Samuel Daniel's *The Collection of the Historie of England* (1612-18) in the Contexts of Early-Stuart Historical and Political Cultures

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Abstract

This thesis examines *The Collection of the Historie of England* (1612-18), the last major work of the poet and historian Samuel Daniel (1562/3-1619). Long acknowledged as one of the major narrative histories to be written in early seventeenth-century England, this thesis is the first full-length historiographical study of the work. To investigate the work's place within the historical and political cultures of its day, it asks four questions: 1) How was narrative history written in the early seventeenth century, and why? 2) What were its political implications? 3) What were the dominant concerns that shaped Daniel's conception of the English state? And 4) How is his history of the English state shaped by the successive lives of the kings of England?

Tracing the genesis of Daniel's history from an early MS draft, to the two editions in which it was printed and expanded, and finally to the little-studied unpublished draft of his *Appendix* to the work, the thesis situates the *Collection* amidst a variety of historical forms that influenced and informed his practice, ranging from medieval and Elizabethan chronicles, contemporary narrative histories, antiquarian scholarship, and ecclesiastical history. In doing so, it argues against prevailing critical assessments that stress the formal disparateness of these historical practices in early-Stuart England. Daniel's *Collection*, it proposes, emerged within a complex nexus of intellectual cultures, encompassing patronage contexts and the intellectual circles he inhabited, each of which shaped the political concerns that Daniel brought to the work. On this basis, Daniel's legal thought and his position on sovereignty are reconsidered. The thesis thus advances our understanding both of Daniel's mature historical thought, and of the wider participation of narrative history in the historical and political cultures of early Stuart England.

Access Condition and Agreement

Acknowledgements

Contents

Introduction

Midway into his scathing historical account of the reign of Richard I, Samuel Daniel (1562/3-1619) takes brief pause from his narrative recitation to offer a brief reflection on the severity with which he has assessed the actions of this otherwise celebrated king. At this point in his narrative, Richard has left England to participate in the Crusade against the Ottoman Empire, a campaign for which he has exhausted the Royal treasury and imposed heavy taxes upon his subjects, to disastrous effect in England itself. Upon learning of a challenge to his crown by his brother, John, the king decides to return to England in a ship attended by 'a few followers', and to travel disguised as Pilgrims.[1] During his passage through Europe, however, the king is identified, and eventually becomes the prisoner of his enemy, the Holy Roman emperor. Before he condemns the recklessness of Richard's manner of travel, however, Daniel offers his interjection:

> *Pardon vs Antiquitie, if we miscensure your actions which are euer (as those of men) according to the vogue, and sway of times, and haue onely their vpholding by the opinion of the present. Wee deale with you but as posteritie will with vs (which euer thinkes it selfe the wiser) that will iudge likewise of our errors according to the cast of their imaginations.*

This passage, perhaps more than any other in Daniel's *Collection of the Historie of England* (1612-1618), has been cited for the sophistication of its historical analysis, showing Daniel's awareness of the essential discontinuity of the past from his present; and of the contingency of historical judgement to the behavioural and cultural standards of the present. On the other hand, the interjection requires us to look within the broader argumentative turns of the biography it occurs in: Daniel was aware that his judgement of the king necessitated a subversive reading of the very actions for which he was best renowned.[2] If, however, this instance of authorial self reflection serves to mediate the severity of his judgement by highlighting the potential for misinterpretation in any historical assessment, such an admission hardly ameliorates the overall tenor of his account. After Daniel's apology, he swiftly negates his own doubts by asserting that 'for a King of England to returne in this fashion, cannot bee but a note of much inconsideration'. Extending beyond any mere expression of discontinuity, indeed, Daniel's admission that the actions of past men '*haue onely their vpholding by the opinion of the present*' carry the latent implication that the past must necessarily give example to the demands of the present. Daniel's Richard is profligate, impulsive, and – crucially – concerned with the use of the crown for personal ends, entirely to the exploitation

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[1] Samuel Daniel, *The Collection of the Historie of England* (London: For Nikolas Okes, 1621), sig. K3r.
[2] See John Gillingham, *Richard I* (New Haven, Yale University Press, 1998), pp. 1-14.

and neglect of the state. The English state, as he acknowledges, had yet to make constitutional provision against the kinds of abuses that his account aims to demonstrate, yet what concerned Daniel was not necessarily the contextualisation of kingship in the twelfth century. Rather, the actions of Richard I were instructive insofar as they animated questions that were pertinent to the present. By that standard, therefore, he was a bad king, and the salient legacy of his reign were the very provisions that ostensibly militated against any successor who might follow his example.

By the turn of the seventeenth century, Daniel was one of most renowned living English poets, yet he devoted much of the final decade of his life to composing his prose history of England. In the decades following his death, Daniel's history became one of the key sources for the reading of English history in the seventeenth century, and by the turn of the eighteenth century his reputation as a historian had all but eclipsed the memory of his poetry. Following the critical rediscovery of Daniel's poetry, beginning in the nineteenth century, the quality of Daniel's historical thought has assumed primary significance in critical appraisals of Daniel's career in verse. With this, the *Collection* is a popular text with which historians of historiography have traced the origins of modern English historiographical practices. In spite of the considerable interest of the work, however, no subsequent study of Daniel's history has emerged in the twenty first century to give challenge to this earlier tradition. Hoping to redress this critical gap, and to advance our understanding of Daniel's history beyond evolutionary frameworks of analysis, this thesis is the first extensive historiographical study devoted entirely to Daniel's history, offering new interpretations on his practice as a reader and interpreter of his sources; the generic parameters of his history; and the work's participation in the presiding historical and political questions of its day. Tracing the evolution of Daniel's history from its genesis to its little-studied manuscript remnants, I show that pursuing the contextual, methodological, and argumentative underpinnings of Daniel's history offers alternative perspectives on the function of narrative history writing within the wider historical and political cultures of seventeenth-century England.

Historiography in the Renaissance: Scholarship and Rhetoric

It is one of the fundamental commonplaces in the history of historiography that the methodologies associated with modern historical study were developed primarily within fields of scholarship removed from the writing of history itself.[3] As a result, scholars of historiography have given

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[3] See the opening page of J.G.A. Pocock's *The Ancient Constitution and the Feudal Law* for a classic statement of this belief (J.G.A. Pocock, *The Ancient Constitution and the Feudal Law: A Study of English Historical Thought in the Seventeenth Century, A Reissue with a Retrospect* (Cambridge: Cambridge University Press, 1987, p. 1).

particular attention to the early-modern period in their search for the origins of modern historical thought. Traditionally, the broad origins of the 'historical method' are located in the advancement of philological study in the early Renaissance, attendant to the revival of classical Latin rhetoric, which enabled scholars to distinguish the characteristic elements of classical and medieval styles.[4] Equally significant were the developments in the study of law that flowed from the philological tradition, centred around the interpretation of the *Corpus Juris Civilis*, once considered the central guiding legal authority for much of Western Christendom.[5] Beginning first in Italy, the drive to examine the historical roots of the Roman law gained particular force in France at the end of the fifteenth century, involving both the amendment of the *Corpus Juris*, and the discovery of alternative influences in the French legal tradition beyond Roman law, particularly in the feudal structures of medieval Europe.[6] These advancements represent what J.G.A. Pocock influentially termed the 'French prelude to historiography'.[7]

While these advancements in philology fell outside the remit of history writing itself, these contributions emerged in a culture that regarded the reading and writing of history as among the highest of all literary endeavours. In the ideal classical formulation, history was a sustained narration of events composed by an eyewitness (usually an active participant), or else composed from secondary sources whether oral or written.[8] With renewed sensitivity to classical Latin style, and reverence for classical learning – both of which were measured against the perceived 'barbarism' of Latin culture in the middle ages – came the impulse to follow classical exempla in the composition of history in rejection of prevailing medieval historiographical practices.[9] Humanist historiography, then, distinguished itself from (for instance) the medieval chronicle by its insistence on historical causation, its more rigorous command over selection, and the polished, classical style in which histories were composed. In its close adherence to its source material, however, historians have generally associated the phenomenon within the broader 'sciccors and paste' method of history writing employed both by classical and medieval historians, a position that greatly informs many of

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[4] F.J. Levy, *Tudor Historical Thought* (San Marino: Huntington Library Publications, 1967), pp 33-47; Donald R. Kelley, *Foundations of Modern Historical Scholarship* (New York: Colombia University Press, 1970), pp. 20-50; Linda Gardiner Janik, 'Lorenzo Valla: The Primacy of Rhetoric and the De-Moralization of History', *History and Theory*, 12.4, (1972), 389-404; Joseph M. Levine, *Humanism and History: Origins of Modern English Historiography*, (Ithaca: Cornell University Press, 1987) pp. 54-72.
[5] The best general summary of the progress in the study of the law from Bartolus onwards remains Julian H. Franklin, *Jean Bodin and the Sixteenth-Century Revolution in the Methodology of Law and History* (New York: Columbia University Press, 1963), pp. 7-79.
[6] See Kelley, pp. 54-85.
[7] Pocock, *The Ancient Constitution and the Feudal Law* p. 7.
[8] For the origins of this belief, see Momigliano's commentary on the historiography of Herodotus and Thucydides in *The Classical Foundations of Modern Historiography* (Berkley: University of California Press, 1990), pp. 29-53.
[9] On the use of Livy and Polybius in the early Renaissance, see Gary Ianziti, *Writing History in Renaissance Italy: Leonardo Bruni and and the Uses of the Past* (Cambridge, Mass.: Harvard University Press, 2012) pp. 61-88.

the most influential characterisations of early modern historical culture. It was this position that gave shape to R.C. Collingwood's classic account of the development of historiography in the posthumously assembled *The Idea of History,* and which in turn engendered Arnaldo Momigliano's groundbreaking work on classical and early modern antiquarianism.[10] If, according to Momigliano, Roman history was provided by the ancients, leaving the national histories of Europe's modern states to be written according to classical standards, then most original investigations into the classical past fell under the remit of antiquarianism.[11] While, moreover, antiquarian research in early modern Europe addressed subjects of an intrinsically historical character, Momigliano posits the vital distinction that antiquarianism was regarded as a separate discipline from history itself for much of the early modern era. Only in the eighteenth century, he argued in a later study of Edward Gibbon's contribution to historical methodology, were antiquarian methods of research wedded to the writing of original narrative history, thereby laying the groundwork for the standardisation of historical method in the following century.[12]

Within the wider field of Renaissance historiography, English historical thought of the sixteenth and seventeenth centuries has tended to occupy a peripheral position to the advancements of continental scholarship.[13] In 1955, J.G.A. Pocock published perhaps the most influential modern analysis of the early-modern English historical imagination, *The Ancient Constitution and the Feudal Law.* Working from similar foundational assumptions as Momigliano, Pocock argues that widely held myths about the origins of England's law prohibited the legal scholars of Tudor and Stuart England from applying the practices of their continental contemporaries upon its history. In his interpretation, therefore, the historiographical advancements of the sixteenth century were only brought to bear upon the constitutional history of England towards the end of the seventeenth century. Since its publication, Pocock's study, together with the broad accounts of the history of historiography from which it emerged, has been subject of numerous critical challenges and qualifications, notably in the emergence of a sustained critical tradition in the 1960s devoted to the development of the English historical imagination. F. Smith Fussner's study of the subject broadly locates the 1580s as the beginning of a 'historical revolution' in English thought that continued into

[10] R.G. Collingwood, *The Idea of History: Revised Edition, with Lectures 1926-1928*, ed by Jan Van Der Dussen (Oxford: Oxford University Press, 1994); Arnaldo Momligiano, 'Ancient History and the Antiquarian', *Journal of the Warburg and Courtauld Institutes*, 13.3, (1950), 285-315.
[11] Ibid., p. 29.
[12] Arnaldo Momigliano, 'Gibbon's Contribution to Historical Method', *Historia: Zeitschrift für Alte Geschichte*, 2.4, (1954), 450-463.
[13] One of the best overall summaries of the broad variety of historical thought (from oral traditions to 'politic history') of early modern England is Keith Thomas' classic lecture *The Perception of the Past in Early Modern England* (London: University of London, 1983). A more recent study that takes up many of the concerns raised in Thomas' lecture is Daniel Woolf, *The Social Circulation of the Past* (Oxford: Oxford University Press, 2003).

the seventeenth century. In his interpretation, the incorporation of scholarly practices into antiquarian study catalysed the realisation that 'only by advancing knowledge of particular institutions, customs, and disciplines, could general historical knowledge be advanced', a practice that necessitated the examination of manuscript, non literary, and material evidence.[14] The publication. for instance, of the first edition of William Camden's monumental choreographic study of Great Britain, *Britannia* (1586), therefore heralds the transition from a 'medieval' historical outlook, towards a modern view of historical thought and practice.[15] Where for the duration of the sixteenth century historical culture had been guided by the same standards of late-Medieval England, he argues, by the end of James' reign 'the medieval chronicle had been superseded by modern history', and 'Original research, especially in public records, had become the hallmark of good historical writing'.[16] This distinction, therefore, gives the ultimate driving impulse for Fussner's study, one that nevertheless neglects to situate these scholarly developments within the broader historical climate of the era.

Writing not long after Fussner, F.J. Levy's study of historical thought in the Tudor era offers a more encompassing interpretation of the progression of England's historical culture from the beginning of the sixteenth century, and into the reign of James VI/I. Perhaps the central overarching narrative traced within this study is the progression of English conceptions of British antiquity from models grounded in mythological narratives such as the Trojan story of Britain's founding by Brutus, towards the eventual rejection of those narratives towards the end of the century. This process involved a range of protracted disputes across various forms of history writing, between sceptics of the 'British story' and its advocates, a divide which was often delineated by the religious and political polarities of the era.[17] Levy traces the origins of this conflict to the work of the Italian humanist Polydore Vergil, who arrived to England in 1502 to aid in the collection of Peter's Pence, and in the same decade began extensive research into the medieval histories of England in preparation for his history of the subject. Polydore approached this work with intense scepticism of the reliability of Geoffrey of Monmouth's *Historia regum Britannia*, the key source for much of the 'British story'.[18] The resulting work, his *Anglica historia* (written in 1515, and published in 1534),

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[14] F. Smith Fusssner, *The Historical Revolution: English historical writing and thought, 1580-1640* (New York: Colombia University Press, 1962) p. 176.

[15] See ibid.: 'Leland, for all his learning, was medieval; Camden, in spite of what he owed to Leland, was modern' (p. 300).

[16] Ibid., p. 230.

[17] The classic account of the subject is T.D. Kendrick, *British Antiquity* (London: The British Museum, 1950). See also Stuart Piggot: *Ancient Britons and the Antiquarian Imagination, Ideas from the Renaissance to the Regency* (London: Thames and Hudson, 1989); Arthur B. Ferguson, *Utter Antiquity: Perceptions of Prehistory in Renaissance England* (Durham: Duke University Press, 1993).

[18] Levy, *Tudor Historical Thought*, pp. 53-68.

was the first English history to be written in the humanist style. In the first eight books of the work Polydore offered an alternative account of the ancient history of Britain derived from the earliest classical accounts of English history, such as Ceasar and Tacitus, followed by the earliest post-Roman sources, Gildas (whom he had rediscovered, and published in an edition of 1525) and Bede.[19]

While Polydore communicated his scepticism towards the 'British story' with certain cautious reserve, his criticism of the 'British Story' provoked sustained defence from his English contemporaries. Perhaps the most notable critic of Polydore was the antiquary John Leland (1503-1552), whose published writings were devoted almost entirely to dismantling the basis on which Polydore had questioned the legitimacy of these narratives, and to mounting a scholarly case for the authenticity of Geoffrey's history, and King Arthur.[20] The contemporary reception of the *Anglica Historia* was also marked profoundly by the events of the English Reformation. In this highly polemical cultural environment, Polydore's status as an Italian and a Catholic left his dismissal of the 'British story' – which could offer reformists an origination point for British christianity that predated the Church of Rome – vulnerable to accusations of purposeful distortion, accusations that further coloured responses to the broader work. Although, therefore, Polydore's work became a standard reference point for English history, the controversies surrounding its author persisted throughout the early modern period.[21] For many in England, the definitive history of their nation had yet to be written.

If it is an implicit aim of both Fussner and Levy to trace the decline of the chronicle form towards the end of the century, it remains the case that the chronicle occupied a central position in the historical culture of the era. In 1577, the first edition of Raphael Holinshed's *Chronicles*, a huge collaboratively produced history of England, Scotland, Wales, and Ireland, was published. This was followed by a heavily revised edition of 1587. Today, the *Chronicles* are undoubtedly best known for the being the most important source for Shakespeare's history plays. The identification with Shakespeare has tended to occlude the more fundamental significance of Holinshed as a historical resource, and historians of historiography have generally tended to malign the work for its apparent relation to the medieval chronicle. Fussner's study refers to Holinshed only in passing. Acknowledging that the *Chronicles* in many respects reflects the extensive familiarity of its

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[19] Ibid.,, p. 61.
[20] Ibid, pp. 130-131; James P. Carley, 'Polydore Vergil and John Leland on King Arthur: The Battle of the Books', *Arthurian Interpretations*, 15.2, (1984), 86-100.
[21] In 1610, for instance, John Selden argued against Polydore Vergil's assertion that trial by jury originated with the Conquest, accounting the 'mistake' to the author's nationality (John Selden, *The Reverse of Back-face of the English Janus,* trans. by Redman Wescot, (London: for Thomas Basset and Richard Chiswell), 1682, sig. K2r).

compilers with the medieval tradition, May McKisack argues that the work ultimately reflects an 'inability to leave things out' and thus a 'lack of critical discrimination'.[22] F.J. Levy, meanwhile, asserts that the chronicle was the 'slowest' form of history writing to adapt to new developments in historiography, asserting that the late-medieval *Polychronicon* and Holinshed are 'clearly close relatives'.[23]

<u>'Politic History': Critical Background</u>

The term 'politic history' was first applied to a series of late-Elizabethan and early-Jacobean histories by S.L. Goldberg in his classic essay on the historiography of John Hayward (1564?-1627). In Goldberg's analysis, 'politic' history emerged as a conscious reaction against the 'unsophisticated, moralized way in which human nature was regarded' in the popular chronicle tradition.[24] Where history retained instructional use, 'politic' historians differed from that earlier tradition in the kinds of counsel their histories aimed to impart, which thus necessitated the disassociation of moral judgement from political analysis. Suffused in the sixteenth century political theorists of continental Europe, its practitioners devoted themselves instead to discovering the psychological motives that undergirded political actions, working from this basis to establish how they are undertaken, rather than how they should be undertaken. Generally accepting the foundational characteristics of the genre established by Golberg, Levy's chapter on 'politic history' expounds greatly on both the methodological and ideological bases of the development, becoming perhaps the classic account of the genre. Levy locates the intellectual origins of English 'Politic history' in the early activities of Philip Sidney, whose grounding in Italian and French political theorists informed Sidney's analysis of history in the *Defence of Poetry*.[25] In Sidney's formulation, both history and poetry were intended to give the reader moral instruction, and since history often necessitated the description of 'wicked acts', poetry – unmoored from such constraints – fulfilled this function better. For Levy, then, Sidney demonstrated that the traditional function of history sat at variance to the nature of the subject it was purposed to describe, from which it implicitly follows that the instructive potential of history must be political in character, rather than purely moral. Sidney's analysis of the historian's requirement to employ the tactics of poetry within their narrations where the available historical record was silent, moreover, directed the 'politic historian' to apply the methods of poetry to the writing of history, particularly in the invention of speeches (a

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[22] May McKisack, *Medieval History in the Tudor Age* (Oxford: Clarendon Press, 1971), pp. 117-8.
[23] Levy, *Tudor Historical Thought*, p. 167.
[24] S.L. Goldberg, 'Sir John Hayward, 'Politic' Historian', *The Review of English Studies*, 6.23, (1955), 233-244, p. 233.
[25] Levy, *Tudor Historical Thought*, pp. 243-245. See also 'Sir Philip Sidney and the Idea of History', *Bibliothèque d'Humanisme et Renaissance*, 26.3, (1964), 608-617.

standard classical practice), and the rigorous selection of material.

By far the historian most frequently associated with the rise of 'politic history' is Tacitus, who underwent a gradual ascent to become perhaps the preferred classical historian of late sixteenth century Europe. Partly, Levy ascribes the shift from Livy to Tacitus to the broad shift in the century towards 'radically monarchical' regimes – represented clearest by the shift from the Florentine republic to the Grand Duchy of Tuscany – precipitating the 'age of absolutism' in which Tacitus became a yet more vital source of political instruction.[26] Here, Tacitus' highly ambivalent attitude to autocratic power, and the clipped, aphoristic style with which he decoded the often tyrannical behaviour of the post-Augustan emperors, gave the political thinkers of early-modern Europe a language – and with it a series of endlessly applicable maxims – in which to interrogate the structure of monarchical power in contemporary Europe. Alternatively, Tacitus held the potential to be used for the opposite end as a handbook for rulers. To this end, Giovanni Botero (c. 1544-1617) famously associated Tacitus with Machiavelli in the dedicatory letter of his *Ragione di Stato* (1589), likening the impiety of Machiavelli to Tacitus' portrait of the 'wicked and tyrannical acts' of Tiberius, and lamenting that either should be used for models of political conduct.[27] In modern criticism, Tacitus' influence is generally divided between the history of historiography and that of political thought. While acknowledging that 'there was a great deal of imitation of Tacitus in historical prose', Momigliano describes early-modern 'Tacitism' as a largely political phenomenon, tracing its nadir in the work of the flemish scholar Justus Lipsius (1547-1606).[28] Lipsius' particular infusion of Tacitism and Stoicism, reflected in both his editorial and philosophical work, were especially influential across Europe and in England.[29]

While Momigliano is characteristically hesitant to unpack the historiographical uses of Tacitus in early modern Europe, it has been taken up at length by historians of 'politic history'. Levy ascribes the emergence of a concerted Tacitist movement in England to Oxford in the 1580s, where a group of scholars 'including Jean Hotman, Henry Cuffe, and Thomas Savile, with William Camden joining them by correspondence […] all read Tacitus'.[30] In 1591, Savile's brother, Henry Savile (1549-1622) published his translation of the *Histories* and the *Agricola*, the first edition of

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[26] Levy, *Tudor Historical Thought*, p. 250.
[27] Giovanni Botero, *The Reason of State*, trans. and ed. by Robert Bireley (Cambridge: Cambridge University Press, 2017), p. 1.
[28] Momigliano, *The Classical Foundations of Modern Historiography*, p. 124. the influence of Carolius Paschalius on the political study of Tacitus, see Momigliano, 'The First Political Commentary on Tacitus', *Society for the Promotion of Roman Studies*, 31.1-2, (1947), 91-101. A succinct and illuminating account of Justus Lipsius' scholarly and philosophical career is Anthony Grafton, 'Portrait of Justus Lipsius', *The American Scholar*, 56.3, (1987), 382-360.
[29] See J. M. H. Salmon, 'Stoicism and Roman Example: Seneca and Tacitus in Jacobean England', *Journal of the History of Ideas*, 50.2, (1989), 199-225.
[30] Levy, *Tudor Historical Thought* p. 251.

Tacitus in English, opening with an original text by Savile that covered the lost final section of the *Annals,* and the beginning of Galba's reign. In the development of a late-Elizabethan English Tacitism, a great deal of critical attention has been devoted to the political and patronage commitments of Robert Devereux, Earl of Essex (1565-1601) during the 1590s. Characterised in the broadest terms, Essex's position might best be described in terms of dissatisfaction with the late-Elizabethan administration, including the narrowing administrative scope of the Queen's government, underscored by her reliance on the 'evil counsel' of the Lord Burghley (1520-1598) and later his son, Robert Cecil (1563-1612); her failure properly to reward her courtiers with positions commensurate with their standing; and her passive, conciliatory stance on the threat of Hapsburg Spain.[31] Most troubling of all, of course, was the ageing Queen's refusal to name a successor, coupled with the imposition of a ban on all public discussion of the subject. In Levy's interpretation, Essex's self-conscious identification with the protestant hero Sidney carried an equal commitment to the 'new thinking' that Sidney had introduced into England. Sidney's political preoccupations themselves have been the subject of much critical attention, including his exploratory interests in Republican forms of government as a means by which to scrutinise Elizabethan monarchy; his connections to Huguenot intellectual circles, including the his friendship and correspondence with Hubert Languet (1518-1581), the likely author of the monarchomach treatise *Vindicae Contra Tyrannos*; and his engagements with the Scottish tradition of resistance theory that flourished in the fallout of the deposition of Mary Queen of Scots, expressed most famously in the works of George Buchanan (1506-1582).[32] Sidney's influence on Essex was reflected by a number of Sidney's associates who later became significant figures in Essex's inner circle, including Fulke Greville (1554-1628), and Sidney's former tutor, Henry Savile.[33]

Chief among the intellectual activities of the Earl and his circle, according to this view, was the application of past example (especially from the classical world and from medieval England) to the circumstances of the present, in which process Tacitus stood as their principle guide. In this respect, the publication of John Hayward's *Henry IIII* (1598) and the surrounding controversy it aroused in the wake of the 'Essex Rebellion' has formed something of a centrepiece in the critical literature on 'politic history'. In an article written two decades after *Tudor Historical Thought*, Levy

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[31] See Paul E. J. Hammer, *The Polarisation of Elizabethan Politics: The Political Career of Robert Devereux, 2nd Earl of Essex 1585-1597* (Cambridge: Cambridge University Press, 1999), *passim*; Alexandra Gajda, *The Earl of Essex and Late Elizabethan Political Culture* (Oxford, Oxford University Press, 2012), esp. pp. 141-188.
[32] See Blair Worden, *The Sound of Virtue: Philip Sidney's Arcadia and Elizabethan Politics* (New Haven: Yale University Press, 1996), pp. 227-252; and Andrew Hadfield, *Shakespeare and Republicanism* (Cambridge: Cambridge University Press, 2005), pp. 87-88.
[33] F.J. Levy, 'Hayward, Daniel, and the Beginnings of Politic History in England', *Huntington Library Quarterly*, 50.1, (1987), 1-34, p. 9.

expands upon his account of Politic history to locate its beginnings firmly in the Essex circle. Where it seems likely that Hayward could only have stood on the periphery of this circle, the dedication of his history 'about the deposition to a king' to Essex on the verge of his departure for Ireland 'raised suspicions'.[34] Where Levy is somewhat cautious in ascribing seditious intent to *Henry IIII*, the case that Hayward intended the work as a critique of the Elizabethan polity has been made by David Womersley in his study of the work. Together with his article on Henry Savile's translation of the *Histories*, Womersley offers a particularly forceful view of Essex's role in the dissemination of Tacitean thought.[35] In turn, Womersley examines several instances of Hayward's borrowing from Savile's Tacitus to argue that Hayward's choices are often sensitive to moments in Savile's text when 'Savile is either speaking without a source of intensifying a source', and hence reveal an awareness of the political topicality of the translation itself.[36] Hayward's advancement, then, lay in its presentation of 'forms of political action, models of allegiance and theories of monarchical title' within the English past that were 'quite different from those obtained under Elizabeth'.[37]

In the years following Levy and Womersley's articles, the Essex centred view of the rise of English Tacitism has undergone serious challenge.[38] The interpretation of Hayward's *Henry IIII*, moreover, has been radically revised by Lisa Richardson in her doctoral thesis concerning his historical method. Here, Hayward's borrowings from Savile's Tacitus are shown to be far less discriminating than Womersley has previously allowed. Rather than surfacing at key points to underscore the political topicality of his narrative, Hayward's Tacitism is revealed primarily to be rhetorical in character, as opposed to strictly political, encompassing almost every aspect of his historiographical practice. The seditious overcast under which Hayward's history has been read is therefore dispelled, and with it its close association with Essex. The work, instead, is understood as an archetypal Renaissance history, one that looks backwards to antiquity for its method.[39]

In a study that owes much to Richardson, Patrick Collinson has questioned the integrity of 'politic history' itself as an autonomous genre in his analysis of Camden's *Annales*, which compares the historical practices against the two 'politic historians' with whom he is commonly grouped,

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[34] Ibid., p. 15.
[35] David Womersley, 'Sir Henry Savile's Translation of Tacitus and the Political Interpretation of Elizabethan Texts', *The Review of English Studies*, 42.162, (1991), 313-342, pp. 341-2.
[36] David Womersley, 'Sir John Hayward's Tacitism', *Renaissance Studies*, 6.1, (1992), 46-59, p. 53.
[37] Ibid., p. 58.
[38] See Jan Waszink, 'Henry Savile's Tacitus and the English role on the Continent: Leicester, Hotman, Lipsius', *History of European Ideas*, 42.3, (2016), 303-319.
[39] Lisa Jane Richardson, *Sir John Hayward and early Stuart historiography*, (Unpublished PhD Thesis: University of Cambridge, 1998), pp. 35-108.

