core included the men who handled the administration of the county, regardless of crown politic and

¹⁸ See Table 2.4.

religious struggle. Bourgeois finds this same pattern to be true in Cambridgeshire, whereby even after the number of magistrates was reduced by approximately one-third when Mary ascended the throne, fourteen of the remaining fifteen justices had served under Edward. Hankins confirms the same trend for Hertfordshire, in that the majority of the twenty-five local JPs named to the 1554 Hertfordshire commission of the peace had served under Henry VIII and Edward VI.¹⁹

The commission of the peace issued in 1554 at the beginning of Mary's reign is the only official commission that survived until the present day, but other sources might provide salient data. A *Liber pacis* dated 1555 shows a total of thirty-five JPs named, so this information is valuable when analyzing trends and determining who participated in government. An increase from thirty-one to thirty-five men does not seem to be that much, especially over the course of one year, but there are not merely four extra names added. One *ex-officio* appointment is added (Stephen Gardiner, bishop of Winchester) and four additional local JPs are added as well (Richard Bydwell, Sir William Courtenay, William Gibbes, and George Kirkham), but other JPs are added or removed such as William, earl of Pembroke, William Strode, Sir Hugh Pollard, and Richard Fortescue. Using the data from the *Liber pacis*, it seems the general trends of JP selection continue: the local elite power was passed among a select group of men, some of whom would serve every year, and some of whom seemed to take time off here and there.

The biggest changes to the pool of JPs came about under Elizabeth. As with the other Tudor monarchs, many magistrates continued their service from previous crown appointments. Many of the same families were still prevalent, such as Carew, Denys, Duke, Edgecombe, Fortescue, Fulford, Pollard, Powlet, Prideaux, Ridgeway, Seintleger,

¹⁹ Bourgeois, 165; Hankins, 40.

Stukeley, and Whyddon. Some of these men were sons of former JPs, but the family tradition of local administrative power carried on. Even so, the Elizabethan commission of 1562 has the largest number of new JPs created with no previous ties to the ruling elite (Sir John Chichester, Gregory Doddes [dean of Exeter], Thomas Dowrish, John Eveleigh, Robert Lougher, LL. B., John Mallett, Sir John Moore, Thomas Munck, John Parker of Moulton, William Peryam, William Pole, Richard Reynoldes, William Rosewell [Solicitor General], Mark Slader, Thomas Southcote, and Thomas Williams) with more than half never having served before and not descending from one of the magnate gentry families. Some of these men did have landed or marriage ties to the local elite, but most of them were most likely chosen because of their religious and political affiliations. It is interesting to note that while these men did not have social ties to the local gentry before their appointments, after their elevation to the justices' Bench many of them or their descendants then married into the magnate gentry families. By seeding the local administration with men who adhered to favored crown policies, the crown was assured of continued loyalty and allegiance through their proliferation throughout the ruling class.

The analysis up to this point has all been completed based on the commissions of the peace alone, but I have noted several examples where relying on them solely would provide false information and lead to erroneous conclusions. Because of this problem, the pipe rolls are an invaluable source for this type of study. The pipe rolls for which I have access cover the entire period from 1538-70, but four rolls do not have any accounting information for *per diem* payments to the justices: E 372/385 (1539-40), E 372/393 (1547-8), E 372/394 (1748-9) and E 372/408 (1562-3). There is no explanation as to why these years have no payments to the justices. Since the Quarter

Sessions courts were the mainstay of administration and justice in the shire, it is unlikely that the courts were not held. There was a period of political unrest in Devon in 1548-9 during the Western Rebellion, so it is possible records were lost or not kept for these years on the county level. However, this does not explain the missing data for the other two rolls.

The number of active JPs for Devon was almost static from 1538-58 regardless of the number of JPs commissioned. Even though the numbers of active magistrates remained static, the composition of the Bench fluctuated yearly between a subset of twelve to fifteen men. At the ascension of Elizabeth, however, the number of active JPs increased by a full third, from an average of eight participating JPs to twelve. As with the previous monarchs, the actual participants who worked the Quarter Sessions were not always the same men each year, but the names are fairly consistent when viewed across the twelve years used in this study. The first two years of Elizabeth's reign were a transition period where many older JPs were still active and new ones were added to the commissions. However, two of the older mainstay magistrates died during the first few years of Elizabeth's monarchy (Thomas Denys and John Ridgeway), while others invariably fell victim to the political and religious changes made after the death of Mary. Even with these changes, many JPs retained their offices through the upheavals at the center, and those men who replaced the deceased and/or dismissed magistrates were usually related to them, such as sons, sons-in-law, brothers, nephews, etc. This long-term familial continuity points to a group of men running Devon in a very similar fashion to those Bourgeois named for Cambridgeshire, a small, select elite that passed power among themselves for at least the entirety of the mid-Tudor era.

Table 2.3. Numbers of JPs listed in the pipe roll records, 1538-70.²⁰

Pipe Roll	Year	No. of Men	Pipe Roll	Year	No. of Men
E 372/384	1538	8	E 372/401	1555	9
E 372/385	1539	-	E 372/402	1556	9
E 372/386	1540	8	E 372/403 ²¹	1557	8
E 372/387	1541	8	E 372/404	1558	13
E 372/388	1542	8	E 372/405	1559	15
E 372/389	1543	8	E 372/406	1560	10
E 372/390	1544	8	E 372/407	1561	8
E 372/391	1545	8	E 372/408	1562	-
E 372/392	1546	9	E 372/409	1563	13
E 372/393	1547	-	E 372/410	1564	14
E 372/394	1548	-	E 372/411	1565	13
E 372/395	1549	8	E 372/412	1566	11
E 372/396	1550	9	E 372/413	1567	13
E 372/397	1551	8	E 372/414	1568	11
E 372/398	1552	7	E 372/415	1569	11
E 372/399	1553	8	E 372/416	1570	10
E 372/400	1554	8			

Sources: *Pipe roll records of the Exchequer, housed in The National Archives, Kew, Surrey* (TNA: PRO E 372/384-E 372/416).

The percentages of active versus non-active resident JPs give a better picture on how the JP process actually worked on a day to day basis. During the mid-Tudor period, an average of thirty percent of resident JPs participated in the Quarter Sessions for at least one day per fiscal year, and for the entire period of 1538-70 as a whole, thirty-six percent of justices named to the commissions participated in one or more Quarter Sessions courts. Table 2.4 lists the percentages of active versus non-active JPs for Devon during the years when both the commissions and pipe roll data are available.

Unfortunately, the pipe rolls from the first two years of Edward's reign contain no *per*

²⁰ The pipe roll records use the Exchequer fiscal calendar, which runs from Michaelmas to Michaelmas. In the interest of simplicity, I have provided only the first year of the range which corresponds to the calendar year.

²¹ Roll E 372/403 is missing at least two names due to a crease in the page. The total listed here does not reflect those two missing names, since I cannot be sure it is exactly two names. Because of this, the total should be increased by one to three names.

diem payment information, but by using the assumption that the number of active JPs during 1547 is consistent with the ten years before and after (eight active magistrates), then it is possible to determine an approximate ratio for Edward VI's reign at twenty percent active versus eighty percent non-active. However, because I have no concrete data from the pipe rolls to support this, I have not included this percentage on the chart below. However, this assumed ratio is consistent with my previous analysis of the commissions of the peace, as the years 1544 and 1547 have similar ratios and percentages of *ex-officio* versus local appointments, an identical total number of men are appointed on each commission, and many of the specific appointees are present on both lists.

Since the number of active JPs remained static, the differences in the percentages derive from the number of men named on the commission. Obviously, the more men named, the lower the percentage of active JPs. These data show how watered down the active JP pool toward the end of Henry VIII's reign, which just only reinforces the trend that the number of JPs named increased over time. Combined data from the two 1569 commissions show the same trend in Elizabeth's reign, that there was a definite increase in the number of JPs named on the commissions as a function of time. This increase includes ten men who were newly named to the JP pool during that year. The majority of these men were sons or grandsons of previous JPs from the dominant gentry families, and the rest were men chosen for their more recent political affiliations or family ties.²² These relationships show a symbiosis of retaining the loyalty of the traditional, dominant powerhouses while injecting some new blood into the list by adding newcomers or members of families who had previously not been considered to be in the ruling elite.

²² Arthur Bassett, Christopher Chidley, Henry Dillon, Gregory Doddes, Peter Edgecombe, John Gilbert, Thomas Munck, William Periam, Amyas Powlet, and Geoffrey Tottill.

Table 2.4. Numbers and percentages of active versus non-active resident JPs for Devon, 1538-69.

Year	Number	Percentage	Year	Number	Percentage
9 Jul 1538	8/24	25/75	18 Feb 1554	8/17	32/68
9 Feb 1540	8/20	29/71	Apr/May 1555	9/21	30/70
16 Jul 1540	8/21	28/72	1 Jun 1564	9/24	42/58
22 Feb 1541	8/19	30/70	4 Nov 1569	9/19	39/61
9 Feb 1543	8/26	24/76	4 Nov 1569 ²³	9/26	31/69
12 Feb 1544	8/36	18/82			

Sources: *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII* (Vols. XIII-XVI, XXIII, XX); *Calendar of the Patent Rolls, Edward VI* (Vol. I); *Calendar of the Patent Rolls, Philip and Mary* (Vol. I); *Calendar of State Papers, Domestic Series, Mary I (1553-1558)*; *Calendar of the Patent Rolls, Elizabeth I* (Vols. II, III, V), TNA: PRO E 372/384-E 372/416.

Unlike the JPs listed on commissions under Henry and Edward, the majority of Marian JPs actively participated at least once from 1538-70. Out of twenty-five appointments on the 1554 commission, only six men did not receive *per diem* payments at all, and half of those men were long-term appointments that did not participate even during Henry's reign (Henry Fortescue, Richard Edgecombe, and Sir Hugh Powlet). That translates to a JP participation rate of seventy-six percent under Mary, a rate higher than each of the other monarchs.²⁴ This high percentage may stem from the fact that Mary had the fewest number of appointments in this study, with a total of thirty-one men named as JPs. Since no additional men showed up on the pipe rolls that were not named on the commission, the number of possible active JPs remained constant, which allowed someone who only participated even once to better affect the overall participation rate.

²³ Because there were two different commissions issued during 1569, I have listed both here. If one ratio is calculated for 1569 using the total number of local JPs named on one or both of the commissions, the ratio and percentage become 9/36 and 25/75 respectively.

²⁴ Overall participation rates of the other monarchs were as follows: Henry VIII – thirty-six percent, Edward VI – fifty-nine percent, and Elizabeth I – sixty-two percent. These figures help prove that the increase in commission size did not necessarily translate to a larger ruling body.

Analysis of the pipe rolls for the period 1538-70 provides interesting information on the government of Devonshire. The JP with the longest service was Sir Thomas Denys who was active each year until he died in 1561. Denys was first appointed as a JP in the 26 June 1504 commission under Henry VII,²⁵ which allowed him a service record in Devon politics of fifty-seven years. This longevity explains why Denys is consistently at the top of each local JP section on every commission of the peace I have for this study, as he was the most experienced JP in the county. He is missing from only Mary's commission in 1554, but that is explained because of his appointment as sheriff of Devon for that year. Even so, that did not stop him from participating on the justices' Bench, as there is a record of payment to him on the pipe roll for the Exchequer year 1554-5.

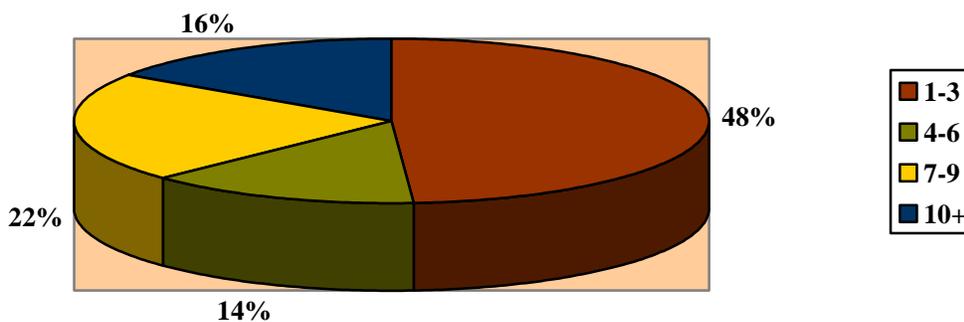
Several other men had long records of service in Devon's political elite, although none to the extent of Denys. John Ridgeway participated in local government each year from his appointment in 1539 to his death in 1560, as did Sir Hugh Pollard who served from at least 1538 to his death in 1555 and Anthony Harvy who was first named on the 1543 commission and was present on the pipe rolls until 1560. Sir John Whiddon also had service that spanned from Henry VIII to Elizabeth, but even though he was still present on commissions of the peace until 1569, he received no *per diem* payments beyond 1559-60. These men are more the exception than the rule, as the JP pool collected *per diem* payments on average of five and a half years, with the median at four years. Nearly one-half of the JPs collected *per diem* payments for three years or less. Table 2.5 gives the actual figures for each JP from 1538-70, and Figure 2.3 shows the distribution of the years of service for active JPs.

²⁵ HMSO. *Calendar of the Patent Rolls, Henry VII* (hereafter "*CPR, Henry VII*"), vol. 2 1494-1509, (London, 1916), 635-6.

Table 2.5. Number of years each JP served and received *per diem* payments, 1538-70.²⁶

Name	No. Years	Name	No. Years	Name	No. Years
Arscott, John	2	Duke, Richard	2	Pollard, Lewis	1
Bery, Anthony	1	Eveleigh, John	7	Powlett, Amias	3
Bluett, Roger	1	Fortescue, Lewis	5	Prideaux, Humphrey	7
Carew, Gawain	2	Fortescue, Richard	2	Prideaux, John	8
Carew, Peter	9	Fulforde, John	1	Prideaux, Roger	8
Carew, Thomas	1	Hals, Richard	2	Reynoldes, Richard	11
Cary, Robert	14	Harrys, John	11	Ridgeway, John	19
Cary, Thomas	1	Harvy, Anthony	12	Roupe, William	11
Charles, John	3	Harvy, Thomas	1	Rowe, John	4
Chichester, John	9	Hatche, Thomas	3	Seyntleger, John	4
Copleston, John	4	Hillersdon, Andrew	1	Slader, Mark	1
Courteney, James	4	Mallett, John	7	Southcote, Thomas	9
Dennys, Robert	3	Moore, John	1	Strode, William	1
Dennys, Thomas	19	Pasmer, John	1	Sture, Edmund ³	6
Dillon, Robert	2	Peryam, William	2	Whiddon, John	16
Dowrish, Thomas	7	Pole, William	8	Williams, Thomas	7
Drake, John	3	Pollard, Hugh	9	Wood, Alexander	5

Sources: *Pipe roll records of the Exchequer, housed in The National Archives, Kew, Surrey* (TNA: PRO E 372/384-E 372/416).



Per diem payments in years

Figure 2.3. Proportion of *per diem* payments paid in years. Sources: *Pipe roll records of the Exchequer, housed in The National Archives, Kew, Surrey* (TNA: PRO E 372/384-E 372/416).

²⁶ Note there are no data for four of the years, and one year is missing one to three names.

Residency in a county usually determines active versus non-active participation in the local governmental elite, but in Devonshire for the mid-Tudor era that is not necessarily the case. Except for the *ex-officio* members and three men named JPs only during 1547 (Nicholas Adamps, Robert Buttshed and Simon Heynes), all other JPs listed on all the commissions of the peace and pipe rolls have some familial or landed tie to Devon.²⁷ A couple of the magistrates actually lived in Cornwall (Sir John Arundell and Wimond Carew), but both the Arundell and Carew families had ancestral ties to Devon. This fact also reinforces the idea that many historians use to justify their combining of Devon and Cornwall into a quasi single administrative unit: much of the governing elite moved back and forth between the two counties, serving on various commissions in one or both counties.

In Devon during this time period, a member of a family with ancient roots in the county would be no more likely to be an active JP than a man with a more recent Devonshire family history. For example, the Courtenays were a major shire power throughout the Middle Ages, and even though the family had splintered and the earldom of Devon had become defunct, they still held much sway in local affairs. However, only two Courtenay men were named on commissions of the peace (James Courtenay and Peter Courtenay), and only James ever participated in the Quarter Sessions. Both men were sheriffs for one year during the time period, but one might expect such a well-connected family to participate more in local affairs. Conversely, John Eveleigh was a newly named JP in 1564 with no previous ties to the shire. According to Pole, he became established in the shire by purchasing Holcombe, a place “beinge mortgaged & forfayted

²⁷ See Sir William Pole, *Collections Toward the Description of the County of Devon*. (London, 1791), Eighteenth Century Collections Online.

unto John Evelegh, Esquire, feodary, & a Justice of the Peace of this countye. The said M^f Evelegh seated himself there, & it is nowe the dwellinge of M^f George Evelegh his sonne.”²⁸ Once Eveleigh was named to the commission in 1564, he showed up on every pipe roll entry within the scope of this study. Based on Pole’s observations in 1620, Eveleigh is an example of a man who, once he was named a JP, became part of the landed gentry and thereby a man of quality.

