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MORE'S APPOINTMENT AS CHANCELLOR  
AND HIS RESIGNATION

*L'Univers de Thomas More*, p.428, dates 18 October 1529 Cardinal Wolsey's surrendering of the Great Seal. This seems to contradict Close Roll 21 Henry VIII, m. 19 d. (Public Record Office, London, Ref. C/54/398 no. 18), *Super deliberatione magni Sigilli*, which places the event on Sunday 17 October. But historians sometimes disagree with early records, even of an official character; and according to R.S. Sylvester's carefully annotated edition of *The Life and Death of Cardinal Wolsey*, E.E.T.S. p.233, the dukes of Norfolk and Suffolk went away empty-handed on the 17th, and had to come back on the 18th, when Wolsey yielded. The solemn procedure is described in detail in the Close Roll: the white bag containing the seal, and itself sealed six times with the Cardinal's personal seal, was put in a bigger bag of crimson velvet, which was sealed with red wax by Stephen Gardiner, the King's secretary, and then placed for safety in an iron casket. Gardiner kept the key, and John Taylor, keeper of the Chancery Rolls, carried the casket to Henry VIII on the 20th. The King at Windsor had the seal produced from its various protective layers and used in his presence to authenticate a few writs and a proclamation against exporting grain. Then he retained it until Monday 25 October.

*L'Univers*, p.429, 25 October, needs rewording into: "More... reçoit des mains du roi le Grand Sceau d' Angleterre, et est en même temps nommé Chancelier du Royaume". More, that is, was appointed Lord High Chancellor from the start, unlike his successor, Audley, who was only Keeper

of the Great Seal from May 1532 to January 1533 (see *L'Univers*, p.466 under 5 June), when he was raised to the Chancellorship.

The appointment of More is fully recorded in Close Roll 21 Henry VIII m. 19 d. in terms similar to that of his resignation, quoted below. October 25 was no ordinary date: Geoffrey Chaucer had died on that day in 1400, and his mortal remains lay close by, in Westminster Abbey. Much more important was the anniversary of Azincourt, 25 October 1415: at Henry V's request, Archbishop Chichele had raised it to a red letter day, with a 9 lesson office, by combining the universal feast of saints Crispin and Crispinian with an English feast - the translation of the relics of St John Beverley. (See *Provinciale*, II, t.3,c.5). We have all read, and maybe heard - from the lips of Laurence Olivier - the famous harangue composed by Shakespeare for *Henry V* to deliver on the dawn of the famous battle. More's inception of the Chancellorship was also graced with royal oratory: not, however, so much on St Crispin's day, when Henry VIII, in his manor of Pleasance at Greenwich, delivered the Great Seal to him, - as on the morrow at Westminster. That Tuesday morning, at about ten o'clock, he was escorted into the Great Hall by the two heads of the nobility, Thomas duke of Norfolk and Charles duke of Suffolk, plus a retinue of marquises, earls and bishops; coming men such as Sir Thomas Boleyn, viscount of Rochford, father of Ann, are also mentioned among the notables present. Then Norfolk, in the King's name, delivered "a noble exhortation" to the Chancellor and to the distinguished assembly. More answered, then proceeded to inaugurate his functions by having the Great Seal extracted from its bag and using it to officialise a few current writs. After which he retained it in a bag sealed with his own seal. He took the oath of office, swearing "well and truly to serve his sovereign Lord and his people... after the laws and usages of the realm... and to purchase the King's profit in all that he reasonably may".

*L'Univers* p. 437, 11 February 1530, is also

awkwardly phrased. According to Rymer's *Foedera*, XIV, 365, More and Norfolk (perhaps under pressure from Henry VIII, or else at the suggestion of the fallen Wolsey), through a deed dated 7 February, granted the king one messuage, two gardens and three acres of land "vulgariter called York Place" in Westminster. This had been Wolsey's official Headquarters. The transfer to the Crown was confirmed at Westminster in the king's presence, on February 11, by the chancellor and the duke.