Hayward and Bacon.[40] In Collinson's reading, these three historians share little in either method or outlook. Hayward followed the humanist position that viewed history as a branch of rhetoric. He was therefore a 'scissors and paste' historian to whom the events of the past served to give illustration to a series of universal maxims derived from classical literature.[41] In its obvious equation of the figure of Henry VII with that of James VI/I, Bacon's history 'was a political treatise, not learning from the past but teaching from it'.[42] Grounded ultimately in the classical belief that a historian 'ought to be a politician', Camden on the other hand derived his authority from the commission of Lord Burghley, and accordingly 'represents himself in his Preface [to the *Annales*] as virtually Burghley's *amanuensis*'.[43]

In their studies, both Richardson and Collinson pose a significant challenge to the assumptions on which many of the previous studies are grounded. Where studies such as Levy's aimed to reintroduce narrative history into the wider narrative of the history of historiography, from which it had previously been excluded, the result is often to situate narrative history writing within Collingwood or Momigliano's overarching historiographical framework, retaining the teleological foundations of this narrative. Richardson is clearest on this point in the introduction to her study, arguing that the greater part of modern scholarship of early-modern historiography intends to trace the development of the modern historical method. For Richardson, only when this practice is renounced are the intertextual and rhetorical complexities of Hayward's historiography seen in correct proportion. Collinson premises his examination by questioning the extent to which Camden's archival research for the *Annales* distinguishes him as a forerunner of the modern historical method. Collinson retains some focus on the origins of modern historiography, therefore, yet concedes using a remark by Maurice Powicke that Camden at best helped to form the 'atmosphere' in which 'the foundations of historical criticism' could be 'laid'.[44] To this, Collinson reminds us in a key qualifier that this 'can hardly have been what Camden, the historian, intended to do', a remark that, similar to Richardon's analysis, ultimately invites consideration of the discontinuities between Camden's tradition and modern historiographical methodologies, and disturbs the common basis of comparison between the two forms of history.

Collinson and Richardson's analyses, represent a broader turn away in modern scholarly discourse from evolutionary models of analysis, to methodologies that seek to interrogate the

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[40] Patrick Collinson, 'One of Us? William Camden and the Making of History "The Camden Society Centenary Lecture"', *Transactions of the Royal Historical Society*, 8, (1998), 139-163.
[41] Ibid., p. 148.
[42] Ibid., p. 151.
[43] Ibid., p. 157.
[44] Ibid., p. 163.

historical culture of the era by examining the utility of history for its early-modern readers and writers. Little attention, for instance, is afforded by Fussner to the publication of Holinshed's *Chronicles* (1577-87). Only in recent years, where critical appraisals of Holinshed's *Chronicles* have been understood as part of the wider teleological tendency to discover the origins of historical method, has the conventional assessment of the book's naivety been challenged. Where previously the encompassing, indiscriminate character of the *Chronicles* had exemplified the absence of methodological sophistication in its construction, recent analysis has shown how the plurality of perspectives in the text responded directly to the needs of a readership for whom the utility of history 'was to equip men with the practical wisdom that was one of the defining elements of citizenship'.[45] If, then, a figure such as Daniel embarked upon his history as a reaction against such encompassing histories as Holinshed's, the editors of the *Oxford Handbook of Holinshed Chronicles* implore us equally to consider Holinshed beyond a mere source for more artistically scrupulous works, and focus instead on the specific kinds of interests that brought its readers to the text.

Samuel Daniel: Overview

Born in the west country between 1562/3, Samuel Daniel was one of the leading court poets of Elizabethan and Jacobean England. While his verse was subsequently admired by such poets as Wordsworth and Coleridge, he remains a somewhat neglected figure in modern scholarship.[46] In 1581, Daniel matriculated at Magdalen Hall in Oxford, and in 1586 worked for a number of months at the English embassy in Paris. It was here that Daniel was likely first acquainted with the Anglo-Italian humanist, lexicographer, and translator, John Florio, (1552-1625) who likely served as his Italian tutor in Oxford, and with whom he maintained close personal and artistic ties for the rest of his life.[47] Daniel's early grounding in Italian ultimately provided incentive for his very first publication, a translation of a treatise on emblems by Paulo Giovio, published in 1585 by Simon Waterson (1562-1634), who remained a close friend of Daniel's, and the principle publisher of his

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[45] Ian W. Archer, Felicity Heal, and Paulina Kewes, 'Prologue', in *The Oxford Handbook of Holinshed's 'Chronicles'*, ed. by Ian W. Archer, Felicity Heal, and Paulina Kewes (Oxford: Oxford University Press, 2013), pp. xxvii-xxxvii, p. xxxii
[46] Two general surveys of modern Daniel scholarship are William Leigh Godshalk, 'Recent Studies in Samuel Daniel (1975-1990)', *English Literary Renaissance*, 24.2, (1994), 489-502; and John Pitcher, "Samuel Daniel: New and Future Research" in *Oxford Handbooks Online* (Online Edn.: Oxford University Press, 2017) < https://doi.org/10.1093/oxfordhb9780199935338.013.88> [accessed 10 September 2023]. To date, the only two critical biographies of Daniel are Joan Rees, *Samuel Daniel* (Liverpool: Liverpool University Press, 1964); and Cecil Seronsy, *Samuel Daniel* (New York: Twayne Publishers, Inc., 1967). Rees and Seronsy's earlier studies are well supplemented by John Pitcher's biographical survey in the ODNB, and his account (with John Gaisford) of recent evidence of Daniel's life ('Daniel, Samuel (1562/3–1619)', in *Oxford Dictionary of National Biography* (Online Edn, Oxford University Press, 2004) <https://doi.org/10.1093/ref:odnb/7120> [accessed 1 May 2020]; and 'Samuel Daniel's Life and Circumstances: New Findings', *Huntington Library Quarterly*, 84.4, (2022), 853-884.
[47] Rees, p. 5; Seronsy, pp. 14-15, 19-20; John Pitcher, 'Daniel, Florio, and the Stationers', *Textual Cultures*, 16.1, (2023), 46-91, pp. 50-52.

work for the remainder of his career.[48] In the 1590s, Daniel established a wide variety of patronage connections and published the works for which he is perhaps most famous: the sonnet sequence *Delia* (1592), and the first four books of his epic poem *The Civil Wars* (1595). In 1601, he became the first major living English poet to publish a collection under the title *Works*. Under James I, Daniel gained the favour of Queen Margaret, and was appointed a Groom of the Queen's Chamber in 1607. By his own account, his final major work, his prose history of England, was largely written under the queen's 'roof' during his 'attendance on your sacred person'.[49] In 1599, Daniel purchased a house in Rudge near Beckington, Somerset, that served as his primary residence, and it was here that he died in 1619.

Across every stage of Daniel's literary career, his writing is deeply interwoven within late Elizabethan and early Stuart England patronage cultures, a context that determined his financial dependencies, and forms a fundamental aspect of his authorial self fashioning. Each of Daniel's publications – and often individual poems within them – contains a dedication to a patron, which frequently serve to define his public identity within the private contexts of his patronage relations. Beginning his career in the service of Sir Edward Dymoke, Daniel obtained the patronage of Mary Sidney, Countess of Pembroke in the early 1590s. At Wilton, he produced his first neo–Classical tragedy, *Cleopatra* (1594), as an accompaniment to the Countess' own translation of Robert Garnier's *Antonius*. In what is sometimes formulated as the result of artistic disagreement, Daniel left Wilton , whereupon he evidently entered into a short period of financial hardship.[50] In 1595, Fulke Greville wrote to Robert Cecil to request the removal of a parsonage to Daniel, assuring him that 'you shall do a good deed to help the poor man'.[51] Soon thereafter, Daniel established perhaps the most consequential patronage relationship of his career with Charles Blount, Baron Mountjoy (1563-1606), to whom he dedicated the first four books of the *Civil Wars* (1594). With Mountjoy, Daniel also established connections to the Earl of Essex, whom he commended in an extended passage of the *Civil Wars*, later expunged in the 1601 edition following Essex's downfall.[52] In recognition for his earlier patronage and assistance, Daniel dedicated his prose dialogue *Musophilus* (1599) to Greville in 1599.[53] By then, the range of Daniel's court patrons had increased substantially to include such figures as Edward Seymour, Earl of Hereford (1539-1621); and

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[48] H.G. Aldis et al., *A Dictionary of Printers and Booksellers in England, Scotland and Ireland, and of Foreign Printers of English Books 1557-1640*, ed. By R.B. McKerrow (London: East & Blades, 1910) pp. 284-285.
[49] Samuel Daniel, 'To the Maiesty of Anne of Denmarke, Qveene of England, Scotland, France, and Ireland' in *The Collection of the Historie of England* (London: Nicholas Okes, 1618), sig.¶r.
[50] See Rees, p. 63-64.
[51] Fulke Greville, quoted in Ibid., p. 63.
[52] See Gajda, pp. 237-240, 250-252.
[53] Kelly A. Quinn, 'Fulke Greville's Friendly Patronage', *Studies in Philology*, 103.4, (2006), 417-435.

Margaret Clifford, Countess of Cumberland (1560-1616), acting as tutor to her daughter, Anne Clifford (1590-1673); and the great jurist and statesman Thomas Egerton (1540-1617), later chancellor of England, with whom (as John Pitcher has speculated) Daniel maintained a 'sustained, although possibly intermittent connection' until Daniel's death, with the years before and after James' accession as their closest period of correspondence.[54]

Throughout his work, the highly private, elite contexts in which Daniel operated manifested an abiding distrust in the public literary culture of his day, and especially the printing press, which he frequently associates with popular vulgarity and the upheaval of nominal social order. Daniel, then, fashions his writing for 'the better sort of men', and under this context that his work demands to be read.[55] This focus, in turn, crucially shaped the strategies by which Daniel negotiated his public and private authorial identity. While Daniel also disseminated his poetry among his patrons in manuscript, his usage of print as a means of both public and private authorial negotiation is remarkable. In Joseph Loewenstein's reading, Daniel's friendship and professional 'alliance' with Simon Waterson conferred 'on Daniel more power over the production and marketing of […] his printed works than had ever accrued to an English author not himself a stationer'.[56] The initial print run of his *Works*, for instance, was intended for private dissemination among his acquaintances and patrons, which he often presented with bespoke dedicatory verses printed and bound into the book.[57] Daniel followed this practice in 1605, when a copy of the *Works* was deposited in the newly established Bodleian library containing a unique printed dedication.[58]

A key element of Daniel's intense ambivalence towards the literary cultures of his era, is his distinctive sympathy for the heavily stratified societies of the middle ages. Daniel's interest in the medieval past is evident from his earliest poetic publication, which places his Renaissance sonnet sequence against the *Complaint of Rosamund*, an extended monologue of the downfall of Henry II's mistress. The interactions between historical thinkers and poets has been the subject of fruitful critical enquiry in early modern scholarship. Daniel's historical concerns developed through every

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[54] Pitcher and Galsford, p. 863; Pitcher, 'Samuel Daniel's Gifts of Books to Lord Chancellor Egerton', *Medieval and Renaissance Drama in England*, 17, (2005), 216-238, p. 228.

[55] Samuel Daniel, 'Apology' in *The Tragedy Philotas*, ed. by Laurence Michel (New Haven: Yale University Press, 1949), p. 151. C.f. his invocation to 'the meaner sort' in the prefatory epistle to Margaret, Countess of Cumberland (*A Letter From Octavia to Marcvs Antonivs* in *The Poetical Essayes of Sam. Danyel* (London: For Simon Waterson, 1599), sigs. A4r-D2v sig. A4r.

[56] Joseph Loewenstein, 'Martial, Jonson and the assertion of plagiarism' in *Reading, Society and Politics in Early Modern England*, ed. by Kevin Sharpe and Steven N. Zwicker, (Cambridge: Cambridge University Press), pp. 275-294, p. 288. See also Richard McCabe, *'Ungainefull Arte': Poetry, Patronage, and Print in the Early Modern Era* (Oxford: Oxford University Press, 2016), pp. 253-265.

[57] John Pitcher, 'Samuel Daniel, the Hertfords, and a Question of Love', *The Review of English Studies*, 35.140, (1984), 449-462.

[58] John Pitcher, '"After the manner of Horace": Samuel Daniel in the Bodleian in 1605', *Bibliographical Society of America*, 113.2, (2019), 149-186.

stage of his literary career, from his epic poem of English history; his defence of medieval learning in the *Defence of Rhyme*, and finally to the prose history on which his seventeenth century reputation was established.[59] Though renowned for his unfavourable comparison of history to poetry, Blair Worden has highlighted how Sidney drew 'them together in his fiction'.[60] Another model for how a poet could engage in historical thought was provided in the 1590s by England's greatest living poet, Edmund Spenser (1552?-1599), who famously styled himself a 'poet-historical'. As Bart Van Es has shown in his study of Spenser's historical thought, this identity manifests in a various range of historical interests, from his rumination on ruins and monuments in the *Ruins of Time* (1591) to Arthurian history in *The Faerie Queene* (1590-96).[61]

Critics of Daniel's poetry have generally regarded Daniel's own poetic responses to history as a reaction against these formative examples, practiced especially in his major work in poetry, *The Civil Wars*. Where Sidney relegated 'historical poesy' to a secondary order of pursuit, Daniel chose the very poet whom the *Defence* had criticized – Lucan – for the guiding model of his major work.[62] Both Spenser and Daniel, meanwhile, took a medieval theme for their epics, but where Spenser chose the remote Arthurian past, Daniel proposed to relate a subject of immediate contemporary pertinence: the Wars of the Roses, and the union of the houses under Henry VII. Spenser was not innocent of the challenges that had been made to the mythic narratives of British history, nor of the alternative narrative of British antiquity lately advanced by Camden in *Britannia*.[63] Indeed, where Arthur's historicity was widely accepted even by those who questioned the legitimacy of the legends surrounding him, it was precisely the unreliability of historical record – and thus the inextricability of Arthur's reputation from poeticized history – that appealed to his peculiar conception of the 'poet historical'. As Edward Paleit has argued, the opening stanzas of Daniel's poem responded directly to Spenser's model by claiming (in Paleit's words) that work was 'not to be a historical poem […] but a verse history,' looking thereby to the methods of the historian for its practice, rather than those of the 'poet-historical'.[64] To the example of Spenser, then, Daniel answered that 'I versifie the troth, not Poetize'.[65] Accordingly, he favours analysis of political behaviour over the description of battles in the work, in which the influence of his reading in

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[59] Kelly A. Quinn, 'Samuel Daniel's Defence of Medievalism', *Prose Studies*, 24.2, (2000), 29-44.
[60] Blair Worden, 'Historians and Poets', *Huntington Library Quarterly*, 68.1-2, (2005), 71-93.
[61] Bart Van Es, *Spenser's Forms of History* (Oxford: Oxford University Press, 2002).
[62] See Sidney, p. 26.
[63] See Van Es' commentary on Spenser's commentaries on Camden in the *Ruins of Time* (1591) in Ibid., pp. 30-34.
[64] Edward Paleit, *War, Liberty and Caesar: Responses to Lucan's Bellum Ciuile, ca. 1580-1650* (Oxford: Oxford University Press, 2013), p. 67.
[65] Samuel Daniel, *The First Fowre Bookes of the ciuile wars between the two houses of Lancaster and Yorke* (London: For Simon Waterson, 1595), I. 3, ll. 8.

continental political theory has been noted.[66] Chiefly using Holinshed as the basis of his account, Daniel followed his sources closely, deviating from them for the most part only in the invention of speeches.[67]

Daniel's preoccupation with 'truth' over poetic fancy was further developed in the shift from the dramatically grounded contexts of Daniel's earlier poems towards the more abstracted, didactic verse of the late 1590s. In Anthony LaBranche's interpretation, the adoption of this style principally reflects the influence of the 'loose, discursive intimate essay style' of Montaigne, which 'affected matter over manner'.[68] Another widely noted influence is that of Greville, whose philosophical verse clearly provided something of a model for Daniel's own.[69] In his verse dialogue *Musophilus* (1599), Daniel offered one of his most famous historical reflections in his analysis of Stonehenge as a 'huge, dumb heap' which 'cannot tell vs how,/ Nor what, nor whence it is', and which thereby encourages the corruptive accretion of fabulous (and thus poetic) myth.[70] Reflecting on this passage, Gregory Kneidel has argued that Daniel's dismantling of these mythological narratives represents an attempt 'to salvage the prestige of England's cultural institutions', which by implication he also pursued in his practices as a historian in verse.[71] It is generally agreed, however, that the projected *Civil Wars* caused Daniel considerable difficulty across the years in which he pursued it: he expanded the poem in 1599, 1601, and finally an edition of 1609. In this last edition, however, Daniel explained his design to write a prose history of England, and it was this project that he devoted the last years of his life to, leaving the remainder of the *Civil Wars* incomplete.

Throughout his career as a poet, of course, Daniel's work was also shaped by complex political contingencies, the nature of which has been the subject of wide study in Daniel scholarship. Perhaps the most widely contested area of this is the controversy that attended the first performance of his second tragedy, *Philotas* (1605), a retelling of the trial and execution of Alexander the Great's treacherous general.[72] The work's largely sympathetic reading of its titular general, alleviated only upon report that his guilt has been revealed by torture in the final act, and its

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[66] See Cecil C. Seronsy, 'The Doctrine of Cyclical Recurrence and Some Related Ideas in the Works of Samuel Daniel', *Studies in Philology*, 54.3, (1957), 387-407; Joseph Chang, 'Machiavellianism in Daniel's *The Civil Wars*', *Tulane Studies in English,* 14, (1965), 5-16; Paleit, p. 76

[67] For his sources, see, Gillian Wright 'Samuel Daniel's Use of Sources in *The Civil Wars*', *Studies in Philology*, 101.1, (2004), 59-87; and 'Daniel and Holinshed' in Kewes et al. (2013), pp. 599-574.

[68] Anthony LaBranche, 'Samuel Daniel: A Voice of Thoughtfulness,' in *The Rhetoric of Renaissance Poetry from Wyatt to Milton,* ed. T.O. Sloan and R.B. Waddington (Berkeley: University of California Press, 1974), pp. 123-139, p. 131. For another account of Daniel's response to Montaigne, see Warren Boutcher, *The School of Montaigne*, 2 vols. (Oxford: Oxford University Press, 2018) II, pp. 231-240.

[69] Rees, p. 64.

[70] Samuel Daniel, *Musophilus* in Sprague (ed.), pp. 69-68, ll. 339-340,

[71] Gregory Kneidel, 'Samuel Daniel and Edification', *Studies in English Literature, 1500-1900*, 2004.44, (2004), 56-76 p. 66.

[72] Laurence Michel, 'Introduction' in Samuel Daniel, *The Tragedy of Philotas* (New Haven: Yale University Press, 1949), pp. 1-65.

ambivalent treatment both of Alexander as a ruler, and the magistrates who compel him to persecute Philotas, aroused suspicions that Daniel was allegorising the downfall his former associate the Earl of Essex. He was therefore questioned by the privy counsel, and compelled to write both to Robert Cecil, and to his patron Mountjoy, where he denied any such intention. While it is now generally accepted that the play did comment to some degree upon the Essex uprising, John Pitcher has recently argued that the affair ultimately served to advance Daniel's career.[73]

The political concerns fostered within *Philotas* in many ways responds to the guiding political anxieties that manifested in Daniel's work in the 1590s. Paulina Kewes, for example, has shown how Daniel's engagement with the Countess of Pembroke fostered the use of history to map the abiding political anxieties of the period, and especially the question of succession. Kewes convincingly argues that Daniel's presentation of Cleopatra and Octavian invites comparison with Elizabeth I and Philip II, reflecting the fear 'that in the event of Elizabeth's sudden death, whether of natural causes or by the hand of a popish assassin, the country would be torn apart by civil war'.[74] In Daniel's epic poem of civil war, the providential framework he proposed to follow in its opening stanzas – by which the chaos England's civil wars is resolved in the long peace of Elizabeth – is held in suspension both by the lingering fear of an unsettled succession, and his own critical examinations of Elizabethan government. Colin Burrow has offered a particularly instructive reading of the poem, taking for example the depiction of the Duke of York's trial in Book VI – first printed in Daniel's *Poetical Essays* (1599) – where Richard is acquitted of treason upon petition by Henry VI. Burrow argues that Daniel demonstrates how the actions of a monarch driven by emotional impulse, rather than the interests of the state, amount to the 'subjection of justice to passion under personal rule'.[75] In Burrow's reading, Daniel's poem thus rejects 'the role of love and pity in government' to insist instead on a model of kingship 'unimpeded by the tyrannous passions of the monarch'.[76] In his reading, therefore, the problems that Daniel's Elizabethan work addressed provided the foundations for the hopes that Daniel brought to the

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[73] John Pitcher, 'Who told on Samuel Daniel? Robert Cecil, Ben Jonson, and the Non-Scandal of the Tragedy of Philotas', *Medieval and Renaissance Drama in England*, 35, (2022), 43-80. See also Hugh Gazzard, 'Those Graue Presentments of Antiquitie' Samuel Daniel's Philotas and the Earl of Essex', *The Review of English Studies*, 51.203, (2000), 423-450.

[74] '"A Fit Memorial for the Times to Come …': Admonition and Topical Application in Mary Sidney's *Antonius* and Samuel Daniel's *Cleopatra*', *The Review of English Studies*, 63.259, (2012), 243-264 p. 259.

[75] Colin Burrow, *Epic Romance: Homer to Milton* (Oxford: Oxford University Press, 1993), p. 196.

[76] Ibid., p. 197.

accession of James VI/I, the disappointment of which David Norbrook has previously analysed in his study of Daniel's Jacobean career.[77]

The Collection of the Historie of England: Context and Critical Background

Daniel's *Collection of the Historie of England* appeared first as a short account of English history until the death of William the Conqueror, entitled *The Breviary of the Historie of England*, which circulated in manuscript. This was followed by *The First Part of the Historie of England*, first published in a private edition of 1612, (followed, similarly to the *Works*, by a general edition in the following year), which combined an extensively revised version of the *Breviary*'s contents with the lives of William's successors up to King Stephen. Finally, in 1618, Daniel published *The Collection of the Historie of England*, the final book to be printed in his lifetime, which brought the history to the death of Edward III. In his note to the reader, Daniel signalled his intent to publish an *Appendix* containing the documentary sources to which he had referred during the composition of the work. While this *Appendix* was never published after Daniel's death, a working manuscript draft of the text was subsequently discovered by John Pitcher in the late 1970s.

In choosing to write a general history of England, Daniel – like many of his contemporaries – was explicitly responding to the patriotic demand for a single history of the nation that could stand with the great exempla of Greece and Rome. One of the most influential rallying calls for such a project came in the preface to Henry Savile's edition of England's Anglo-Norman historians, itself intended to bridge the gap in printed works of English history between Bede and Matthew Paris, and which pointedly opens with a denunciation of Polydore's 'lies'.[78] Savile's call was echoed in the dedicatory epistle by 'A.P' that opened John Hayward's *Henry IIII*, which ends with the wish that 'all our hysteries were drawne out of the drosse of barbrous English'.[79] Daniel, in turn, reflected upon his history's genesis in conventionally patriotic terms, seeing the absence of a unified history as a 'blemish to the honour of our country', which his own work would therefore attempt to redress.[80]

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[77] David Norbrook, *Panegyric of the monarch and its social context under Elizabeth I and James I* (Unpublished PhD Thesis: University of Oxford, 1978), pp. 164-183. Likening Daniel to his friend and patron Fulke Greville, Norbrook describes the political contexture of Daniel's thought as one of 'critical political disillusion' (p. 165). Greville, of course, represents another figure whose poetry was intimately shaped by his politics: Andrew Hadfield, indeed, has recently argued that Greville's political poetry was an important resource of political thought, for which see 'The Political World of Fulke Greville' in *Fulke Greville and the Culture of the English Renaissance*, ed. by Russ Leo, Katrin Röder, and Freya Sierhuis, (Oxford: Oxford University Press, 2019), pp. 260-276.
[78] George Garnett, *Norman Conquest and English History, Volume 1: A Broken Chain?* (Oxford, Oxford University Press, 2021), pp. 362-4.
[79] 'A.P. to the Reader' in John Hayward, *The Life and Raigne of King Henrie IIII*, ed. by John Manning (London: Royal Historical Society, 1992), pp. 62-4, p. 64.
[80] Samuel Daniel, *The First Part of the Historie of England*, (London: For Nicholas Okes, 1612), sig. A2r.