An additional reason some men with the correct pedigree elected not to participate in the Quarter Sessions was that they were already serving as Devonshire’s sheriff. The crown selected the sheriff for the shire each year, and the center preferred a resident sheriff if possible, a man who had some legal expertise in order to fulfill the duties of his office (serve writs, summon juries, arrange sittings of the courts, carry out sentences, and collect fines.)²⁹ In Devon during the mid-Tudor era, every single man who served as sheriff was also named as a JP at one time or another. Table 2.6 lists the men who served as the sheriff of Devon from 1538 to 1570. Four men served more than one term as sheriff during the reigns of Henry VIII, Edward VI, and Mary; Sir Thomas Denys, Sir Richard Edgecombe, Sir Hugh Pollard, and Sir Peter Carew, with Edgecombe serving three times. However during the first part of Elizabeth’s reign, only two men served who had previously been sheriffs, Robert Denys (son of Thomas Denys) and Thomas Southcote, who had both been sheriffs during Mary’s rule.

The postings for the office of sheriff in Devonshire parallel the selections of the JPs; for the reigns of Henry VIII, Edward VI and Mary, the office was passed back and forth among many of the same people. Names like Carew, Edgecombe, Denny,

²⁸ Pole, 148.

²⁹ Guy, 169.

Stukeley, Fulford, Pollard, Pawlet, and Courtenay dominated the office in the early to mid-Tudor era. However, with the new blood brought into the ruling elite during the first part of Elizabeth's reign, the demographics of the sheriff changed as well. Elizabeth appointed men such as Richard Duke, Thomas Munke, William Strode, and John Mallett, people new to the local administrative scene, in addition to retaining sons and grandsons of sheriffs appointed under the previous Tudor monarchs. Elizabeth's selections for the highest single office on the county level mimicked her appointees to the local government body, in that she retained younger members of the old, established families while integrating new men into the fold.

Table 2.6. Sheriffs named for Devonshire, 1538-70.³⁰

Sheriff	Year	Sheriff	Year
Sir John Chamond	1538	James Courtenay	1554
Sir Hugh Pollard	1539	Richard Cary	1555
Sir John Fulford Sr.	1540	Sir John Fulford Jr.	1556
Sir Hugh Pawlet	1541	Sir Robert Dennys	1557
Sir George Carew	1542	Thomas Southcote	1558
Sir Richard Edgecombe	1543	Sir Arthur Champernon	1559
Hugh Stukeley	1544	Sir John Seint Leger	1560
Sir Hugh Pollard	1545	Christopher Copleston	1561
Sir Peter Carew	1546	Richard Fortescue	1562
Sir Peter Carew	1547	Richard Duke	1563
Sir Gawain Carew	1547	Thomas Munke	1564
Peter Courtenay	1548	Peter Edgecombe	1565
Sir Thomas Dennys	1549	Lewis Stukeley	1566
John Chichester	1550	Sir Robert Dennys	1567
Richard Chidley	1551	William Strode	1568
Sir Richard Edgecombe	1552	John Mallett	1569
Sir Richard Edgecombe	1553	Thomas Southcote	1570
Sir Thomas Dennys	1553		

Source: James Dallas, ed. *The Note-book of Tristram Risdon, 1608-1628*. (London: Elliot Stock, 1897), Google Book Search, 93.

³⁰ Note that 1547 and 1553 have two entries. Those dates correspond with a change in monarch; therefore, two sheriffs are listed, one for the old monarch and one for the new.

The ruling elite of Devonshire could also be found on various other commissions, such as commissions of gaol delivery, commissions of oyer and terminer, commissions of assize, commissions of the sewers, or other various *ad hoc* commissions on an as needed basis. Sometimes two different commissions were combined, as in the July 1540 Devonshire commission of the peace and of oyer and terminer. Sir John St. Leger, Sir Thomas Denys, Sir John Chichester, John Prideaux, serjeant-at-law, John Ridgeway (collector), and Robert Carey were selected in 1557 to be loan commissioners/collectors for the county of Devon. In 1558, Francis Russell, earl of Bedford, lord lieutenant of Devon, Cornwall, Dorset and the city of Exeter sent a letter to the justices of the peace to provide for the defense of the shire, and he spells most (if not all) JPs commissioned at that time. Another job entrusted to the JPs during the beginning of Elizabeth's reign dealt with sports and recreation:

26 Feb. 1565. Licence for life in survivorship for Richard Prowze of Exeter, draper, and John Prowze, his eldest son, to keep in Exeter and the suburbs thereof a "tenys playe" and a garden with bowling alleys for the recreation of gentlemen and other fit persons of the better sort of citizens (other of the inferior sort, servants, idle and masterless persons and apprentices excepted); provided that, if he shall admit persons not authorized by the licence, on information made to two Justices of the Peace of the County of Devon or the Mayor or other head officers of the City and his conviction thereof, the licence shall be void. At the suit of divers gentlemen of special honour and credit of the County of Devon.

Apparently it was a very important job to ensure that the riff-raff was kept out of the recreation areas for the elite.³¹

Many of the men chosen by the crown to head the government in Devon were selected primarily on a basis of familiarity and family ties, regardless of the monarch on the throne. As Helen Speight succinctly summarizes in her article on the local

³¹ *LP*, vol. 15, 475; *CSP, Mary I*, 296, 327-8; HMSO. *Calendar of the Patent Rolls, Elizabeth I* (hereafter "*CPR, Elizabeth*"), vol. 3, (London, 1960), 328.

administration of the Westcountry under Cromwell: “Continuity of personnel and the perpetuation of a core of families in office were natural corollaries of a selection procedure dealing with hundreds of officeholders and lacking the means of keeping information always up to date.”³² This held true for Devon through the remainder of Henry VIII’s rule, through Edward VI and Mary, and into Elizabeth’s first decade. During Elizabeth’s reign things changed slightly in that new men were named based on pure politics or merit, but more often than not once these men received land and local authority, they or their children married into the established ruling families. These relationships gave the political landscape in mid-Tudor Devon a permanence that could be viewed as both steadfast and stagnant, since the majority of magistrates were one in a long line of generational politics.

Even though the same families were represented time and time again on the commissions of the peace, the pool of men who actually participated in the day to day governance of Devon during the mid-Tudor era was much smaller. The existence of this subset of JPs reinforces the notion that a select group of men wielded the majority of the power, because only a third of the men named on the commissions ever showed up to do any of the work, most of the time continuing to do so until they died. Many of the men who did not sit contributed their time and efforts in other administrative posts throughout the county, as did the active JPs who usually took one or more supporting roles in addition their work as magistrates. It is important to gain an understanding of the overall politics of Devonshire during the mid-Tudor era, but because the active JPs are easily

³² Helen M. Speight. “‘The Politics of Good Governance’: Thomas Cromwell and the Government of the Southwest of England.” *The Historical Journal*, vol.. 37 no. 3 (Sep. 1994), 627 [journal on-line]; available from

identifiable (their participation capable of being assessed via the pipe roll entries), concentrating on them will provide a more in-depth look at the interdependence between crown and county during the massive changes that swept the nation as a whole.

CHAPTER III

COMPOSITION OF THE DEVONSHIRE JUSTICES OF THE PEACE FOR THE REIGNS OF HENRY VIII FROM CIRCA 1538 AND EDWARD VI

In Chapter II, the make-up of the pool of justices in Devonshire was analyzed for the mid-Tudor time period, 1538-70. This analysis showed distinct trends from Henry VIII's reign to Elizabeth's such as 1) a general increase in the number of men named to the commissions of the peace, 2) a general decrease in the ratio of *ex-officio* appointments to local, 3) long tenures of local JPs which frequently extended through multiple monarchies, 4) participation in the Quarter Sessions for more than three years by less than one-half of the active JPs, 5) no correlation between long-term familial residency in the county and activity on the Bench, and 6) a symbiotic relationship between the office of sheriff and JP. This analysis also showed a definite continuity in the men selected as JP and cohesion within the body of men named, with most of the appointments going to the same people year after year or to their relatives.

In this chapter I will consider the overall paradigm in which the Henrician and Edwardian Devon JPs lived, their lives at the center and their actions and responsibilities at home. The years 1538-53 saw the aftermath of the changes wrought by the English religious reformation, which included the downfall of Thomas Cromwell, the death of a titan monarch, the ensuing squabble among the councilors at the center vying for power, and the implementation of radical religious policies with the ensuing rebellions.

Throughout all these events, the makeup of the ruling elite of Devon stayed fairly stable, but these important men were affected by the events in London just as the crown was influenced by happenings in the shire.

Because every JP who received *per diem* payments during the years of Henry VIII's and Edward VI's rule was named to one or more commissions of the peace, it is apparent that everyone who served on the Devonshire justices' Bench had crown approval. A total of ninety-two men were named on the commissions of the peace at one time or another during the years 1538-53, with approximately one-fourth of the total named as *ex-officio* appointments. Table 3.1 shows the numbers and percentages of *ex-officio* to local JPs for the reigns of Henry VIII and Edward VI. These men represented the crown, and they consisted of the leading councilors of the realm, including chancellors, bishops, high ranking nobility, justices, etc. These men all filled the top spots on the commissions to which they were named; the actual local county JPs were named after these honorary appointments were listed. Even though several of these men served on all the Devonshire commissions for a given monarch (granted, Edward only issued one), some other *ex-officio* appointments only lasted one or two years. This speaks to the inconsistency of favored positions of court and how prestige and influence at the top could change drastically from year to year.

Table 3.1. Numbers and percentages of *ex-officio* versus resident JPs in Devonshire as listed on the commissions of the peace during the reigns of Henry VIII and Edward VI.

Year	<i>Ex-officio</i> JPs		Devonshire JPs		Total No.
	Number	Percentage	Number	Percentage	
9 Jul 1538	11	26	32	74	43
5 Jul 1539	12	28	31	72	43
9 Feb 1540	11	28	28	72	39
16 Jul 1540	11	28	29	72	40
22 Feb 1541	11	29	27	71	38
9 Feb 1543	10	23	34	77	44
12 Feb 1544	10	19	44	81	54
26 May 1547	10	20	39	80	49

Sources: *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII* (Vols. XIII-XVI, XXIII, XX); *Calendar of the Patent Rolls, Edward VI* (Vol. I).

Ex-officio JPs

Since the top *ex-officio* appointments were honorary based on national or central office positions, they were almost always the same from county to county. These men were the closest advisers to the crown, and their appointments were commissioned under different guidelines than those of the local JPs. The *ex-officio* appointments can be split into two categories: men who were named because of their high-ranking central position (who were normally not from the region and/or never participated in any county administration) and men who were from the county or region but were high ranking nobles, gentry, and/or clergymen who may have been peripherally involved in county government but were not responsible for the day-to-day wholesale running of the shire. The differences in these two groups of men is important, because it shows that while the center was nominally present in the affairs of the counties, the appointments also had a certain responsibility to include those centrist and/or crown-friendly men who had at least some connection to the county, even though it may have been tenuous at best.

During the years of Henry VIII's rule covered in this study, the top positions on the commissions of the peace generally remained in the hands of the same men: Thomas, Lord Audeley, Lord Chancellor; Thomas Howard, third duke of Norfolk; Charles Brandon, duke of Suffolk; and Henry Grey, marquess of Dorset. These men were Henry's leading councilors of the realm, so it stands to reason they were afforded the pre-eminent spots on the official commissions. Thomas Cromwell appeared as the number four appointee until his death in 1540, whereby Henry Grey, marquess of Dorset moved up the ranks from fifth to fourth and remained there until the end of Henry VIII's reign. Because of the nature of their positions at court, the top four to five positions on the Henrician Devonshire commissions were held by those men who were granted membership but had little to no business (personal or political) in the county. The rest of the men listed as *ex-officio* appointments usually had some business in Devon, such as owning estates, being a member of the landed gentry of the region, being a member of a family with strong ties to the county, being a high-ranking clergyman (especially since Exeter was one of the principle diocesan cities in the country), or retaining a position of some authority in the county by way of being a member of a tangential commission, such as Oyer and Terminer or justice of another court.

Because the first few *ex-officio* appointments on the Henrician Devonshire commissions are purely honorary and deal with extremely well-known personages in mid-Tudor England, a thorough discussion of these men is not within the scope of this study. The real Devonshire appointments begin with the fourth or fifth appointments (depending on the year). For the first three years of commissions used in this study, the fifth appointment started the list of men who had some business within the county, which

in turn might help define why these men in particular were appointed as opposed to other men who were prominent at the center.

The first of these men was Henry Courtenay, marquess of Exeter and earl of Devon. Exeter was a member of the powerful Courtenay family, historically known as the earls of Devon which wielded great power in the southwest of England. He was a first cousin of Henry VIII; Exeter's mother was Katherine, a younger daughter of Edward IV and sister to Elizabeth of York, Henry VIII's mother. Because of Exeter's relationship with the king, his pre-eminence at court, and his historical and familial ties with the shire, it stands to reason that Exeter would be one of the more qualified *ex-officio* appointments on the Devon commissions. However, Exeter lived almost exclusively in London during his lifetime and had little to no tangible contact with the citizens of his county. His relationship to the crown also proved problematic, especially when coupled with the paranoia that Henry VIII exhibited about possible usurpers to the crown. Because Exeter was descended from the same royal stock as Henry, he became (if nothing else in name only) a figurehead for a rebellion against the crown in 1538. Exeter was charged, found guilty, and executed for treason.

After the marquess of Exeter's death, the fifth spot was filled by Henry Grey, marquess of Dorset (later duke of Suffolk [1551]). He later moved up into the fourth position after the execution of Thomas Cromwell, and he stayed there through the end of Henry's reign. At first glance, it might seem that Dorset's appointment is purely honorary, due to his position at court. However, Dorset did have ties to the county through his grandfather, who married into the Bonville family which owned extensive

estates in Devonshire including Shute.¹ This tenuous relationship between Dorset and the county of Devon should not be construed as a close bond. Even though these lands fell to Dorset through his inheritances, they did not loom large in the affairs of the marquess. He did retain the use of them until his attainder and death during Mary's reign, but there is no evidence that he actually personally conducted any business (either personal or for the crown) in Devon. Because of this unique situation, it is difficult to determine if this appointment should be considered purely honorary or not. It is true that Dorset did own land and have familial ties to the region, but there is no reason to assume that he inserted himself into local government. Because of this issue and also due to his placement on the hierarchy of the commission, Dorset can be seen as a transition appointment, one who may have shown up because of either qualification (his position at court or his possessions within the county) or because of both. What is most telling is that Dorset did not appear on a commission until after Exeter's death in 1538, so it stands to reason that he was appointed as Exeter's replacement in order to have a quasi-local high ranking peer on the list. In addition, Dorset does not appear on all the county commissions unilaterally, but he rather tends to show up on those commissions for counties where Exeter had also been commissioned previously. Even at the end of Henry's reign, Dorset was not a figure seen on all county commissions like Lord Russell was. The fact that he still was listed ahead of Russell on the Devon commissions, who by the end of the Henrician period was named to most of not all commissions of the peace, shows that he was probably afforded this position due to his position at court and/or his high rank.

¹"General history: Extinct noble families." *Magna Britannia: volume 6: Devonshire* (1822), XCV-CVIII, <http://www.british-history.ac.uk/report.asp?compid=50550>. Date accessed: 01 July 2007; Pole, 138.

Lord Russell had many more dealings within the county than Dorset did, and even though Russell was an important figure at court, Dorset obviously ranked higher in this case.

The next *ex-officio* appointment to the Henrician Devonshire commissions was William FitzWilliam, earl of Southampton. Southampton had no familial ties to the region; his family hailed from Yorkshire. However, he was prominent in Henry's court, taking over the position of Lord Privy Seal after the death of Cromwell. Southampton was also involved in the "Exeter Conspiracy," as he was the person who obtained the attainder of the Countess of Salisbury. Southampton served on several different county commissions until his death in 1542. His inclusion on the Devon commissions is most likely due to his status in the center, in addition to his work done in the county on behalf of the crown. The fact that his position is after Exeter's or Dorset's but before the earl of Bath's probably alludes to position at court as opposed to position in the county as the means of classification in the hierarchy of the *ex-officio* appointments.

Coming in the sixth position after the fall of Cromwell was John Bouchier, second earl of Bath. This appointment starts the *de-facto* list of men who had authority in the county of Devon due to their county ties. The rest of the men from listed from this position on for the rest of the Henrician commissions had strong ties to the county, familial, administrative, or religious. Bath's ancestors had married into a landed Devonshire family much like the family of the marquess of Dorset, but unlike Dorset, the relationship gave him a strong tie to the county. After the fall of the marquess of Exeter, the earl of Bath was more or less the only landed noble left with strong ties to the county. However, his family did not have the long power magnate history as the Courtenays, so after Exeter's fall Devon never truly experienced a strong landed noble presence in the

county, the earl of Bath notwithstanding. In fact, the second earl had only inherited his title in 1539, so his inclusion on the Devonshire commissions so soon after his ascension again shows the symbiosis between the county and the crown. The first earl of Bath had not been included on the commissions, so it therefore stands to reason that there had to be some reason for the new earl to be listed. The logical explanation is that the second earl of Bath had favor at court, which translated to his naming on and position within the commission for Devon. Bath also showed up on only a few commissions during Henry's reign, so it makes sense that his appointment to the Devonshire commissions came due to his authority in the county.

The next position on the Henrician commissions was that of John Veysey, bishop of Exeter. The inclusion of the highest ranking clergyman in the southwest of England is no surprise, as most if not all the county commissions included at least one bishop. Veysey is included as an *ex-officio* appointment, yet there are several instances where he was named on various *ad-hoc* commissions and warranted to serve with the regular JPs on matters of county administration. For example, in 1540 Veysey, along with Sir Hugh Pollard and Lewis Fortescue, were the principle investigators in a murder which occurred in the county. Cromwell had called Veysey into the investigation alongside two local JPs who were regular attendees at the Quarter Sessions.² This shows that even though Veysey was an *ex-officio* appointment and did not participate in all aspects of local administration, he was nonetheless included in some areas. However, it must be noted that this appointment came specifically from Cromwell, which indicates a measure of crown control over local proceedings.