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As for More's resignation, is there a double date, as in Wolsey's case? Was it on the very epoch-making Thursday when abbot John Islip was buried in Westminster Abbey, and when archbishop William Warham with a reproachful heart and a trembling hand brought to submission of the English clergy, that More was relieved of a function which the whole trend of events made it impossible for him to retain any longer with a safe conscience? His delivery of the Great Seal, which *L'Univers* postpones till Sunday May 19, is clearly dated May 16 in the Close Roll 24 Henry VIII m. 24 d., which you will find transcribed overleaf by courtesy of the Public Record Office, London (Ref. C/54/401 n°16), and translated three pages further.

NOTES

Most of the rambling preamble so far is of Fr Marc'hadour's compiling. But Mr. & Mrs. Birchenough are joint-authors of the rest, and the best. Josephine found the document and procured a photo of it. She and Edwyn are responsible for its deciphering and translating; they acknowledge Barry Lester's help for checking Rymer and L.P. - Edwyn is sole author of the long note on the Close Roll, which explains some peculiarities of English history and custom for the benefit of us, non-specialists and foreigners in particular. In a recent letter he emphasizes "that the Great Seal carried by the Chancellor was not the impression, but the matrices of the seal. These were of brass or bronze, and Tudor ones would appear to have been between 70 and 100mm. in diameter, and to have weighed an appreciable amount. The lower half of the seal had a splayed rim to retain the wax. This half could properly be described as the seal. The rim receives the upper half of the matrix (or counter-seal)."

**M**emorandum quod sextodecimo die Maij Anno regni Regis Henrici Octavi vicesimo quarto magnum sigillum regium in custodia egregij viri Thome More militis tunc Cancellarij Angliæ existens  
 5 in quadam бага de albo corio inclusum & sigillo ipsius Thome in cera signatum in manus dicti domini Regis apud Manerium suum vocatum Yorke Place iuxta villam Westm in orto suo ibidem circa  
 10 horam terciam post meridiem in presencia Thome Ducis Norff deliberatum fuit . dictus que Thomas More tunc & ibidem officium Cancellarij Angliæ in manus dicti domini Regis sursum reddidit ac idem dominus Rex officium illud necnon sigillum  
 15 predictum acceptavit & accepit eodemque sigillo in manibus dicti domini Regis remanente Idem dominus Rex postea videlicet die lune vicesimo die Maij tunc proximo sequenti circa horam quartam post meridiem apud Manerium suum de Plesauce alias Est Grenewych in quadam interiori camera  
 20 prope oratorium suum ibidem in presencia spectabilium virorum Thome Ducis Norff Thesaurarij Angliæ Henrici Marchionis Exon Henrici Comitis Northumbr Roberti Comitis Sussex Stephani Episcopi Winton Willielmi ffitzwilliam militis Thesaurarij Hospicij dicti domini Regis Briani Tuke  
 25 Thesaurarij camere dicti domini Regis Willielmi Kyngeston Militis Johannis Sampson clerici decani capelle dicti domini Regis Thome Crumwell Armigeri custodis iocalium dicti domini Regis &  
 30 aliorum de priuata camera eiusdem domini Regis extra bagam illam extrahi fecit & aperiri & sigillum illud in manus suas proprias tunc accepit tractavit & conspexit & post inspectionem illam idem sigillum dilecto sibi Thome Audeley tradidit & deliberavit / cui tunc custodiam dicti sigilli sui commisit Ipsumque Thomam dominum custodem magni sigilli regij vocari nuncupari & appellari ac omnia & singula facere & exercere tam