The years in which Daniel embarked upon his prose history represent a particularly fruitful period in the broad development of early-Stuart historical culture. Two years before Daniel publicly announced his work on the history, William Camden (1551-1623) published the final Latin edition of his *Britannia* (1607). In 1608, the young legal scholar John Selden (1584-1654) published his first book, precipitating a series of publications on legal history that loosely chart the author's growing confidence in the use of manuscript material as the basis for his scholarly practice. In 1612, John Speed, Camden's friend and founding member of the Society of Antiquaries, published a large chronicle entitled *History of Great Britain*, which he accompanied with an atlas volume entitled *The Theatre of the Empire of Great Britain*, that followed the example of the Flemish cartographer Abraham Ortelius (1527-1598).[81] It is in this period, moreover, when the tradition of shorter political narrative histories was most fully realised. After more than a decade following the controversy surrounding his *Henry IIII*, John Hayward published his second work of history, the *Lives of the III Norman Kings* (1613), a work that bears close topical similarity with Daniel's near contemporary *First Part*. In 1615, William Camden published the first three books of the *Annales*, a work often regarded as the greatest English 'politic history', a turning point in the use of manuscript material as the basis for an original work of English history. Two years after Daniel's death, Francis Bacon – one of the most significant theorists of history in early modern England – published his only work of prose history, a life of Henry VII.[82]

In his groundbreaking account of early-Stuart historical culture, D.R. Woolf follows Momigliano in laying stress on the contemporary distinction that viewed 'history' as entirely the preserve of a narrative relation. In his study, the clearest example of this is Camden's attitude towards his two great works, *Britannia* and the *Annales*. According to Woolf, the fact that Camden 'did not recognize the essential similarity of his two masterpieces' represents a limitation to the development of critical historiography.[83] While this argument certainly pertains to essential generic distinction made by Camden within the two books (between, that is, role of a choreographer in *Britannia*, and a historian in the *Annales*), emphasis on the conceptual separation between narrative and non narrative historical texts has tended to present either form in relative isolation to the other,

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[81] Sarah Bendall, 'Speed, John' in *Oxford Dictionary of National Biography* (Online edn.: Oxford University Press, 2008) <https://doi.org/10.1093/ref:odnb/26093> [Accessed 13 October 2023].

[82] On Bacon as a historical theorist, see Fussner, pp. 253-274; Achsah Guibbory, 'Francis Bacon's View of History: The Cycles of Error and the Progress of Truth', *The Journal of English and Germanic Philology*, 74.5, (1975), 336-350; Avis pp. 71-80. Relative to the broad, encompassing variety of historical studies (ranging from natural history, ecclesiastical history, to civil history) that Bacon had envisaged for future study in his *Advancement of Learning* (1605), Collinson has noted a broad critical characterisation that Bacon 'preached better than he practiced' in Henry VII. For an account of Bacon's attitude to unpublished resources, see 'John Selden, John Borough and Francis Bacon's "History of Henry VII", 1621', *Huntington Library Quarterly*, 47.1, (1984), 47-53.

[83] Woolf, *The Idea of History in Early-Stuart England* (Toronto: University of Toronto Press, 1989), p. 22.

reinforcing the distinctions established by Collingwood and Momigliano and occluding critical interaction between these disparate forms.[84] More recently, Nicholas Popper's book length study of the historiography of Ralegh's *History of the World* (1614) has drawn narrative history in fruitful dialogue with the broader historical culture of early seventeenth-century Europe, demonstrating how Ralegh's historiography was developed in conjunction with developments in European antiquarian scholarship.[85] It is in alignment with this comparative method that this thesis seeks to situate Daniel's narrative history. Where this thesis does not intend fully to disturb the generic distinctions identified by Woolf, it does attempt to draw narrative history in closer dialogue with the broad range of historical forms practiced in the era, encompassing chronicle, antiquarian, and legal forms of writing.

Daniel's career as a poet gives evidence for close engagement with many of early-Stuart England's leading scholars and historians, and modern critics have been keen to stress his particular relationship with Camden. Daniel's earliest biographer, Thomas Fuller (1608-1661), noted that Daniel would 'appear in publick, to converse with his Friends' when in London, 'whereof Dr Cowel and Mr. Camden were principle'.[86] Where no direct friendship is invoked in either Daniel and Camden's writings, there is good reason to support Fuller's claim that the two were acquainted. In his *Remains of a Greater Work* (1605), published by Simon Waterson, Camden approvingly termed Daniel 'our English Lucan', and quotes two passages from the *Civil Wars*.[87] When Daniel died 1619, Camden noted the death in his *Diary*, with the description that Daniel was an 'excellent poet and historian'.[88] As John Pitcher and John Gaisford have recently highlighted, meanwhile, Camden's *Britannia* played a role in the presentation of Daniel in the 1609 edition of the *Civil Wars*, where the elaborate title page of the final Latin edition of *Britannia* is repurposed to incorporate an engraved portrait of Daniel.[89] Daniel also likely presented Camden with a copy of the first printing of the *First Part of the Historie*, which survives today among his books in Westminster Abbey Library.[90]

Since Goldberg first described the form, Daniel's history has generally been characterised as

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[84] Woolf himself provides a useful formulation for understanding these classifications when he describes 'the strength and the flexibility of categories like 'historian' and 'antiquary,' which he clarifies by highlighting that 'Camden was obliged to state the distinction only at those points where he was, in effect, ignoring it' (p. 21).
[85] See Nicholas Popper, *Walter Ralegh's History of the World and the Historical Culture of the Late Renaissance* (Chicago: University of Chicago Press, 2014), pp. 122-166.
[86] Thomas Fuller, *The History of the Worthies of England* (London: For Thomas Fuller, 1662), sig. Ddd3r.
[87] William Camden, *Remains of a Greater Work*, ed. by R.D. Dunn (Toronto: University of Toronto Press, 1984), p. 12.
[88] William Camden, *Diary*, trans. and ed. by Dana Sutton (Online edn. University of Birmingham, 2002) < https:// philological.cal.bham.ac.uk/diary/> [accessed 18 November 2023].
[89] Pitcher and Gaisford, p. 869.
[90] Richard L. DeMolen, 'The Library of William Camden', *Proceedings of the American Philosophical Society*, 128.4, (1984), 326-409, p. 354.

'politic history', a designation that Levy develops in the conclusory chapter of *Tudor Historical Thought*.[91] Unlike the example of Hayward's histories, or indeed Camden's *Annales*, there are clear generic distinctions between Daniel's history and other examples of the genre that have rendered his reputation as a 'politic historian' less stable than contemporary examples. Woolf's re-categorisation of the form as 'politic biography', for instance, excludes Daniel's general history of England, and he assigns him a separate chapter of his own, which remains the most comprehensive treatment of Daniel's historical thought. In both its breadth of scope, and the extreme brevity of its style, Daniel's work has variously been titled a 'chronicle' history of England, an 'artistic history', and in Woolf's formulation, a history of the English state and the unintentional 'distant progenitor of English constitutional history'.[92] By endeavouring upon a general political history of England, Daniel situates the English state at the centre of his historical concerns. In Woolf's reading, Daniel's understanding of the constituent elements of a 'state' fundamentally encompasses a 'national community' held together by common legal structures.[93] The progressive trajectory of Daniel's history, therefore, follows 'England's development from a collection of primitive tribal regimes into the strong centralized monarchy of Daniel's own day'.[94] Where Woolf suggests 'there were ample models available among the ancients, and still others could be found in Renaissance historians such as Guicciardini' for the generic model of a 'general history', the relationship of the *Collection* to the English historical tradition in which it arose gives way in Woolf's analysis to a broader consideration of the intellectual backgrounds of Daniel's historical thought.[95]

The movement from the final two books of the *Civil Wars* to the *Collection of the Historie of England*, has often been conceptualised – not altogether correctly – as an abandonment of poetry altogether, and critics have construed the implications of this move in various ways. Among critics of Daniel's historiography, his progression from historically themed poetry to prose history is often described as the final stage of a gradual shift towards 'truth' in eschewal of poetic embellishment.[96] In agreement with the critical consensus that Daniel was 'too good a historian to be a good historical poet', Levy suggests that Daniel chose to write a history as a teacher of political behaviour, and chose to write of England because 'a man learned best from the history of his own land'.[97] This position is echoed by Woolf, who terms the work a 'humanist lesson book in the

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[91] Levy, pp. 273-279.
[92] Ferguson, *Clio Unbound*, p. 35; Collinson, 'One of Us' (in which he contends against the 'artistic' categorisation) p. 147; Woolf, *The Idea of History*, p. 104.
[93] Woolf, *The Idea of History* p. 83.
[94] Ibid., p. 89.
[95] Woolf, *The Idea of History*, p. 78.
[96] Rees, p.175; Ferguson, 'Samuel Daniel's Historical Thought', pp. 197-198; Levy, 'Hayward, Daniel, and the Beginnings of Politic History in England', pp. 26-28.
[97] Levy, *Tudor Historical Thought*, p. 276.

tradition stretching from Machiavelli and Bacon'.[98] For Burrow, 'this progression also manifests a retreat from the arbitrary charms of pitiful monarchs'.[99] Somewhat unconvincingly, Galbraith argues that Daniel's turn away from the poem was the result of a fundamental shift in Daniel's 'sense of the relationship between poetry and history', catalysed by his engagement with the 'implications' of the Tacitist 'revolution in historiography'.[100] Paleit, alternatively, views the development of Daniel's historical thought as less of an 'intellectual triumph' as the articulation of his 'traumatized confrontation with the loss of a sacred [medieval] past and its attendant meanings'.[101]

Gillian Wright has compared the Jacobean additions to the *Civil Wars* against the *Panegyrick* to argue that the later work reflects, if not a sustained political critique of James' reign, then disillusionment with the king's reliance on 'corrupt' ministers, and his lavish expenses, which are articulated in a radical adaptation of Lucan's *Pharsalia* that stresses 'the primacy of the people in relation to their quarrelsome monarchs'.[102] Whatever hopes Daniel might have held for the new king in 1603, the providential framework celebrated by his *Panegyrick* to the monarch gave way to renewed pessimism in Daniel's final edition of the *Civil Wars* in 1609. If, then, Daniel's abiding frustration with *The Civil Wars* stemmed (as Joan Rees has posited) from the realisation that 'the [providential] scheme he had drawn up for himself at the beginning was an impossible one', then Wright's contention that Daniel struggled to bring this scheme to bear upon the political reality of Jacobean England, neglecting to extend his original celebration of the 'blessed peace of Eliza' into the reign of her successor, offers a convincing explanation for Daniel's ultimate abandonment of the poem.[103] Though Wright makes no direct incursion on the subject in her study, her analysis of Daniel's growing disaffection with Jacobean kingship demonstrates how the questions that he asked of his historical material were shaped by the immediate political demands of the present. Without imputing quite the same anti-monarchism proposed by Wright in her analysis of Daniel's political thought, I propose to consider his progression to the prose history not merely as the logical transposition of Daniel's concerns as a poet, but the recognition of those concerns to meet the demands of the Jacobean court. Accepting the basic principal proposed by Levy and Woolf that the *Collection* was intended to teach political behaviour, I suggest instead that for Daniel, the history of

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[98] Woolf, *The Idea of History*, p. 90.
[99] Burrow, p. 196.
[100] Galbraith, p. 100. This interpretation places too much importance on the 'revolutionary' novelty of Hayward's Tacitism; in fact, Daniel's poem grappled with Tacitean historiography from its earliest edition.
[101] Paleit, p. 76.
[102] Gillian Wright, 'What Daniel Really Did with the *Pharsalia*: *The Civil Wars*, Lucan, and King James', *The Review of English Studies*, 55.219, (2004), 210-232, p. 229.
[103] Ibid., p. 220.

one's nation not only served as the easiest means of teaching political behaviour, but also gave definition to the kinds of political lessons that were most pertinent.

By arguing this, I do not intend to show that Daniel's history necessarily represents a shift away from a worldview that drew direct equivalence between the problems of the past with those of the present, towards a strictly evolutionary conception of the history of the English state. Where his sense of anachronism has drawn the praise of many modern historians, any account of Daniel's historical thought must consider this trait aside other fundamental aspects of his historical thought, most notably his belief – described by A.B. Ferguson and later Woolf – in the immutability of human behaviour.[104] This belief had served as one of Daniel's defences to Cecil against the charge that *Philotas* had commented on the downfall of Essex. The resemblance of Philotas to Essex, he posits there, is purely indicative of a circumstantial likeness common to every era, where we find 'the like interstriving for place and dignity, the like supplantations, risings and overthrows', which exemplify the maxim that 'there is nothing new under the sun, nothing in these times that is not in books'.[105] Where, again, the justificatory quality of these comments must be taken into account, the essential perspective that historical change is contingent upon the institutions in which societies manifest, but the motivating human agents that uphold these processes remain the same, recurs across each permutation of the *Historie*.[106]

If the *Collection* is to be taken primarily as a history of the English state, then the central figure around whom Daniel's conception of the state is made to contend is of course the monarch. Taking its lead from larger general histories such as Holinshed, the *Collection* is organised by the reigns of England's kings, and each account therefore constitutes something of a political biography of the ruler in question. Much of Daniel's engagements with questions of monarchy as a poet seek to explore in various contexts the tensions between the free exercise of the monarch's will and his obligations to the established cultural and political matrix of his state. Questions of civil stability and of the authority of the law, for Daniel, most frequently coalesce around the actions of the monarch, a focus that in turn invites consideration of the ancillary agents encountered by the monarch, raising problems of counsel in both the context of the parliament and the monarch's inner circle; the rise of ambitious subjects (shown most starkly in the *Civil Wars* and *Philotas*); and competing institutions of power such as the Church, a subject that comes into especial prominence in the *Collection*. What lies at the heart of the work, then, are biographies of how individual

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[104] Rees, p. 144.
[105] Samuel Daniel, 'To the right honorable my worth good Lord the Lord Vicont of Craneborne' in Pitcher, 'Who Told on Samuel Daniel', p. 74.
[106] See Chapter One of this thesis.

monarchs encounter, shape, or are challenged by the actualities of the English state. Much of Daniel's thinking in this regard, as Woolf has identified, may be distilled to the question of what constitutes a good or a bad king.[107] If, then, Daniel regarded the central problems of government to be universally inherent to human nature, then I will argue that the *Historie* traces how the actions of good kings and bad kings have worked to define the extent and limitation of monarchical power in the present.

Many of the concerns that are raised by Daniel's history have been more fully explored by historians of political thought than those of historiography. The second volume of Quentin Skinner's classic *Foundations of Modern Political Thought*, for instance, traces the development of constitutionalist theories of monarchy from the earliest figures of the reformation to the theorists of the French wars of religion, and Marian Scotland. Where the reading of history is acknowledged by Skinner to be one of the key channels by which political behaviour was taught across the period, the remit of his analysis excludes most consideration of how narrative histories might have served to articulate political discourse.[108] Subsequent studies such as Richard Tuck's, for instance, have used histories (among other forms of text such as poetry and drama) to interrogate the influence of political theory in England, while the work of Kevin Sharpe has shown how the historical culture of Stuart England responded to and was shaped directly by the political culture of the Jacobean court, as demonstrated by the foundation of the Oxford and Cambridge chairs of history by Camden and Greville in the 1620s.[109] Like these examples, this study maintains a foothold in both the history of historiography, and of politics. Without ever supposing to draw a unifying political theory behind the work, I intend to show that consideration of Daniel's historiography involves distinctive political discourse that arise from the specific practice of narrative history. Doing this, I argue, allows us to look anew at what Linda Levy Peck has termed 'the mental world of the Jacobean Court', in which narrative history writing did not merely reflect the political preoccupations of the early-Stuart government, but actively intervened upon them.

In electing to examine the historical and political cultures of early-Stuart England by focusing

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[107] D.R. Woolf, 'Community, Law and State: Samuel Daniel's Historical Thought Revisited', *Journal of the History of Ideas*, 49.1, (1988), 61-83 pp. 80-81. An earlier version of his account in *The Idea of History*.

[108] See Skinner, I. p. 221. A similar issue arises in a recent book that owes much to Skinner's example, for which see Joanne, Paul *Counsel and Command in Early Modern English Thought* (Cambridge: Cambridge University Press, 2020), pp. 136-144.

[109] See Tuck's discussion of the influence of the 'new humanism' of Justus Lipsius and others on English thought in late Elizabethan and early Jacobean England in *Philosophy and Government: 1572-1651* (Cambridge: Cambridge University Press, 1993), pp. 104-119; Kevin Sharpe, 'The Foundation of the Chairs of History' in *Politics and Ideas in Early Stuart England* (London: Pinter Publishers, 1989) pp. 207-289.

on a single work of history, I follow the methodological example of a range of single-study accounts that seek to trace the various points of genesis of landmark histories. The most imposing example of this practice is J.G.A. Pocock's monumental multi-volume study of the intellectual and historical contexts that culminate in Edward Gibbon's *Decline and Fall,* an example that is followed by Nicholas Popper in his study of Ralegh's *History of the World.*[110] Both of these studies exemplify how a focus upon individual works of histories can advance our wider understanding of the historical cultures by which these works were shaped, and those which they subsequently helped to shape. An equally important model to the present thesis is Nicholas von Maltzhan's study of John Milton's *History of Britain* (1670), which situates Milton's work as the product both of the historiographical culture of late-Renaissance England, and of the political contexts of Milton's career as a radical polemicist.[111] I have found von Maltzhan's close attention to the textual history of Milton's work particularly instructive. Until recently, scholars of intellectual history have generally neglected the role of the material history of texts in contextualising and shaping the works under their focus. This tendency, indeed, has inflected many of the classic accounts of Daniel's history, most notably Levy's, which neglects to consider the work beyond the confines of the final 1618 edition. Other accounts, such as Rudolph Gottfried's study of Daniel's *Breviary,* have gone some way to demonstrating the additive and transformative manner in which the history was written and disseminated, yet scholarship has yet to offer a comprehensive study of the development of Daniel's history through its multiple manifestations.[112] It is therefore in attendance to the development of the work from the *Breviary,* the *First Part,* the *Collection*, and – crucially – the projected *Appendix to the Historie* that this thesis is organised, informing both my conceptual and archival practices. The accretive, revisory quality of Daniel's working process is fundamental to his identity as a writer, and by foregrounding the stages of production in my analysis, I aim to re-assimilate the critical history of the work into the broader textual practices that defined Daniel's literary career.[113]

Of all the developmental stages of Daniel's *Historie*, the projected *Appendix* in particular has received the least critical attention, in large part because the work was assumed to be lost until John Pitcher's discovery of a working copy of the draft in Daniel's hand. Discussion of the *Appendix*,

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[110] J.G.A. Pocock, *Barbarism and Religion* (Cambridge: Cambridge University Press, 1999-2015) 6 vols.
[111] Nicholas von Maltzahn, *Milton's History of Britain: Republican Historiography in the English Revolution* (Oxford: Oxford University Press, 1996).
[112] Rudolph B. Gottfried, 'The Authorship of "A Breviary of the History of England"', Studies in Philology, 53.2, (1956), 172-190.
[113] For the textual problems surrounding Daniel's process of revision see John Pitcher 'Essays, Works, and small poems: divulging, publishing and augmenting the Elizabethan poet, Samuel Daniel' in *The Renaissance Text: Theory, Editing, Textuality,* ed. by David Murphy (Manchester: Manchester University Press, 2000) pp. 8-29.

indeed, has tended to coalesce around the question of the extent of Daniel's treatment of his source material, a subject about which critics have tended to vary. While it is generally accepted that Daniel relied for the most part upon printed sources, Daniel's note on *Appendix* has for some critics raised the possibility that the projected collection of documentary sources could reveal Daniel's willingness to follow the example of Camden's *Annales* in the use of unpublished materials for the writing of the *Historie*. More than four decades after Pitcher's discovery of the manuscript *Appendix*, however, no further work has been done either to trace the sources of the texts featured in manuscript, nor to investigate more fully the relationship of the *Appendix* to the text that it was intended to complement. Building on classic accounts of Daniel's sources from May McKisack and William Leigh Godshalk, I am the first to give a comprehensive analysis of the sources behind the contents of the manuscript *Appendix*, and to offer an interpretation of why Daniel sought to produce this supplementary volume to the history, and perhaps most importantly, how the incorporation of the *Appendix* into the broader *Collection* might change our conception of what kind of a history the *Collection* is.[114]

Research Questions and Thesis Outline

Seeking to advance our understanding of how narrative history participated in the broader historical and political cultures of early Stuart England, my thesis fundamentally asks: how was narrative history written in the early seventeenth century, and why? What, crucially, were its political implications? Attending to the formal continuities and discontinuities between Daniel's narrative history and alternative forms of history writing in the era (chronicle, antiquarian, legal, and ecclesiastical among them) I will ask how Daniel's history reflected both the grounding historical developments of the sixteenth century, and participated in the presiding questions of his day. Answering this, indeed, allows us to consider more closely the specific questions that Daniel asked of English history. What, I will therefore ask, were the dominant concerns that shaped Daniel's conception of the English state, and how is his history of the English state shaped by the successive lives of the kings of England?

The first chapter focuses upon the guiding historiographical practices of the history by examining the development of the work from *The Breviary of the Historie of England* to the *First Part*. Here, I offer a fresh account of the extensive revisions Daniel made to the earliest portion of the narrative history from the coming to the Romans to the reign of William I. In his treatment of

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[114] McKisack, 'Samuel Daniel's Historical Thought', pp. 230-233; William Leigh, 'Daniel's "History"', *The Journal of English and Germanic Philology*, 63.1, (1964), 45-57.

the 'British story', I argue that the methods Daniel employs to challenge mythological narratives of British antiquity reflects engagement with the critical methods employed by Camden's *Britannia*, which in turn manifests a shift away from ancient Britain as the foundational model of the English nation, towards the Anglo-Saxons. By comparing the history against its sources, moreover, I aim to show how Daniel's use of his sources establishes the parameters of his history and reveal the distinctive elements of Daniel's conception of 'political history'. I also consider the complex textual history of the *Breviary of the Historie of England*, offering a tentative explanation for the early attribution to Walter Ralegh in many of its manuscript witnesses.

The second chapter continues my analysis of the *First Part of the Historie*, and takes for its basis the extensive critical debate that has followed J.G.A. Pocock's *The Ancient Constitution and the Feudal Law*. Daniel's life of William the Conqueror contains an extended reflection on the legal innovations brought into England by the Norman Conquest. For some critics, Daniel regarded the form of law introduced by the Normans as feudal, where for others he left room to suggest that the law retained a native English substance corrupted by Norman legal frameworks. Responding to each of these arguments in turn, my analysis first contextualises Daniel's legal thought by examining his engagement with arguments associated with the 'ancient constitution' in his poetry. Read in light of these earlier engagements, I argue that Daniel's view in the *First Part* marks something of a departure from this earlier perspective. I show that Daniel's view of the history of English law prizes the equity of good laws above their age, thereby undermining much of the founding premises of the 'Ancient Constitution'. In doing so, he is simultaneously careful to negotiate a stance that aims to negate any absolutist implication of the Conqueror's legal innovations.

Turning to the *Collection of the Historie of England*, my third chapter takes up the implicit tensions between the powers of the monarch and those of the institutions of the state that were raised by my previous chapter. Taking as its basis the polemically charged historiography of the English Reformation, I begin by comparing Daniel's account of Henry II's dispute with Thomas Becket against its Reformation retellings, which almost definitively recast England's greatest saint as the king's disobedient and ambitious subject. The role of religion, indeed, is one of the least mined areas of the *Collection*, while most critical attention of Daniel's religious thought has focused upon his idealisation of the medieval church. Daniel's account of the Becket controversy, by contrast, deals exclusively with the institutional power of the Roman Church, offering an analysis that incorporates Protestant critiques of the Roman church as a secular institution that continually challenges the central authority of the monarch. Through his analysis of the Becket controversy, the

question of the subject's obedience to the monarch becomes central to his account of the Angevin kings. In the progress from the most powerful king England had yet seen, to two kings whose actions give serious challenge to the dynamic of monarch and subject, I argue that the Angevin Kings are vital to understanding Daniel's positions on sovereignty, good kingship, and the right to resist.

The final chapter resumes focus on Daniel's sources by taking the subject of Daniel's projected manuscript *Appendix*. Using the working manuscript copy of the text found in National Library of Scotland MS 5723 (and another manuscript witness, British Library MS Harley 293) which I show almost certainly to be transcribed from Daniel's working papers for the *Appendix*. By tracing both the sources for each text featured in the *Appendix*, I argue against interpretations that suggest that the *Appendix* either demonstrates a thorough engagement with manuscript sources, or indeed signals Daniel's emerging understanding of the need for manuscript research in the composition of history. Rather, I suggest, we must consider the *Appendix* fundamentally as his solution to an organisational problem that he encountered in the interpretation of his source materials, namely the incorporation of documentary texts into a single unified historical account, a position proposed by McKisack and later Joseph Levine. Taking this further, I examine how Daniel's choice of texts frequently go beyond the merely exemplary: rather, Daniel used the *Appendix* to amend or clarify the earlier passages of the *Historie*, and to advance the argumentative structures of the book.

By way of conclusion, I briefly consider the reputation of *The Collection of the Historie of England* across the seventeenth century and into the eighteenth century, when it was published as part of John Hughes' (1677-1720) collection of seventeenth-century English histories. This final stage in its early modern reputation, I will suggest, represents something of the culmination of wider readerly practices in the sequential reading of modern English narrative historians that together form a continuous history of England. Equally, however, the work's earlier seventeenth-century readers suggest alternative contexts in which the work was consumed: here, I aim to show how Daniel's constitutional preoccupations were made to converse with his antiquarian, legal, and indeed historical contemporaries, on the key historical questions raised by the events of the 1630s and 40s.