² *LP*, vol.. 15, 120.

For the bulk of the Henrician years covered, the next position belongs to John Lord Russell (except toward the end of Henry's reign when he leapfrogged over the earl of Bath after the death of Southampton). Lord Russell is a special case for Devon, as he is the one man who could truly be considered an agent of the crown who retained explicit administrative duties and authority in the county. On the crown level, Russell wore many different hats. He was named Lord Privy Seal after the earl of Southampton died and was an executor of Henry VIII's will. He also served as Lord High Admiral and High Steward of the Duchy of Cornwall. During Edward's reign, he was the main force behind suppressing the Western Rebellion, the uprising aimed at protesting against the sweeping religious changes brought about by Protector Somerset in 1549. Russell (who would later be named earl of Bedford) was leader of the Council of the West, Warden of the Stannaries, the lord lieutenant of Devon (created in 1552), and general all-around crown lackey in the shire. He possessed landed ties to Devon, but those came as a result of lands bestowed upon him from the dissolution of the monasteries.³

The debate about Russell's effectiveness in the Westcountry has continued for decades. According to Joyce Youngs, even though the gentry and other landowners in Devon might have originally taken exception to the inclusion of Russell in local affairs as his appointments, power, land, and wealth came mainly due to the largess of the king and his usefulness to the crown, he eventually won their respect. On the other hand, historians such as Diane Willen argue that while he may have gained the approval of the

³ *Encyclopaedia Britannica*, 11th ed., s.v. "Earls and dukes of Bedford," http://www.1911encyclopedia.org/Earls_and_dukes_of_Bedford; Diane Willen, "Lord Russell and the Western Counties, 1539-1555," *The Journal of British Studies* 15, no. 1 (Autumn 1975), 30 [journal on-line]; available from <http://links.jstor.org/sici?sici=0021-9371%28197523%2915%3A1%3C26%3ALRATWC%3E2.0.CO%3B2-H>; Internet; accessed 30 June 2007.

landowners and affluent townsmen, Russell actually had no other support in the area. Other than his crown appointments and receiving of crown lands, Russell only had a slight affiliation with the region (through his mother he was the second cousin of Sir John Fulford, the elder), so much of his power in the region derived from the crown, not the locality. Russell's appointment makes sense when taken in the context of needing a powerful landed noble in the southwest, one that Henry could count on to not foster rebellion and dissent as Exeter (supposedly) had. By creating a power vacuum with the indigenous magnates out of commission, Henry was able to better assure loyalty of the region to the crown.⁴

The next appointment on the Henrician commissions for Devon was John, Lord Zouche, eighth Baron Zouche of Haryngworth. Zouche was a member of a family who had previously had long-held ties to the county, with their ownership of Totenays. Unfortunately, the seventh Baron Zouche was attainted by Henry VII for siding with Richard III, and the land was lost to Sir Richard Edgecombe. Even though the attainder was eventually reversed, Totenays did not revert back to the Zouche family. Lord Zouche most likely received this appointment due to his family's history of land ownership in the county prior to his father's attainder. Zouche shows up on a few commissions here and there for various counties throughout Henry's reign, but he had by no means a universal participation. At the beginning of Edward VI's reign, Zouche was listed on only one commission, that of Rutland. By that point, he had little connection

⁴ Joyce Youings, "The Council of the West," *Transactions of the Royal Historical Society*, 5th Ser., vol. 10 (1960), 57 [journal on-line]; available from <http://links.jstor.org/sici?sici=0080-4401%281960%295%3A10%3C41%3ATCOTW%3E2.0.CO%3B2-F>; Internet; accessed 30 June 2007; Willen, 34; Frederic Thomas Colby, ed., *The Visitation of the County of Devon in the Year 1564* (Exeter, 1881), 108, 221, <http://www.uk-genealogy.org.uk/england/Devon/visitations/visdev1564/>.

left to Devonshire, and his primary seat was located in Northamptonshire. What is missing, however, is any record of why Zouche was deemed no longer worthy to be named to diverse commissions under Edward's government as he had been (somewhat) under Henry's. Zouche died ca. 1550 (his will was proved in the Prerogative Court of Canterbury on 21 April 1551), so it is possible he was just getting too old⁵ to be included on multiple commissions, especially those so far from his main residence.⁶

The story of Edmond, Lord Braye is somewhat analogous to that of the other *ex-officio* appointments for Devonshire during this period. Braye is included only for two commissions within the scope of this study, 1538 and 1539. As his will was proved by the *PCC* in 1541, it stands to reason that he died in either 1539 or 1540. Braye was not an indigenous resident of Devon; however, he did marry into an established Devonshire family. He married Jane, daughter of Sir Richard Hallighwell, and those lands which were her inheritance passed to him. There is no indication that Braye spent much (if any) time in the county, and this appointment is most likely due to Braye's favor at court and his nominal ownership of land in the county.⁷

⁵ The seventh Baron Zouche was attained for supporting Richard III, so it can be assumed that he was at least of majority at the beginning of the Tudor era, if not older. If we assume he was old enough to father a child in 1485, then we can also assume that this date would be a good upper estimate for the eighth Baron's date of birth. A birth year of ca. 1485 for the eighth Baron Zouche would make him no younger than sixty-five if he died ca. 1550, which would make the argument that he was getting too old to actively participate in government a reasonable one.

⁶ Pole, 294; *Encyclopaedia Britannica*, 11th ed., s.v. "Zouche," <http://www.1911encyclopedia.org/Zouche>; PRO. *Calendar of the Patent Rolls, Edward VI* (hereafter "*CPR, Edward*"), vol. 1, (London, 1924), 88; The National Archives (hereafter TNA), *Prerogative Court of Canterbury Wills, 1384-1858* (hereafter "*PCC*") [computer file]. Colchester, Essex: AHDS History [distributor], March 2004. SN: 4816, "John Zouche," e-doc_id 1038010.

⁷ *PCC*, "Edmund Braye Lord Braye," e-doc_id 1034968; Pole, 292. Pole lists the marriage as "Edward" and "Joan," but this is in error. See also Burke, Bernard *A Genealogical history of dormant, extinct peerages*, pg 73. Burke lists Edmund as the older brother of Edward, and since all the supporting details in Pole's account are correct except for mixing up the names, it can be safely assumed that Pole is mistaken.

The last *ex-officio* appointments listed on the Henrician commissions are distributed between several men, the various justices of assize that were usually included in the commissions of the peace for the counties within their circuits. Sir John FitzJames was Lord Chief Justice until he resigned in 1539, so his inclusion on only the 1538 commission is thereby explained. Sir Richard Lyster was chief baron of the Exchequer during his tenure on the Devonshire commissions, Sir Humphrey Brown was a Justice of the Common Pleas, and Sir Thomas Willoughby started as a serjeant-at-arms during the first few years of the commissions covered in this study, and by the end of Henry's reign he was a Justice of the Common Pleas as well. For the one year Willoughby was absent the commission, William Portman was listed on the 1541 commission as "King's serjeant-at-law," but only for that one year. It is interesting to note that during the last few years of Henry's reign (1543-7) no serjeants-at-law were listed in the *ex-officio* appointments. The elevation of Willoughby to a justice seemed to nudge out the serjeant-at-law position for one of a higher caliber.⁸

Fully one-half of the *ex-officio* appointments under Edward VI were carryovers from Henry VIII, and their positions were consistent to what they had been on the Henrician commissions. Henry, marquess of Dorset, John, earl of Bedford, John, earl of Bath, John, bishop of Exeter, and Sir Humphrey Brown all remained on the Edwardian commission on 1547. In the meantime, some of the men who had been listed on Henry's last commission had died, some had other jobs, and some were imprisoned. These

⁸ *LP*, vol. 14 pt. 2, 491, 569. Lyster was not listed on the commissions after 1541, but he did become Chief Justice in 1545, so most likely he was busy doing other work in the meantime; *LP*, vol. 19 pt. 2, 529; Willoughby is listed as "serjeant-at-law" in 1537 (*LP* vol. 12, 141), and he is listed as a justice by 1542 (*LP*, vol. 17, 970); *LP* vol. 16, 280.

vacancies were filled by men loyal to Protector Somerset and the new Edwardian Protestant regime.⁹

Of the new men listed on the Edwardian commission as *ex-officio* appointments, none had any authority derived from the county. All five new men were people loyal to the crown, and nepotism ran rampant. First named was Edward, duke of Somerset, Lord Protector and uncle to King Edward, along with his brother, Thomas, Lord Seymour of Sudeley who was listed as sixth. Second listed was William Paulet, Lord Seynt John, with his son Sir John Poulet listed as tenth. The last newcomer was Sir James Hales, serjeant-at-law. The inclusion of these men is not surprising in the least. Somerset and Seymour were uncles to the king, and Lord Seynt John had been named to Edward's council by Henry VIII before his death. As the king's serjeant-at-law, Hales was filling a position that had also been linked to prior commissions. By the end of Edward's reign, Hales had been named a justice of the Common Pleas and was a member of the ruling council under Northumberland.

Because there was only one commission of the peace published during Edward's reign, it is difficult to pinpoint with complete accuracy how the *ex-officio* makeup of the council changed during the political upheavals that characterized Edward's short-lived monarchy. With the downfall of Somerset, it is likely that John Dudley, duke of Northumberland, changed some things around when he took over the chief advisory role for the king. Some people remained close to the center of power even after the shift in

⁹ Thomas Audley died 30 April 1544 from natural causes (*LP*, vol. 19 pt. 2, 502); Norfolk was Lord Treasurer under Henry VIII until his downfall in 1546, when his son the earl of Surrey was executed and he himself was imprisoned in the Tower of London until Mary's ascension in 1553 (MacCulloch, 74); Suffolk died in 1545 after a sudden illness. See S.J. Gunn, "Brandon, Charles, 1st Duke of Suffolk (c. 1484-1545)," in *Historical Dictionary of Tudor England, 1485-1603* (hereafter *HDTE*), ed. Ronald H. Fritze (Westport, Connecticut: Greenwood Press, 1991), 73; John, Lord Zouche was named to only the Rutland commission under Edward (see possible explanation above); and Thomas Willoughby died ca. 1544-5 (he is listed in *LP* vol.. 19 [1544] but not in vol.. 20 [1545]).

leadership while others were discarded. The marquess of Dorset was retained as an adviser by Northumberland, which was almost a given considering Northumberland made him duke of Suffolk and his daughter Jane married Northumberland's son. Bedford was raised to his earldom by Northumberland for his support during the fall of Somerset, and Winchester gained his marquessate for much the same reason. These men were close to the center of power for all of Edward's reign, and there is no question that all of these men were around for the duration of Northumberland's tenure.

Unfortunately, not all the original *ex-officio* commissioners were afforded this luxury. Instead of gaining pre-eminence and wealth, John Veysey, bishop of Exeter, was stripped of his see and pension due to "his extreme old age and other considerations which he has declared to the earl of Bedford." Not only was Veysey "asked to resign," but he was also deprived of his full monetary realization based on the valuation of the bishopric's revenues and thereby the amount of the First Fruits. The revenues of the bishopric were originally valued at 1,566*l.* 14*s.* 6½*d.* at the onset of the Act of First Fruits of 26 Henry VIII, but because Veysey had granted lands to various councilors on the request of the crown, the valuation of the bishopric fell significantly to 485*l.* 9*s.* 3½*d.* by the time of Veysey's dismissal. When the grant came to Miles Coverdale appointing him the new bishop of Exeter, it stated that "Now the king exonerates the said bishopric and the said Miles from payment of the said sums due for first fruits and tenths and wills that the said bishopric shall henceforth be taxed upon 500*l.* yearly." The new bishop later received permission from the crown to stop paying this money altogether by claiming the see was too poor to have to pay any of the money.¹⁰

¹⁰ George Oliver. *Lives of the Bishops of Exeter* (Exeter, 1861), Internet Archive, 124; *CPR, Edward*, vol. 4, 36-7, 77.

Four of the ten men listed on Edward's commission (the earl of Bath, the bishop of Exeter, Sir John Poulet, and Sir Humphrey Brown) survived to be named on Mary's commission in 1554, although John, the bishop of Exeter's inclusion is a bit misleading (Mary reinstated him as bishop of Exeter very soon after she gained the throne). Of the remaining six, two were executed during Edward's reign (Protector Somerset; Thomas, Lord Seymour), three died shortly after Mary became queen (Bedford died after an illness, Hales committed suicide, and Suffolk was executed for the Queen Jane debacle), and one was omitted for some unknown reason (Winchester showed up again under Elizabeth).¹¹

Devonshire JPs

The local Devonshire JPs named to the commissions fall mainly into three groups: JPs who were named to the commissions consistently and actually participated in Quarter Sessions courts, JPs who were named to most commissions during their active years but never or rarely participated at the local JP bench, and men who were named to only one or two commissions and may or may not have participated at the local level in the years they were named. These factors are applicable for both the Henrician and Edwardian commissions, especially because the same core group of men ran the county during the reign of both kings during the mid-Tudor period.

Out of the fifty-five local JPs named to Henrician commissions, only fourteen ever participated in the Quarter Sessions, which is a total of twenty-five percent participation for local Henrician justices. This is somewhat below the average of total

¹¹ PRO. *Calendar of the Patent Rolls, Philip and Mary* (hereafter "*CPR, Mary*"), vol. 2, (London, 1936), 102; William, marquess of Winchester, was not named on Mary's commission but was named to Elizabeth's. Winchester remained in favor under Mary's rule, so his omission was either an oversight or Mary had some legitimate reason to leave him off the commission.

local JP participation at thirty percent. One possible explanation that might account for this discrepancy is that some people were named at the end of Henry's reign but did not actively participate until Edward assumed the throne, but the data show that virtually the same men participated at the local level under Edward's reign as they did in Henry's. This fact shows that regardless of who the crown chose to name, the same core group of men consistently ran the affairs of the county. Another possibility for the low percentage of active local Henrician JPs is that Henry diluted the JP pool by steadily increasing the numbers of men named to commissions over time. Since only the same fourteen men ever participated at the justices' bench and there were only eight men listed for *per diem* payments each year (except for the last year of Henry's reign when there were nine), increasing the number of commissioned JPs would only lower the percentages overall. However, of the fifty-five total men commissioned by Henry for the Devon bench, only twenty-nine of them were named to four or more commissions out of seven. If the percentage of active vs. named JPs is calculated using only those men who were named to at least one-half of the Devonshire commissions (whether or not they actively participated), then the active JP pool percentage increases to forty-eight percent. By looking at the data this way, fully one-half of the usually named JPs participated in local government during this time period.

Since Edward only issued one commission, the numbers for his appointment did not change at all. Out of thirty-nine men named on the 1547 commission of the peace, only eleven ever participated in the local administration throughout the entirety of Edward's reign. Of those eleven, only one additional man was added to the pool of men who ruled the county under Henry VIII. This detail speaks volumes about the iron-clad

control these core group of men had on the affairs of Devon. The percentage of active local JPs during Edward's rule vs. those named on the commission is closer to the overall mid-Tudor average at twenty-eight percent. Because Edward only issued the one commission, it is not possible to do a corrected estimate based on frequency of appointment solely during his reign.

Because of the great discrepancy between those who were named to the Devonshire commissions and those who actively ran the county, it makes more sense to focus more attention to those men who actively participated in running the county. This is not to say that the other men who were named to the commissions were not important, but because they never actually showed up to do any work, it is difficult to classify them as part of the local ruling elite of the county. Granted, many of these men participated in local government by commitments to other commissions and duties (oyer and terminer, gaol delivery, various *ad hoc* commissions, appointment as sheriff, etc.), but the focus of this study is identifying those men who formed the body of the ruling elite by actively performing the duties of justice of the peace. Using this approach will unfortunately leave out some of the more powerful families of the shire from the larger discussion of Devonshire politics (Arundell, Champernon, Chidley, Edgecombe, Greynfeld, Stuckeley, Yarde, and Yeo), but their lack of direct participation at any time during the mid-Tudor era in the local administrative scene means that while they may have possessed nominal power, they did not wield it. Because activity before 1538 and after 1570 is outside the scope of this study, only those participants in government who actively worked as a JP during this time frame are subject to this analysis. Having participated in local government before 1538 or after 1570, performing duties based on a different type of

commission, and/or being a sheriff during this time frame does show activity on the county level; therefore, I am limiting it to the scope I have presented here.

The first and foremost local Devonshire JP was Sir Thomas Denys. Denys had a long career in Devonshire politics, first named to county administration under Henry VII. Denys served as sheriff of Devon nine times in his lifetime, two of those tenures during the mid-Tudor time frame under Edward VI and Mary. Denys served as a JP for Devonshire every year covered under this study until his death in 1561 (the non-existent data for the three years notwithstanding), and he was named on every commission until his death except Mary's, when he was appointed sheriff.¹² Denys was a member of a long-standing Devonshire family seated in Holcomb Burnell, and as his life progressed he received more lands in the county, as in 1541 when he received a grant for St. Nicolas' priory in Exeter. Denys served various functions at court throughout his lifetime, such as a member of Henry VIII's Privy Council and chancellor to Anne of Cleves. Even though he carried out many duties at the center of government, Denys also performed well in the shire, as a long-standing JP, *custos rotulorum* of Devon, recorder of Exeter from 1514-44, as well as his periodic turns as sheriff, knight of the shire, and deputy warden of the stannaries. However, Denys should not be considered to be an agent of the crown in the shire. Speight argues that Cromwell only dealt with Denys because Denys was "too thoroughly entrenched in the leadership of local government to be ignored." This held true throughout his tenure as a JP, even to the point that self-proclaimed Catholic Denys was charged to help quash the Western Rebellion that brewed in the southwest in 1549.