in Curia Cancellaria dicti domini Regis quam in camera stellata & consilio eiusdem domini Regis prout Cancellarius Angliæ facere & exercere solebat declaravit & expresse mandavit et idem  
 5 Thomas curam & custodiam eiusdem sigilli in se tunc & ibidem accepit & quasdam literas patentes de officio Senescalli Maneriorum de Lewsham & Est Grenewych in comitatu Kancij cuidam Henrico Norres Armigero factas in presencia dicti domini  
 10 Regis & aliorum supranominatorum spectabilium virorum sigillari fecit . posteaque ibidem sigillum illud in бага predicta reponi & sigillo proprio ipsius Thome consignari fecit & penes se retinuit. Sicque sigillum illud in custodia ip  
 15 sius Thome quem idem dominus Rex ordine militari tunc insigniuit auctoritate regia predicta remansit & remanet. Et postea die Mercurij videlicet quinto die Iunij tunc proximo sequenti ipso die existente primo die termini sancte Trinitatis Anno presenti prefatus Thomas Audeley dominus Custos magni sigilli regij in Curia Cancellaria apud Westm in presencia dicti illustrissimi principis Thome Ducis Norff & aliorum de consilio dicti domini Regis sacramentum prestitit  
 25 corporale de officio illo bene & fideliter exercendo & occupando.

#### NOTES

1. 7 : York Place was the London residence of the archbishop of York. When he became its owner, Henry VIII moved out the medieval Palace of Westminster into the recently enlarged and modernised house he had long envied. He made further additions to the premises which became known as Whitehall.

1.18 : The Palace of Pleasance stood on the riverside site now occupied by the Royal Naval College. Little remains above ground of the Tudor buildings. East Greenwich in Kent was part of Fisher's diocese, Rochester.

## THE CLOSE ROLLS

The detailed and circumstantial accounts of Wolsey's dismissal and of both the appointment and resignation of Thomas More must be regarded as substantially accurate and official accounts. It was most important that the termination of one holder's period of office and the inauguration of another's should be marked with due form and ceremony, before named witnesses. The handing over of the Great Seal was a matter of the utmost moment, marked with appropriate ceremonial, which is recorded in minute detail, for in those days there was no Court Circular or London Gazette. The Great Seal of England, although it was not a relic, enjoyed something like the respect due to the Crown of Hungary, for it (so to speak) focused the sovereignty of the "King in Parliament assembled". Without it, Parliament could not be summoned nor an Act of Parliament receive the Royal Assent (1).

It was carried in a white leather bag like a watch-pyx, sealed with the official's private seal. On the termination of his period of office it had to be handed over and examined in due form (2). This had also to be recorded, just as much as a conveyance of property, which in fact it was.

After More's resignation, the seal, which had seen many years' service, was found to be worn, and a new one was made. All the details are recorded on the same membrane - Close Roll 24 Henry VIII m.24 d - as More's resignation.

As the Chancery is a Chancery office, details of resignations and appointments had to be recorded in a Chancery Roll, the Close Roll, in the formal text hand, which is otherwise only used to record the registration of an agreement in Chancery. This was also the authority for the Clerk of the Hanaper (3) to take the new incumbent on the strength for pay, rations and accommodation, as one would say in the Army; and to strike the previous incumbent off. This is mentioned in as many words in the case of More's appointment,

but is omitted when Audeley was appointed Keeper. The English Chancery differed from those of France and the Papacy in that copies of documents were not kept in books but were enrolled. These rolls consist of 30 or 40 membranes approximately 24 inches long by 12 inches wide, stitched head to tail with linen thread. The Close Roll was the Chancery file containing copies of Royal letters issued "closed" by the royal seal, as distinct from the Patent Roll, which contained grants issued open with the seal pendant. (See V.H. Galbraith. *An introduction to the use of the Public Records*, O.U.P. 1934. passim).

The Close Roll was no longer used under Henry VIII for the recording of Royal letters, so the face of the roll is entirely blank, but the back was still used for recording Indentures (a form of conveyance), and other agreements which the parties wished to have recorded, whether or not they were formally registered. These Memoranda are also, strangely enough, recorded on the back, which is why all references are "-d" or "dorso". The sheets have been renumbered in the P.R.O. references. Unlike other enrolments, which are written in the usual "Chancery" hand and with the maximum economy of the membrane, these memoranda are formally engrossed, well spaced, and include on a single sheet a whole series of connected events, sometimes covering a period of months, no other matter appearing on the membrane and any unused space at the bottom is left blank.