This thesis comes at an auspicious moment in the field of Daniel studies. Long neglected as a minor poet, the study of Daniel's poetic career has been invigorated over the past four decades by the work of John Pitcher, who has written variously on the intersections of the court, patronage, and professional contexts of Daniel's literary and material practices. In 2015, UCL hosted the first

academic conference devoted to Daniel, co-organised by John Pitcher and Yasmine Arshad. Recently, a series of articles by Pitcher have offered a range of striking reconsiderations of the biographical contexts of Daniel's life, in preparation for his long awaited critical edition of Daniel's verse.[115] The publication of this edition will doubtlessly renew critical interest in Daniel's poetry, and with it interest in the historical and political preoccupations that are instrumental to his thought. In the years following Woolf's essay on Daniel, critical treatments of the *Collection* have tended to alight upon the work in reference to broader subjects of study such as the historical reputation of certain monarchs, or early-modern attitudes to the history of English law. After the considerable number of studies devoted to Daniel's historical thought and writing in the 1970s, no new study of *The Collection* has emerged to incorporate the history into recent developments of Daniel scholarship, nor the developments in the history of early modern English historiography ushered by Richardson and others. At this pivotal moment in Daniel scholarship, it is thus vital to situate his major work in prose at the centre of his literary output.

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[115] Beyond those cited above, see John Pitcher 'Negotiating a Marriage for Lady Anne Clifford: Samuel Daniel's Advice', *The Review of English Studies*, 64.267, (2013), 770-794; 'Burying Mountjoy and Penelope Rich: King James, The Heralds and a Counter-Statement from the Poet Samuel Daniel *Journal of the Warburg and Courtauld Institutes*, 85, (2022), 71-112. On Pitcher's forthcoming edition of Daniel, see 'Essays, Works, and small poems: divulging, publishing and augmenting the Elizabethan poet, Samuel Daniel' in *The Renaissance Text: Theory, Editing, Textuality,* ed. by Andrew Murphy (Manchester: Manchester University Press, 2000) pp. 8-29.

Chapter One: The Origins of *The First Part of the Historie of England* (1612)

Introduction

One of the presiding elements of focus in the study of the historical culture of early-modern England is the development in attitudes towards the 'British story' across the sixteenth and early seventeenth century. With roots in Medieval Britain, and especially Geoffrey of Monmouth's pseudo-historical *Historia Regum Britannia*, the 'British story' posited that the ancient Britons had arrived onto the island from Trojan refugees, led by Brutus, who thereafter inaugurated a line of British kings.[1] Such an account, by no means unique to Britain, drew primarily upon the narrative of Aeneas' founding of Rome to create an analogously grand origination story. Broadly speaking, the 'British story' therefore offered an image of pre-Roman Britain as a unified kingdom of a similar degree of cultural sophistication to the great cultures of Mediterranean Europe. According to F.J. Levy, the 'British story' remained the accepted narrative of Britain's pre-Roman past well into the sixteenth century. Levy's account of the gradual diminishment of its influence by the turn of the seventeenth century forms one of the argumentative pillars of his study, tracing the reception - for instance - of Vergil's unfavourable treatment of the Brutus myth in *Anglica Historia* across the century.[2] The study of ancient Britain gained new significance after the Reformation, where the supposed introduction of Christianity onto the island by King Lucius provided a link between the island and early Church history that could be used to distinguish Britain's ecclesiastical history from the Catholic Church.[3] Indeed, the search for historical precedent for the newly founded Church of England represented one of the central motivating agents in Tudor antiquarianism (an effort, it should be said, not limited to the study of ancient Britain), and the efforts of John Leland and the Parker circle to this effect have been the subject of wide critical discourse.[4]

The mid-late sixteenth century also saw the emergence of historical interest in Anglo-Saxon England, and especially in the study of Old English. Levy argues that sixteenth-century Anglo-Saxon studies grew out of the Reformation tradition, with Parker, for example, advocating for the study of Old English, and publishing 'key [Anglo-Saxon] documents […] as [religious] evidence',

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[1] For the influence of Annius of Viterbo's fake genealogies, see Anthony Grafton, *What Was History?: The Art of History in Early Modern Europe* (Cambridge: Cambridge University Press, 2006), p. 99-105, 150; and on England specifically, see Piggot, p. 59-60.
[2] Levy, *Tudor Historical Thought*, pp. 53-67. See also, Kendrick, British Antiquity , pp. 78-98; and Ferguson, *Utter Antiquity*, pp. 84-105.
[3] For a discussion of the influence of the Lucius story during the Reformation, see Felicity Heal, 'What can King Lucius do for you? The Reformation and the Early British Church', *English Historical Review*, 120.487, (2005), 593-614.
[4] Levy, *Tudor Historical Thought*, pp. 124-138.

and 'as aids in teaching the newly acquired language'.[5] Elsewhere, Lawrence Nowell - 'working along the lines laid down by Leland rather than Parker' - studied Old-English 'to aid in producing a historical topography of the country'. Growing from the foundations laid by Nowell, the study of the history of Anglo-Saxon law found its beginnings in the work of his student William Lambarde. According to Levy, the wealth of existing Anglo-Saxon writing contributed significantly to its study, providing verifiable evidence from which to build arguments for cultural or religious continuity between present day England and its past. For Lambarde, locating the specific ancestral origins of the English (and their customs) in the Anglo-Saxons avoided of 'the taint of Rome', serving a similar function to British history. Equally, however, Anglo-Saxon history could be used for the opposite purpose, where the conversion of the Saxons by Augustine, under direct order from the Pope, demonstrated the Catholic origins of English Christianity.[6]

While the influence of the 'British story', at least in its most elaborate form, had somewhat diminished by the turn of the century (though by no means was it totally rejected), the union of the crowns under James VI/I saw a renewed focus on Britain as a geographic and political entity, particularly regarding the hope for the unification of the island into a single state, and its burgeoning overseas expansion into an imperial force. Here, as Richard Hingley has argued, historical focus turned away from the Brutus myth, and looked instead to the island's Roman past as a grounding for its identity, drawing from classical texts to reconstruct an 'ancestral geography' of the Island and its inhabitants.[7] Hingley cites William Camden's 1607 edition of the *Britannia*, and its subsequent 1610 English translation by Philemon Holland (the first edition of Camden's book specifically prepared for an English readership), and John Speed's *The Theatre of the Empire of Great Britain,* with its complimentary prose history, *The Historie of Great Britain* as texts that 'contributed to' a 'unified sense of Great Britain, focusing on its identity in the ancient past and in the present'. Camden's 1605 work *Remains Concerning Britain*, and later the 1607 *Britannia*, also reflected a deeper attentiveness to the Anglo-Saxons, including a lengthy revision to *Britannia*'s chapter on the Anglo-Saxons. The papers of the Society of Antiquaries are further evidence of historical interest in the 'English Saxons' among Camden and his contemporaries, where debates were held on the Saxon origin of various English institutions and customs.[8]

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[5] Ibid, p. 136.
[6] I discuss this subject at greater length in the introduction to Chapter Three of this thesis.
[7] Richard Hingley, *The Recovery of Roman Britain 1586-1906: A Colony So Fertile* (Oxford: Oxford University Press, 2008), p. 23. See also F.J. Levy, 'The Making of Camden's *Britannia*'; Robert Zaller, *The Discourses of Legitimacy in Early Modern England* (Stanford: Stanford University Press, 2007), pp. 243-249; and Oliver D. Harris, 'William Camden, Philemon Holland, and the 1610 Translation of *Britannia*', *The Antiquaries Journal*, 95, (2015), 279–303.
[8] See Helen Dorothy Jones, *The Elizabethan Society of Antiquaries Reassessed* (Unpublished MA Thesis, University of British Columbia, 1988).

As we established in the introduction, Samuel Daniel declared his intention to write a history of England in the prefatory letter to the 1609 edition of *The Civil Wars*. Though Daniel had yet to finish the poem, and begins the epistle by promising his intent leave the work 'in the best forme I may' by extending it up to Henry VII, towards the end he expresses dissatisfaction with the form which he had adopted in composing it.[9] Though, he writes, he had only adopted 'poeticall license' in the invention of speeches, and had otherwise 'faithfully obserued' his source material, he concedes that some 'loue this Harmony of words', where others 'hold it but as a language fitting Lightnes and Vanitie', unbefitting the weight of its subject.[10] When, therefore, he announces his newly conceived project for a history of England, the specific form that this history will take becomes a matter of practical consideration. Whereas Daniel's Musophilus had ten years earlier proclaimed that 'weakenesse speakes in Prose, but powre in Verse', here he levels that 'I am not so far in loue with this forme of Writing [...] but that I may serue any other state of invention', so long as it 'make good my minde'.[11] He resolves, therefore, to write his history in the 'common language of the world', prose.

The strategies by which Daniel introduces his turn to prose offer a striking point of comparison with traditional Renaissance understandings of the relationship of rhetoric to historical writing, but which nevertheless resonate with his earlier ideas as a poet. In 1603, he had made particular attack on the 'idle Rhetorique' of neo-Classical eloquence in *A Defence of Rhyme,* where he argued that without the substance of learning 'eloquence and gay words [are] but the garnish of a nice time'.[12] More important is 'judgement and discretion, which 'carry their own ornaments', a view he carries over into his description of the projected history. Conversely, this concern for the substance of learning beyond its particular presentation itself constitutes a rhetorical strategy with classical antecedence. An obvious point of influence for Daniel here is Montaigne, who like Daniel drew upon the example of Seneca in his development of a plain, unadorned, and discursive style that (to repeat Le Branche's comment) 'affected matter over manner', and whose example surely also informs the distinctly personalised manner in which Daniel frames the contexts of the history's emergence. Indeed, Daniel asserts that he has been 'incouraged' to pursue a history of England by 'many noble & worthy Spirits', a context which implies that the history has developed from a private, elite culture of historical conference of which Daniel is a participant. It is within this

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9 Samuel Daniel, *The Civile Wars between the Houses of Lancaster and Yorke, Corrected and Continued by Samuel Daniel,* (London: For Simon Waterson, 1609), sig. A2^r.
10 Ibid, sig. A2^v-A3^r.
11 Samuel Daniel, 'Musophilus' in Sprague, l. 980.
12 Samuel Daniel, 'A Defence of Rhyme' in *Poems and A Defence of Rhyme*, pp. 129-158, pp. 125, 135.

context, then, that the formulation of his task in terms of 'making good my mind' should perhaps best be understood: indeed, it follows that it was Daniel's capacity for 'judgement and discretion' that awarded him the approbation of his contemporaries, and which therefore served as the principal justification for having written the history.

The private contexts in which the work was conceived, moreover, are reflected in the successive forms in which the work was first disseminated. To begin with, Daniel wrote a short history of roughly 8,000 words from the Romans to William the Conqueror under the title *A Breviary of the History of England*. Although none of the surviving manuscripts of the *Breviary* appear to date from the likely time of the work's composition, the text is dedicated to Robert Cecil (1563-1612). This was followed by the privately printed edition of *The First Part*, dedicated after Cecil's death to Robert Carr (1587-1645) intended for the consultation of Daniel's friends and contemporary historians, followed a year later by an edition printed for the company of stationers.[13] It is the purpose of this chapter, therefore, to trace the genesis of Daniel's *Historie* from the *Breviary* to the *First Part*, asking how his account of ancient Britain and the Anglo-Saxons responded to the wider historical preoccupations of the era. To answer this question, we are required in turn to ask what range of sources Daniel used to construct his history; what kinds of traditions Daniel was drawing upon, and engaging with, when it was composed; and finally, how the stylistic concerns expressed in the 'Epistle' to *The Civil Wars* shape the distinctive formal characteristics of the work.

A Breviary of the Historie of England: Manuscript History

In its earliest form of dissemination, it must be that a manuscript of Daniel's *Breviary* was presented to Robert Cecil, either as an initial bid for his patronage, or as the result of his support for Daniel's project. John Pitcher has provided perhaps the most convincing explanation for Cecil's support, arguing that Cecil likely acted as one of Daniel's patrons following the *Philotas* affair.[14] Apart from the more localised audience to which the work was intended, it saw wide circulation in manuscript, with copies owned by a number of notable seventeenth century antiquaries. The reception history of the *Breviary* is further convoluted by its longstanding attribution as a work by Sir Walter Ralegh. Ralegh is named as the author in several scribal copies of the work, which was first printed under

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[13] John Pitcher, Samuel Daniel, *The Brotherton Manuscript, A Study in Authorship,* p. 177; see also William Jackson (ed.) *Records of the Court of the Stationers Company* (London: The Bibliographical Society, 1957), p. 57.
[14] Pitcher, 'Who Told on Samuel Daniel', pp. 61-3; Pitcher notes that Daniel's project, as originally conceived, would have required access to the state papers; he surmises that Cecil could have thus controlled the extent of Daniel's access to these documents.

his name in 1693. Daniel's authorship was only established with certainty by Rudolph Gottfried's analysis of the manuscript and literary evidence in his favour.[15] Before examining the text of the *Breviary* itself, therefore, it is necessary to give an account of the manuscripts in which it survives, especially in light of the number of seventeenth-century copies that give Ralegh as its author. Gottfried's analysis centres upon two aspects of the work: its surviving manuscript witnesses, and the stylistic resonances between the *Breviary*, *The First Part of the History*, and also Daniel's earlier works.[16] Combined with Gottfried's analysis, the attribution of the work to Daniel is further secured by the structural framework of the *Breviary* itself, which as we shall see conforms to the design implemented in the published history.[17] As a possible explanation for its early assignation to Ralegh, Gottfried speculates that he owned a copy that was discovered among his papers following his execution, a theory later reiterated by William Leigh Godshalk.[18] In the absence of any supporting evidence for this claim, it must remain speculation; nevertheless, a further examination of the provenance of these manuscripts, insufficiently addressed by Gottfried's account, is necessary.

According to Peter Beal's *Catalogue of English Literary Manuscripts*, nine seventeenth-century copies of the *Breviary* survive, of which seven give Ralegh as author.[19] The British library holds three copies of the work, surviving in collections of historical papers, in a range of sixteenth and seventeenth century hands: Cotton MS Titus F.III (ff. 309r-323v), Harley MS 39 (331r-350v), both of which are complete, and an imperfect copy in Harley MS 298 (ff. 1r-8v). While both Harleian manuscripts attribute the work to Ralegh in their titles, the Cotton MS lists no author, and it is notable that, being Daniel's associate, whose library he had professed to using in the composition of the *First Part* of the history, Robert Cotton (1570/1-1631) would likely have known the text to be Daniel's.[20] The manuscript is in the hand of Ralph Starkey, (d. 1628) a notable collector (and transcriber) of manuscripts relating both to history and contemporary politics, and a professional scribe.[21] As Andrew G. Watson has highlighted, Starkey's collections consisted mainly of 'historical materials relating to English affairs in the sixteenth and seventeenth centuries', with little interest in medieval material.[22] Starkey was also an associate of Robert Cotton, with whom he

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[15] Rudolf B. Gottfried, 'The Authorship of "A Breviary of the History of England"', *Studies in Philology*, 53.2, (1956).
[16] See particularly Gottfried, pp. 174-5.
[17] As Gottfried notes, the *First Part of the History of England* was first entered into Stationers' Register on 20 April 1612 under the title *A brevyary of the history of England the 3 first bookes.*
[18] Gottfried, p. 130, William Leigh Godshalk, 'Daniel's History', p. 50.
[19] Peter Beal, *Catalogue of English Literary Manuscripts 1450-1700* (2005) <https://celm-ms.org.uk/authors/danielsamuel.html> [accessed 1 May 2020].
[20] Samuel Daniel, *The First Part of the Historie of England*, sig. Gg2v.
[21] Louis A. Knafla, 'Starkey, Ralph' in *Oxford Dictionary of National Biography* (Online Edn: Oxford University Press, 2011) <https://doi.org/10.1093/ref:odnb/26317> [accessed 1 May 2020].
[22] Andrew G. Watson, *The Library of Sir Simonds D'Ewes* (London: The Trustees of the British Museum, 1966). p. 26.

resided in the 1610s as his assistant, and during which time he made transcriptions for Cotton's library.[23] It is possible then that Starkey copied the manuscript for Cotton during this time, though it is equally plausible that it was one of the manuscripts which Cotton borrowed, and did not return.[24]

As a figure, Starkey occupies a remarkable and somewhat neglected position between the antiquarian circles inhabited by such figures as Cotton, and the scribes whose work may be found in many of their collections; both Peter Beal and H.R. Woudhuysen have highlighted Starkey's close relationship to the 'Feathery Scribe' – a highly prolific professional scribe operating roughly between the 1620s-30s - with whom he occasionally shared duties in the composition of manuscripts, and whose work is frequently to be found alongside Starkey's.[25] Indeed, alongside a copy of the *Breviary*, Harley MS 39, originally owned by the collector and antiquary Simonds D'Ewes, (1602-1650) contains both the hands of Starkey and the Feathery Scribe.[26] The nature of their relationship has been characterised by Noah Millstone as a professional collaboration (with five additional scribes) beginning in the mid-1620s, 'selling copies of Tracts'.[27] The Feathery Scribe themselves transcribed two of the remaining copies of the *Breviary*, raising the possibility that the work was copied and disseminated through this commercial channel.[28]

Although Gottfried makes little enquiry into the provenance of either manuscript (beyond acknowledgement of Cotton's ownership of MS Titus F. III), his analysis carefully examines the textual similarities between these two copies, arguing that these copies share a close textual relationship, and that both texts agree 'not only in wording but also in spelling and punctuation'.[29] Given a point in the text of Harley MS 39 where the scribe attempts to correct a punctuation error (namely, an open parenthesis) found in the Cotton text, Gottfried considers it likely that the Harley MS was copied from Starkey's.[30] While this argument alone cannot fully support Gottfried's claim, (given that his discussion does not examine the full range of available manuscripts) several further observations may be added to strengthen his supposition.[31] First, however, it will be necessary to investigate the contexts in which the Cotton MS might have possibly been written, beginning with a short description of the characteristic features of Starkey's hands. Starkey's scribal work generally

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[23] Kevin Sharpe, *Sir Robert Cotton, 1570/1-1636* (Oxford: Oxford University Press, 1979), p. 35.
[24] Knafla, 'Starkey, Ralph'.
[25] See H.R. Woudhuysen, *The Manuscript Circulation of Sir Philip Sidney*, pp. 174-204, and 'The Feathery Scribe' in Peter Beal, *In Praise of Scribes: Manuscripts and their Makers in Seventeenth-Century England*, (Oxford: Oxford University Press, 1998), pp. 58-109.
[26] On D'Ewes as a collector, see J. Sears McGee, *The Worlds of Sir Simonds D'Ewes* (Stanford: Stanford University Press, 2015), pp. 218-236.
[27] Noah Millstone, *Manuscript Circulation and the Invention of Politics in Early Stuart England*, (Cambridge: Cambridge University Press, 2016), p. 38.
[28] Bodleian MS Tanner 84 (ff. 243r-63r.), and Folger MS G.b.9 (ff. 185r-205r.).
[29] Gottfried, p. 174.
[30] Ibid, p. 175.
[31] Cotton Titus F. III, ff. 310v, 314r-5r.

favours simplicity of presentation, using a distinctive and regular secretary hand for the main body of the text, and a neater italic script for headings, marginal notes, proper nouns (though this is not implemented consistently), and Latin text. While Starkey's Italic hand is not without a certain elegance, (particularly in the formation of majuscules, and the regularity of their ascenders and descenders), his transcriptions generally avoid presentational ornamentation, displaying very little (for instance) of the embellishments and flourishes that so distinguishes the work of Starkey's collaborator, the Feathery Scribe.

Typically, Starkey's transcriptions are made on large pages, with the body of the text written within the pre-drawn borders of the page, leaving ample room for marginal notation and titling, following the general conventions of early seventeenth-century scribal writing.[32] In 'rougher' examples of Starkey's transcriptions, the text is written on smaller sized paper without pre-drawn margins, where the text fills most of the available space on the page. In these examples, Starkey pays little attention to the presentation of the manuscript, leaving (for instance) little spacing for titles, marginal notes, and paragraph breaks.[33] It seems likely that this more casual hand was employed most frequently when making transcriptions for his personal use. Within the more formalised examples of Starkey's transcriptions, there are also certain – albeit subtle - variations that may indicate differences in quality between each examples, ranging from the inclusion of headings on each page, the care with which Starkey writes his neat hand, and the frequency of textual cancellations and insertions. In light of this, the number of such corrections in Starkey's text of the *Breviary* are notable. The great majority of the corrections in the text appear to have been made as he was transcribing the document, mainly consisting of initial misreadings that are crossed out and corrected in the body of the text. On f. 311v, for instance, Starkey corrects 'other' for 'oath', while on the following page 'afterwardes' is crossed out and replaced with 'afterworke'. There are numerous instances of such corrections in the text. One example here is particularly illustrative. Aside from the opening title of the work, the Breviary contains one additional subheading when the text moves into its account of the life of William the Conqueror. In the Cotton MS, Starkey had clearly begun to write this heading as if it were a part of the main body of the text: 'William' is written in Starkey's secretary hand at the beginning of a new paragraph, crossed out, and replaced by a subheading in his italic hand. Such a mistake could simply indicate a moment of carelessness

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[32] See, for instance, British Library Harley MS 36, ff. 1r-17r, 74r-90v. ff. 74r-75v in particular offer a fine example of Starkey's italic hand.

[33] See for example British Library Harley MS 290, ff 130r-32r and Harley MS 604, ff. 109r-10v. It is also notable that the titles of each work are written in Starkey's secretary hand, rather than the neat hand he otherwise uses for titles. It is likely that these papers were among those purchased by Simonds D'Ewes following Starkey's death.

in Starkey's work, or it could perhaps also suggest that the copy of the *Breviary* from which Starkey made this manuscript did not conform to the presentational design that Starkey himself implemented in his transcriptions.

Another remarkable feature of Starkey's transcription of the *Breviary* is the presence of a second hand, cramped but distinguishably contemporary with Starkey's, that provides several revisions to the text of the Cotton MS. The first of these examples occurs on f. 309v, where in Daniel's discussion of the customs of the ancient Britons, Starkey's text reads that 'they may be as well as the *Gaules*'. Here the correcting hand has substituted 'may' for 'might'.[34] This hand appears most prominently on f. 314v, correcting an otherwise fragmentary description of William I's measures to suppress possible rebellions among the English 'firste by disarminge them, then by forbidding them assemblies, <and all secrett intercourse vpon heavy penalties> that euery man at the closinge of the daye, by the warninge of a bell, should, couer ~~theire~~ <his> fieres and goe to bed'. While Starkey himself commonly amended such omissions and textual errors in his work, the hand here, correcting the most significant error in Starkey's text, is clearly distinct from his own. There are a number of reasons for why these corrections might have been made. One possibility is that the corrections were made by a scribe under Starkey's employment whom he tasked with checking his transcription against the text from which it was copied. Given the broken syntax of Starkey's original rendering, it is likelier that this mistake was his own than it was an error in his source text, however his rendering of the original 'his' as 'their' does suggest the possibility of textual corruption. In that case, it is also possible that the correcting hand used an additional manuscript copy of the text to correct Starkey's.

Regardless of the circumstances in which Starkey's text was corrected, it is very likely that if the scribe of Harley 39 used this text as the basis for their own transcription, these corrections were already present in the manuscript. In each of the examples where the correcting hand has altered Starkey's text, Harley 39 agrees with these corrections.[35] It is possible, moreover, though by no means assured, that the corrections in Cotton MS Titus F. III were made by this same scribe, with whom the hand shares some similarities.[36] If, moreover Gottfried's argument that one of the Feathery Scribe's copies of the *Breviary*, (surviving in Bodleian Tanner MS 84) itself was copied from Harley MS 39 is correct, it may be supposed that its scribe also operated in proximity to the

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[34] For more minor corrections in the same hand, see also Cotton MS Titus F. III, ff. 310v, 316v.
[35] Harley MS 39, ff. 332r, 339v.
[36] The principle difficulty of identifying this hand is in the size of the sample, and the evident difficulty with which it has added the correction on f. 310r between the cramped space between Starkey's two lines. For a comparison between the two hands, see Appendix A of this thesis, figs. 3-4.

'Feathery Circle' (perhaps being a member of the same Scriptorium) which Starkey also inhabited.[37]

It must again be stressed that corrections are typical features of Starkey's work regardless of the presentational qualities of the manuscript, and their absence alone cannot itself testify to the quality of any given transcription.[38] This being said, however, the presentation of the manuscript may gesture towards a sense of his 'scribal identity', the characteristics of which may be further ascertained by comparison with the scribal hand that composed the copy of the *Breviary* in Harley MS 39. The presentation of the *Breviary* here follows roughly the same conventions as Starkey's text: the body of the text is written in a secretary hand, while an italic script is used for headings, titles, Latin text, and proper nouns. Though the manuscript is not especially ornamental, the hand is significantly more stylised than Starkey's. The scribe's text is also significantly cleaner than the Cotton example, containing only two cancellations, and three minor textual additions.[39] The *Breviary* is not the only transcription by this scribe in Harley MS 39: they are also responsible for a transcription of a series of parliamentary orders from 1620, suggesting that the scribe was active during the 1620s, roughly contemporaneous with Starkey and The Feathery Scribe.[40] Nor, indeed, is Harley MS 39 the only manuscript collection in the Harleian Library to contain the work of this scribe, and further examination of three of these examples (each of which derives ultimately from the library of Simonds D'Ewes) may throw further light on the possible relationship between the two manuscripts of the *Breviary*.

British Library MS Harley 36 is a large collection of transcripts of political tracts and state papers, dating from roughly the fifteenth and seventeenth centuries, the majority of which are written in Starkey's hand, with two items written in other scribal hands. The first of these is a transcription of a 'discourse made by the marchant Aduenturers vpon occasion of a Bill preferred to the high court of Parliament', written entirely in the hand of the Harley 39 scribe.[41] The second, in the hand of the Feathery Scribe, is an account of a diplomatic negotiation between Sir Francis Walsingham and the King of France.[42] In his catalogue of the library of Simonds D'Ewes, Andrew G. Watson identifies Harley MS 36 as a 'continuously written volume', implying something of a working relationship between the three hands in the volume, and that the texts were written in somewhat close temporal proximity to one another.[43] While this is very much possible, a certain

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[37] Gottfried, p. 175.
[38] See British Library MS Harley 297, ff. 8r-27v, where Starkey's text has been thoroughly corrected by a second hand, which also provides the marginal notes.
[39] See Harley 39, ff. 28r-38v.
[40] Harley 39, ff. 311r-313r.
[41] Harley 36, ff. 28r-38v, f. 28r. For the identification of the scribe of Harley 39 with the examples under discussion, see Appendix B of this thesis.
[42] Ibid, ff. 104r-179v.
[43] Andrew G. Watson, *The Library of Sir Simonds D'Ewes,* (London: The Trustees of the British Museum, 1966).p. 288.

degree of caution is required in making this claim, owing to the miscellaneous character of the texts in the manuscript, differing paper stocks, and the lack of on-page scribal collaboration. While, therefore, it does seem plausible that these texts were owned and collated by Starkey, it is unclear whether they were produced in close collaboration with one another.