¹² Even though the sheriff was not supposed to sit as a JP, Denys still collected a *per diem* payment for 1554. Denys showed up for Quarter Sessions courts every year from the beginning of the study until his death.

Although he might have secretly sympathized or even agreed with the sentiments of the rebels regarding their religious conservatism, he nonetheless performed his duties properly and helped put an end to the uprising.¹³

Several of the local Devonshire JPs had duties and responsibilities at the center, yet they still found the time to participate in local affairs. One such local JP was John Rowe, serjeant-at-law. Rowe was named on all of Henry VIII's commissions, but he only served four years at the Quarter Sessions courts. He served as serjeant-at-law to Henry VIII, he was a member of the Council of the West, and he inherited Kingston through his wife Agnes (née Barnhouse). Not much is known about Rowe, other than that he was pleased that Lord Russell had been assigned to oversee the crown interests in the region¹⁴ and the fact that he belonged to a longstanding Devonshire family. He must have been a man of some importance, as he is frequently listed on the pipe rolls as second in the list of JPs to be paid, right behind Sir Thomas Denys. Because he disappeared with no mention after 1544 in the *Letters and Papers* or on the pipe rolls, it is likely that he died in or around 1544.¹⁵ Lewis Fortescue has a similar history to that of Rowe. He was a Reader¹⁶ in the Middle Temple as of 1536, and in 1542 Henry named him Baron of the

¹³ Dallas, 12; Leslie Stephen, ed. *Dictionary of National Biography* (hereafter "DNB"), vol. 14 (New York: MacMillan and Company, 1888), 372; Cooper, 63; Speight, 630.

¹⁴ *LP*, vol. 14 pt. 1, 340. In a letter to Cromwell, Rowe writes "Devon and the Westcountry is singularly well content with lord Russell's coming thither, as they find him a man of substantial wit, great experience, wisdom, and gentle nature. His being here will be to the great quite and comfort of our parts."

¹⁵ Several genealogical entries list his date of death as 8 Oct 1544, but without concrete proof this date cannot be taken as historically proven. Prince in his *Worthies of Devon* does not know exactly when he died.

¹⁶ According to the *Compact Oxford English Dictionary*, a Reader is defined as "a university lecturer of the highest grade below professor." AskOxford.com [http://www.askoxford.com/concise_oed/oraxader?view=uk], s.v. "reader." Tudor usage may have been slightly different, but the context in which the term is used in the primary source material indicates that a "Reader" in the mid-sixteenth century probably occupied a position quite similar to his modern counterpart.

Exchequer. He too was a member of the Council of the West and a scion of an established Devonshire family. Fortescue died in 1545.¹⁷

John Harrys was another Devonshire JP chosen as serjeant-at-law under Henry VIII. According to Prince's *Worthies*, Harrys took over the position of Recorder of Exeter upon the retirement of Sir Thomas Denys and remained there until 1548. Prince does not list a de-facto date of death for Harrys, but he assumes it to be not long after he resigned his position of Recorder. It is likely that he died ca. 1551, as his participation in the Quarter Sessions stops after the 1551-2 pipe roll and the *PCC* lists a John Harrys, "One of the Kings Majesty's [sic] at Law", with his will being proved 23 Oct 1551.¹⁸

Sir Hugh Pollard is another man with a long pedigree in Devonshire. His father was Sir Lewis Pollard, justice of the Common Pleas, and a quite powerful Devonshire resident in the early days of Henry VIII. Sir Hugh was one of Sir Lewis' reported twenty-plus children, and by marriages of his siblings to various powerful Devonshire families including Sir Hugh Stukely of Affton, Sir Hugh Courtenay of Powderham, Sir Hugh Pawlet of Samford-Peverel, and Sir John Crocker of Lineham, Sir Hugh was probably related to many of those men who handled the day to day affairs of the county. His brother, Sir Richard, was a King's remembrancer of the Exchequer and one of the General Surveyors. Both Sir Richard and Sir Hugh both served as sheriff of Devon (Sir Hugh served three times), both were named as a member of the Council of the West, and both they along with their brother Sir John were appointed as JPs on various

¹⁷ Burke's Peerage & Gentry (hereafter "BPG"), s.v. "Fortescue" <http://www.burkes-peerage.net/Search/FullRecord.aspx?ID=4881>.

¹⁸ *LP*, vol. 14 pt. 1, 555.; John Prince. *Danmonii orientales illustres: or, the worthies of Devon*. (Exeter, 1701), 378, Eighteenth Century Collections Online; *PCC*, "John Harrys," e-doc_id 1038303.

Henrician commissions. However, Sir Hugh is the only Pollard of his generation to actually serve at the Quarter Sessions, which he did from Henry's through Mary's reigns.¹⁹

Humphrey Prydeaux is another well-connected Devonshire man who served many years in the Quarter Sessions. Even though Prydeaux hailed from a long-standing Devonshire family, not much is known about him personally. Other than his inclusions on the Devon commissions of the peace, he is not mentioned in the Letters and Papers or Calendar of Patent Rolls for Edward VI. He died ca 1549-50, as he is listed on the pipe rolls for that year and his will was proven on 10 Jun 1550. He is probably only distantly related at best to John Prideaux, who seemed to take over Humphrey's place in the hierarchy of Devonshire politics. A commission dated 14 Feb 1548 gives John Prydeaux (along with other diverse Devonshire gentlemen) license to determine what Devon properties had reverted to the crown under the Chantries Act. A notation on the patent states "Endorsed with a note that this warrant was delivered to Mr. Keylway in order that John Predeaux might be put instead of Humphrey Predeaux." John Prideaux was named to Edward's commission, and served in the Quarter Sessions during Edward's reign, but only after Humphrey was no longer alive. The data from the two missing years might have shed some additional light on this situation, but because there are no data for

¹⁹ Prince, 493. Prince in fact says so in his text: "That all the Inhabitants therein are a Kin; by these Matches, almost all the antient Gentry in the County became allied."; *LP*, vol..15, 727; Caroline A. J. Skeel, "The Council of the West," *Transactions of the Royal Historical Society*, 4th Ser., vol.. 4 (1921), 63 [journal on-line]; available from <http://links.jstor.org/sici?sici=0080-4401%281921%294%3A4%3C62%3ATCOTW%3E2.0.CO%3B2-L>; Internet; accessed 23 June 2007.

Quarter Sessions attendance for 1547-9 (the first two years of Edward's reign), there is no way to tell if there was an overlap in service between the two Prideaux men.²⁰

Alexander Woode was a Devonshire JP who was named to all the commissions during Henry's reign and that of Edward and Mary, but his attendance at the Quarter Sessions was spotty at best. He attended for the last three years of Henry's reign and only a couple of years during Mary's. Very little information is known about Woode, other than he was a member of an old Devonshire family who had married into the fringes of some of the more powerful families in the area.²¹ He remained toward the very bottom of all the commissions he was appointed to throughout his tenure as a JP.

William Rowpe (Roupe) was a Devonshire man named to each Henrician and Edwardian commission, and he also appeared on the pipe rolls for every year data are available between 1538 and 1552. However, aside from being named on a couple of *ad hoc* commissions and his appointments to the commissions of the peace, there is no biographical information about him anywhere that is easily obtainable. He most likely died ca 1551-2, because his tenure and attendance as a JP would lend credence to the idea that he would continue to serve throughout his entire lifetime.

In comparison and contrast to Rowpe, another local Devonshire JP started his run in local government in a very similar way and ended with extremely different results. John Ridgeway first showed up on the 1540 Devonshire commission, and was named to every subsequent commission which appeared during his lifetime. He also received *per diem* payments every year of his tenure as a JP, which shows that he participated in the

²⁰ PCC, "Humfrey Prydeaux or Prideaux," e-doc_id 1037628; TNA: PRO E 372/395; CPR, *Edward*, vol. 2, 135.

²¹ Pole, 426.

Quarter Sessions courts at least one day per year. Ridgeway never served as sheriff of Devon, but he was granted lands from the crown at various points in his career in addition to a wardship under Edward.²² All in all, Ridgeway might be seen as the model symbiotic JP. He did a good enough job in his administrative capacity to be granted rewards, which in turn made him more powerful in the county, which led to more responsibility, etc. By repeating this cycle throughout his lifetime, Ridgeway accomplished what most of the county elite were probably aspiring to as well. Ridgeway himself was an esquire; his grandson was an earl. Ridgeway used his position on the county bench as a way to vault himself and his family into the public sphere, and as a result his future generations benefited enormously.

Another Devonshire JP who followed along a similar path to Ridgeway was John Whiddon. Whiddon has the distinct honor of being the only JP during the mid-Tudor era to be named to every commission from 1538-70. Whiddon did not attend Quarter Sessions courts for every year, but he did attend at least sixteen years (one-half of the years covered), and only two men listed attended more years than he did overall (Sir Thomas Denys and John Ridgeway). During the Henrician years, Whiddon was in the bottom fifth of the commissions position-wise, but his appointment as serjeant-at-law during the first few weeks of Edward's reign bumped his position up considerably for the Edwardian commission. Whiddon did not receive a great deal of recognition from the crown during the reigns of Henry and Edward, as can be attested to by the dearth of entries for him in the Letters and Papers and/or Edward's Calendar of Patent Rolls. However, he was building a solid reputation that would go to serve him greatly under the reigns of the two Tudor queens.

²² *CPR, Edward*, vol. 1, 57-8.

Anthony Harvey was a JP during Henry's reign who differed from the other active JPs in that he was a newcomer to the county. Harvey had been the surveyor of lands for the marquess of Exeter and the Marchioness's sole executor at the time of his attainder. Because Harvey gained prominence even in the wake of Exeter's downfall, it stands to reason that some sort of behind the scenes machinations between the crown and Harvey came into play. Why else would the trusted advisor for a man accused and executed for treason become a leading figure in local administration? However he initially gained entrance to the elite circle, Harvey wasted no time in fully investing himself there. He compensated for his lack of pedigree by integrating his family into the established gentry: his daughter Margaret married Sir Amyas Paulet, son of Sir Hugh Paulet. Harvey was only named to the last two commissions under Henry, which makes sense given the time frame of his property accruals. He did show up on the pipe rolls every year thereafter during Henry's and Edward's reigns, which indicates that he took his new responsibilities seriously. Harvey's unique circumstances of acquiring local administrative authority show the power of the crown in local affairs. Had Henry not decided to reward Harvey for his actions during the Exeter Conspiracy, then he would have most likely remained unobtrusive in the background of county politics, and he might not have even had any participation in Devonshire affairs at all. Even though Henry provided the catalyst, Harvey took the ball and ran with it, by using the power allotted to him to its fullest potential.²³

²³ A. L. Rowse, "Review of *Devon Monastic Lands: Calendar of Particulars for Grants, 1536-1558* by Joyce Youings," *The English Historical Review* 71, no. 281 (Oct. 1956), 669 [journal on-line]; available from <http://links.jstor.org/sici?sici=0013-8266%28195610%2971%3A281%3C669%3ADMLCOP%3E2.0.CO%3B2-7>; Internet; accessed 20 March 2007; Cooper, 162; Pole, 211.

The remaining three men who served as active JPs during Henry's reign only served one or two years at the beginning of the time frame studied. Andrew Hillersdon had been active prior to 1538 where he did participate in those years to which he was named a justice, and his absence after 1539 is due to his death.²⁴ John Pasmere and Richard Hals did not participate fully although they both were named to several years of commissions under Henry. Pasmere died ca. 1544, which explains his absences on commissions after that date. Hals was named on commissions through Edward's reign, but he only elected to actively serve on the JP bench for a few years at the beginning of the mid-Tudor period. Because these men participated so infrequently during the time frame of this study, they could not have impacted county politics or administration to the extent as some of the others, such as Denys or Ridgeway.

During Edward VI's reign, only eleven different men made up the active JP pool for the duration of his rule, and of those eleven, eight of them were dedicated men from Henry's reign (Denys, Harrys, Harvey, Pollard, Prideaux, Roupe, Ridgeway, and Whiddon). All three of the remaining active JPs during Edward's reign (Thomas Hatche, John Pridyaux, and Edmund Sture) continued into Mary's reign. In fact, every single active JP during the first year of Mary's reign had served at one time or another during Edward's reign, and most had served under Henry as well. This shows a level of consistency in the actual power structure on the county level, regardless of the upheavals at court or personal whims of the monarchy.

The active JPs under Henry VIII and Edward VI were a close-knit group, bound together by years of service and family ties. Of the fifteen men who contributed to the

²⁴ TNA: PRO E 150/182/13 is the Exchequer *inquisitions post mortem* for Hillersdon, and this document covers 33 Henry (1541-2). Abstract accessed 19 June 2007; <http://www.nationalarchives.gov.uk/catalogue/displaycataloguedetails.asp?CATID=-2788054&CATLN=7&Highlight=&FullDetails=False>.

justices' Bench, only one man (John Passemore [Pasmer]) served a single year and only one man (Anthony Harvey) was a newcomer to the county. Almost all of the Henrician and Edwardian JPs served throughout their entire lifetimes, with four of the men—Sir Thomas Denys, Anthony Harvey, John Ridgeway, and Sir John Whiddon—serving during the reigns of all four monarchs.²⁵

Even through the religious and political changes at the center, the pool of active JPs during the reigns of Henry and Edward remained constant. This consistency was the result of factors on both the crown and county level. Speight argues that “Cromwell did not possess the power to create a body of local government officials of his own choosing in the southwest but rather that he made use, as best he could, of the existing elite.”²⁶ This held true even after the fall of Cromwell, since only three new men show up as actively participating in the local administrative body and only one was a newcomer (Harvey). The dearth of active centrist JPs shows that even if the crown tried to name men to the commissions who were sympathetic to its agenda, those men did not actually influence any policy in Devon because they did not participate on the magistrates' Bench.

This raises an interesting point as to the validity of Elton's “Tudor revolution in government” theorem. If the paramount Henrician agent failed to effect the type of crown-centric reform in Devonshire that Elton claims characterized the mid-Tudor condition, then it is nearly impossible to justify an argument that Cromwell personally, unilaterally, and completely changed the nature of local administrative government. The actual statistics for Devon show this could not possibly have happened during the reigns

²⁵ Sir Thomas Denys actually served as a JP under all five Tudor monarchs, as he was named to the 26 Jun 1504 commission of the peace under Henry VII.

²⁶ Speight, 627.

of Henry and Edward. It is possible, and even probable, that a change in local government occurred in other regions of England. However, the fact that Devonshire's local administration remained firmly in the hands of the same active JPs before, during, and after the activities of Cromwell demonstrates that Elton's argument remains at least partially flawed.

CHAPTER IV

COMPOSITION OF THE DEVONSHIRE JUSTICES OF THE PEACE FOR THE REIGNS OF MARY I AND ELIZABETH I TO CIRCA 1570

In Chapter III, the compositions of the justices' bench from the last eight years of Henry VIII's reign and the entirety of Edward VI's were discussed in depth. This chapter will do the same for the reigns of Mary I and Elizabeth I from 1553-70. Through the analysis of the active local JPs in the county through the tumultuous years of religious crises, I will show that the changes at the center did impact the shire, but not to the extent of wholesale reform or upheaval. The basic trends found in Chapter III continue through the reigns of England's queens, with much of Mary's reign characterized by a more or less *status quo* in terms of who participated in government. Changes in Elizabeth's reign, at least for the first decade, had more to do with the fact that long-term justices died more than any wholesale housecleaning on the part of the monarch. To be sure there were some changes based solely on politics or ideology, but those were more cosmetic changes in the printed commissions and not due to the pool of active JPs changing drastically.

In this chapter I will focus on the lives of the active Marian and Elizabethan JPs, their activities at the center (if any) and their responsibilities at home. The years 1553-70 saw new changes in the overall politic of the country based on changes wrought by yet more religious wrangling during the reinstatement of Catholicism during Mary's reign and the final triumph of Protestant ideology with the Elizabethan Settlement in 1559.

Throughout all these events, the makeup of the ruling elite of Devon stayed fairly stable, but these important men were affected by the events in London just as the crown was influenced by happenings in the shire.