It may seem strange that these details appear in the Close Roll as they are not a grant or indenture but a memorandum. Here we come into the realm of medieval administration and filing. As this was Chancery business, these Memoranda cannot go into the Memoranda Rolls, as they are Treasury documents. Nor can they go into the Patent Rolls because the Chancery is not an office created by Patent. The appearance of the Chancery Memoranda in the Close Roll among a curious hodge-podge of agreements, conveyances and leases mostly relating to landed property, arises from the logic of Chancery filing and accounting.

The Chancellor did not draw his pay and allowances from the Exchequer but from a Chancery official, the Clerk of the Hanaper. He, in his turn, required the authority of a document emanating from his own department.

N O T E S

1) - This is why the Lord Chancellor, the infamous Judge Jeffreys, ditched the Great Seal in the Thames to further inconvenience his enemies, during the Revolution of 1688, rather as Kossuth abandoned the Crown of St. Stephen in 1849.

2) - Even today, a Minister of the Crown, on appointment, receives his seals of office personally from the Sovereign and similarly hands them back on resignation.

3) - I.e. hamper, or basket. One of these little baskets can be seen in the Museum at the Public Record Office (open Monday-Friday 10 a.m. to 4 p.m.)

I would like to acknowledge the advice and assistance afforded me by Mr. G.R. Elton and my former pupil, Mr. B. Lester, in preparing these notes, but they are in no way responsible for opinions expressed therein.

Edwyn Birchenough

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THE DOCUMENT IN ENGLISH

This paraphrase omits titles of respect, some of the repetitions and the traditional, but unintelligible, formulae, in which legal draftsmen delight, in their ceaseless struggle to guard against all eventualities, foreseeable and unforeseen.

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On the 16th May, in the 24th year of the reign of Henry VIII, the Great Seal, then in the keeping of Thomas More, Kt., Chancellor of England, enclosed in a white leather bag with More's own seal on it in wax, was delivered into the King's hands at his manor called York Place, hard by the village of Westminster. It was in the garden there, at about 3 o'clock in the afternoon, in the presence of Thomas, Duke of Norfolk, that Thomas More then and there gave up the office of Chancellor of England into the hands of the King. The King accepted both his resignation and the aforesaid seal, the seal remaining in the King's hands.

On the following Monday, the 20th May, about 4 o'clock in the afternoon, at his Manor of Pleasance, also called East Greenwich, in an inner room near his private chapel, in the presence of Thomas, Duke of Norfolk, Treasurer of England; Henry, Marquis of Exeter; Henry, Earl of Northumberland; Robert, Earl of Sussex; Stephen (Gardiner), Bishop of Winchester; William Fitz-William, Kt, Treasurer of the Royal Household; Brian Tuke, Treasurer of the Privy Chamber; William Kingston, Kt; John Sampson, Clerk in Holy Orders, Dean of the Chapel Royal; Thomas Cromwell, Esq., Keeper of the King's Jewels; and other members of the Royal household; the King caused the seal to be taken out of the bag and to be opened and then he took the seal in his own hands and handled it and examined it. After this inspection, he handed over the seal to Thomas Audley, for him to keep, and appointed him to the

office and title of Lord Keeper of the Great Seal and expressly invested him with the powers and rights which the Chancellor of England is wont to exercise, as well in the Court of Chancery as in the Court of the Star Chamber and in the King's Council.

So the said Thomas, then and there took the Seal into his keeping, and caused to be sealed certain letters patent concerning the office of Steward of the Manor of Lewisham and East Greenwich in the County of Kent, in the presence of the King and the other aforementioned notables, in favour of Henry Norris, Esq.

Afterwards, Thomas Audley caused the Seal to be put back in its bag and to be sealed with his personal seal, and kept it with him. Thus the seal remained and remains in the keeping of the said Thomas, whom the King there and then invested with the order of Knighthood.

And afterwards, on Wednesday 5th June (a fortnight later), being the first day of the Trinity Term (of the present year), the aforesaid Thomas Audley, Keeper of the Great Seal, in the Court of Chancery at Westminster, in the presence of the said most illustrious Prince, of Thomas, Duke of Norfolk and of others of the King's Council, personally took the oath to carry out and hold his office well and faithfully.