A more definite example of a collaboratively written manuscript is Harley MS 297, a collection of miscellaneous state papers, transcribed in the hands of four scribes. Here, the Harley MS 39 scribe is responsible for the first item of the manuscript, an account of a council held by Henry VII.[44] This is followed on the next leaf by a transcription in Starkey's hand of Henry VII's will, the text of which is furthermore remarkable for containing extensive corrections and additions in another hand.[45] As well as providing corrections to the text, this hand has also written each of the marginal headings, heavily implying that the manuscript was produced collaboratively, with Starkey composing the main body of the text, and another scribe tasked with checking the accuracy of Starkey's transcription against the source document, and composing the paratextual features of the work.[46] In other examples in the collection, (most notably in a series of sixteenth-century state letters), the body of the text is written in another scribal hand, while Starkey provides the marginalia.[47] In light of these examples, where the collaborative process between scribes is demonstrated on the page, we should again approach the example of the scribe of Harley MS 39's hand in this collection with caution. The scribe's text, after all, shows no sign of being written collaboratively, and given that it is the only text by this scribe in the manuscript, it is clear that they were not an active participant in the composition of the remaining volume. It is true that the first two items in the manuscript, in both pertaining to Henry VII, could both have been written for inclusion in this collection, or alternatively that Starkey owned the former manuscript and included it on the volume as he was assembling it.

While, therefore, both volumes gesture towards a possible professional connection between the scribe of Harley MS 39, and Starkey, establishing a conclusive material chain connecting the two scribes is difficult. Having said this, there is one further connection between the two scribes of significance, namely in the manuscript circulation of a political treatise written by Starkey himself, *The Privilege of Parliament*, a text that enjoyed wide manuscript circulation in the early seventeenth century. Two complete copies of *The Privilege of Parliament* preserved in the British Library (Harley MS 37 and Harley MS 1128) are written in the hand of the scribe of Harley MS

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[44] Harley 297, ff. 1r-7v.
[45] Ibid., ff. 8r-27v.
[46] See also Ibid., f. 11r, where Starkey himself appears to correct the second hand's marginal note.
[47] E.g., ibid, f. 150r, 181r.

39.[48] It seems likely, due to the textual and presentational similarities of these two manuscripts, that the one was copied relatively close to the another, perhaps from the same manuscript source (or, alternatively, one from the other).[49] Despite their similarity, however, Harley MS 37 is distinctive for its inclusion of a dedicatory letter from Starkey to Prince Charles, seemingly unique to this manuscript. It is the existence of this letter that confirms to us Starkey's authorship of the treatise, with other copies of the manuscript (including Harley 1128) listing no author.[50] It is possible, therefore, that this manuscript may have been transcribed for Starkey (with additional copies, such as Harley 1128, being made for commercial circulation), a possibility that is perhaps strengthened by the text's survival through the library of Simonds D'Ewes.[51] Although it is not impossible that D'Ewes himself acquired this manuscript separately from Starkey's papers, it seems likelier that the text came to his library as a part of the later purchase. The extent of D'Ewes' interests in Starkey, after all, were limited to his manuscript collections, and it is thus doubtful whether he would have actively sought a treatise by Starkey himself, whom he regarded as 'ignorant'. This scribal copy, moreover, may go some way to explain the lack of an autograph draft of the treatise in Starkey's papers.

Though it has been assumed that Cotton MS Titus F. III gives no author for the text of the *Breviary*, this is not strictly true: in the upper right corner of the work's opening page, slightly above the title page, is note in a mixed seventeenth-century hand written with graphite, reading: 'Sr Walter Rawlegh./ see aboue'.[52] There are a range of plausible explanations for when this note was written, and by whom. Possibly, the note comes from an early reader of Cotton library; marginal notations from seventeenth-century readers are indeed a common paratextual feature of the Cottonian collection, with (for instance) the hand of William Dugdale (1605-86) appearing at two points elsewhere in Cotton MS Titus F. III.[53] If, therefore, a reader familiar with the *Breviary* (and believing the text to be Ralegh's) had come across the unattributed copy of text in the library, it is plausible that they may have noted the text's composition. Perhaps the likeliest explanation for the note, however, is it originates from shortly after the text was copied, and was written either by one of Starkey's associates, or by Starkey himself. A compelling factor for this explanation are the examples of graphite annotations in other examples of Starkey's work, and in particular, a copy of

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[48] British Library MS Harley 37, ff. 36r-60v; British Library MS Harley 1128 ff. 1r-24v. Where the Harley 37 text is part of a larger collection of documents, Add. 30197 solely consists of the tract in a seventeenth-century limp vellum binding.
[49] Harley 37, f. 36r.
[50] In both MSs, for instance, the title of the work is written across each verso and recto of the tract as such: 'The Priuelidge' on the verso, and 'of Parliaments' on the recto.
[51] See Watson, p. 310.
[52] See Appendix C of this thesis (fig. 1).
[53] See Colin C.G. Tite, *The Early Records of the Cotton Library* (London: The British Library, 2003), p. 202.

an account of a diplomatic conference between Thomas Bodley and 'the States of the vnited Prouinces', featured in Harley MS 36, and which contains numerous graphite corrections in Starkey's hand.[54] These corrections are composed in a slightly looser form of Starkey's secretary hand, and it should be stressed that there are visible discrepancies (though also some similarity in letter formation) between these corrections and the Ralegh note (not least that the latter incorporates italic and secretary letter forms, and the relative size of each sample). A positive identification that the note is Starkey's would require another sample of a similar size. Even so, however, there is circumstantial reason to believe that Starkey may have either believed or encouraged the attribution of the work to Raleigh, namely that the political life of such a figure as Ralegh lay at the heart of Starkey's interests as a collector. As he was no doubt very familiar with Ralegh's writing, Starkey may have felt a certain degree of confidence in making such an attribution. There is, moreover, a potential commercial incentive behind such an attribution, with a historical text believed to have been written by a great statesman-historian commanding greater interest (and more in keeping with the kinds of texts transcribed by Starkey and his associates) than either an anonymously written one, or indeed a work by Daniel. It seems likelier than not that Starkey's source text gave no author in its title, otherwise it is probable that he would have copied Ralegh's name in the title of his own text. It follows, then, that if Starkey's text was the basis for further transcriptions of the work, the scribe must have approached the text with the belief that the text was Ralegh's. Along these lines, one explanation for the graphite note is that it was written as a directive specifically for the aid of a transcriber.

While, then, Gottfried's hypothesis that the attribution of the *Breviary* to Ralegh was the result of a copy being found among his papers, has not been disproven, it ultimately seems likelier that the text gained its attribution from the circumstances in which it was disseminated, and particularly through the evident role played by the 'Feathery Circle' in its distribution. Less ambiguously, the attribution certainly recontextualised the work, as may be seen in its organisation within Harley MS 39. The present collation of texts that constitute the volume must date from after D'Ewes' ownership, owing to the inclusion of a parliamentary speech given twenty years after his death.[55] This being said, however, it is certain that at least some of the manuscript's sequencing dates from at least D'Ewes' ownership, owing to an extended series of transcripts made by one of

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[54] Harley MS 36, ff. 253r-566r; for examples of Starkey's correcting hand, see Appendix C (figs, 293). There are manifest differences in style between the graphite correction here and Starkey's correcting hand; whether or not Starkey wrote the note is ultimately of secondary interest to use of graphite in the production contexts of his work.
[55] Harley MS. 39, ff. 224r-225v

D'Ewes' amanuenses on the spare leaves of a number of scribal transcriptions.[56] The longest of these, an account of Ralegh's arraignment, begins below a transcription by Ralph Starkey of a speech given by Nicholas Bacon (1510-79), and continues through nine further items.[57] At the end of each segment, the scribe directs the reader to (for instance) 'looke one leaf forward' to resume the text.[58] Below the text of the *Breviary*, D'Ewes' amanuenses has transcribed 'An Agreement betweene S<r> Wa: Ralegh and the Lords for the Journey of Guinana to be formed by Captaine Keemish'.[59] The items that immediately follow this are several transcriptions of letters relating either relating to or written by Ralegh, supplemented by yet more transcriptions of Ralegh's letters by D'Ewes' amanuensis.[60] The arrangement of the *Breviary* within the wider volume of Harley MS 39 provides us, therefore, with a striking example of the contextual reshaping of the work from a historical work on medieval England, to a political treatise to be considered alongside Ralegh's political life. This is, in no small part, a consequence of its channel of dissemination.

Britain and England Before the Conquest in *A Breviary*

Before entering into the text *Breviary* itself, it is necessary briefly to consider the earlier contexts in which the notion of 'Britain' had been utilised in Daniel's thought. Like many of his associates and contemporaries, Samuel Daniel met the accession of James I/VI with enthusiasm for the union of the crowns. His *Paneyrick* to the king, an obvious bid for the new monarch's patronage, brings the historical significance of the union into focus by framing it against the long and contentious history in which the island has been divided:

> Now thou art all great *Brittaine,* and no more,
> No Scot, no English now, nor no debate:
> No Borders but the Ocean, and the Shore,
> No wall of *Adrian* serues to seperate
> Our mutuall loue, nor our obedience,
> All Subiects now to one imperiall Prince.[61]

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[56] See Harley MS 39, ff. 275r-278v, 280r, 281v, 283r, 285v-286v, 288v-291v, 295r-296v, 297v-298v, 306r-306v, 318v-323v. The scribe here recurs frequently in the Harleian library, and an example of their collaboration with D'Ewes may be found in a parliamentary transcript in Harley MS 21, with a heading in D'Ewes' hand, and the body in that of his amanuensis.
[57] Ibid., ff. 275r-278v, 280r, 281v, 283r, 285v-286v, 288v-291v, 295r-296v, 297v-298v, 306r-306v, 318v-323v
[58] Ibid., f. 278v.
[59] Ibid., f. 350r.
[60] Ibid., ff. 351r-v; 352r-v; 353r-362v; 363r-371v; 372r-90v.
[61] Samuel Daniel, *A Panegyricke Congratvlatorie to His Maiestie* in *A Panegyrike Congratvlatorie the Kings Maiestie*. (London: For Simon Waterson, 1603), sig. A1v-B4r 2, ll. 3-8.

According to the model described by Daniel here, James' accession 'sets vs at one/ With Nature that ordain'd vs to be one', while internal national classifications of Englishness and Scottishness are overridden by a single British identity (3., ll. 7-8). Robert Zaller has observed, moreover, that between its original MS presentation to the king and its appearance in print, Daniel revised the poem to bring the work in alignment with James' project for the union of the kingdoms; indeed, these lines draw no distinction between the union of the crowns and that of the kingdom.[62] Daniel, of course, was not unaware of the tremendous difficulties that attended James' project, and ultimately prohibited its fulfilment in his lifetime, and it is difficult to disassociate his remarks from the explicitly petitionary context that Daniel presented them. Couched in the language of panegyric, the encompassing providentialism of the *Panegyrick's* opening pronouncements belie the anxieties that surround the accession of a foreign king. It is for this reason that the poem frequently looks to the actions of past English monarchs, whose ancestral ties to James I are invoked to underscore the legitimacy of James' succession to the English crown under English law. In this regard, Daniel appears far more concerned to reinforce England's historical identity than he does to dispense with it entirely. That Daniel chose to write a history of England, as opposed to following the British focus of Camden and Speed, need not suggest that Daniel publicly turned away from these remarks, however. When he came to write of Edward I's failed attempt to unify the island politically, he follows much the same rhetorical and providential strategies as the *Panegyrick*, presumably undergirded by the same interests that informed the previous work.[63] If the history was to follow any ultimate providential or teleological path, then the union of the crowns was the likely terminus for the work.[64] Still, however, the notion of Britain rests uneasily with Daniel's conception of Englishness.

That the early-Jacobean tendency to anticipate the unification of Britain into a political whole was the subject of some controversy is demonstrated by the publication of *Restitution of Decayed Intelligence* (1605) by the Anglo-Dutch antiquarian Richard Verstegan (1550-1640).[65] The work, as DB Hamilton has argued, was written in part as a response to the tradition of English antiquarianism that focused largely on the customs of the ancient Britons, wherein 'diverse of our English writers haue beene as laborious and serious in their discourses of the Antiquitie of the

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[62] 'The poet Samuel Daniel, not content with the sycophantic line "Shake hands with union, O thou mighty Isle" [in the MS] altered it "shake hands with Union, O thou mighty state' (Zaller, pp. 248-9)
[63] See Chapter Four of this thesis for a discussion of these passages.
[64] For example, see the frontispiece of the 1621 edition of the *Collection*, which depicts the salient elements of the king's coat of arms as an archway (sig. A2r) .
[65] A good introduction to Verstegan's antiquarianism is Graham Parry, *The Trophies of Time* (Oxford: Oxford University Press, 1989), pp. 49-69.

Brittans as if they properly appertained vnto Englishmen'.[66] In the book's second dedication, addressed to 'the most noble and renowned English nation', Verstegan argues that he endeavoured upon the work to highlight the proper ancestral lineage of the English, and that 'verie naturall affection which generally is in all men to here of the worthinesse of their Ancestors, which they should indeed be as desirous to imitate, as delighted to vnderstand'.[67] As the dedicatory prefaces of the work show, one of its establishing features is its focus on the English as a people, and Verstegan's focus does not necessarily prohibit support for the political union of Scotland and England. The work's opening dedication is addressed to King James, whom it titles 'King of Great Britainne, France and Ireland'.[68] Simultaneously, in justifying the dedication, Verstegan reminds the king that 'your Maiestie is descended of the chiefest bloud Royall of our ancient English-Saxon Kings'. Verstegan's focus on the king's Saxon ancestry is particularly striking in light of James' own belief that his descent from William the Conqueror allowed him to rule England by right of conquest, implying in a similar fashion to Daniel's *Panegyrick* that the king's legitimacy is grounded in the historical continuity of the English state.

Although the stated point of focus of Verstegan's study is the Anglo-Saxons, the work includes a chapter on the ancient Britons, which includes a lengthy critique of the 'British story', focusing on what can be deduced about the ancient Britons from Roman sources, particularly Tacitus' *Agricola.* On this basis, he asserts that the British were descended from the Gauls (arguing that the mythic Trojan Brutus was in fact a Gaul), and claims furthermore that 'faire more honourable it is for the Britaines to deriue their descent from so great, so ancient, and so honorable a people as the Gaules' instead of the Trojans, whom he terms 'the poore miserable fugitiues of a destroyed city'. Significantly, then, Verstegan's strategy for the elevation of the 'true' ancestors of the Britons, is to undermine the value of any claim of Trojan ancestry by reducing them to 'miserable fugitiues', recognising both the widespread tendency for European nations to claim Trojan descent, and the likelihood that this tendency was fostered 'vpon a delight taken in Virgils verses' (sig. M3r). Verstegan uses a similar manoeuvre when discussing the 'worthiness' of the Anglo-Saxons as the ancestors of the English, making particular use of Tacitus' description of Germanic tribes in the *Germania*, and applying the qualities described therein to the Saxons.

Many of the concerns of *A Restitution of Decayed Intelligence* were motivated by Verstegan's Catholicism, and Hamilton considers the book particularly within the tradition of Catholic historical

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[66] Richard Verstegan, *A Restitution of Decayed Intelligence* (Antwerp: For Robert Bruney, 1605), sig. ✚3r.
[67] Ibid, sig. ✚v.
[68] Ibid, sig. ✚2r.

polemic that had arisen in response to the Elizabethan tradition of protestant historical writing. According to Hamilton, 'The religious-political goals of Tudor Protestant rule had required complex arguments,' entailing 'the privileging of British origins, a castigation of the Saxons as the brutal pagan intruders, and an emphasis on the British King Arthur as a descent of Constantine and the source of the Tudor line.'[69] Among others, Hamilton cites the Cecil patronage circle as a centre for such thinking, from which such figures as William Camden emerged. Hamilton furthermore reads Camden as a significant participant within protestant antiquarianism, highlighting his focus on the Christianity of the Britons in the *Britannia*, and his unfavourable view of the Saxon 'destruction' of the Britons. She furthermore remarks that while Camden's *Remains Concerning Britain* (printed in the same year as Verstegan's *Restitution*) marks a shift towards a more favourable view of the Saxons (namely that it was 'to the honour of our progenitors' that the Saxons had totally conquered the island), 'these remarks are cast within a clearly Protestant framework.'[70]

Daniel's *Breviary* gives a short account of pre-Conquest Britain, with particular detail given to the events leading to the Battle of Hastings. The larger part of the work is given over to a life of William I, which – in an organisational principle that he carried over and expanded upon in his published history - describes the principle affairs of action during his reign, and moves in the end to consider his policies during peace. The text opens with an appeal for Cecil's patronage, announcing Daniel's intention to write a 'breefe historie of England from William the first [...] to the end of the raigne of queene Elizabeth of perpetuall memorye', and immediately turning to the difficulties inherent to the task, and the historical principles he will use to undertake it.[71] In writing the distant English past, he remarks, the historian lacks 'knowledge of the certayne councells held in the managinge of Busnesses so long paste,' while the textual records of later events do not reveal the 'inward and perticulere motiues' behind the actions of rulers. Acknowledging this, Daniel promises fealty to the available material of each time, both the 'colectiones out of those auncient remains that are lefte vnto the world', and 'the conferences actes and instruments' of recent times. Several fundamental features that carry across to the published history are therefore raised in this statement of intent, the first being its focus on the 'successhon and course' of the English state out of a range of sources that Daniel describes in the opening of the *First Part* as 'many scattered peeces'.[72] Fealty to source material, and to the 'truth', was of course a commonplace duty of the Renaissance

[69] Hamilton, p. 4-5.
[70] Ibid, p. 8.
[71] Cotton MS Titus F. III, f. 309r. All subsequent references will be given parenthetically.
[72] Samuel Daniel, *The First Part of the Historie,* sig. B1r. All subsequent references will be given parenthetically. Tacitus, *The Annals*, trans. John Jackson, in *The Histories and The Annals*, ed. and trans. by Clifford H. More and John Jackson, 4 vols. (Cambridge, Mass: Harvard University Press, 1962), II, p. 244.

historian, and Daniel had previously asserted such commitments in his preface to *The Civil Wars*. Here, as F.J. Levy has noted, Daniel's claim is also classically inflected, invoking Tacitus' promise in *The Annals* to write '*sine ira et studio*' by proposing to write 'w<th> out passhon or parcialitie'.[73]

The second significant choice established at the beginning of the *Breviary* is to locate the beginnings of the English state in the reign of William the Conqueror, which – as we shall see – grew increasingly crucial to his conception of the English state in the published history. In making this choice, Daniel turns immediately to discuss the problems of writing about British antiquity with the historical standards he has previously expressed. Though, he writes, he had wished to begin his history 'from the beginning of our firste kings as they are deliuerd in their catalogue', he however found 'their accones vncertynly deliuered', discrediting the sources in which they are related as 'imagenarye tractes of fictions, and monstrous origenales'. This does not mark the earliest point where Daniel had questioned the veracity of the mythical stories of ancient Britain; a more extreme variation of the trend had surfaced in 'Musophilus', where the titular speaker dismisses speculation that Stonehenge originated as a monument to Hengist's massacre of the Britons. If that passage had suggested a certain scepticism towards more fabulist accounts of Britain's past, then it is confirmed here.

Daniel is careful not entirely to discount conventional accounts of British antiquity (he later acknowledges the line of succession before the Roman invasion 'from Brutus to Casibalan', roughly spanning the course of Geoffrey of Monmouth's *Historia Regum Britanniae*, though the substance of his argument somewhat holds these stories in doubt), discrediting instead the distortion to which it had been subjected, and nor does he view this obscurity as unique to Britain (f. 310r). Indeed, in a simile he carries over into the *First Part*, Daniel asserts that the 'begininge of all eminent states' are 'as vncertayne as the heads of great rivers'. Nor, he continues, would further enquiry into these beginnings befit his purpose as a historian, satisfying only 'curiosity' where 'we can neither haue proofe nor profitte' (ff. 309r-9v). This, furthermore, accords with a broader natural order, whereby 'god in his providence hath bounded our searches w<th>in the compass of a fewe ages [...] as if the same were sufficitient [...] to the gouernement of men'. On the one hand, then, Daniel's sense of history is progressive, insofar as the basis of his project is to follow England as a developing state, and on the other it is marked by a sense of common recurrence, where 'we shall fynde the same corespondencies to hould in the accones^ of men'.

Having established the limits of his focus, Daniel admits a 'chaine of dependency' between

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[73] F.J. Levy, 'Hayward, Daniel, and the Beginnings of Politic History in England', *Huntington Library Quarterly*, 50.1, (1987), 1-34, p. 24.

the Norman Conquest and the events that preceded it. He therefore proposes to describe this early period, framing it around the three principal 'mutacons in the state fore going this last conquest', namely the successive invasions of the Romans, Anglo-Saxons, and Danes. As for the pre-Roman Britons, Daniel argues that the aspects of their government, whether ruled by a king, or 'subiecte to one monarch of all soueragne alike', cannot be determined due to the absence of written language on the island. On this basis of uncertainty Daniel conjectures that their state was either similar to the Gauls (with whom they shared a language) or the 'ancient presidents' of the Germans. While there are some similarities here with Verstegan's argument that the Britons were descended from the Gauls, Daniel's takes a slightly different turn by relating these somewhat primitive states according to a universal standard, arguing that the beginnings of all states in 'necessitie' yields similar forms of government across different nations. While Daniel's direct comments on the Brutus myth here register a certain hesitancy to reject it entirely, he does offer a direct rebuttal to its claims by using Caesar as an authority, from whom 'we fynd this Isle was neuer, or neuer longe subiecte to one intiere monarch', but was ruled by 'diuerse kings', thereby enabling their easy domination by the Romans (f. 310r). The strategy that Daniel uses to reject the Brutus myth is clearly similar to that used both in the *Britannia* and in the *Restitution*, showing some awareness of the value of Roman sources for the history of early Britain, albeit with a relatively limited application. Daniel moreover glosses over the Roman occupation of Britain briefly, noting the length of the period, and its eventual reversion to a similar 'state of a kingdome vnder princes' as pre-Roman Britain, during which it was subject to such tumults 'neuer to haue held any calme of florishinge gouernment worthie the observing'. As such, he shortly turns to the story of the arrival of the Saxons at the request of Vortigern, at which point the text begins to assume a more detailed narrative thread.

Before continuing to describe the remainder of the text, it is appropriate to give a short account of the sources available to Daniel for its composition. Though Daniel complains of the discontinuity to which the written record of English history is subject, in many ways he was the beneficiary of recent drives by scholars to see works of medieval English history into print.[74] Doubtlessly the most important of such volumes for Daniel's focus in *The First Part* was Henry Savile's *Rerum Anglicarum scriptores post Bedam*, first printed in 1596, and subsequently republished in Frankfurt in 1601.[75] The book, as the title implies, collected and published for the

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[74] A good summary of the sixteenth century origins of the collection and editing of medieval English history is Sharpe, *Robert Cotton,* pp. 1-13.
[75] Despite its significance, Savile's volume is somewhat underrepresented in modern scholarship: Thomas Roebuck, 'Politics, Patronage and Medieval Scholarship: Henry Savile's *Rerum Anglicarum scriptores post Bedam* (1596) in Context', *Erudition and the Republic of Letters*, 63.1-2, (2021), 61–115 is the best available introduction to the work's place in late-Elizabethan antiquarianism.

first time a series of major historians roughly covering the periods from the coming of the Anglo-Saxons to the end of the Norman succession of kings: William of Malmesbury (including the entirety of *Gesta Regum* and *Historia Novella*, and the three books of the *Gesta Pontificum*), Henry of Huntingdon, Roger Houden, and the Pseudo-Ingulf. Such texts provided Daniel not only with certain narrative details to follow, but also (later in the development of the history) with Royal letters and charters. While Daniel assures his readers of the antiquity of the material he uses, nevertheless it is also clear he was indebted to the Elizabethan chronicle tradition. His close engagement with Holinshed's *Chronicles* for the composition of *The Civil Wars* has been the subject of recent scholarship, and he continued to use the book in writing his history.[76]

Daniel's reliance on printed books in the composition of the history, as opposed to manuscript material, was first substantially commented upon in modern criticism by May McKisack, where her praise for Daniel's historical sense is balanced by disapproval of the limited scope of his research. Other historians, notably F.J. Levy, have altered this perspective somewhat in claiming that his emphasis on marginal citation 'came close to the practice of the antiquaries'.[77] In this regard, it is important to consider in part whether such research would have entirely accorded with Daniel's perceived role as a historian. Certainly, to an extent Daniel was aware of the need to consult manuscript documentation. In the errata of the *First Part of the Historie of England*, he had described himself as 'more an honorer then searcher of antiquities', and 'only studious of the general notions' of the 'succession of affairs of actions' (sig. Gg2r). In the same text he calls upon the 'helpes of my frendes, and all worthy men that are furnisht with matter of this nature' for the completion of the remaining history, especially invoking the aid Robert Cotton's 'choyce and excellent store' (sig. Gg2v). From the evidence of the *Breviary*, however, it is likely that he received Cotton's assistance early into the project: McKisack has noted that the sole unpublished text referenced in the history is Robert FitzNeal's twelfth-century tract *Dialogus de Scaccario*, a text erroneously ascribed to Gervase of Tilbury in Daniel's day, which he likely accessed using the copy in Cotton's library.[78] Where the text is frequently invoked in the printed margins of the history, one of the few marginal headings to the *Breviary* gives '*Geruatius*' as the source for his remarks on Danegelt, demonstrating that Daniel consulted the work in the formative stages of the history (f. 320v).[79]

[76] Gillian Wright, 'Daniel and Holinshed', in *The Oxford Handbook of Holinshed's Chronicles,* pp. 559-574.
[77] Levy, 'Hayward, Daniel, and the Beginnings of Politic History in England', p. 26.
[78] McKisack, 'Samuel Daniel as Historian' p. 232. Arthur Agarde (1540-1615) and John Selden first proposed that the attribution to Gervase of Tillbury was incorrect, yet Selden's own act of misattribution lead to him ultimately accepting Tillbury's authorship (see Toomer, p. 158).
[79] See Richard FitzNeal, *Dialogus de Scaccario* in *Dialogus de Scaccario by Roger Fitz Nigel and Constitutio Domus Regis,* ed. and trans. Charles Johnson (Oxford: Oxford University Press, 1983), pp. 1-127, pp. 54-60.