Much like Henry VIII's and Edward's local justices, every JP who received *per diem* payments during the reigns of Mary and Elizabeth was named to one or more commissions of the peace, with one possible exception.¹ In addition to the commissions of the peace, there is a *Liber pacis* for Mary's reign in 1555 which includes five men not listed anywhere else as JPs. A total of seventy-nine men were named on the commissions of the peace and *Liber pacis* at one time or another during the years 1553-70, with approximately one-fourth of the total named as *ex-officio* appointments. Table 4.1 shows the numbers and percentages of *ex-officio* to local JPs for the reigns of Mary I and Elizabeth I. The *ex-officio* members represented the crown, and they consisted of the leading councilors of the realm, including chancellors, bishops, high ranking nobility, justices, etc. These men all filled the top spots on the commissions to which they were named; the actual local county JPs were named after these honorary appointments were listed. Mary only issued one official commission with six names, most of which were hold-overs from Edward's reign. The three commissions issued by Elizabeth which

¹ "Thomas Cary" is listed on the pipe rolls for payment for the 1561-2 fiscal year. There is a Thomas Cary living in Devon at this time, a half brother to Robert Cary of Clovelly (Robert is known to be a JP for Devon). However, there is no supporting material that ever names Thomas Cary as a JP, whether in a printed commission of the peace or another patent or *ad hoc* commission. "Thomas Carew" is noted as a JP of Devon during Elizabeth's reign, in both the commissions granted in this time frame and in the pipe rolls. The year that "Thomas Cary" appears in the pipe rolls is a year that "Thomas Carew" is not listed. Complicating matters further is the fact that "Cary" and "Carew" are pronounced the same. I therefore postulate that the "Thomas Cary" listed in TNA: PRO E 372/407 was misspelled due to a scribal error and should be regarded as "Thomas Carew" for the purposes of this study. However, because I have no proof either way, I have left the information as it appears in the manuscript and have listed two separate entries in Appendix A, one for Thomas Carew and one for Thomas Cary.

include *ex-officio* appointments list the same nine men for every year.² This speaks to the consistency of favored positions of court during this particular span of Tudor England and shows that while prestige and influence at the top could change drastically from year to year, in this case it was extremely static.

Table 4.1. Numbers and percentages of *ex-officio* versus resident JPs in Devonshire as listed on the commissions of the peace during the reigns of Mary I and Elizabeth I.

Year	<i>Ex-officio</i> JPs		Devonshire JPs		Total No.
	Number	Percentage	Number	Percentage	
18 Feb 1554	6	19	25	81	31
Apr/May 1555	5	14	30	86	35
11 Feb 1562	9	24	28	76	37
1 Jun 1564	9	21	33	79	42
4 Nov 1569	9	24	28	76	37
4 Nov 1569 ³	0	0	35	100	35

Sources: *Calendar of the Patent Rolls, Philip and Mary* (Vol. I); *Calendar of State Papers, Domestic Series, Mary I (1553-1558)*; *Calendar of the Patent Rolls, Elizabeth I* (Vols. II, III, V).

Ex-officio JPs

The top *ex-officio* appointments were honorary based on national or central office positions, they were usually the same for each county. These men were the closest advisers to the crown, and their appointments were commissioned under different guidelines than those of the local JPs. The *ex-officio* appointments under Mary and Elizabeth are very similar in scope to those of Henry and Edward, both with crown-centric and shire-centric men who loomed large in the affairs of the country. The crown

² In one of the 1569 commissions, there are no *ex-officio* members listed, yet the two numbers of total justices named remained the same. All of the *ex-officio* appointments listed on the commissions under Elizabeth were the same, so it is possible that in order to gain a true representation of the second 1569 commission those men should be included in the totals.

³ Correcting these numbers to compensate for the missing *ex-officio* JPs would bring the Number and Percentage of *ex-officio* to 9 and 20, the Number and Percentage of Devon JPs to 35 and 80, with the total number of JPs at 44.

had to find a balance between the two groups of men in order to provide a system of checks and balances. With too many crown-centric nobles there arose the possibility of discontent and dissent, yet too many shire-centric appointments would leave the crown vulnerable to power magnates and rebellion.

During Mary's reign only six men were named as *ex-officio* members of the one commission of the peace that was issued in 1554. A comparison of the commission with the *Liber pacis* issued in 1555 shows that one man was removed in 1555 (William, marquess of Winchester), and due to the death of the bishop of Exeter, Stephen Gardiner, bishop of Winchester was substituted in his place. Four out of the six honorary Marian appointments had also been listed on Edward's 1547 commission: John Bouchier, earl of Bath, John Veysey, bishop of Exeter, John Poulet, Lord Seynt John, and Sir Humphrey Brown. The other two men, William, earl of Pembroke and Sir William Stamford are easy to explain: Pembroke was raised to Edward's Privy Council after the fall of Somerset and would therefore have not been commissioned in 1547, and Sir William Stamford was the queen's serjeant-at-law and would have been undoubtedly chosen for that reason alone. Since the *ex-officio* appointments on Mary's commissions that rolled over from Edward's commission were discussed under the reigns of Henry and Edward and the new inclusions are extremely well-known personalities from the mid-Tudor era, there is no reason for a thorough discussion of them here.

In all the commissions of Henry VIII and Edward VI in this study, Sir Thomas Denys was listed as the premier JP of the shire, yet the 1554 commission under Mary lists Sir John Whiddon first with Denys second. This can be explained by Whiddon's appointment as a justice for the Common Pleas, but it also brings up an interesting point.

During Henry's and Edward's reigns, Whiddon was always listed toward the end of the commission, yet under Mary he vaulted into the first position of the local JPs. Whiddon is also listed on several other counties' commissions as a justice for Common Pleas, so it makes sense that he should be considered an *ex-officio* appointment for Gloucestershire, Shropshire, etc. Whiddon's *ex-officio* status on other counties' commissions does present a quandary for determining the nature of his Devon appointment, especially considering his new position at the top of the Devonshire list. Is Whiddon's appointment on the 1554 Devon commission an *ex-officio* one, a local one, or both? Tangential justices were usually listed at the end of the *ex-officio* list, so Whiddon's positioning could indicate the demarcation between honorary and local appointments. Yet, it makes sense for his new position to afford him a bit of prestige on the local arena, and therefore his position should be near or at the top of local justices. Because Whiddon continued to collect *per diem* payments for Quarter Sessions attendance until 1560, he should be considered a local appointment with extra crown influence.

Using Whiddon's pipe roll records as a way to help prove the above argument raises another conundrum with regards to the commissions of the peace and the upheavals at court. When comparing only the commissions from Edward, Mary, and the first of Elizabeth, it might be tempting to draw certain conclusions and regard the commissions as representative of the monarch's reign as a whole. Therefore, if a person was listed on one commission and not on the next under a different monarch, it could be argued that the JP became a casualty of religious or political forces and had fallen out of favor. The other side of the coin is that a person with no real familial or landed ties to Devon might abruptly show up at the beginning of a new monarch, and this lends

credence to the thought that the monarch may have been trying to sway the political makeup of the county, the JP pool could have been diluted, etc. These things did happen, but when the commissions that were issued only every few years are coupled with the *Liber pacis* under Mary and the pipe roll records of who showed up to participate in Quarter Sessions, a different picture emerges. Suddenly, overlaps of JPs between monarchies become the norm and the abrupt shift in men based on perceived religious or political gain is negated. For the men who actively served the county in their capacity as JP, this is an important distinction. For example, when viewing the list of commissioned JPs, it appears that Sir Thomas Denys ended his career as a JP of Devon during Edward's reign, as he does not show up on any commissions past the one of 1547. However, Denys was named as sheriff of Devon for 1554, the year the Marian commission was created. Since sheriffs are technically not supposed to serve in both offices concurrently, he was left off the commission. Denys does appear again on the *Liber pacis* the following year, which only strengthens the argument that his omission in 1554 was due to his tenure as sheriff. Denys went on to serve as JP until his death in 1561, which is apparent because he collected *per diem* payments on the 1559-60 pipe roll, the first of Elizabeth's reign. But because the first Elizabethan commission was not issued until 1562, not having access to the accounting records on the pipe rolls might lead to the assumption that Denys did not serve at all in his later years.

The *ex-officio* appointments under Elizabeth are unique in two ways. First, more honorary appointments on Elizabeth's commissions were men who had never served before, with only William Herbert, earl of Pembroke, William Paulet, marquess of Winchester and his son, John Paulet, Lord Seynt John having been named previously. A

full two-thirds of Elizabeth's *ex-officio* appointments were new men, compared with only one-half for Edward and one-third for Mary. This fact is highly significant because if there was usually quite a bit of overlap and carryover from one monarch to the next, then at least half of the councilors were retained from reign to reign under the previous Tudor monarchs. Elizabeth had mostly new men in her inner circle, so the changes that occurred at the beginning of her reign can be ascribed to her new appointments at court. Not only did Elizabeth do much housecleaning and remove men from their posts, but she also inherited men who were simply getting old and dying off. When these men did pass on, she replaced them with younger, more Protestant, and more liberal councilors. Secondly, for the three commissions issued during this study which include *ex-officio* appointments (1562, 1564, 1569) all nine men are the same. Again, with the previous Tudor monarchs, political infighting, religious upheavals, and personal whims characterized the life at court, and the chaos it wrought was evident in the constant changing of the men who were chosen as *ex-officio* appointments. The fact that all of Elizabeth's men remained constant for at least a seven year period illustrates the stability at the center at the beginning of her reign.

The top men in Elizabeth's commissions are her leading councilors of the realm: Sir Nicholas Bacon, Keeper of the Great Seal; William, marquess of Winchester, Lord Treasurer; and Henry, earl of Arundell, Steward of the Household. These men retained these positions for the entirety of the twelve years covered during Elizabeth's reign, but the position of the earl of Arundell changed for the 1569 commission. He was still the Steward of the Household, but the earl of Pembroke was named in the third position in 1569, with Arundell and the earl of Bedford both dropping back a spot. This slight

shuffling of position shows that while Elizabeth retained the same advisors for over a decade, some changes were starting to creep in.

Francis, earl of Bedford, was commissioned in the spot at which the *ex-officio* appointments became a function of the shire. He was the second earl of Bedford, and he took over many (if not all) of his father's appointments in Devon. He retained the first earl's position on the commissions of the peace, he was named Lord Lieutenant of the region, Lord Warden of the Stannaries, and he was the principal landed noble in the county. He was very active at court, and under Elizabeth he served in many different offices throughout the whole of England. Unlike his father, however, the second earl lived most of his life in or around Devon as a peer, which created a different power dynamic under his tenure as earl. Because of his life-long affiliation with Devon, the motivations of the second earl in county administration can be seen as more shire-centric instead of obviously imposed from the center. The second earl differs in that respect from his father, since the first earl was more or less used as a tool of the center to replace the power vacuum left by the death of the marquess of Exeter.

The sixth position on the Elizabethan commissions was held by William Alley, bishop of Exeter. Unlike John Veysey, the previous bishop on the commissions, Alley was not an indigenous resident of Devonshire, in fact, he was not even from the region (he grew up in Buckinghamshire). This came into play almost immediately, when trying to improve the finances of his see (which had been greatly diminished in past years due to the selling off of lands), he reduced the number of the Canons of the Cathedral to nine from twenty-four. Even though there were many grumblings and attempts to overturn the decision (from the put-out canons, no doubt), Alley had crown support and approval and

thus made his first sweeping change of the diocese. Alley remained as the bishop of Exeter for the rest of the years covered under this study, whereby he died in 1570.⁴

John Paulet, Lord Seynt John was the next appointment, and he is the only appointee to serve continuously from Edward through Mary and into Elizabeth's reign. The last *ex-officio* positions on the Elizabethan commissions were held by Richard Weston, justice of the Common Pleas, and Richard Harpour, serjeant-at-law for 1562 and 1564, justice of the Common Pleas for 1569. These two positions were usually the last in the honorary appointments and were usually the same for every monarch, the two leading lawmen in the country.

Devonshire JPs

Sixteen men served as active JPs during Mary's reign, and many of them had also been named to commissions under Henry and Edward. Of these sixteen men, only three had not been previously named on a commission of the peace. This is not to say that the rest of the thirteen men had actually served under a previous monarch; in fact, almost half of the men who actively served as JPs under Mary's reign had been named JP previously but had not shown up at any previous Quarter Sessions courts during the time frame of this study. Religion might have had a role to play in this phenomenon, but if that were the case it would have made more sense for the men to have just been removed from the position altogether. Another possible explanation is that some of the older JPs were retiring from active service in other areas of local administration (MP, justices of other courts, members of various *ad hoc* commissions, etc.) and had more time to devote to local government. It could be that these men decided that they wanted to participate and did.

⁴ Oliver, 139.

Sir Thomas Denys, Anthony Harvey, Sir Hugh Pollard, John Prideaux, John Ridgeway, Sir John Whiddon, and Alexander Woode were men who had been long-term active JPs for Devon. Some of them had become quite prominent in the county (Denys, Whiddon, Ridgeway), but some of them had maintained a more low-key presence in county affairs. Alexander Woode had been listed as position thirty-two out of forty-nine in 1538, and in 1554 he was twenty-nine of thirty-one. In contrast, Sir John Whiddon had spent most of his JP career under Henry near or at the bottom, but after being named serjeant-at-law under Edward he shuttled up to nineteen of forty-nine and by the time Mary's commission was issued, he had risen to the top of the local JP pool, number seven of thirty-one.

Edmund Sture and Thomas Hatche had both served as JPs under Edward VI, even though Hatche only showed up on the commissions during Mary's reign. Both came in toward the end of Edward's monarchy with entries in the pipe rolls for *per diem* payments. Both of these men appeared on the commissions at the end, which indicates that they were some of the less powerful JPs. Sture did serve as recorder of Exeter for from 1554 to 1558, which would be close to the time of his death (if his death was not the reason he left his post). His will was proved in the *PCC* 19 Mar 1560. Thomas Hatch was in a very similar vein in that he too was connected to a long established Devonshire family. Even though his first appointment to a commission occurred under Mary's reign, he actually was more active during Edward's monarchy. Hatche died in 1554 not long

after Mary came to the throne, because he was named on the 18 Feb 1554 commission of the peace, but his will was proved in the *PCC* on 28 Apr 1554.⁵

Anthony Bery, Roger Bluett, James Courtenay, Robert Dillon, John Drake, and Richard Duke, had all previously been named to commissions under Henry or Edward, but it was not until Mary's reign that they actively participated on the justices' Bench. Bery and Bluett only served one year, and Robert Dillon served twice. The rest of these men served several years here and there, and some of them overlapped into Elizabeth's reign. Because of the timing of the fiscal accounting system, the pipe rolls during the last year of Mary's reign could contain JPs named under Elizabeth's influence. Yet there is no existing commission of the peace for the last year of Mary's reign, so it is impossible to determine if men who showed up at the end of Mary's reign but had not been included on her commission should be ascribed to Mary or Elizabeth's patronage.

Robert Cary of Clovelly was a member of a long-standing Devonshire family who participated consistently on the JP bench during the reigns of Mary and Elizabeth. He was elected as MP from Barnstaple in 1553 as well as serving as sheriff of Devon in 4 Mary. Cary was only thirty-four when he was first named to Edward's commission, but he did not attend the Quarter Sessions until Mary's reign. Cary was usually positioned toward the end of the commissions, which usually indicated less prestige, but he was frequently assigned to various *ad hoc* commissions with more prominent JPs such as Denys, Ridgeway, and John Prideaux. Cary continued this trend into Elizabeth's reign, participating in *inquisitions post mortem*, land alienations, and a commission "to inquire

⁵ Richard Izacke and Samuel Izacke. *Remarkable Antiquities of the City of Exeter* (London: 1731), Google Book Search, 50; *PCC*, "Edmunde Sture," e-doc_id 1065287; *PCC*, "Thomas Hacche or Hatche," e-doc_id 1039241.

in the County of Devon touching the lunacy of William Myddelworthie, ‘husbondman’.” Cary’s appointment to the justices’ Bench stemmed more from the fact he was a member of a well-regarded family of the region than from any machinations on the part of the crown, mainly due to the fact that he stayed relatively low-key throughout the years of this study.⁶

James Courtenay was a member of the powerful Powderham Courtenays, cousins to the earls of Devon. After the execution of the marquess of Exeter, the Powderham Courtenays were all that remained of the powerful family legacy. Courtenay served as sheriff of Devon in 3 Mary⁷ and attended Quarter Sessions the last four years of her reign. James Courtenay had been named a JP on two commissions during Henry’s reign, but he never sat on the justices’ Bench until much later. Because of the family’s pre-eminence in the county, there was usually a Courtenay on the Bench at any given time. It is interesting to note the large gap between Courtenay’s appointments: he was commissioned in 1538-9 under Henry, but he dropped off and was not appointed again until 1554 under Mary. This most likely was the result of religious differences between Courtenay and the crown rather than some oversight or lack of room on the commission.⁸ Courtenay’s appointment by Mary hallmarked the return of conservative religion to the shire. Courtenay died ca. 1558, so it is unknown whether or not Elizabeth would have continued to keep him on as a JP or if she would have replaced him.

⁶ BPG, s.v. “Cary” <http://www.burkes-peerage.net/Search/FullRecord.aspx?ID=2328>; Dallas, 13; *CPR, Mary*, vol. 2, 243; *CPR, Elizabeth* vol. 5, 200 and vol. 3, 334.

⁷ Dallas, 12.

⁸ It is worth noting that after the Exeter Conspiracy, no Courtenays were appointed during the remainder of Henry’s rule. The Courtenays made a return on Edward’s commission in which Peter Courtenay appeared.