The story of Vortigern's summoning of the Saxons, and his subsequent betrayal after he was tricked into marrying Hengist's daughter, is so often retold that Daniel likely consulted a number of sources for his condensation. In Bede, Vortigern first appears with reference to his agreement to invite the Angles into Britain in response to frequent invasions by the Picts and Scots.[80] No further information, either of the means of his accession, or his interactions with the Saxons, are given. Daniel's account, on the other hand, begins by explaining Vortigern's exploitation of the British/ Roman king Constantine to become king himself, and adds as further reasoning for inviting the Saxons the need to 'keep [his state] against Aurelius and Pendragon', the sons of Constantine (f. 310r). For these details, it is therefore likely that Daniel turned to the more detailed account of Holinshed, who notes that neither Constantine nor his sons are mentioned in Bede, and cites Geoffrey of Monmouth and the thirteenth century *Flores historiarum* as evidence for their existence.[81] That Vortigern was formerly the Earl of Guisses, furthermore, is another detail Daniel draws from Holinshed.

For the subsequent fall of Vortigern, after he is tricked into marrying Hengist's daughter, 'who knewe to tak aduantage of his loue', and who thus 'gaue the Saxones those preferments in the stat,' thereby facilitating their domination of the Britons, Daniel again predominately relies on Holinshed (ff. 310r-10v). Where in Holinshed, the Britons 'fled to the mounteins', and eventually waged war on the Saxons, Daniel condenses this detail to reflect on the overall effect of the Saxon invasion.[82] Having divided the land into Kingdoms, the Saxons had 'extinguished both the religion' and language of the Britons, as well as the original name of the island. Crucially, then, Daniel's conception of the historical origins of England shares much in common with Verstegan, and indeed Camden, where the Saxons essentially conquered the Britons entirely (driving them to exile in Wales), becoming therefore the ancestors of the English.

Although the coming of the Saxons must therefore be considered as a pivotal historical point for the history, Daniel skips over the heptarchy by listing the number of years in which the Saxon kingdoms existed, and moves to describing their gradual unification, first by King Egbert, who 'obtained the whole dominion to him selfe', and 'to raze out the memory of a diusion, caused by an edict the whole kingdom to be called England'. Immediately following this, however, the state was subject to the arrival of the Danish, and here Daniel's narrative skips again to the accession of Cnut.

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[80] Bede, *The Ecclesiastical History of the English People*, trans. by Roger Collins, ed. by Judith Mclure, (Oxford: Oxford University Press, 1994), p. 26-27.

[81] Raphael Holinshed, *The first and second volumes of Chronicles*, (London: For Henry Denham, 1587) 3 vols., II, sig. C4v.

[82] Ibid. sig. C5r.

While Daniel had built the opening section of the *Breviary* around 'three mutations' of the English state before the conquest, he nevertheless disputes whether England's rule under the Danes can be specifically titled thus, finding that Cnute's reign was distinguished by his attempts to integrate himself within the political system he occupied; he 'imbraced the same religion, maintained the laws he found, and added many constitutiones for the good of the kingdom', and married Aethelred's former wife to 'get in to the peoples affections'. The substance of these brief comments appear to derive for the most part from Malmesbury, who likewise highlights these elements as key features of his reign.[83] From here, Daniel moves to consider the importance of the Danish period in the forthcoming Norman Conquest, beginning with the marriage of Etheldred to the Duke's daughter, effected to 'make his partie good against the inuasion of the danes', and with the accession of his son, Edward the Confessor, 'diveres prefermentes were in way of gratefication bestowed on the normanes' (ff. 311r-11v). Establishing this context, he now focuses on the growing power of Earl Godwine, who 'had matched w<th> his daughter, and what w<th> his owne greatenes and popularitie', had 'made the assent easie for Harrold his sonne to get vpp to the Crowne'. While both Malmesbury and Huntingdon particularly attack Harold as a usurper, Daniel's analysis is somewhat more balanced. Though, indeed, 'it might seeme no lawfull claime', since Harold was the nephew of Cnut, and 'all the land had receaved an oath vpon the massacre and expulc[i]on of the danes [...] y<e> necessitie of the time [...] required a man of sprit and Courage to vndertake the burden of warre' (ff. 311v-12r).

Ultimately, Daniel views the reign of Harold as being subsumed by providence. Though he had 'vsed all the meanes that a wise and valient prince would doe', the general course of the times 'being ouercast, and sett for stormes and alterac*i*on', necessitated his failure. The point, then, is universally applicable to crises of state: 'for the diligence of men coumes often dasht in their publicke feares and tumultes w<th> the verye cogitac[i]on of the euell to come'. This of course culminates in the battles of Stamford Bridge and Hastings, whose proximity to one another ultimately facilitated his defeat. William Duke of Normandy's subsequent landing in Hastings, and defeat of Harold, are outlined in brief. Before Daniel turns to the life of William I itself, he explores the reasons why 'such a great state as this could [...] be subdued by so small a provice'. Here, he specifically alludes to Malmesbury's description that the English had grown (as Daniel terms it) 'debushed w<th>luxurie and idlenes, the clergie licentious': his praise for William I's religious reforms, grounded in the post-Conquest chronicle tradition, carry over into the *First Part* (f. 313r).

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[83] William of Malmesbury, *Gesta Regum Anglorum*, trans. by R.A.B Mynors, ed. by R.A.B. Mynors, R.M. Thomson, and M. Winterbottom, 2. vols. (Oxford: Oxford University Press, 1998), I, pp. 268-9.

The account of pre-Conquest England that Daniel provides in the *Breviary* is very short, covering roughly a quarter of the work's total length, and while Daniel appears to have consulted the *Scriptores* for its composition, many of the details he underlined were available in Holinshed, and as such he clearly consulted the volume frequently here. Of course, Daniel's primary concern was to sketch the core details leading to his period of focus, and therefore this initial lack of detail is easily accounted for; in this regard, the *Breviary* functions primarily as a demonstration of the distinguishing points of focus of the project, on which Daniel will later build in the published work. Most importantly, the *Breviary* establishes the importance of the political development of the state, which is reflected both in the brevity of his treatment of pre-Saxon England, and his passing over of those events which - in his own words - did not contain a 'florishinge gouernment'. Also reflective of the history's focus is its relative lack of discussion of either the Britons or the English as people, with these accounts being framed in terms of the forms of government that each people took. Religion, also, features very lightly in the *Breviary*, and is essentially relegated - with writing - to one of the civilising influences within the island. Having thus established the primary sources with which Daniel composed this section of the *Breviary*, it will be instructive to turn now to Daniel's revision of it in *The First Part of the Historie of England*.

From the *Breviary* to the *First Part*

Following the identification of the *Breviary* as a work by Daniel, John Pitcher has given a convincing account of the chronology leading up to the first edition of the *First Part*. Originally entered into the Stationers' Register on 20 April 1612, its printing was delayed by two months when Cecil died less than a month later on May 12, and the work was left without the protection of a patron.[84] 'We must appreciate', Pitcher writes, 'that Daniel must have felt particularly nervous about publishing a history of English kings' - especially after the *Philotas* controversy - and hence that he likely wanted the work to be given 'the most powerful protection possible'.[85] In his interpretation, Robert Carr might have offered to fulfil this role without direct petition from Daniel; and certainly, as 'the second most powerful man in the country' after Cecil's death and before his downfall three years later, Carr answered these immediate demands ideally.[86] Beyond the inherent practical need for court protection, it is also clear that the patronage frameworks of the *Breviary* and

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[84] Pitcher, *Samuel Daniel: The Brotherton Manuscript*, pp. 177-178.
[85] Ibid., p. 70.
[86] For Daniel's likely prose address to Carr after his trial for the Overbury murder, see ibid., pp. 149-150.

later the *First Part* are vital aspects of the imagined contexts of readership that both texts are shaped around. If, then, the inherently private characteristics of the manuscript circulation of the *Breviary* and the initial print of the *First Part* itself articulated the elite contexts of the work's intended readership, then the dedicatory address to Carr serves to show how the work has grown from the interests of this readership. Daniel reflects, indeed, that the work answers the demands for a short history of the 'generall affairs of action' in England intended for the instruction of nobility, 'seeing it concerns them most to know the generall affaires of England, who haue least leasure to read them' (sig. A2v). This principle is then drawn specifically to the career of Carr, who is lately now 'a publick person, and thereby ingaged in the State of *England,*' and who hence will 'iudge the righter of things present' by 'the obseruance of affaires past'. The patronage context, therefore, shapes the formal scope of the work (the governmental 'affairs' of the kingdom) and its intended contexts of reception.[87]

Critical opinion of the opening section of Daniel's published history has generally regarded his treatment as brief and cursory. It is undoubtedly true that from the beginnings of the project the weight of his interests rested on England after the Norman Conquest, and that the early history of England, as F.J. Levy highlights, is covered in only 'two dozen' pages of the 1618 *Collection*.[88] Be that as it may, when Levy interpolates that Daniel believed that 'once William came to the throne, it was possible to be sensible', he forgets the more prominent place it holds in the *First Part*, where it forms the first of the three books into which it is divided. Placed alongside the earlier account given in the *Breviary*, which treats Pre-Conquest Britain in roughly 2000 words, his revisions are extensive; many of these historical principles he had established in the *Breviary*, furthermore, were carried across into the published work.

In the *Breviary*, the crucial reason that Daniel gives for limiting the focus of his projected history from the beginning of the Norman Conquest is the obscurity to which the preceding period is subject. Tethered to this is his brief criticism of the predominance of the British story as a central reason for this obscurity. In light of this, he makes several conjectures as to the real the state of Britain before the Roman invasion, most significantly that is was not a unified monarchy. In turning to write *The First Part*, Daniel retained this viewpoint to a large extent. Like the *Breviary*, the history begins with Daniel vowing to 'be of no other side then of the truth', again stating his allegiance to his source material (sig. B1r). Here, however, he also turns to the question of source

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[87] As a figure who arrived into England with the new king, moreover, Carr arguably fit the framework of the history with greater ease than did Cecil.
[88] Levy, *Tudor Historical Thought*, p. 276.

discrimination, claiming not to 'produce any thing, but out of the best approued Monuments domesticall and forraine'. One of the central initial stresses that the history makes upon itself, then, is to present the past without anachronistic embellishment, either by its distortion to 'suite our present likings', or to 'vndervalew the discretion of former times, as if ours were of a greater dimension'.

On these grounds, Daniel turns again to consider the British story, which here receives a far more pointed critique than in his previous draft. Where Daniel had previously made a point to balance his scepticism of Brutus story without outright rejection, in the *First Part* he asserts that these accounts 'rise from the springs of pouertie, pyracie, robberie, and violence', while, in straining the credulity of 'after ages with heroycall or miraculous beginnings', view 'states, as men, are euer best seene, when they are vp, and as they are, not as they were' (sig. B2r). Here, Daniel's use of the term 'state' underlines its importance to the overall intent of the project. In Woolf's view, Daniel's consistent usage of the term 'state' across the history instead of the more familiar term 'commonwealth' reflects the influence of Jean Bodin.[89] In his estimation, moreover, Daniel's understanding of 'state' follows Bodin's usage in rejecting the progressive or possessive meanings of the term that had previously inflected it, such as the Machiavellian usage of '*lo Stato*' to denote both the power of the ruler, and its present - often variable - status.[90] While more substantially explained here, the argumentative basis of this passage owes much to his original dismissal in the *Breviary*, with his added emphasis on charting the development of the English state providing a sounder basis for his rejection of the Brutus myth. As we have seen, his solution in the *Breviary* was to begin the history with Julius Caesar's invasion, as the earliest record of Britain in what 'is deliuered in theis vncertayne Antiquities' (f. 310r). Loosely, then, Daniel there made some claim for the veracity of certain source materials, valuing – for instance – Julius Caesar over Geoffrey of Monmouth. Beyond this, however, the beginning of the *Breviary* makes little attempt to further consult early source material. In its stated allegiance to 'the best approved monuments', however, *The First Part's* treatment of the Roman period introduces a far more careful method of source selection than in the previous text, where the method of evaluation he had previously hinted at is put to more substantial practical usage.

Daniel's reasons for doubting mythical accounts of Britain's pre-Roman past were briefly alluded to in the *Breviary*, where he viewed the remit of British history as circumscribed by 'the

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[89] Woolf, *The Idea of History*, p. 88. The language of commonwealth, however, occurs at crucial points in the history; in the third chapter of the thesis, I argue that Daniel engages with both senses of the term.
[90] See also Quentin Skinner, 'A Genealogy of the Modern State', Proceedings of the British Academy, 162, 324-370.

tyme that letres and christyanytie were here receaved', the implication being that written language was introduced by the Romans. (f. 309v) Building on this framework, *The First Part* expands his argument significantly: pre-Roman British history, Daniel asserts, is obscure because its inhabitants lacked the ability to record their affairs in writing; had, furthermore, writing been observed in Britain during the period, then 'we should haue heared something of them' (sig. B3v). The beginnings of literacy on the island – and thus, the beginnings of any reliable recorded information thereof – must begin with the coming of the Romans. To illustrate this, Daniel translates a passage from Tacitus' *Agricola*, describing the introduction of Latin onto the island a means of colonisation:

> Aduice Was taken, saith he, that the people dispersed, rude, and so, apt to rebellion, should be inured to ease and quiet by their pleasures: […] then they caused the principall mens sonnes to be taught the liberall Sciences, extolling their wits for learning, aboue the Gaules, in so much that they, who lately scorned the Roman tongue, now desired eloquence […] and that, by the ignorant, was termed humanitie, when it was a part of seruitude (sig. B4v-C1r).[91]

To bolster the argument that letters were first introduced by the Romans, Daniel makes further use of Roman sources, citing extracts from Cicero and Strabo in the book's margins, the first from *Letters to Atticus*, where, speaking of Britain, he doubts that 'you will find any with literacy or musical talents among them'.[92] Strabo's comparison of the Britons and the Gauls again highlights their similarities, yet qualifies that the former 'are more simple and barbaric'.[93] Here, he also directs the reader to Book II of the *Geographica*, which recounts the same civilising influence of the Roman subjection of Gaul.

Daniel's uses of his sources here combine a loose narrative of Britain's origins with an amalgamation of the earliest available records of the island. Where a matter is therefore uncertain, Daniel uses these sources to make informed conjecture. In the *Breviary*, Daniel had made some effort to do this, comparing the primitive state of Britain with that of Gaul; the introduction of a wider palate of source material in *The First Part* allows the building of a stronger argumentative case. A good example of this practice can be found in his discussion of Britain's pre-Roman state; here, his primary intent is to prove that – rather than being a unified kingdom - Britain was ruled by a number of kings, thereby facilitating its domination. Where this is plainly stated in the *Breviary*,

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[91] Tacitus, *Agricola* in *Three Works* by *Tacitus: Agricola, Germania, and Dialogue on Oratory*, ed. and trans. M. Hutton and W. Peterson (New York: The Macmillan Co., 1915) , pp. 206-7.
[92] Cicero, *Letters to Atticus*, trans. by E.O. Windstedt, 3 vols. (Cambridge, Mass.: Harvard University Press, 1912)., vol. 1, p. 325.
[93] Strabo, *Geography*, trans. by Horace Leonid Jones, 8. vols. (Cambridge, Mass.: Harvard University Press, 2006,) p. 255.

The First Part makes further use of Julius Caesar. The general obscurity of pre-Roman Britain is observed by reference to Caesar's account that 'although he summoned to his quarters traders from all parts, he could discover neither the size of the island, nor the number or the strength of the tribes inhabiting it, nor their manner of warfare, nor the ordinances they observed' (sig. B3r).[94]

Turning to the question of Britain's pre-Roman government, Daniel uses Caesar's description of Kent: 'they were diuded into many seuerall states: nominates fower princes of Kent by the title of Kings', which then upon the invasion of Caesar elected 'by the Common Councell' Cassivellanus as their leader (sig. B3r).[95] Although Ceasar's text appears to 'report' that Kent was a monarchy, Daniel compares the tribal states of Britain to those of Gaul (as Caesar does, and later Tacitus), where instead of a monarchy, 'it was then one [with Gaul] in religion, and much alike in fashion and language, deuided into a multitude of pettie regiments, without any intire rule, or combination.'[96] Printed in the marginalia of the book aside this argument is a short phrase from Book V of Strabo's *Geographica*, where it observed of Britain that 'they have powerful chieftains'.[97] Similarly to the *Breviary*, Daniel's view of the primitivism of pre-Roman Britain is related more generally to universal nature of all nations in their formative development, such as were '*Gaule, Spaine, Germany*, and all the west parts of *Europe, before the Romans'*. He takes further occasion here to attack the British story, highlighting again that viewing pre-Roman Britain as a monarchy 'as if alone vnlike, or more in State then all other nations is to giue entertainment to those narrow conceits as apprehend not the progresses in the affaires of mankind' (sig. B3v). Having established its unlikelihood, then, Daniel returns to the question of the purported line of British Kings from Brutus to Casseuellaunus, finding no evidence to support 'a line of absolute Kings', and thus – in a common manoeuvre by early modern historians - settles only to reference them to allow his readers to determine their veracity.

In the absence of any grand lineage from which to distinguish the origins of the British, Daniel instead highlights their 'noble' simplicity, arguing that they produced men 'magnanimous, and toucht with as true a sence of honour' as the Romans. A recorded example of this which Daniel describes is the rebellion of the Iceni led by Boudica. His principle source for this is Tacitus' detailed account in Book 14 of *The Annals*. Daniel's adaptation of Tacitus does not highlight the brutality of the Britons, who 'did not take captives' but rather 'hastily resorted to slaughter': instead

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[94] Julius Caesar, *The Gallic Wars*, trans. by H.J. Edwards (Cambridge, Mass.:, Harvard University Library, 1958), p. 207.
[95] '[…] Kent, a country by the sea, as above set forth, over whose four districts Cingettorix, Carvilius, Taximagulus, and Segovax ruled as kings', *The Gallic Wars*, p. 253.
[96] Ibid., p. 253.
[97] Strabo, *Geography*, trans. by Horace Leonid Jones, 8. vols. (Cambridge, Mass: Harvard University Press, 2006), II, p. 255.

– in keeping with Daniel's general view of the Roman rule as 'greedy and cruell' – he frames Boudica as a model of virtue, and the rebellion as 'that noble, and manly worke of liberty', and a precursor to the final subjection of Britain by the Romans (sig. C3r).[98] Of course, this representation of the virtues of the Britons over the Romans itself finds precedent in Tacitus, whose discussions of the 'simplicity' of the Germans and Britons in the *Germania* and *Agricola* are often contrasted with the decadence and corruption of the Roman state.

Daniel's attitude towards the British story, and the methods he uses to reject them, are by no means unique to his history. As we have seen the early seventeenth century, the British story's prevalence as the accepted narrative of the island had somewhat diminished, and in particular, Camden's use of Roman sources in the *Britannia* offered an exemplary demonstration of these methods. Among the earlier part of Camden's book are sections on the 'Maners and Customes of the Britains', and 'Romans in Britain' which – like *The First Part* – amalgamates strictly Roman sources to glean a sense of the early Britons, paying little heed to conventional myth.[99] It is likely, for instance, that Daniel turned to Strabo from the *Britannia*, where he is extracted alongside Caesar and Tacitus. This equally applies to Daniel's references to the *Notitia dignitatum* for numerical details of the late empire; while his identification of the Roman town of '*Camolodunum*' with Maldon probably derives from his reading of Camden (sig. C2v).[100] The early part of the history, then, owes much to contemporary developments in English antiquarianism, and his adoption of antiquarian practices in the opening pages of the history are accompanied with careful marginal citations of each text, making these pages the most heavily glossed passages in either the *First Part* or the later *Collection*. Daniel's history is not alone among narrative histories of the era in reflecting this tendency. The same arguments had been expressed by Camden's friend John Speed in *The History of Great Britaine*, published in 1611.[101] Speed rejected the line of succession from Brutus, and instead – like Daniel – followed Caesar and 'other Latin writers' as 'the best Recorders of kingdoms affaires'.[102]

Just as the transition from the *Breviary* to the *First Part* entailed a deeper search into primary Roman sources for the Island, so too did his revised account of the late-Roman and Anglo Saxon periods demand for a closer engagement with sources outside Holinshed. For the sub-roman period, Daniel likely would have consulted the acknowledged two major sources for the period: Gildas and

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[98] Tacitus, *The Annals,* IV, pp. 156-73.
[99] William Camden, *Britain, or A chorographicall description of the most flourishing kingdomes, England, Scotland, and Ireland, and the ilands adioyning*, (London: For Philemon Holland, 1610) sig. G2ᵛ-H2ᵛ.
[100] See Ibid., sig. Oo5v.
[101] A good summary of Speed's historical thought is found in Levy, *Tudor Historical Thought*, pp. 196-99.
[102] John Speed, *The history of Great Britaine under the conquests of ye Romans, Saxons, Danes and Normans*, (London: For William Hall and John Beale, 1611) sig. Pp5ᵛ.

Bede. In addressing the former, however, Daniel takes occasion to question the authority of Gildas as a source. Though, Gildas himself 'complaines' of the obscurity of British history, 'laying the cause on the barbarism of their enemies, who had destroyed all their monuments, and memorials of times past', Daniel argues that his own account participates in the very act of erasure he decries, obscuring the Britons 'with such vgly deformities, as we can see no part cleere […] as if he laboured to inueigh, not to informe' (sig. D2r-v). More than any other passage in the first book of the history, Daniel's discussion of Gildas represents his most explicit critical engagement with a source text, and his freest diversion from an existing consensus, acknowledging that 'the reuerence of antiquitie' have given 'Sanctuary' to his shortcomings.

By nature of its subject, Daniel's use of Bede's *Ecclesiastical History* raises the question of the place of Christianity and its development in England in his own history. For the most part, however, the section of Bede on which Daniel most explicitly relies comes from the early part of the history, covering the late-Roman period. Here, a number of military uprisings sprouted from Britain and the surrounding regions, laying it 'open to the rapine, and spoyle of their northerne enemies' (sig. D1r). His treatment of sources here generally shifts from the more citational method that he had utilised in discussing Roman Britain, towards the adaptation of sources without citation. A good illustration of this from Bede is Daniel's description of the successive dictatorships of Marcus, Gratian, and Constantine:

> [the veteran soldiers] proclamed Emperour, one Marcus, whom shortly after they slue, then Gratianus, who likewise within 4. monethes being murthered, they gaue the title to one Constantine, not so much for his merit, as the omination of his name. (sig. D1v)

The account of Constantine is clearly a paraphrase from Bede ('a worthless solider of the lowest rank, was elected in Britain solely on account of the promise of his name').[103] It is clear however that some care was made to consult an additional source for several further details. Bede does reference the figure of Marcus, however (raised to power by 'Veteran souldiers fearing the invasion of the Vandles'), and together with Daniel's inclusion of the duration of Gratian's rebellion (also absent from Bede), suggests an additional source for the passage. Daniel follows Bede's narrative of the Britons' appeal to the praefect of Gaul, Aetius, for aid against the Picts and Scots; he translates their petition for help directly from the *Ecclesiastical History*, and follows Bede in situating Aetius's refusal in the context of the western empire's disintegration, which was in 'the last

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[103] Bede, p. 39.

convulsions of a dying State; hauing all the parts, and Prouinces thereof miserably rent' (sig. D2r).[104]

As these instances demonstrate, Daniel's primary use for Bede does not demonstrate much of an attempt to incorporate Bede's narrative of the genesis of Christianity on the island; instead, he draws details from Bede to trace the political downfall of the Roman state, in keeping with the stated political focus of the history. The subject of Christianity itself had surfaced only circumstantially in the *Breviary,* surfacing for the most part in relation to the monarch. In composing the *First Part of The Historie*, Daniel lightly altered this, briefly noting the key moments in which Christianity was introduced into the island (beginning with King Lucius), and particularly the conversion of the Saxons. For this event, Daniel focuses primarily on its direct effect upon the Saxon kings and the administration of their kingdoms:

> But after *Augustine* the Monke, sent with 40 others, by Pope *Gregorie,* had conuerted *Aethelbert,* King of *Kent,* and some other, they all shortly after receiued the Christian faith, and had their lawes and rites ordered according to Ecclesiasticall constitutions. (sig. E3r)

A good point of comparison here can be made with Verstegan's *Restitution*, where the conversion of the Saxons provides the most pointed example of the author's Catholic sympathies in the first section of the work. Here, Verstegan's principle interest is the demonstration of how, and in what form, Christianity was first received by the English; though he had previously conceded in the second dedicatory epistle that Lucius held the 'precedence of all christened kings of Europe' of being the first king to receive Christianity, his ultimate focus on the Saxon origins of the English allows him to foreground Augustine's conversion of the Saxons as the point when Christianity was introduced to the English people.[105] Verstegan notes particularly that Augustine's group approached the king carrying 'a crosse of siluer, and the image of our Saiour printed in a table, with innovating almighty God in singing Latanies', implying the Catholic origins of English Christianity, and underlining by extension the kind of relationship that the first English kings established with the church.[106] Pointedly, Verstegan finally instructs those 'as are desirous more particularly to vnderstand the true manner and forme of the Religion and seruice whereunto this our first Christian English King and his people were conuerted, may […] therein haue recourse into Venerable Bede,' (sigs. T1r-v). In contrast, Daniel's treatment of the conversion of the Saxons appears to avoid

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[104] Daniel's analysis here draws on information in Bede, yet the general commentary is his own.
[105] Verstegan, sig. ✢3r.
[106] Ibid, sigs. S4v-T1r. Verstegan's description is complemented by a woodcut that depicts the event.

any enquiry into the form that early-English Christianity had taken, suggesting a reticence to engage with the controversies that such enquiries could raise. As his use of Bede moreover demonstrates, the remit of the history largely remains secular. By briefly acknowledging the origins of Christianity, however, Daniel does establish it as a significant institution to be considered within the general framework of the state, and we shall later see how this consideration takes shape in the later lives of the *Collection*.

Similarly to the Roman period, Daniel's treatment of the Anglo-Saxons was extensively revised between the *Breviary* and *The First Part*, yet again reflects the substantiation of ideas first introduced in the general work. A good example here is in the importance that Daniel places on the discontinuity between sub-Roman Britain and Anglo-Saxon England. In the *Breviary*, Daniel had already established a belief that the Anglo-Saxons had 'extinguished' the customs of the Britons, and that the foundations of what became England were laid by the Saxons. This is repeated at greater length in the *First Part*, where he argues that 'they extinguished, both the religion, lawes, language, and all, with the people and name of Britaine' (sig. E1v). The state of 'Britaine' thereby is entirely supplanted for 'Engist-Land or England', which inherited neither the customs nor the laws of their former residents; he thereby places the bulk of England's ancestral lineage with the Anglo-Saxons (sig. E3r). Daniel accounts this to the mass migration of the Saxons, as well as the incompatibility between their paganism with the Christianity of the Britons. On a wider scale, however, he also relates the Saxon conquest to contemporaneous ethnographic shifts in sub-Roman Europe to view the general period as one of 'vniversall mutation', in concurrence with, for instance the invasion of the 'Francs and Burgognons' who forced the Gauls to the coasts of Spain and Portugal (sig. E2v). This belief, in which historical events accord to broad global and providential process, surfaces frequently in the work. Daniel's treatment of King Harold is a notable example here. Many of Daniel's medieval sources, presumably on account of their relative proximity to the Conquest, view Harold as having gained the crown on a pretended right, with Malmesbury for instance claiming that 'he might have ruled the kingdom […] with prudence and fortitude, had it come to him lawfully'.[107] Daniel, in contrast, regards Harold's right to the crown as acquired by being 'the most eminent man of the kingdome', who as king made 'all the best courses both for the well-ordering of the State, […] that a politicke and actiue Prince could do' (sig. K2r). His primary failure, Daniel argues, was ultimately that he ruled 'in a broken world, where the affections of men were all disioynted, or dasht with the terror of an approching mischiefe'.

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[107] Malmesbury, *Gesta Regum*, p. 421.

The central concern for Daniel in his account of the Anglo-Saxon period is the incremental progression of each kingdom into a unified whole, and therefore (similarly to the *Breviary*) his treatment of each separate kingdom is cursory. Once he reaches the reign of Alfred, Daniel begins to organise the work under the marginal headings of the kings he describes.[108] Details of the military achievements of the Saxon kings against the Danes/Vikings are purposefully excluded, as their accounts offer only a 'confusion of place, times, and persons, intricately deliuered', and Daniel finds 'little profit' in his recording them (sig. F1r). This remark serves to further clarify Daniel's focus, which places far more importance on political administration as a developmental factor of the state, as opposed to military advancement. This is not to say that Daniel undervalues the importance of the latter, but rather foregrounds the political process underpinning military action and its subsequent repercussions rather than the action itself.

For this period, Daniel appears by and large to turn away from Holinshed, who had served as the basis for most of the introduction of the *Breviary*, towards the authors of Savile's *Scriptores*, and especially William of Malmesbury. While, furthermore, Daniel may use the general narrative frame of a life given by Malmesbury, frequently he consults other sources for additional details of interest to his history. His life of Alfred, for instance, chiefly uses Malmesbury, yet draws less from his account of Alfred's military campaigns, and rather on his advancements in the collation of Saxon laws from both Wessex and the other kingdoms (thereby beginning to institute the nation as a fledgling unity), and in the advancement of learning across his kingdom. While Malmesbury highlights Alfred's institution of laws (especially tithings), he does not elaborate on their amalgamation with the detail that Daniel does ('by the graue aduise, and consent of his States assembled, hee makes choice of the fittest; antiquates those of no vse, and ads other according to the necessitie of the time,') (sig. F2v).[109] Likewise, although Daniel uses Malmesbury to highlight the king's lack of formative education, and the division of his day into three parts (sleep, prayer and study, and maintaining the state), his assertion that he encouraged 'publique schooles' is drawn from another source, as is the recounting of the 'first suruey of the Kingdome', recorded in a book that was stored in Winchester (sig. F3r-v). For these details, it is possible that Daniel also consulted Asser's life of Alfred, of whom he makes brief mention.

At points, Daniel will provide a very short life of a king, such as Alfred's son Edward, for which he will typically draw a terse summation of his reign from Malmesbury, and provide a short analysis of that monarch's role in the advancement of the state. Edward, for instance, was 'farre

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[108] In the *Collection*, these become chapter titles.
[109] Malmesbury, *Gesta Regum*, p. 189.

inferiour to [Alfred]' in learning,' yet 'went much beyond him in power: for he had all the Kingdome of *Mercna-land* in possession, whereof *Alfred* had but the homage, and as some Write' (sig. F4r).[110] A slightly longer account, demonstrating the same political concerns in approaching his source material, is given to King Edgar, whose policy of naval expansion Daniel views as a key development in the unification of Britain as a political state, both in terms of its defensive purposes, and for the king's yearly survey of the island 'to secure his coasts from inuasion' (sig. G1v). Malmesbury makes reference to the latter action, explaining it as a display of 'the majesty of a king who held the power of so many kings of England'.[111] Daniel furthermore extracts from Edgar's letter, included in *Gesta Regum,* which restates Malmesbury as a monastery, where he addresses himself as 'monarch of all Albion, who by the subjection of the neighbouring kings of coasts and islands am raised higher than were any of my forbears'.[112] Whereas in *Gesta Regum* the letter demonstrates Edgar's ecclesiastical advancements, Daniel's emphasis on secular power uses it as proof that he was 'he was intitled, king of all Albion' (sig. G1v).

For the reign of Cnut – which Daniel had highlighted for particular praise in the *Breviary* - Daniel turns away from Malmesbury, instead using Henry of Huntingdon, whose account of his seizure of power differs significantly. According to Malmesbury, it was the English who deposed Eadric and Thurkill, whom Cnut had appointed as the rulers of the Mercians and East Anglians; Daniel follows Huntingdon however by asserting that Cnut ordered their deaths, along with several British nobles.[113] Both accounts present almost opposite models of political process, which serve differing purposes. In *Gesta Regum*, the traitor of King Edmund, Eadric, is murdered surreptitiously by strangulation, and his body disposed of in the Thames 'to avoid a public disturbance'.[114] Huntingdon's account makes the death public, where 'he ordered him to be beheaded, and his head to be fixed on a stake on London's highest tower'.[115] By opting for Huntingdon's explanation, then, Daniel foregrounds the action as a means of consolidating the King's power to his people, adding that they 'reioiced to sea treason so justly rewarded' (sig. H3r).

In recompense for the bloody beginning of his reign, he explains that Cnut sought to further his public reputation by erecting 'Churches and Monasteries, with large patents of prouisions', to which Daniel may be generally referring to Malmesbury's long account of the king's ecclesiastical

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[110] Ibid., 'He was much inferior to his father in book-learning, but in his power and glory as a king there was no comparison', p. 197.
[111] Ibid., p. 239-41.
[112] Ibid., p. 249. Appears 'Ego Edgarus totius Albinis basileus, necnon maritimorum seu insulanorum regum circumhabianum &c' in Daniel (sig. G1r).
[113] Malmesbury, *Gesta Regum*, p. 321; Henry, Archdeacon of Huntingdon, *Historia Anglorum*, ed. and trans. by Diana Greenway (Oxford: Oxford University Press, 1996), p. 363.
[114] Malmesbury, *Gesta Regum*, p. 321.
[115] Huntingdon, p. 363

achievements, framing the religious advancement as a means of establishing his state (sig. H3v-4r).

Another likely source here, referenced here as 'Constitutions Ecclesiastical and Ciuile', is

Lambarde's much used edition of Anglo-Saxon laws, *Archaionomia*, (1568) which is referenced at

several later points of the history. His description of Cnut's military triumphs over the Norwegians

derives from Huntingdon, as does his overall assessment that he was 'the mightiest, and most

absolute Monarch that euer yet appeared in this Kingdome' (sig. I2r).[116] Huntingdon's focus on the

extent of the king's domains as a measure of his greatness is therefore brought over into the work,

introducing a persistent theme across the remainder of the history.

Conclusion

Having thus examined the development of the earliest part of Daniel's history, it is clear that the

presiding focus of the work is political, which thereby inflects the way that Daniel approached the

authors within Savile's *Scriptores*. Clearly, writing the *Breviary* had established the basic question

of the origins and development of the English state (by Woolf has argued, 'gradual, step-by-step

constitutional progress') as a fundamental concern for the project; where the earlier draft however

had somewhat glossed over the pre-Conquest period, highlighting instead the significance of the

Norman Conquest, *The First Part* stresses the significance of the period by tracing the origins of

English state with greater attention.[117] This is not to underplay the significance that the history does

give to the Norman Conquest; in the following chapter, we will see that Daniel does little to imply

continuity between the political structures of the Anglo-Saxons with the England of the day. As his

revision of his account of Roman Britain highlights, the major development between the two

versions is the widening remit of his sources. His practice in the *First Part* thus entailed the

substantiation of his previous rejection of the British myth into a critical method that drew from the

practices of the antiquaries to establish an authoritative basis through which to examine the earliest

years of recorded British history. Daniel's emphasis on the verifiability of historical information –

as began in the *Breviary* - establish his preoccupation with the limits of historical knowledge, which

further informs several of Daniel's later historical arguments. If, then, we see in the *First Part* a

refinement of the historical arguments posited by the *Breviary*, then it is testament to the importance

of the early draft that the conceptual framework under which he worked in the latter text was

previously established by the former.

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[116] Ibid., p. 365.
[117] Woolf, *The Idea of History*, p. 104.

As I have previously stated, Daniel's decision to focus his project almost entirely upon England does not itself suggest any particular attitude towards the question of British unification, nor indeed does such a text that explicitly engages with the relationship between English and British identities as Verstegan's. That Daniel however recognised the tensions within this relationship, however, is shown by Daniel's 1603 publications, and especially the *Panegyrick*, where the celebratory tone of the work belies the inherent anxieties both within the course of succession, and the projected union of England and Scotland. While, therefore, Daniel claims that with James' accession, that there are 'no English now', ultimately the work reinforces a belief in the king's obligation to the historical reality of the English state. It is with similar preoccupations, moreover, that Verstegan's work was undertaken, using the precedent of the Saxons to underline the foundations of English monarchy, and implying that it is from this basis that the present role of the English monarch should be defined. It is important to bear in mind, however, that both the *Restitution*, and Daniel's 1603 work, both take a certain polemical aspect that the *Historie* at this stage does not. For the most part, as his treatment of the English Church makes clear, Daniel attempts to circumvent explicit controversy, though by no means does this necessarily imply that the text is wholly neutral, as further enquiry into the history shall make clear.

One of the central establishing gestures of the history is Daniel's appeal to a politically involved audience. This audience, of course, was fundamental to Daniel's authorial identity long before he turned to prose history, and it is in the interests of this readership that his commitment to brevity of composition is framed. In his study of Daniel, Woolf has noted that his historical portraits lack the psychological texture of those typically associated with the 'politic history' tradition, noting that Daniel's 'refused to explain events in terms of simple cause and effect'.[118] Woolf convincingly accounts the lack of psychological analysis to Daniel's skepticism, by which (as the *Breviary* has it) the 'peculiar and inward motives' of historical actors are ultimately inaccessible to the present, concerns that Alzada Tipton has more recently argued are at work in Daniel's *Philotas*.[119] It is equally the case that the presentation and analysis of his source material circumscribe the concerns of the history: throughout the history, Daniel sublimates dramatic presentation for brisk recitation and broad, aphoristic analytical reflection. Take, for instance, his analysis of the reign of Edward the Confessor, which - like many of the reigns of preceding the Norman Conquest - heavily foreshadows the Norman Conquest in Daniel's account. Daniel notes that Edward held his mother,

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[118] Ibid., p. 102.
[119] See Tipton on the parallel of Philotas with Essex: 'history, even very recent history, does not offer a definitive explanation of a person and his actions' (Alzada Tipton, '"What hath been his mind?: Motivation, History, and Theater in Samuel Daniel's Philotas', *Studies in Philology*, 117.1, (2020), 40-75. p. 60).

Queen Emma, in animosity due to her commitment to her second husband, Cnut, over his father, a detail that Daniel then draws into a broader analysis of the political culture of his reign:

> It seemed these priuate grudges, with mens particular ends, held these times so busied, that the publicke was neglected, and an issuelesse King, gaue matter for ambition and power, to built hopes and practices vpon: (sig. K1v)

In this analysis, Daniel hints towards the psychological preoccupations of the era, yet the suggested tension between the pressing demands of the state (a settled succession) and a government concerned with 'priuate grudges' and 'mens particular ends' point to broad, universal polarities of political discourse. 'Ambition and power', in this context, pertain less to any particular human agent (though the obvious referent is the Earl Godwin, then readying for his son Harold to succeed the king) than to general forces that inevitably manifest within the political sphere when given occasion. Across the *Historie*, specific political analysis continually points towards a network of generalised political problems fuelled by the same motivational agents, which are clearly informed by Daniel's belief of the essential likeness of human behaviour across time.

     If historians are correct in their designation of the *Historie* as 'Tacitean', then the salient elements of Daniel's Tacitism manifest not so much in Tacitean frameworks of psychology as in the highly condensed style of narration and analysis that Daniel employs throughout the work.[120] Where the *Historie* reveals a certain fondness for the kinds of withering analyses of power that Tacitus is famous for, the clipped, aphoristic character of Tacitean prose becomes one of Daniel's models for a terse historical style appropriate for a brief political history. His work, therefore, goes further than many other examples of 'politic' history in in its subordination of dramatic incident by plain summary and terse analysis. Something of this quality can be deduced from Daniel's attitude towards speeches in the work: while of course he refuses to invent his own speeches, those he adapts from his sources typically take the force not of rhetorically persuasive oratory, but of noteworthy historical anecdote.[121] It is in this respect, finally, that the relationship between the history's identity as a 'breviary', and the characteristics of his style come into focus. The aphoristic, generalised quality of his political analysis, indeed, appeal particularly to the interests of Daniel's envisaged readership, for whom the distillation of historical lessons into general principles of

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[120] See, for instance, Woolf, *The Idea of History*, p. 104; and Paleit, *War, Liberty, and Caesar*, p. 76.
[121] For Daniel's view of invented speeches, and their relation to 'poetry', see Daniel, *The Civile Wares* (1609) sig. A2v-3r.

political action constituted one of the most important strategies for the reading of histories.[122] Where therefore it would be inaccurate simply to distinguish the *Historie* as a general handbook for universal political instruction in the manner of Lipsius' *Politica*, the style, form, and political content of the history were shaped by the considerations of the political and instructional needs of his readership.

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[122] Lisa Jardine and Anthony Grafton, '"Studied for Action": How Gabriel Harvey Read His Livy', *Past & Present*, 129, (1990), 30-78.

Chapter Two: The History of English Law in Daniel's *First Part of the Historie of England* (1612)

Introduction

In modern historical scholarship, the question of the relationship between widespread conceptions of the unique character of English law, and the broader historical imagination of early-modern England, has proven to be among the most fertile and contested in the field of early modern studies.[1] The argument that for much of the seventeenth century, the English believed that their law drew a direct line of continuity from British antiquity, transmitted entirely through the memory of the people, and discoverable only through the continual study of past precedent, was given its classic expression in 1957 with the publication of J.G.A. Pocock's *The Ancient Constitution and the Feudal Law*. In this study, Pocock underlines the beginnings, primarily in France, of a comparative approach to juristic scholarship, in which the authority of the *Corpus Juris* as the dominant legal code of France was deconstructed in recognition of the influence of other European legal traditions, thereby laying the foundations for a systematic methodology of historical research.[2] Taking chief justice and parliamentarian Sir Edward Coke (1552-1634) as an archetypal representative of the English 'common law mind', Pocock argues that the insularity of English legal thought in the era – offering no 'basis of comparison' with the laws of other European nations – for the most part prohibited the systematic discovery of the influence of foreign legal structures upon England's constitution, relying instead on a teleological myth in which the internal perfection of the law (supposedly developed across centuries of refinement) legitimated its antiquity.[3]

More than any event in English history, according to Pocock, arguments about the antiquity of the law coalesced around the Norman Conquest. This posed a particular challenge for those who would claim an uninterrupted line of continuity for the common law from either British antiquity, or the Anglo-Saxons. A common strategy to deflect this issue, he argues, was the denial of the

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[1] Two good introductions to the critical bibliography of the subject are J.P. Sommerville, 'The Ancient Constitution reassessed: the common law, the court and the languages of politics in early modern England' in *The Stuart court and Europe: Essays in politics and political culture*, ed. by R. Malcolm Smuts (Cambridge: Cambridge University Press, 1986', pp. 39-54; and Mark Goldie, 'Retrospect: The Ancient Constitution and the Languages of Political Thought', *The Historical Journal*, 62.1, (2019), 3-34.

[2] J.G.A. Pocock, *The Ancient Constitution and the Feudal Law*, pp. 1-29; Julian H. Franklin, *Jean Bodin and the Sixteenth-Century Revolution in the Methodology of Law and History*; Donald F. Kelley, *Foundations of Modern Historical Scholarship*.

[3] See particularly Pocock, *The Ancient Constitution and the Feudal Law,* pp. 30-55, 56-69. Ibid, p. 49. Pocock makes the case for the influence of *De Laudibus Legum Angliae* by Sir John Fortescue (1394?-1576?) upon English constitutional thought. Fortescue's treatise proposed that 'throughout the period of these nations and their kings, the realm has been continuously regulated by the same customs as it is now, customs which, if they had not been the best, some of those kings would have changed for the sake of justice or by the impulse of caprice, and totally abolished them, especially the Romans' (Sir John Fortescue, *On the Laws and Governance of England*, ed. by Shelley Lockwood, trans. by S.B. Chrimes (Cambridge: Cambridge University Press, 1997), p. 26).

Conquest, according to which William I 'was a claimant to the crown under ancient law who had vindicated his claim by trial of battle [...] which brought him no title whatever to change the laws of England'.[4] Broadly, then, Pocock argues that the major historical achievement of seventeenth century England, first posited in the then-unpublished writings of Henry Spelmen (1562-1641), and later affirmed with greater vehemence by Robert Brady (1627-1700), was the affirmation of the conquest and the rediscovery of the legal changes that it introduced to the island, most notably through the Norman institution of feudal land tenure.

As modern historians, including Pocock, have frequently highlighted, the matter of the law's antiquity gained new urgency with the accession of the Stuarts, under whom the 'immemorial law' became a bulwark, taken up especially by parliamentarians, against the growing absolutism of James VI/I and Charles I.[5] Where the Stuarts looked to divine rights theories, and to the Norman Conquest, to justify their prerogative over the kingdom, Parliamentarians countered that the English constitution had predated the conquest by thousands of years, and had survived the conquest intact.[6] The extent to which belief in the 'ancient constitution' was rooted less in any general historical consensus, but rather in reaction to the increasingly vexed relationship between parliament and the monarch, has been the subject of scholarly debate following Pocock's study. In a response to an essay by Donald Kelly, Christopher Brooks and Kevin Sharpe argue that the late-Elizabethan and Early Jacobean periods gave rise to a culture in which English historians were receptive to continental developments within legal scholarship, citing in particular the activities of the Society of Antiquaries, who planned debates on the influence of civil, canon, and feudal law within England.[7] Spelman's later inquires into England's feudal past are thus viewed as a direct product of this earlier culture, in which Spelman himself was a key participant, while the views of Coke – far from being

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[4] Pocock, *The Ancient Constitution and the Feudal Law*, p. 49. For two accounts that question the widespread acceptance of this belief, see Glenn Burgess, *The Politics of the Ancient Constitution: An Introduction to English Political Thought* (Basingstoke: Macmillan, 1992), pp. 79-85; and Goldie, pp. 12-15.

[5] J.P. Sommerville, *Royalists and Patriots* pp. 7-54, 81-103; Glenn Burgess, *Absolute Monarchy and the Stuart Constitution* (New Haven: Yale University Press, 1996); Anne McLauren 'Challenging the Monarchical Republic: James I's Articulation of Kingship' in McDiarmid (2006), pp. 165-180; Rei Kanemura, 'Kingship by Descent or Kingship by Election? The Contested Title of James VI and I', *Journal of British Studies*, 52.2, (2013), 317-342. On disputes with parliament, see Robert Zaller, *Parliament of 1621: A Study in Constitutional Conflict* (Berkeley: University of California Press, 1971); Kevin Sharpe, 'Introduction: Parliamentary History 1603-1629: In or out of Perspective?' in *Faction and Parliament: Essays on Early Stuart History*, ed. by Kevin Sharpe (Oxford: Oxford University Press, 1978), pp. 1-42; Conrad Russell, *King James VI and I and his English Parliaments: The Trevelyan Lectures Delivered at the University of Cambridge 1995* (Oxford: Oxford University Press, 2011).

[6] James VI/I's attitude to the law is subject of a nuanced interpretation by Louis A. Knafla, which challenges assumptions that the king's reign should be viewed in continual opposition to the common law tradition, for which see 'Britain's Solomon: King James and the Law' in *Royal Subjects: Essays on the Writings of King James VI and I*, ed. By Daniel Fischlin and Mark Fortier (Detroit: Wayne State University Press, 2002), pp. 235-264.

[7] Christopher Brooks and Kevin Sharpe, 'Debate: History, English Law and the Renaissance', *Past & Present*, .72, (1976), 133-142. See also Donald R. Kelley, 'History, English Law and the Renaissance', *Past & Present*, .65, (1974), 24-51. Kelley's argument is essentially a restatement of Pocock's, with a closer comparative focus on French and English traditions of legal historiography.

emblematic of a widespread belief in an immemorial constitution – 'represents an important change in attitudes to the law and history', one which was explicitly tethered to the political situation of the 1620s, under which 'Sir John Davies, Sir Robert Cotton, even at times John Selden, who had all seen English law in a European and feudal context, themselves propagated the common law myth'.[8]

Indeed, the legal thought of a number of Coke's contemporaries have been the subject of individual studies, intended in part to challenge Pocock's view of the homogeneity of 'common law thought'. Hans S. Pawlisch takes aim at the notion that England's common law operated 'in a professional climate devoid of all practical contact with European law' in his study of the *Irish Reports* of Sir John Davies (*bap.* 1569-1626), which shows how a figure otherwise immersed in the language of the 'ancient constitution' made frequent recourse to civil law traditions.[9] Louis A. Knafla's study of the legal thought of Baron Ellesmere, Coke's political opponent, highlights both his educational grounding in continental theory, and his later belief that the common law was the historical result of the 'Norman imposition of feudal tenures'.[10] Sharpe's book-length study of Robert Cotton asserts that the antiquary and parliamentarian developed in time a 'full understanding of the nature of the *feudum*'.[11] The figure who has received perhaps the most extensive treatment in this respect is Cotton's friend, John Selden, whose earliest works on English law have been viewed both as (according to Paul Christianson) challenges to the 'Coke's confident, closely argued lawyer's brief', and (notably by Pocock in his 1987 'Retrospect' to The Ancient Consitution and the Feudal Law') as a more historically sophisticated confirmation of Coke's basic point.[12] Where, then, the supposed homogeneity of Coke's assumptions have been widely challenged since Pocock's study, the precise characterisation Coke's thought has also been the subject of revision. In his study of Coke, David Chan Smith builds upon earlier reinterpretations of Coke's thought to show how the

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[8] Brooks and Sharpe, p. 142. Spelman's 'The Occasion of this Discourse' which prefaces his tract *The Original of the Four Terms of the Year*, is a key document in our understanding of the chronology of the society's activities (Lisa Van Norden, 'Sir Henry Spelman on the Chronology of the Elizabethan College of Antiquaries', *Huntington Library Quarterly*, 13.2, (1950), 131-160).

[9] Hans S. Pawlisch, 'Sir John Davies, The Ancient Constitution, and Civil Law', *The Historical Journal*, 23.3, (1980), 689-702.

[10] Louis A. Knafla, *Law and Politics in Jacobean England: The Tracts of Lord Chancellor Ellesmere* (Cambridge: Cambridge University Press, 1977), p. 70.

[11] Kevin Sharpe, *Sir Robert Cotto* p. 24. It is an issue common to both Sharpe and Knafla's studies that their assertions receive little substantiation beyond their initial statement.

[12] Paul Christianson, 'Young John Selden and the Ancient Constitution, ca. 1610-18', *Proceedings of the American Philosophical Society*, 128.4, (1984), 271-315, p. 282; see also Christian's 'Ancient Constitutions in the Age of Coke and Selden' in Sandos (1993); Pocock, 'Historiography and Common Law' in *The Ancient Constitution and the Feudal Law,* pp. 255-305. See also J.P. Sommerville,'King James VI and I and John Selden: Two Voices on History and the Constitution' in Fischlin and Fortier (2002), pp. 290-322, which follows a similar trajectory to Pocock. More recently, Pocock's position has been reaffirmed by George Garnett in the excellent lecture *John Selden and the Norman Conquest* (London: Selden Society, 2013).

reality of Conquest was accepted in Coke's thought.[13] His position on the origins of the common law, in this view, answered the urgent needs of early-Jacobean politics.

One of the central assumptions of Pocock's study, and one that has largely been carried over into its responses, concerns the role of scholarly and antiquarian research as the primary means by which historical thought was developed across the seventeenth century, almost entirely in isolation from the writing of narrative histories. Indeed, Pocock's position is neatly summarised in the book's introduction:

> [...] it is one of the great facts about the history of historiography that the critical techniques evolved during the sixteenth and seventeenth centuries were only very slowly and very late combined with the writing of history as a form of literary narrative; that there was a great divorce between scholars and antiquarians on the one hand, and the literary historians on the other; that history as a literary form went serenely on its way, neither taking account of the critical techniques evolved by the scholars nor evolving similar techniques of its own.[14]

Working under this assumption, therefore, Pocock's study does not concern itself with the relationship between these two historical forms, nor does it acknowledge that the latter could function as a conduit for legal thought. On the one hand, then, one might expect the regurgitation by narrative historians of a standard belief in the immemorial law, and on the other, a medievalism characterised by the historian's loyalty to their chronicle sources.[15] This ultimately posit a view of narrative history as an essentially backwards looking form until the eighteenth-century rise of 'philosophical history'.[16] Whether or not the writing of narrative histories was 'an altogether inferior branch of intellectual activity', however the neglect of specific analysis of the form in Pocock's study ignores the broader participation of narrative history within the historical culture of early seventeenth-century England.[17] Though of course the study of the history of English law naturally found its strongest drive within the field of legal scholarship itself, the frequent treatments of the law within narrative histories of the period is suggestive of a wider historical interest in the subject than Pocock accounts for.

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[13] David Chan Smith, *Sir Edward Coke and the Reformation of the Laws: Religion, Politics and Jurisprudence, 1578-1616* (Cambridge: Cambridge University Press, 2014), pp. 115-138; see also J.P. Sommerville, 'History and Theory: The Norman Conquest in Early Stuart Thought', *Political Studies*, 34, (1986), 249-261.

[14] Pocock, p. 9.