Most of the appointments Mary made were to men who had previously served under her father or brother. The exception to this is in the *Liber pacis* in which one *ex-officio* and four local justices who were completely new were named by Mary. None of these men received *per diem* payments or showed up on an official commission from the crown, but their inclusion in this discussion is important. Richard Bydwell, William Gibbes, and George Kirkham were all local men who were involved to a greater or lesser degree in western contingent of Wyatt's Rebellion. Kirkham was the son-in-law of Sir Thomas Denys and brother to one of suspected rebels. Richard Bydwell was not involved directly in the conspiracy, but he was one of the men commissioned to determine the particular lands Sir Peter Carew was attainted of due to his treason. William Gibbes was directly involved in the rebellion, and he was imprisoned in the Tower of London along with Sir Gawain Carew for a short time due to their activities with the uprising. They were eventually pardoned and released on 18 Jan 1555. What is odd about the inclusion of Gibbes on the Apr/May 1555 *Liber pacis* is that he was included at all. Both he and Sir Gawain Carewe were listed as JPs, a peculiar circumstance considering they had been released from prison on charges of treason only a few months prior. This was most likely a reward for some behavior associated with the incident.⁹

Even though Sir William Courtenay was only appointed on the *Liber pacis*, he represents an important part of the Marian JPs. Sir William Courtenay was a member of the powerful Powderham Courtenays, sixth cousin once-removed to the earl of Devon,

⁹ *CSP, Mary*, 22 (notes); *CPR, Mary*, vol. 3, 248; John Foxe. *Actes and Monuments of these Latter and Perillous Days, touching Matters of the Church* (1583; The Sheffield institute, 2004), 1482, http://www.hrionline.ac.uk/johnfoxe/main/10_1583_1482.jsp.

and his advantageous marriage to Margaret Paulet (daughter of John Paulet, lord Seint John and granddaughter to the marquess of Winchester) brought him into the forefront of politics, both on the county level and on the crown level. His connections could be advantageous to the crown in carrying out policy (he could speak to both sides with equal confidence), and his pedigree is probably one of the main reasons Mary appointed him as JP. Courtenay was subsequently indicted as part of the Dudley Conspiracy, but he along with John Pollarde were both pardoned “of all the said treasons, etc. and of all felonies, etc. committed by him before 1 Dec. last, so that he stand to right, etc.” Courtenay was killed at the Seige of St. Quintin, France in 1557.¹⁰

One of the few JPs who were named originally under Mary was Sir John Seintleger. Seintleger was second cousin to Anne Boleyn, and he was connected to many of the powerful families in both the shire and England as a whole. He was personally thanked by the queen “for his goode service in the West Partes,” which undoubtedly stemmed from the fact that he was one of the crown’s main agents in curtailing the Devon portion of Wyatt’s Rebellion. He personally arrested Sir Arthur Champernon (who was later named as a JP under Elizabeth) and reported the escape of Sir Peter Carew to the Queen’s council. This shows some crown influence on his appointment, but his pedigree in the county would have most likely assured him a place eventually. The fact that Seintleger continued his tenure as JP into Elizabeth’s reign, appearing on every commission she issued between 1562 and 1569 supports this argument. Seintleger was part of the long-tenured ruling elite; therefore, even the massive overhaul in government and religion that occurred under Elizabeth was not enough to remove him from the

¹⁰ BPG, s.v. “Devon” <http://www.burkes-peerage.net/Search/FullRecord.aspx?ID=3751>; *CPR, Mary*, vol.. 3, 456.

commission. He also received *per diem* payments for two years under Elizabeth. While only two years actual participation pales in comparison to some local JPs, the fact that he served as sheriff during 2 Elizabeth, attended the Commons as an MP, and was appointed Deputy Lord Lieutenant most likely eclipsed his work on the justices' Bench.¹¹

Some JPs appeared their first year under Mary on the pipe rolls and their commissions were issued under Elizabeth, which would normally indicate that Mary was the original grantor of the commission and only the large gaps in published commissions prevent that information from being apparent at first glance. However, Thomas Williams is most likely an exception due to when he first shows up on the pipe rolls. Since his *per diem* payments start in the transition year between monarchies, his appointment could have been from either Mary or Elizabeth. There is no way to tell exactly which Quarter Sessions Williams attended, because the pipe rolls only tally number of days served within a certain time frame, not the specific dates themselves. Williams had been sitting as an MP since 1555, so he would have been at least known to Mary. However, Williams only starts to show up in the printed sources during Elizabeth's reign, so it is likely that he is an Elizabethan appointment. Williams also served as Speaker of the House of Commons from 1563 to his death in 1566, and in his position he was the one who served Elizabeth the Commons' petition for her marriage.¹²

Approximately one-third of active Elizabethan JPs had been named on commissions during the reigns of Henry, Edward and/or Mary but only started actively

¹¹ HMSO. *Acts of the Privy Council of England* (hereafter "APC"), vol. 5 (London, 1892), 6; HMSO, *Calendar of State Papers, Domestic Series, of the Reigns of Edward VI, Mary, Elizabeth, 1547-1580* (hereafter "CSPD") (London, 1856), 59.

¹² *DNB*, vol. 61, 454.

participating after 1558—John Arscott the elder, Sir Gawain Carew, John Charles, Sir John Chichester, Christopher/John Copleston,¹³ Richard Fortescue, Sir John Fulford Jr., and William Strode. Most of these men only served for one or two years during Elizabeth's reign, but Sir John Chichester served for nine, most of them consecutive. All of these men were members of long-standing Devonshire ruling families, but none of them had relatives that had served as a JP previously which indicates that serving as a JP was not a high priority for their families. These men who only participated for one or two years may have done so only on a whim, in order to rule on a particular matter that might affect them personally, or they may have genuinely developed an interest in exercising their ability to make and influence local policy.

Some of the JPs that received *per diem* payments under Elizabeth were relatives of men who had served previously. Sir Thomas Denys, Sir Hugh Pollard, and Humphrey Prydeaux all started their tenures as JP under Henry, and all three men served until their deaths. Each of their sons were appointed under Elizabeth, and Robert Denys, Lewis Pollard, and Roger Prideaux all served as active JPs during the early years of Elizabeth's reign. Mark Slater looks on the surface to be a onetime appointment and a newly risen member of the ruling elite, but in fact he was Alexander Woode's son-in-law. In addition to a father and son tradition of participating on the justices' Bench, many younger relatives (sons, brothers, nephews) of previously commissioned JPs served under Elizabeth even if their older kin did not actively participate during their own commissions. Sir John Fulford Jr., Richard Fortescue, Sir Peter and Sir Gawain Carew,

¹³ On the *Liber pacis* in Mary's reign, the first name of JP "Copleston" was unknown, and two Devonshire JPs have the last name of Copleston: Christopher and John. They are most likely father and son, with John being the one who actively served as a JP in the Quarter Sessions.

and Amyas Powlet, were all relatives of JPs who were commissioned but never served a day on the Bench.

Still other Elizabethan commissions were granted to men who were related to those landowners who had not been selected to rule recently (if ever), men such as John Mallet, William Strode, Thomas Southcote, and Thomas Carew of Haccombe. By appointing men from these “quasi-elite” families in the shire, Elizabeth could inject some new blood into the ruling elite without worry of a possible backlash from the established members. These men were members of families who had a history of participation in other aspects of local government, and their activity on the Elizabethan justices’ Bench (at least on the part of Mallet and Southcote) indicates that these men had been long overdue for appointment.

All these family ties point to a pool of JPs who had been part of the ruling elite for most (if not all) their lives, and by virtue of marrying within their same social class, many of these men were related, even if only distant cousins. Because the majority of JP appointments in Devon had historically been made within a small elite body of men, commissions made to men who were either newcomers to the county or who had been raised to the gentry class stand out sharply and beg to be discussed. The newcomers on the Devonshire JP Bench are indicative of the fundamental changes made on the local administrative scene during the early years of Elizabeth’s monarchy, which include the trends seen on the Devonshire commissions of including members of non-elite families, importing new men into the county by way of crown appointments, and occasionally replacing the old guard who retired or died with men other than their close relatives. In spite of these new additions to the Elizabethan ruling class, the fact remains that family

and kinship remained a crucial component of relations between the justices in Devon. For those men who did not already possess the desired pedigree, marrying into the already established ruling families only solidified their place among the administrative elite.

Thomas Dowrish is an example of a member of a longstanding Devonshire family who was never part of the ruling elite until the Elizabethan monarchy. According to Pole's *Collections*, the Dowrish family had lived in the Crediton area since the time of King John. In 1560, Elizabeth granted

To the present governors, to wit, Thomas Dowrishe [*and others*] and all their successors of the tithes of the lands of St. Lawrence in Crediton and all tithes in Crediton belonging to the late prebends of [*long list of names*], all late of Crediton college, and all tithes and other spiritualities in Crediton and the hamlet of Sampford in Crediton late of the college and granted by cardinal Pole to John Nicholles, late rector of Crediton, and his successors and now in the Crown's hands by stat 1 Eliz. for the restitution of tenths and first fruits; yearly value 122*l.* 7*s.* 10½*d.*

In one fell swoop, Elizabeth gave Dowrish the eligibility to join the ranks of the ruling elite, by granting him lands, monies, authority, etc. This is confirmed by the inclusion of Dowrish on the 1564 commission of the peace and the pipe roll records from 1563-4, both of which show that Dowrish participated as an active JP from the moment he was commissioned. This is a clear-cut example of the crown dictating political membership in the provinces. The Dowrish family had resided in the same area for centuries, yet it took an act of the monarch to bring the family into the circle of ruling elite.¹⁴

Some men had a bit of activity on the books during Mary's reign, but not enough to justify classifying them as a Marian appointee. John Eveleigh was another newly appointed JP during Elizabeth's reign, but there is record of activity for him under Mary

¹⁴ Pole, 226; *CPR, Elizabeth*, vol. 1, 418.

in 1555. There is no further mention of him during Mary's rule in her documentation, but there is notice of his being listed on the Pardon Rolls under Elizabeth. Richard Reynolds has almost the exact same story as Eveleigh. Reynolds was granted lands in Devonshire during Mary's reign, and after that there is no mention of him again until the Pardon Rolls at the beginning of Elizabeth. William Pole makes his first appearance by also being named to Elizabeth's Pardon Rolls, but there is no evidence of him during Mary's reign. Eveleigh's family had resided in Devon for some time, but he was the first to be granted entry into the ruling elite. According to Pole's *Collections* Eveleigh purchased the mortgaged and forfeited home of John Moore and set himself a seat at Holcombe in Otery St. Mary, but Pole does not say if this occurred during Mary's reign or Elizabeth's. Eveleigh was also named feodary¹⁵ for Devonshire, and as a result he was included in many commissions and patents regarding wardships, *inquisitions post mortem*, etc. William Peryam joined Eveleigh on several of his *inquisitions post mortem* patents, and enjoyed a similar rise to power. However, there is little biographical data available on his ancestry, so it is likely that he was granted his status in order to inject some new blood into the fold.¹⁶

Elizabeth's JP selections allowed for the diversification of the JP pool for Devon, which in turn led to gradual changes in the overall administration of the county. As her more established and experienced JPs started dying out, she replaced them not with more of their ilk, elite and members of old powerful families. Elizabeth created new power structures, and she did it most likely for maximum benefit of the crown. Elizabeth was in

¹⁵ An officer of the Court of Wards.

¹⁶ *CPR, Mary*, vol.. 2, 4; *CPR, Elizabeth*, vol.. 1, 222, 296; Pole, 148.

a tenuous position, being a woman head of state, implementing the third religious upheaval in a decade, and trying to root out the foundation of dissent and rebellion. As in Cambridgeshire, Suffolk, and Hertfordshire, religious affinity or sympathy in Devon to the accepted Protestant reformation or a more proactive godly party made inroads, but without evidence in wills or other documentation is it impossible to prove. Elizabeth's appointments could also indicate a need to replenish a shrunken list of acceptable and available men to rule the shires. All the political machinations, religious upheavals, and high-level treasons had taken their toll on the ranks of the gentry. In order to fill the gaps that executions, attainders, and exiles had left in the government as a whole, Elizabeth had to do something other than fill the holes with the same people who had been removed in the first place. By changing the power structure in the ruling elite in the hinterlands, Elizabeth could feel more content about the outlying areas and not worry about usurpers controlling too much local power.

She did this in other ways than just by diversifying her JP pool. The previous Tudor monarchs seemed to use—or profit from—the same men for filling most jobs, such as sheriff, MP, various justices, *ad hoc* commissions, etc. Elizabeth not only added more men to the pool from which to choose, but she also spread out the work. For example, throughout Henry's and Edward's reigns, the same men were chosen over and over again to be sheriff of Devonshire. Even Mary used the same people (Thomas Denys, John Fulford, and Richard Edgecombe) during her reign. Many times, the post of sheriff would also be given to the same man more than once. Sir Thomas Denys served as sheriff under Henry VII, Henry VIII, Edward VI and Mary I for a total of eight terms and Sir Hugh Pollard served for three. In contrast, no person held the post of sheriff more

than once in all of Elizabeth's forty-four year reign. Elizabeth did include men from the more prominent ruling families like Champernon, Fortescue, Edgecombe, Carew, Courtenay, Ridgeway, etc., but other more recent additions to the local elite were present as well, such as Duke, Bampfled, Chifton, Firz and Walronde.¹⁷ All the new names added to the lists of the ruling class in Tudor Devon helped set the stage for the evolution of the country as a whole as time marched on toward the modern era.

¹⁷ Dallas, 12-3.

CHAPTER V

CONCLUSION: JUSTICES AND THE CROWN IN MID-TUDOR DEVONSHIRE

In this study of mid-Tudor Devonshire, I have attempted to place the careers of the men selected to form the ruling elite in the context of political change, both at the center and in the shires. Using the time frame of the mid-Tudor era maximizes this approach, due to the four different monarchies, ideological changes in the nature of government, and the religious crises and vacillations. Different trends in the nature of local county government in Tudor Devon make themselves apparent, especially when utilizing both the printed commissions of the peace and the manuscript pipe roll accounting records. First, the number of JPs named for Devon on the commissions increased on the whole, but the pool of men who actually participated in the day-to-day running of the government tended to be static from monarch to monarch. Second, most of the men who did actively participate on the justices' Bench did so for the long-term, with many JPs serving until their deaths. Third, the men who were named to early Tudor commissions remained relatively the same, drawn from the same pool to serve over and over again. As the years progressed toward the end of the mid-Tudor era, the administrative pool became much larger and there was more differentiation of job function from man to man. This last trend is indicative of a move away from a medieval form of government into a more modern one. According to Elton, that is what the mid-Tudor era was all about.

During the mid-Tudor years from 1538-70, *ex-officio* appointments comprised anywhere from fifteen to thirty percent of the total commissions, with the lowest proportion found under Mary and the highest in Henry's reign. Because of the unique qualities Devon granted to England with its tin industry, seaports, position as the center of the church in the southwest, and familial ties to the leading families of the realm, many of the *ex-officio* appointments had a personal vested interest in the county, something almost unheard of outside the Home Counties. These men were not active in the day to day governance of the shire, but many of them owned estates in the county or were related to one or more of the Devonshire elite who *did* run the county. Between seventy and eighty-five percent of the men named on the commissions of the peace were local men, and more often than not they would be related to many of the other men also commissioned. However, of the local men named as JPs on the various commissions of the peace, only an average of thirty percent participated at least once on the actual justices' Bench. Approximately one-half of active JPs attended Quarter Sessions three times or less in their tenure, so the actual proportion of men who ran things day to day was quite small. These men also tended to remain in office between monarchs, so the ruling government for Devon was usually very stable because there were no abrupt shifts in who made the decisions.

For the most part, religious sympathies on the parts of the JPs played a minor role in the governance of Devon. The fact that almost all the active local JPs retained their seats after a new monarch ascended the throne attests to that. The religious convictions of most of the Devonshire JPs during this time are not readily apparent, save for the staunch conservatism of Sir Thomas Denys and the almost radical nature of Sir Peter

Carew. Because these two men were more or less the personification of religious and political clashes in the shire, there were a few abrupt shifts in membership during times of upheaval when the political and religious convictions of these two men came into play. The Western Rebellion of 1549 involved many of the same local men as did Wyatt's Rebellion five years later, and even though the political and religious ideologies behind the instigators were the complete opposite for each uprising, the majority of the JPs in Devonshire stood behind the crown during both conflicts (the Carew family not withstanding). This indicates that the local ruling elite did occasionally acquiesce to the dictates of the crown, particularly on matters of great importance to England as a whole.

Even so, the stranglehold the small, select group of people had on all facets of local county life shows that regardless of changes made elsewhere in the country, politics and administration in Devon ran along at its own pace. The men who participated in Devonshire local government during the mid-Tudor era did so with limited impact from the politics at the center most of the time. For the first two-thirds of the time period assessed in this study, the majority of the administrators kept their positions, and the numbers of men in the rank and file group of JPs did not alter significantly. Even the changes made at the county level during the beginning of Elizabeth's reign were not out of character for the county, as many of the new appointees were already part of the inner circle due to their family and social connections. The new guard that filtered in during Elizabeth's early years did not change too greatly the face of the local elite; they were absorbed into the group and gained the rights and responsibilities as those whose families had served in that capacity for generations. As the expansion of the JP pool and the gradual replacement of the more religiously conservative older generation with the more

protestant younger one continued throughout the first decade of Elizabeth's reign, the stage was set for later reform as the Tudor era wound to a close. Even at the beginning of the Elizabethan monarchy, the slight alterations made by the crown in bringing in a new subset of gentleman did ensure that the men of Devonshire would adhere to what was happening in the central government.

Showing a vacillation between the crown and the shire in terms of administration and politics is at the heart of the revisionist approach to English county histories. The information provided by historians who have completed work on Cambridgeshire, Hertfordshire, Suffolk, Norfolk, and others adds to the wealth of knowledge about the Tudor era as a whole. Although some historical study has already been completed on similar topics regarding Devon, the fact remains that this study will help to fill in the gap on the local political and administrative scene throughout the mid-Tudor time frame. Given the amount of involvement by the leading gentry in national affairs during the Religious Reformation and the "Revolution of Government," the fact that Devon has been overlooked in these matters is somewhat surprising.

Using prosopographical methodologies, fewer traditional secondary sources, and the pipe roll records allows this work on the administrative history of Devon—typically viewed as a traditional subject in historical study—to expand into the realm of the "new" English history. Understanding the nature of the men who participated in the local ruling class provides the framework for unraveling the complex ties between the crown and shire, which in turn leads to a more complete picture of the history of the region. Historians doing work on Devon in and around this time frame have primarily used the traditional sources of the *Calendars of State Papers*, *Acts of the Privy Council*, *Letters*

and Papers of Henry VIII, and the Lansdowne and Harleian manuscripts to formulate their arguments, which is the methodology customarily employed by scholars in a study of this type. Printed commissions of the peace, *Libri pacis* if one or more is available, and various mentions of JPs in other commissions or letters from the crown provide crucial information, but these sources cannot tell the whole story. This is true if for no other reason than that there existed a large discrepancy between the copious number of men named by the crown to participate in local government and the relative few who did. Only by using the information from the pipe rolls does the difference between those who had nominal power and those who used their authority become apparent. The research into the backgrounds of these men provides the who and the why. This study has delved further into the administrative history of Devon more than most, but according to some historians it still might not be enough.¹

The crux of the matter is that there was a give-and-take approach to government between the ruling elite in Devon and the crown during the mid-Tudor era. The backdrop of the Devonshire politic was vastly different before 1538, partly due to the existence of a strong landed nobleman in the county who happened to be first cousin to the king² and the rest to the insular nature of the group of men who were actually in charge of running the county. The close-knit relations among the gentry still existed after 1538, but the changes wrought in the physical landscape with the Dissolution of the Monasteries were the catalyst for irrevocably altering the face of the local elite. The ability of the crown to

¹ See Alison Wall, “‘The Greatest Disgrace’: The Making and Unmaking of JPs in Elizabethan and Jacobean England,” *English Historical Review* 119 no. 481 (Apr. 2004), 328.

² Even though Henry Courtenay, marquess of Exeter lived most of his life away from Devon, the fact remains that the nature of the personal relationship between the crown and the nobility did affect the attitude of the local elite toward the crown, even if only slightly.

grant lands to various and sundry commoners, gentry, and nobles alike was the most important tool the center had to influence the residents of the localities. In Devon, this important concept was realized with the imposition of a new landed noble who had no ties to the region, the influx of new men who finally had the property qualification to serve on the Bench, and the general overall increase in the number of men chosen to serve. In Devon, at least, this show of strength from the crown was moderated by the fact that the influx of new gentry eventually married into the old and continued the tradition of close-knit ties among the powerful families who consistently remained in charge of the local government. This interdependence of crown and shire continued unabated throughout the mid-Tudor era, which helped maintain stability and cohesiveness in the government as a whole.

APPENDIX

JUSTICES OF THE PEACE FOR DEVON NAMED ON COMMISSIONS OF THE PEACE AND A *LIBRE PACIS*

This system of charting is based on the one created by Dr. A. H. Smith and subsequently used by Dr. Eugene J. Bourgeois II in his work on Tudor Cambridgeshire (see his explanatory notes in Bourgeois, *Ruling Elite of Cambridgeshire*, 287-9).

Key to Chart

- 1, 2, 3, etc. Indicates the place the JP was assigned on the printed commissions of the peace and 1555 *Liber pacis*. Two numbers listed for a given year indicate two commissions were issued for that year and both are listed separately.
- X Indicates these men received *per diem* payments as listed on the pipe rolls and therefore actually participated in the Quarter Sessions courts. This marks supposed attendance without indication of rank or order.
- S Indicates tenure as sheriff for Devon.
- // Indicates the death of a JP where the date of death is known.
- //* Indicates date of will proved in the *PCC*.
- //** Indicates year of *inquisition post mortem*

Explanatory Notes

The following chart has been divided into two chronological sections which mirror the structure of Chapters III and IV. The list of JPs (both commissioned and active) is divided between those who served under Henry VIII and Edward VI (1538-52) and those who were appointed under Mary I and Elizabeth I (1553-70). Many of the justices were commissioned and served both before and after the dates covered in this study, but for the purposes of determining the makeup for the mid-Tudor era, I have not included those dates in this section. The Marian years have been simplified. The Quarter Sessions attendance records generally adhere to the fiscal year and not the calendar year, covering the period between Epiphany and Michaelmas. In the interest of simplicity, I have unilaterally catalogued all dates based on the fiscal year. Therefore, the attendance records, regnal year, and commissions are based on the first year of the two year period covered in the pipe rolls in order to correspond with the regnal year listed in the E 372 Roll Designations rubric located in the PRO.

“/” indicates the actual date of death (full date or year only) for a JP. In addition, I have marked several of these symbols with “*” or “**” in order to differentiate them from the rest. “*” indicates the date was taken from the *Prerogative Court of Canterbury Wills, 1384-1858*, which lists when the person’s will was proved, not the date of death. “**” indicates the information was gleaned from the UK National Archives website which lists an abstract of the individual’s *inquisition post mortem* in terms of regnal year only. Using these two sources will give an approximate date of death, but the date listed could be several weeks to possibly years after the actual passing. However, knowing this information is valuable, because it provides the absolute upper limit on the date of death.

Only two men are listed on the pipe rolls who were not listed on the printed commissions or *Liber pacis*: Thomas Cary and Thomas Harvy. For both of these men, it is most likely that these names were written in error on the official record and should actually be Thomas Carew of Haccombe and Anthony Harvy. In addition, Thomas Cary and Thomas Harvy are only listed in the pipe rolls for one year, years in which their analogues are conspicuously absent. However, there existed in Devon during this time frame a Thomas Cary and a Thomas Harvy who could have served as JPs, and because I have no official proof that these men were listed in error, I have retained them on the JP list as separate entries. There are additional scribal errors on the pipe rolls which did lend themselves to correction on my list of official JPs, and I have made a note of the specific details in the explanatory notes for each list number.

Sources and Notes

This list of sources and notes is modified from that used by Dr. A. H. Smith and Dr. Eugene J. Bourgeois II in their respective works. Each number below corresponds to the list numbers on the chart. DOD stands for “Date of Death,” either known or approximate.

1. E 372/384, m. 22d; *LP*, vol. 13 pt. 1, 564 (9 Jul 1538), Commission of the peace; Dallas, 93, List of sheriffs of Devon; Cooper, 280, DOD for Henry Courtenay.
2. E 372/385, no *per diem* payments listed for this year; *LP*, vol. 14 pt 1, 587 (5 Jul 1539), Commission of the peace; Dallas, 93, List of sheriffs of Devon; *PCC*, “Pers Eggecombe or Edgecombe,” e-doc_id 1063923, DOD for Peter Edgecombe.
3. E 372/386, m. 26d. John Harrys is listed as “John Harryng”; *LP*, vol. 15, 107-8 and 475 (9 Feb 1540 and 16 Jul 1540). Two commissions are listed in this year, with the July entry a combined commission of the peace and of oyer and terminer. The number on the left corresponds to the February commission and the one on the right to the July commission. John Ridgeway is listed as “John Brydgement” in the February commission; Dallas, 93, List of sheriffs of Devon; *LP*, vol. 15, 627, DOD for Thomas Cromwell.

4. E 372/387, m. 72; *LP*, vol. 16, 280 (22 Feb 1541), Commission of the peace; Dallas, 93, List of sheriffs of Devon; *PCC*, “Edmund Braye Lord Braye,” e-doc_id 1034968, DOD for Edmund Braye; <http://www.nationalarchives.gov.uk>, “Hillersdon, Andrew: Devon,” E 150/182/13 (*inquisitions post mortem*), DOD for Andrew Hillersdon.
5. E 372/388, m. 68. Dallas, 93, List of sheriffs of Devon; *PCC*, “John FitzJeames,” e-doc_id 1035646, DOD for John FitzJames; *LP*, vol. 17, 938, DOD for William FitzWilliam; *Ibid.*, 912, DOD for Richard Pollard; BPG, s.v. “Stuckley,” DOD for Thomas Stuckley; <http://www.nationalarchives.gov.uk>, “Yard, Richard: Devon,” E 150/185/3 (*inquisitions post mortem*), DOD for Richard Yarde.
6. E 372/389, m. 24d; *LP*, vol. 18 pt. 1, 124 (9 Feb 1543), Commission of the peace; Dallas, 93, List of sheriffs of Devon.
7. E 372/390, m. 24d; *LP*, vol. 20 pt. 1, 317-8 (12 Feb 1544), Commission of the peace; Dallas, 93, List of sheriffs of Devon; *LP*, vol. 19 pt. 2, 502, DOD for Thomas Audeley; <http://www.nationalarchives.gov.uk>, “Chamond, John, knight: Cornwall,” C 142/70/69 (*inquisitions post mortem*), DOD for John Chamond; *PCC*, “John Pasmere,” e-doc_id 1064124, DOD for John Passemore.
8. E 372/391, m. 22d. Dallas, 93, List of sheriffs of Devon; *HDTE*, 73, DOD for Charles Brandon; *LP*, vol. 20 pt. 1, ix, DOD for George Carew; BPG, s.v. “Fortescue,” DOD for Lewis Fortescue; *PCC*, “Thomas Willoughbye,” e-doc_id 1064590, DOD for Thomas Willoughby.
9. E 372/392, m. 24d. Dallas, 93, List of sheriffs of Devon; *PCC*, “Philipp Champon or Champernone,” e-doc_id 1036103, DOD for Philip Champerton; PROB 11/31, probated will, DOD for John Fulford the elder; *PCC*, “Richard Turbervylde or Turbervyle,” e-doc_id 1036312, DOD for Richard Turberville.
10. E 372/393, no *per diem* payments listed for this year; *CPR*, *Edward VI*, vol. 1, 82-3 (26 May 1547), Commission of the peace; Dallas, 93, List of sheriffs of Devon; *PCC*, “John Seyntclere,” e-doc_id 1036456, DOD for John Seint Clere.
11. E 372/394, no *per diem* payments listed for this year. Dallas, 93, List of sheriffs of Devon.
12. E 372/395, m. 22d. William Roupe is listed as “William Remonde.” Dallas, 93, List of sheriffs of Devon; *PCC*, “John Barnehouse,” e-doc_id 1037133, DOD for John Barnehouse; *CPR*, *Edward*, vol. 5, 340, *inquisition post mortem*, approximate DOD for Wimond Carew; *Ibid.*, 406, approximate DOD for Thomas Seymour.
13. E 372/396, m. 21d. Dallas, 93, List of sheriffs of Devon; *PCC*, “Humfrey Prydeaux or Prideaux,” e-doc_id 1037628, DOD for Humphrey Pridyaux; <http://www.nationalarchives.gov.uk>, “Yeo, Hugh: Devon,” C 142/90/62 (*inquisitions post mortem*), DOD for Hugh Yeo.
14. E 372/397, m. 24d. This is the only year a sheriff was named who was never appointed as a JP; *PCC*, “John Harrys,” e-doc_id 1038303, DOD for John Harrys; *Ibid.*, “John Zouche,” e-doc_id 1038010, DOD for John Zouche.
15. E 372/398, m. 22d. Dallas, 93, List of sheriffs of Devon; <http://www.nationalarchives.gov.uk>, “Courtenay, Peter, knight: Devon,” E 150/192/20 (*inquisitions post mortem*), DOD for Peter Courtenay; Oliver, 276, DOD for Simon Heynes; *HDTE*, 459, DOD for Edward Seymour.

16. E 372/399, m. 28d. Dallas, 93, List of sheriffs of Devon.
17. E 372/400, m. 28d; *CPR, Mary*, vol. 1, 18 (18 Feb 1554). Commission of the peace. Dallas, 93, List of sheriffs of Devon; *HDTE*, 294, DOD for Henry Grey; *CPR, Mary*, vol. 2, 102, DOD for James Hales (committed suicide); *PCC*, "Thomas Hacche or Hache," e-doc_id 1039241, DOD for Thomas Hache; *HDTE*, 252, DOD for Thomas Howard; *PCC*, "Richard Lyster," e-doc_id 1039228, DOD for Richard Lyster; Oliver, 124, approximate DOD for John Veysey.
18. E 372/401, m. 30d; *CSP, Mary*, 80 (Apr/May 1555). *Liber pacis*. For "Copleston" and "Carew," only the last name is given, and it is impossible to determine exactly who is the person named. I put the corresponding number on both possibilities, just to indicate it was one of the two men. Dallas, 93, List of sheriffs of Devon; PROB 11/37, probated will, DOD for John Amadas; *HDTE*, 215, DOD for Stephen Gardiner; *CPR, Mary*, vol. 2, 11, approximate DOD for Hugh Pollard; *Ibid.*, 451, approximate DOD for John Russell.
19. E 372/402, m. 30d, Robert Dillon listed as "Robert Bellune." Dallas, 93, List of sheriffs of Devon; *PCC*, "Anthony Berye," e-doc_id 1039773, DOD for Anthony Bery.
20. E 372/403, m. 30d, 403 is missing at least two names due to a crease in the page. Based on attendance during the years before and after, they could be John Whyddon, Robert Cary, or Edmund Sture. Dallas, 93, List of sheriffs of Devon; BPG, s.v. "Devon," DOD for William Courtenay; <http://www.nationalarchives.gov.uk>, "Fortescue, Bartholomew: Devon," E 150/195/2 (*inquisitions post mortem*), DOD for Bartholomew Fortescue; *PCC*, "Willyam Portman," e-doc_id 1040154, DOD for William Portman; <http://www.nationalarchives.gov.uk>, "Specote, Edmund: Devon," E 150/195/13 (*inquisitions post mortem*), DOD for Edmund Specott; <http://www.nationalarchives.gov.uk>, "Wood, Alexander: Devon," E 150/195/10 (*inquisitions post mortem*), DOD for Alexander Woode; *PCC*, "Thomas Yarde," e-doc_id 1040591, DOD for Thomas Yarde.
21. E 372/404, m. 30d. Dallas, 93, List of sheriffs of Devon; "Notes to the diary: 1558," *The Diary of Henry Machin: Citizen and Merchant-Taylor of London (1550-1563)*, (1848), British History Online; approximate DOD for William Stamford.
22. E 372/405, m. 30d. Dallas, 93, List of sheriffs of Devon; BPG, s.v. "Stucley," DOD for Hugh Stuckeley.
23. E 372/406, m. 32d. Dallas, 93, List of sheriffs of Devon; *CPR, Elizabeth*, vol. 2, 116, DOD for Thomas Denys; J.L. Vivian, *The Visitations of the County of Devon* (Exeter: Henry S. Eland, 1895), http://www.uk-genealogy.org.uk/england/Devon/visitations/ridgeway/WC01/WC01_013.htm, DOD for John Ridgeway; *PCC*, "Edmunde Sture," e-doc_id 1065287, DOD for Edmund Sture.
24. E 372/407, m. 31d. Dallas, 93, List of sheriffs of Devon; *CPR, Elizabeth*, vol. 2, 653, DOD for John Bouchier.
25. E 372/408, no *per diem* payments listed for this year; *CPR, Elizabeth I*, vol. 2, 435-6 (11 Feb 1562). Commission of the peace. Dallas, 93, List of sheriffs of Devon; PROB 11/45, probated will, DOD for Richard Edgecombe.

26. E 372/409, m. 29d. Dallas, 93, List of sheriffs of Devon; *PCC*, "Humphrey Browne," e-doc_id 1041081, DOD for Humphrey Brown; "Tremayne, Thomas: Devon," C 142/136/6 (*inquisitions post mortem*), DOD for Thomas Tremayne.
27. E 372/410, m. 29d; *CPR, Elizabeth I*, vol. 3, 21 (1 Jun 1564). Commission of the peace. There are listings on the PRO website for *inquisitions post mortem* for three different John Arscotts during 1557-64. Since my John Arscott shows up in the 1564 commission, I assume the 1564 *inquisition post mortem* belongs to him. However, I do have other instances where men show up on the commission after their known date of death. Since another John Arscott's *inquisition post mortem* is dated 1562, I cannot confirm with certainty the exact date of death. Dallas, 93, List of sheriffs of Devon; PROB 11/47, probated will, DOD for John Charles; *CPR, Elizabeth*, vol. 3, 196, DOD for Anthony Harvy.
28. E 372/411, m. 29d. Dallas, 93, List of sheriffs of Devon.
29. E 372/412, m. 33d. Dallas, 93, List of sheriffs of Devon, *CPR, Elizabeth*, vol. 4, 11, DOD for Roger Bluett; *DNB*, vol. 61, 454, DOD for Thomas Williams.
30. E 372/413, m. 29d. Roger Prideaux is listed as "Robert Prydiox." This year is the only year "Roger" is not listed, and there are no other references to "Robert" found anywhere else for Devon. I believe this is a scribe error. Dallas, 93, List of sheriffs of Devon; BPG, s.v. "Cary of Torre Abbey," DOD for Thomas Cary.
31. E 372/414, m. 29d. Dallas, 93, List of sheriffs of Devon; *PCC*, "Robert Dyllon," e-doc_id 1043177, DOD for Robert Dillon.
32. E 372/415, m. 29d; *CPR, Elizabeth I*, vol. 5, 222-3 (4 Nov 1569). Two commissions of the peace. The first lists all the *ex-officio* members, but the second does not. The number on the left corresponds to the full commission and the one on the right to the one without the *ex-officio* appointments. Dallas, 93, List of sheriffs of Devon.
33. E 372/416, m. 27d. Dallas, 93, List of sheriffs of Devon; Oliver, 139, DOD for William Alley; *Ibid.*, 276, DOD for Gregory Doddes; BPG, s.v. "Fortescue," DOD for Richard Fortescue; *CPR, Elizabeth*, vol. 5, 586, DOD for William Herbert; *PCC*, "John Mallett or Mallet," e-doc_id 1044333, DOD for John Mallett.

List Number	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Calendar Year	1538	1539	1540	1541	1542	1543	1544	1545	1546	1547	1548	1549	1550	1551	1552
Regnal Year	30	31	32	33	34	35	36	37	38	1	2	3	4	5	6
Adamps, Nicholas the elder										28					
Alley, William bishop of Exeter															
Amadas, John	37	37	31	29		29	35								
Arcott, John the elder										31					
Arundell, Sir John	21	21	18	17		15	17								
Audeley, Thomas, Lord	1	1	1	1		1	1 //								
Bacon, Sir Nicholas															
Barnehouse, John							42			32		//*			
Bassett, Arthur															
Beamont, Henry							29								
Bery, Anthony	41	41	36	34		38	46			35					

List Number	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Calendar Year	1538	1539	1540	1541	1542	1543	1544	1545	1546	1547	1548	1549	1550	1551	1552
Regnal Year	30	31	32	33	34	35	36	37	38	1	2	3	4	5	6
Bluett, Sir Roger						33	39			17					
Bourchier, John earl of Bath			6	6		6	6			5					
Brandon, Charles duke of Suffolk	3	3	3	3		3	3	//							
Braye, Edmond, Lord	9	10	//*												
Britt, Robert	38	38	32	32	30	30	36								
Brown, Sir Humphrey						10	10			8					
Buttshed, Robert										44					
Bydwell, Richard															
Carew, Sir Gawain										16 S					
Carew, Sir George	19	19	17	17	16			//							
Carew, Sir Peter									S						

List Number	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Calendar Year	1538	1539	1540	1541	1542	1543	1544	1545	1546	1547	1548	1549	1550	1551	1552
Regnal Year	30	31	32	33	34	35	36	37	38	1	2	3	4	5	6
Carew, Thomas of Hacombe															
Carew, Wimond of Anthony, Cornwall	29	29	24 25	23		23	25					//			
Cary, Robert										43					
Cary, Thomas															
Chamond, Sir John	16 S		14 14	13		13	//**								
Champernon, Sir Arthur															
Champernon, Sir Philip	18	18	16 16	15		14	16		//*						
Charles, John							49			38					
Chichester, Sir John													S		
Chidley, Christopher															
Chidley, Richard							28			22				S	

List Number	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Calendar Year	1538	1539	1540	1541	1542	1543	1544	1545	1546	1547	1548	1549	1550	1551	1552
Regnal Year	30	31	32	33	34	35	36	37	38	1	2	3	4	5	6
Chidley, Robert	34	34	27 28	26		26	30								
Coffin, James															
Copleston, Christopher															
Copleston, John															
Courtenay, Henry marquess of Exeter	5 //														
Courtenay, James	26	26													
Courtenay, Peter										41	S				/***
Courtenay, Sir William															
Cromwell, Thomas, Lord	4	4	4 //												
Denys, Sir Robert															
Denys, Sir Thomas	12 X	13	12 12 X	12 X	X	11 X	11 X	X	X	11		X S	X	X	X

List Number	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Calendar Year	1538	1539	1540	1541	1542	1543	1544	1545	1546	1547	1548	1549	1550	1551	1552
Regnal Year	30	31	32	33	34	35	36	37	38	1	2	3	4	5	6
Ridgeway, John			37 37 X	35 X	X	39 X	47 X	X	X	36		X	X	X	X
Rolls, George							31			24					
Rosewell, William Solicitor General															
Roupe, William	43 X	43	39 39 X	37 X	X	42 X	51 X	X	X	40		X	X	X	
Rowe, John serjeant-at-law	22 X	22	19 19 X	19	X	19 X	21								
Russell, Francis earl of Bedford															
Russell, John earl of Bedford		8	8 8	8		5	5			4					
Seint Clere, John										49 //*					
SeintLeger, Sir John															
Seymour, Edward duke of Somerset										1					//
Seymour, Thomas Lord of Sudeley										6		//			

List Number	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Calendar Year	1538	1539	1540	1541	1542	1543	1544	1545	1546	1547	1548	1549	1550	1551	1552
Regnal Year	30	31	32	33	34	35	36	37	38	1	2	3	4	5	6
Siddenham, Thomas	31	31													
Slader, Mark															
Southcote, Thomas															
Specott, Edmund															
Stamford, Sir William serjeant-at-law															
Strode, William the elder										45					
Stukeley, Sir Hugh	30	30	25 26	24		24	26 S			20					
Stukeley, Sir Lewis															
Stukeley, Sir Thomas	17	17	15 15	14	//										
Stukeley, Thomas							45								
Sture, Edmund										48					X

List Number	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	
Calendar Year	1553	1554	1555	1556	1557	1558	1559	1560	1561	1562	1563	1564	1565	1566	1567	1568	1569	1570	
Regnal Year	1	2	3	4	5	6	1	2	3	4	5	6	7	8	9	10	11	12	
Bluett, Sir Roger		12	15			X								//					
Bourchier, John earl of Bath		1	2						//										
Brandon, Charles duke of Suffolk																			
Braye, Edmond, Lord																			
Britt, Robert																			
Brown, Sir Humphrey		5	4								//*								
Buttshed, Robert																			
Bydwell, Richard			31																
Carew, Sir Gawain			19							16		16					15	6	X
Carew, Sir George																			
Carew, Sir Peter			19				X	X	X	11	X	X	X	X	X	X	11	2	

List Number	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33
Calendar Year	1553	1554	1555	1556	1557	1558	1559	1560	1561	1562	1563	1564	1565	1566	1567	1568	1569	1570
Regnal Year	1	2	3	4	5	6	1	2	3	4	5	6	7	8	9	10	11	12
Dillon, Henry																		
Dillon, Robert		20	25 X	X												//*		
Doddes, Gregory Dean of Exeter cathedral																	19	12
Dowrish, Thomas											X	41	X	X	X	X	37	35
Drake, John the younger of Musbury			33		X	X	X											X
Duke, Richard		16	21			X	X			22	S	24					20	11
Edgecombe, Sir Peter																		
Edgecombe, Peter													S				21	13
Edgecombe, Sir Richard		11	13							19	//	19						
Eveleigh, John												39	X	X	X	X	30	27
FitzAlan, Henry earl of Arundell										3		3					4	

List Number	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33
Calendar Year	1553	1554	1555	1556	1557	1558	1559	1560	1561	1562	1563	1564	1565	1566	1567	1568	1569	1570
Regnal Year	1	2	3	4	5	6	1	2	3	4	5	6	7	8	9	10	11	12
Hatche, Thomas	X	26 //*																
Herbert, William earl of Pembroke		2								5		5					3	//
Heynes, Simon Dean of Exeter cathedral																		
Hillersdon, Andrew																		
Howard, Thomas duke of Norfolk		//																
Hull, John																		
Kirkham, George			17															
Lougher, Robert LL.B.										31		33						
Lyster, Sir Richard		//*																
Mallett, John										27	X	X	X	X	X	X	22	//*
Moore, Sir John										20	X	20					9	S

List Number	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33
Calendar Year	1553	1554	1555	1556	1557	1558	1559	1560	1561	1562	1563	1564	1565	1566	1567	1568	1569	1570
Regnal Year	1	2	3	4	5	6	1	2	3	4	5	6	7	8	9	10	11	12
Pomery, Sir Edward																		
Poole, William							X	X		30	X	32 X			X	X	28 23 X	X
Portman, William serjeant-at-law					//*													
Powlet, Sir John																		
Powlett, Amyas													X	X	X		29 25	
Powlett, Sir Hugh		8	9							12		12					12 3	
Pridayaux, Humphrey																		
Pridayaux, John the younger	X	24 X	28 X	X	X	X												
Prydeaux, Roger										35	X	37 X	X	X	X	X	35 33 X	X
Rawley, Walter																		
Reynoldes, Richard							X	X	X	37	X	40 X	X	X	X	X	36 34 X	X

BIBLIOGRAPHY

Manuscript Sources

The British Library
Maps.C.3.bb.5 f10

The National Archives: Public Record Office
C 142, Chancery, *inquisitions post mortem*, Henry VII to Charles I
E 150, Exchequer, *inquisitions post mortem*, Henry VII to James I
E 372, Exchequer, lord treasurer's remembrancer's and pipe office, pipe rolls
PROB 11, Prerogative court of Canterbury, probate copies of wills

Calendars and Printed Sources

Calendar of the Patent Rolls, Edward VI. Vols. I-VI, London: PRO, 1924-9.

Calendar of the Patent Rolls, Elizabeth I. Vols. I-V, London: HMSO, 1939-86.

Calendar of the Patent Rolls, Henry VII. Vols. I-II, London: HMSO, 1914-6.

Calendar of the Patent Rolls, Philip and Mary. Vols. I-IV, London: HMSO, 1936-9.

Calendar of State Papers, Domestic Series, of the Reigns of Edward VI, Mary, Elizabeth, 1547-1580. Vols. I, VI-VII, London: PRO, 1856.

Dasent, John Roche, ed. *Acts of the Privy Council of England.* Vols. I-VII, London: HMSO, 1890-3.

Gairdner, James, J. S. Brewer, R. H. Brodie, et al., eds. *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII.* Vols. XII-XXI, London: HMSO, 1867-1910.

Knighton, C. S., ed. *Calendar of State Papers Domestic Series of the Reign of Mary I 1553-1558.* London: PRO, 1998.

The National Archives. *Prerogative Court of Canterbury Wills, 1384-1858.* Colchester, Essex: AHDS History, March 2004. Computer file.

United Kingdom Ministry of Justice. "Privilege of Parliament Act 1512." *The UK Statute Law Database*. Home page on-line. Available from <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=107&NavFrom=2&parentActiveTextDocId=1517759&activetextdocid=1517761#attrib>; Internet, accessed 28 June 2007.

Secondary Sources

- Beard, Charles Austin. *The Office of Justice of the Peace in England in its Origin and Development*. New York: AMS Press, 1967.
- Bourgeois II, Eugene J. "Henrician Government." Classroom lecture notes, Texas State University-San Marcos, San Marcos, Texas, 21 September 2005.
- _____. *The Ruling Elite of Cambridgeshire, England, c. 1520-1603*. New York: The Edwin Mellen Press, 2003.
- Burke, Bernard. *A Genealogical History of the Dormant, Abeyant, Forfeited, and Extinct Peerages of the British Empire*. London: Harrison, 1866.
- Colby, Frederic Thomas, ed. *The Visitation of the County of Devon in the Year 1564*. Exeter, 1881. <http://www.uk-genealogy.org.uk/england/Devon/visitations/visdev1564/>.
- Cooper, J. P. D. *Propaganda and the Tudor State: Political Culture in the Westcountry*. Oxford: Clarendon Press, 2003.
- Dallas, James, ed. *The Note-book of Tristram Risdon, 1608-1628*. London: Elliot Stock, 1897. Google Book Search.
- Duffy, Eamon. *The Stripping of the Altars: Traditional Religion in England 1400-1580*, 2nd ed. New Haven: Yale University Press, 2005.
- Elton, G. R. *England Under the Tudors*. London: Methuen & Co. Ltd., 1962.
- _____. *Policy and Police: The Enforcement of the Reformation in the Age of Thomas Cromwell*. Cambridge: Cambridge University Press, 1972.
- Fissel, Mark Charles. *English Warfare, 1511 – 1642*. London: Routledge, 2001.
- Foxe, John. *Actes and Monuments of these Latter and Perillous Days, touching Matters of the Church*, 1583 ed. The Sheffield Institute, 2004. <http://www.hrionline.ac.uk/johnfoxe>.

- “General history: Extinct noble families.” *Magna Britannia, Volume 6: Devonshire*. 1822. <http://www.british-history.ac.uk/report.asp?compid=50550>.
- Goodnow, Frank J. “Local Government in England.” *Political Science Quarterly*, 2 no. 4 (Dec 1887), 638-65. Journal on-line. Available from <http://links.jstor.org/sici?sici=0032-3195%28188712%292%3A4%3C638%3ALGIE%3E2.0.CO%3B2-7>; Internet; accessed 25 March 2007.
- Gunn, S. J. “Brandon, Charles, 1st Duke of Suffolk (c. 1484-1545).” In *Historical Dictionary of Tudor England, 1485-1603*, ed. Ronald H. Fritze, 71-3. Westport, Connecticut: Greenwood Press, 1991.
- Guy, John. *Tudor England*. Oxford: Oxford University Press, 1988.
- Hankins, Jeffery R. “Tudor Local Government and Administration in the County of Hertfordshire, circa 1520-1580.” M.A. thesis, Texas State University-San Marcos, 1998.
- Izacke, Richard and Samuel Izacke. *Remarkable Antiquities of the City of Exeter* London, 1731. Google Book Search.
- MacCulloch, Diarmaid. *Suffolk and the Tudors: Politics and Religion in an English County 1500-1600*. Oxford: Clarendon Press, 1986.
- “Notes to the diary: 1558.” *The Diary of Henry Machin: Citizen and Merchant-Taylor of London (1550-1563)*. 1848. British History Online.
- Oliver, George. *Lives of the Bishops of Exeter*. Exeter, 1861. Internet Archive.
- Pole, Sir William. *Collections Toward the Description of the County of Devon*. London, 1791. Eighteenth Century Collections Online.
- Prince, John. *Danmonii orientales illustres: or, the worthies of Devon*. Exeter, 1701. Eighteenth Century Collections Online.
- Prosopography Centre. “Prosopography: Definition.” *Modern History Research Unit, University of Oxford*. Home page on-line. Available from <http://users.ox.ac.uk/~prosop/prosopdefinition.htm>; Internet; accessed 9 March 2006.
- Rowse, A. L. “Review of *Devon Monastic Lands: Calendar of Particulars for Grants, 1536-1558* by Joyce Youings.” *The English Historical Review* 71, no. 281 (Oct. 1956), 669. Journal on-line. Available from <http://links.jstor.org/sici?sici=0013-8266%28195610%2971%3A281%3C669%3ADMLCOP%3E2.0.CO%3B2-7>; Internet; accessed 20 March 2007.

- Skeel, Caroline A. J. "The Council of the West." *Transactions of the Royal Historical Society*, 4th Ser, 4 (1921), 62-80. Journal on-line. Available from <http://links.jstor.org/sici?sici=0080-4401%281921%294%3A4%3C62%3ATCOTW%3E2.0.CO%3B2-L>; Internet; accessed 23 June 2007.
- Speight, Helen M. "'The Politics of Good Governance': Thomas Cromwell and the Government of the Southwest of England." *The Historical Journal*, 37 no. 3 (Sep. 1994), 623-38. Journal on-line. Available from <http://links.jstor.org/sici?sici=0018-246X%28199409%2937%3A3%3C623%3A%27POGGT%3E2.0.CO%3B2-S>; Internet; accessed 18 June 2006.
- Stephen, Leslie, ed. *Dictionary of National Biography*. Vols. I-LXIII, New York: MacMillan and Company, 1885-1900.
- Vivian, J. L. *The Visitations of the County of Devon*. Exeter: Henry S. Eland, 1895. <http://www.uk-genealogy.org.uk/england/Devon/visitations/visindex.html>.
- Wall, Alison. *Power and Protest in England 1525-1640*. London: Arnold Publishers, 2000.
- _____. "'The Greatest Disgrace': The Making and Unmaking of JPs in Elizabethan and Jacobean England." *English Historical Review* 119 no. 481 (Apr. 2004), 312-32.
- Willen, Diane. "Lord Russell and the Western Counties, 1539-1555." *The Journal of British Studies* 15, no. 1 (Autumn 1975), 26-45. Journal on-line. Available from <http://links.jstor.org/sici?sici=0021-9371%28197523%2915%3A1%3C26%3ALRATWC%3E2.0.CO%3B2-H>; Internet; accessed 30 June 2007.
- Youngs, Joyce. "The Council of the West." *Transactions of the Royal Historical Society*, 5th Ser., 10 (1960), 41-59. Journal on-line. Available from <http://links.jstor.org/sici?sici=0080-4401%281960%295%3A10%3C41%3ATCOTW%3E2.0.CO%3B2-F>; Internet; accessed 30 June 2007.

VITA

Rebecca Jane Zmarzly was born in Poplar Bluff, Missouri, on September 13, 1976, the daughter of Ricky DeWayne Kelley and LeAnn Etoil Cryts Kelley. Upon graduating as Valedictorian from Dexter High School, Dexter, Missouri, in 1994, she entered The University of Missouri – Columbia. She received the degree of Bachelor of Arts in French from The University of Missouri in May 1998. During the following years she was employed as a linguist and project manager at Sensory, Inc. in Sunnyvale, California and Adams Globalization in Austin, Texas. In June 2004 she entered the Graduate College of Texas State University-San Marcos.

Permanent Address: 13208 Marrero Drive

Austin, Texas 78729

This thesis was typed by Rebecca J. Zmarzly.