[15] Pocock's discussion of Robert Brady is an illuminative illustration of his point: whereas in the prefaces to his history of England, Brady dismantled the myth of the ancient constitution and highlighted instead the feudal history of England's laws, in his narrative he 'clearly had no sense that he ought to apply similar critical techniques to the history of men's deeds', sharing the 'general opinion of his age that the historian's function was merely to repeat or report what his 'authorities' told him' (Pocock, p. 225).

[16] See Momigliano, 'Ancient History and the Antiquarian' and ''Gibbon's Contribution to Historical Method'.

[17] Pocock, p. 9.

More recently, several studies indebted to Pocock's have attempted to reconfigure the role of narrative historians in seventeenth-century legal thought. Quentin Skinner's 'History and Ideology in the English Revolution' argues that, contrary to Pocock's belief in a widespread denial that William I was a conqueror, the historical reality of a conquest was reflected by many relatively rudimentary historical texts of the early seventeenth century. Skinner posits that the arguments presented in these texts were subsequently taken up by the Levellers during the Civil War and Interregnum, who found confirmation in them that England had been governed by right of conquest since 1066.[18] Skinner frequently alludes to the nativity of these early histories, and characterizes, for instance, John Hayward's *Lives of the III Norman Kings* as a 'chronicle', seemingly to highlight its dependence upon, the medieval tradition.[19] While, according to Skinner, such 'chronicles' as Hayward's reflected nothing of the depth of learning of Henry Spelman, and were largely 'innocent' in character, they reached roughly analogous conclusions regarding the overall effect of the Conquest upon the English state, thereby contravening the basis of 'Whig' arguments for legal continuity.[20]

According to Skinner, then, the 'chronicle' histories of early seventeenth-century England represent a kind of blank historical state from which the Levellers later codified into political theory. While the essential implications of Skinner's argument are surely broadly correct (namely, that Hayward lacked the methodological and comparative means to fully draw the implications of his arguments), his assertion of the 'innocence' of these histories bypasses the importance of political discourse within both the chronicle and later politic traditions, the latter of which (as F.J. Levy states) involved 'a radical condensation of subject matter' and 'an insistence that the purpose of writing history was to teach men political wisdom'.[21] Such a concern calls into question just how 'innocent' the judgements of these historians were; certainly, their histories, as evinced by the controversies surrounding the publication of Hayward's *Life of Henry IIII*, were not read as politically innocent.[22] That these authors, furthermore, were often active participants in the political and legal culture of early-Stuart England, also goes unacknowledged: Hayward, for instance, was

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[18] The classic account of the Levellers is Christopher Hill, 'The Norman Yoke' in *Puritanism and Revolution: Studies in Interpretation of the English Revolution of the Seventeenth Century* (New York: St. Martin's Press, 1997), pp. 46-111.

[19] Quentin Skinner, 'History and Ideology in the English Revolution', *The Historical Journal*, 8.2, (1965), 151-178.

[20] Ibid, p. 158.

[21] Levy, *Tudor Historical Thought*, p. 237.

[22] See Levy, 'Hayward, Daniel, and the Beginnings of Politic History in England'. On Hayward's polemical writings, including his engagements with Edward Coke, see R. Malcolm Smuts, 'States, monarchs and dynastic transitions: the political thought of John Hayward' in Doran and Kewes (2014), pp. 274-294.

himself a trained lawyer, and his *Lives of the III Normans* was dedicated to the new heir apparent, Prince Charles.[23] In 1622, moreover, Coke's great enemy in parliament, Francis Bacon, complained against the practice in even 'best writers of *Historie*' to relate only the active events (usually relating to war) of the times they describe, and thereby neglect to 'summarily deliuer and set downe the most memorable Lawes, that passed in the times whereof they writ'.[24] His own account of Henry VII's laws therefore served as a corrective to this practice.

Samuel Daniel expressed a long standing interest in the history of the law; though he was not a practising lawyer, his activities as a court poet lead to his patronage by Thomas Egerton, shortly before his appointment as Lord Chancellor.[25] If Fuller is to be believed, moreover, Daniel counted among his chiefest friends in London the civil lawyer John Cowell (1554-1611), a political enemy of Coke's whose attempts to draw the common law into the 'framework of this civil law' drew the reproach of parliament.[26] In 1603, Daniel published *A Defence of Rhyme and Certain Epistles*, which took the occasion of the coronation of James I to address several key questions of English government, including – in an epistle addressed to Egerton – jurisprudence. In the titular *Defence of Rhyme*, moreover, Daniel displayed an awareness of the fundamental tenets of the immemorial law, and exploited its argumentative basis to negotiate a similar customary relationship between the history of English verse, and that of law. When Daniel came to write his history, then, the origins of English law – perhaps the single most important binding agent in his conception of the state – became one of the work's abiding preoccupations.

For Sharpe and Brooks, the tumults of the 1620s shifted the tenor of historical studies 'from the etymological scholarship of the French humanists' to 'the politic histories of classical Rome and renaissance Florence.'[27] This argument is somewhat chronologically implausible, however; taking – for instance – Hayward's *Life of Henry IIII* (1598), as a representative example of a 'politic history' demonstrates that the movement emerged more or less contemporaneously with the activities of the members of the Society of Antiquaries. *The First Part of the Historie of England* is one of several historical texts published closely to one another to treat the political and legal effects of the Norman Conquest: in 1607, Camden's final Latin edition of the *Britannia* included a new chapter on the Normans. Two years later, John Selden published *Jani Anglorum Facies Altera*, his study of early

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[23] John Hayward, *The Lives of the III. Norman Kings of England*, (London: For R. Baker, 1613), sigs. A2r-A4v.
[24] Francis Bacon, *The Historie of the Raigne of King Henry the Seuenth*. (London: For William Stansby, 1622), sig. L2v.
[25] See John Pitcher, 'Samuel Daniel's Gifts of Books to Lord Chancellor Egerton'.
[26] Brian P. Levack, 'Cowell, John' in *Oxford Dictionary of National Biography* (Online ed., Oxford University Press, 2008) <https://doi.org/10.1093/ref:odnb/6490> [accessed 8 October 2023].
[27] Brooks and Sharpe, p. 142.

English law from pre-Roman Britain to Henry I. When Daniel and Hayward published their histories, both evidently presented copies to William Camden, while (as I have noted in the previous chapter) Daniel's acquaintance with Cotton is affirmed in the errata of the history's first edition of the printing.[28] John Pitcher has posited, moreover, that Daniel possibly presented a copy of the *First Part* to Coke, as a copy survives in his library at Holkham Hall.[29] It is thus more appropriate to consider the extent to which these seemingly divergent forms of history writing interacted with one another.

During the period in which Daniel published his history, discourse on the history of the law (and more specifically, the legal effects of the Norman Conquest) took place within and without the legal profession, and across a wide range of written forms, be it the narrative history, the scholarly or polemical tract, or (for instance in the case of Coke) the legal yearbook. The aim of this chapter is accordingly to situate Daniel's thought within this key historical debate – what kinds of argument does Daniel make regarding the origins of English law? By invoking a certain argument, moreover, with whom did it affiliate him? And what were the political implications of this affiliation? Where, finally, does Daniel's treatment of the law fit into the wider scheme of his history?

A Defence of Rhyme (1603): Poetry and The Law

The first of Daniel's works to evidence a strong interest in the history of English law is *The Civil Wars* (1595), which as we have seen contains a summary of the reigns of England's kings from William the Conqueror to Edward III in the poem's opening stanzas, precipitating his longer account of Richard II's deposition. In this summary, Daniel's description of William the Conqueror offers a short and highly negative reading of the king's conquest and later reign:

> For first the Norman conquering all by might,
> By might was forst to keepe what hee had got:
> Altring the lawes, changing the forme of *Right*,
> And placing barbarous Customes he had brought:
> Maistring the mighty, humbling the poorer wight
> With grieuous taxes tyranie had sought,
> Scarce laide th'assured groundes to build vpon
> The change so hatefull in such course begon.[30]

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[28] Camden's copies of Daniel's *The First Part of the Historie of England* and Hayward's *The Lives of the III. Norman Kings* are bound together.
[29] Pitcher, 'Samuel Daniel's Gifts of Books to Lord Chancellor Egerton', p. 222. Admittedly, Pitcher also qualifies that it was possibly presented to Cokes wife, Lady Elizabeth Hatton.
[30] Samuel Daniel, *The First Fowre Bookes of the ciuile wars,*10, ll.1-8.

According to this account, William had entered his reign in England as a conqueror and ruled for the benefit of himself and his nobility by extracting from the 'poorer wight', thus giving little foundation for his successors to build a fairer state. To enforce his conquest, he changed the established laws of the land. Daniel's analysis here, of course, is necessarily impressionistic, and in its acceptance both of the Conquest and the legal innovations it brought about, the stanza adheres to the 'chronicle' driven model of the Conquest proposed by Skinner. It does not, accordingly, consider what laws the Conqueror replaced, nor follows his discussion beyond the reign of Henry I, who 'reformes the lawes' to appease the people, but soon forgets his commitment.[31] Despite this, the most telling point of Daniel's analysis is his characterisation of Norman legal customs as 'barbarous', a familiar complaint by the 1590s, and one which Daniel goes on to clarify in his later poetry.[32]

Another, perhaps more decisive step in the articulation of Daniel's interest in the law came with the establishment of Thomas Egerton as his patron. The first material evidence of this relationship is an autograph letter from Daniel to Egerton, originally presented with a copy of Daniel's 1601 *Works*.[33] This letter underscores many of the preoccupations that coloured Daniel's initial engagement with the law. The publication of Daniel's *Works* represents perhaps the highlight of his poetic career; among the first editions of an English poet printed with the title *Works*, the volume speaks to the considerable standing in which he was held, a status confirmed by his association with then-Lord Keeper and Chancellor, Egerton. Much of the letter's purpose, therefore, is to negotiate a role for the poet within the political life of the kingdom. Opening the letter, Daniel thanks Egerton both for his apparent financial assistance of his brother, and of himself, listing these as 'amongst all the great workes of your worthiness'.[34] Appearing within a document intended to accompany Daniel's own *Works* his use of the word here implies an appositive relationship between Egerton's 'workes' and Daniel's own. Fundamentally, this relationship is configured in terms of patronage: it is one of Egerton's 'great workes' that Daniel is enabled to 'go on with the worke I have in hand'. As the letter progresses, however, Daniel makes a further equivalence between Egerton's legal and governmental role, and his own poetic vocation.

In his brief analysis of Daniel's letter to Egerton, John Pitcher tentatively dates the letter to

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[31] Ibid., 12, ll. 6.

[32] See, for instance, Helgerson, p. 65.

[33] John Pitcher, 'Samuel Daniel's Letter to Sir Thomas Egerton', *Huntington Library Quarterly*, 47.1, (1984), 55-61.

[34] Samuel Daniel, 'To the right Honorable Sr Thomas Egerton knight. Lorde Keeper of the great Seale of England' in Pitcher, p. 56.

1603, on the basis that the letter is underscored by 'foreboding uncertainty', possibly brought on by the threat of impending crisis that attended the final years and months of Elizabeth's reign.[35] Certainly – regardless of whether Pitcher's dating is correct – the letter is deeply concerned with the roles both he and his patron assume in the wake of this burgeoning uncertainty. Daniel, writing away from Court as the tutor of Lady Anne Clifford, decries that he has 'been constrayned to live with Children', and 'put out of that Scene which nature had made my parte', where he 'should have written the actions of men'.[36] Particularly, Daniel is referring here to the completion of his *The Civile Wars*, the first four books of which opens his *Works*, the purpose of which he explicitly relates to the pressing dangers of the time:

> For therein, yf wordes can work any thing uppon the affections of men, I will labor to give the best hand I can to the perpetuall closing up of those woundes, and the ever keeping them so, that our land may lothe to looke over those blessed bounds […] into the horror & confusion of farther & former claymes.

Having thus proclaimed the function of his work ('the greatnes' of which 'requires a greater spirit than mine'), Daniel ends the letter by asserting the importance of Egerton within the current political climate, 'praying' that England, 'which so much needes yow, may long injoy the treasure of your Councell'. In closing, he draws from Cicero, hoping that the country may not complain: 'we see what skilled lawyers have died, and how few of any promise are now left, how far fewer there are who have ability, and how many there are who have nothing but presumption'.[37] As Pitcher shows, Daniel substitutes '*oratoribus*' in the original text for '*Jurisperitis*', implying that 'Cicero is concerned with a decline in eloquence among lawyers: Daniel with a decline in the number of lawyers like Egerton.' Read in the context of the perilous situation of the last years of Elizabeth, Daniel's letter highlights a preoccupation with the function of poetry within the wider political machinations of the state. Here, just as the challenges of the era demand lawyers of Egerton's standing, so too – he argues – it needs the council of poets; each serves a significant role in the maintenance of peace, be it the proper upholding of the law in the former case, or, in the latter, the reminder of the 'horror & confusion' of the Wars of the Roses. The exact character of the

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[35] Pitcher, p. 60.

[36] As John Pitcher and Louis A. Knafla have shown, both Daniel and Egerton in actuality expressed preference for the country over the life of the Court. It is appropriate therefore to read this sentiment as a programmatic expression of duty. See Pitcher and Gainsford, 'Samuel Daniel's Life and Circumstances: New Findings', pp. 873-878; and Knafla pp. 56-58.

[37] Trans. by John Pitcher, p. 60. ([…] videmus, quibus extinctis Jurisperitis, quam in paucis nunc spes, quanto in paucioribus facultas, quam in multis audacia'). C.f., Cicero, *De Officiis*, ed. and trans. by Walter Miller (London: William Heinemann, 1913), p. 240.

relationship between Daniel's vocation and that of his patron, and furthermore the particular qualities which Daniel prized in Egerton's practice, would be further elaborated in his next major collection of poems, where his focus shifts from the question of poetry's function in a time of crisis, to address the new problems posed by the accession of the king.

It is possible that, like many of the epistles included in the 1603 *Panegyrick and the Defence of Rhyme*, Daniel's epistle to Egerton was written and circulated privately prior to its initial printing. Together with Daniel's panegyric to the new king, the epistles situate Daniel amongst a range of notable patrons, male and female.[38] The first epistle of the collection, addressed to Egerton, takes as its subject the equity within the law in both its abstract and practical manifestations. Opening by celebrating the Lord Keeper's position in 'th'aidfulest room of dignitie,' in which it is his role 'to diuide/ *rigor* and confus'd *vncertainty*'.[39] Daniel then moves immediately into a sustained critique of the 'vncertainty' to which the general practice of the law is liable: while the law remains 'the strongest fastning of societie [...] whereon all this frame of men doth stand,' it is 'concussed with vncertaintie' (ll. 13-16).

Much of Daniel's focus within the poem relates to the contemporary practice of law in England, and particularly with the growth in litigiousness that the Tudor age had generally engendered, a subject that had become one of the chief complaints of his patron.[40] Another seeming reference to the perilous political situation of late Elizabethan England asks whether the law 'grows as malice grows, and so comes cast/ in the forme of our vnquietnesse?' (ll. 31-2). Daniel however also makes a wider historical argument for the obscurity of the law:

> If it be wisedome, and not cunning, this
> Which so imbroyles the state of truth with brawles,
> And wrapps it vp in strange confusednesse
> As if it liu'd immur'd within the walls
> Of hideous termes fram'd out of barbarousnesse
> and forraine Customes, the memorials
> Of our subiection, and could neuer be
> Deliu'red but by wrangling subtiltie. (ll. 45-52)

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38 See Arthur Freeman, 'An Epistle for Two', *The Library*, 25.3, (1970), 226-236. In comparison to the epistle to Margaret of Cumberland, of course, the epistle to Egerton was clearly written for the lord keeper.

39 Samuel Daniel, 'To Sir Tho: Egerton Knight, Lord Keeper of the Great Seale of England' in Sprague (ed.), ll. 3-5. All subsequent line references will be given parenthetically.

40 See Knafla, pp. 105-122. Knafla situates Egerton's thought within a wider movement reaction against the development of English law in the sixteenth century, extending from such figures as the humanist Thomas Starkey (1498-1538), to such of Egerton's contemporaries as Francis Bacon and Sir John Davies.

Here, the somewhat abstract complaint against the contentious, wrangling nature of legal practice moves to a particular complaint against the continued use of legal French within England, which is framed as a legacy of the 'subiection' of the Norman Conquest.[41] Earlier in the poem, Daniel stresses the importance of the relationship between the law and the people whom it 'frames'. Where the law ideally would 'fashion us', its practice often works to 't'afflict' the subject (l. 15). By highlighting the Norman origins of this practice, Daniel makes the argument that the obscurity of English law – and the distance it subsequently builds between the 'forraine' law and the native population – is partially a legacy of conquest. Here, then, Daniel appeals to the basic anti-Norman framework he had established in his stanza on the Conqueror in *The Civil Wars* (again associating the Norman influence in English law with 'barbarousness'), and expands upon his analysis by underlining more precisely the legacy of Norman law on contemporary English practices.

Another significant aspect of Daniel's criticism of the law is its reliance upon an evidently medieval focus on textual study; an illustrative example of this is given of the King of Hungary's expulsion of 'the Italian Bartolists', who – when asked to 'explain the law' , made 'it much less clear' – and their learning 'rather let men farther out,/ and opened wider passages of doubt (ll. 101-109).[42] It is in contrast to this disputatious pedantry that he presents the role of Egerton, who as 'Great keeper of this state of Equitie', 'labourst to withdraw/ Justice, out of the tempests of the Law' (ll. 61, 67-9). For Daniel, equity is 'the soule of the law', and

> Dwell's not in written Lines, or liues in awe
> Of Bookes; deaf powers that have no ears, nor sight:
> But out go well-weigh'd circumstance doth draw
> The essence of a judgement requisite: (ll. 125-30)

For Daniel, then, the merit of the equity lies fundamentally within the application of the judgements of legal practitioners, and principally the Lord Keeper, who acts as an ameliorating agent against the 'malice' with which law is in 'neuer ending Altercation' (ll. 158, 160). More broadly, in a statement that recalls Daniel's praise for the vitality of Egerton's 'great worke' in his letter, Egerton's role maintains the 'all constitutions draw/ which is the well-fare of societie' (ll. 146-7).

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[41] Raymond Himelick has convincingly put forward that Daniel's epistle to Egerton owes a debt to Montaigne's 'Of Experience'; indeed, as Himelick has argued, Daniel takes the general framework of Montaigne's critique and applies it to specifically English areas of complaint ('Montaigne and Daniel's "To Sir Thomas Egerton"', *Philological Quarterly*, 36.4, (1957), 500-504).

[42] For an account of the general humanist critique of Bartolism, and medieval legal textual practice in general, see Franklin, pp. 18-35.

Towards the close of the poem, Daniel turns to address the crucial question of the monarch's relationship to the law:

> That eu'n the Scepter which might all command,
> Seeing her s'vnpartiall, quail, regulare,
> Was peals'd to put it selfe into her hand;
> Whereby they both grew more admired farre.
> And this is that great blessing of this land,
> That both the Prince and people use one Barre, (ll. 189-5)

It is, Daniel then states, Egerton's role to maintain the mediatory 'Ballance' between the two great national institution of monarch and law (ll. 197). Appearing in print at the beginning of James I's reign, this affirmation of the monarch's historical duty to rule under the law is a sharp reminder of the new King's own obligation to preserve England's common law. This particular passage furthermore points to a wider concern with the new King's relationship to the pre-existing constitutions of England, which is developed across the collection, and given its fullest expression in Daniel's prose treatise, *A Defence of Rhyme*, and in his 'Panegyrick to The Kings Majesty'.

Insofar as Daniel used his response to Thomas Campion's treatise to reinforce his views on the 'natural' metrical tendency of English verse in the *Defence of Rhyme*, the text also uses the occasion of the coronation covertly to assert the King's own duty to observe the native traditions of the kingdom. When therefore the dedicatory letter of the *Defence* to the 'worthie louers and learned professors of Rime' assures its reader of 'our Soueraignes happy inclination this way', Daniel's statement carries not only the sense of the King's supposed preferment of vernacular rhyme (as demonstrated by his collection of vernacular poetry), but an implied sense of an aversion to 'innovation' in all its cultural and political manifestations.[43] Across the treatise, moreover, Daniel's discussions of the 'natural' state of English poetry borrows extensively from the rhetoric of the 'immemorial law'. The practice of rhyme is defended on the basis that its use is ratified by 'custom and nature':

> Custome that is before all Law, Nature that is aboue all Arte. Euery language hath her proper number or measure fitted to vse and delight, which, Custome intertaining by the allowance of the Eare, doth indenize, and make naturall. (p. 131)

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[43] Samuel Daniel, *A Defence of Rhyme* in Sprauge (ed.), pp. 127-157, p. 127.

The opening chapters of Richard Helgerson's *Forms of Nationhood* are devoted to the construction of a medieval 'gothic' statehood in English poetry and in the law. His argument builds a roughly analogous relationship between the efforts of – for instance – Daniel in poetry, and Coke in law. Where, then, Daniel inveighed against the imposition of classical standards upon English verse (especially at the expense of rhyme) in favour of the 'natiue ornaments' of the language, Coke's response to the efforts of such lawyers as Francis Bacon to reform English law by codifying it according to the model of the *Corpus Iuris Civilis* was to stress the unique incompatibility of England's native law with such a model.[44] According to Helgerson, 'Coke's defense of English law has much in common with Daniel's defense of English rime', in that 'both repel expressions of sovereign power; [and] both celebrate immemorial custom'.[45] Helgerson's argument captures the parallels between Daniel's conception of an 'immemorial' poetics and Coke's legal thought, yet the extent to which Daniel's argument here relies upon Coke's deserves further inquiry.

Just as for Coke the apparent survival and refinement of the law through customary usage ensured its legitimacy (as opposed to singular innovation), Daniel applied the same argument to the use of rhyme: 'I see not howe that can be taken for an ill custome, which nature hath thus ratified […] time so long confirmed' (p. 134). Later in the text, he makes the analogy between England's poetry and its law explicit, comparing Campion's proposal to a political situation where 'another tyrant […] should arise and abrogate these lawes and ordaine others cleane contrary according to his humor, and say that they were onely right, the others vniust' (p. 149). By drawing so explicitly from the rhetoric of the ancient constitution, Daniel builds a relationship between the development of English law and poetry, in which the acceptance of the latter requires equal commitment to the former. At once *A Defence of Rime* underscores the new King's requirement to rule under England's 'natural' law – upon which personal innovation is inextricably linked to tyranny – and to assert for this constitutional foundation a complementary poetics fashioned by the same processes, and subject to the same obligations.

Like Daniel's letter to Egerton, his invocation of the law in *A Defence of Rhyme* is deeply concerned with the function of poetry within the political world of the state, and here he constructs a historical narrative that negotiates its place among the 'immemorial' institutions of England. One consequence of this decision is the poet's perceived duty to the immemorial law itself, the preservation of which forms Daniel's key concern in his response to the new monarchy. Where

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[44] Helgerson, pp. 101-2.

[45] Ibid., p. 103. On Bacon, Coke, and the reformation of the English law, see also David Chan Smith, pp. 19-58, esp. 40-42.

therefore *A Defence of Rhyme* gives the collection its contextual and historical underpinnings, the *Panegyrick* offers a demonstration of the political obligations of the poet.

As we have seen, the poem opens with a celebratory proclamation of the projected union of the kingdoms of Scotland and England. Much of what follows concerns the various duties incumbent upon the King, which assumes a strongly advisory quality, especially with regards to the King's need to rule according to precedent of his successors. Running beneath this celebration of the transformation of the kingdom from England to Britain, indeed, is an equal concern for the preservation of the English state even after the union of the crowns. Near the beginning of the poem, indeed, Daniel reminds James of the implied contract to which a people's loyalty is given to their monarch:

> It addes much to thy glory and our grace,
> That this continued current of our love
> Runnes thus to thee, all with so swift a pace;[46]

Though he is assured that the England will grow 'in more joy then ever heretofore', the imagery of the people's 'love' for the monarch as a stream that passes from monarch to monarch along the natural course of succession, implies that continuity as a presupposition of this love.[47] Implicit within this passage, therefore, is a reminder that the subject's love for the monarch derives from the law of succession, which in turn demands commitment to the historical foundations of the state, as established by his predecessors. Later in the poem, Daniel makes these obligations explicit, and warns against the danger of innovation, in an especially forceful commandment:

> We shall continue and remain all one,
> In Law, in Iustice, and in Magistrate;
> Thou wilt not alter the foundation
> Thy Ancestors have laid of this estate
> Nor Grieue thy Land with innovation (30, ll. 1-5)

Daniel then concludes the stanza by distilling his argument in a general political maxim: 'The course is best to be obseru'd,/ Whereby a State hath longest Beene preseru'd' (30, ll. 7-8). Where

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[46] Samuel Daniel, 'A panegyrick congratulatorie to his Maiestie' in *A Panegyrike congratulatorie to the Kings Maiesty* (1603), 11, ll.1-3.

[47] Compare, for instance, Coke's definition of the 'Maxim of the Common Law' in preface for the fourth part of his *Reports* (1602): 'That the king of England never dyeth, which is true in respect of the ever during, and never dying politique capacity' (Edward Coke, *Reports* in *The Selected Writings of Sir Edward Coke*, ed. by Steve Sheppard, 3 vols. (Indianapolis: Liberty Fund, 2003), I, pp. 1-521, p. 95. Both Daniel and Coke's comments express the belief that the king derives his authority not from himself but from the 'undying', successive nature of the office.

this passage might not amount to a full articulation of the 'common law mind', there are obvious affinities between Daniel's analysis here and the underpinning argumentative assumptions of the *Defence of Rhyme*. Both texts argue with particular force for the primacy of national custom over individual innovation: where the *Defence* thus contains a broad cultural reinforcement of this principle, the *Panegyrick* brings the political implications of the tract into focus. Though, finally, Daniel's view in the *Panegyrick* therefore implies a commitment to the legal customs of England, belying a certain anxiety that this tradition could be lost under the new King, Daniel reinstates his equal commitment to legal reform. Here, however, he envisages such reform not as an 'innovation', but rather a return to an idealised 'ancient silence, where contention now/ Makes so confus'd a noise;' (38, ll. 2-3).

In summary, then, several key concerns may be deduced from Daniel's earlier engagements with the law. The first is the significance of his established relationship with Thomas Egerton, whose influence is felt throughout Daniel's attacks on the litigious, pedantic strains of the law, and whose eminent position within the government provided Daniel with an example of how the law ideally should be practiced. During this period, Daniel's discussions of the law were intimately tied to his poetic interests, serving to underscore the importance of his vocation by comparison with the nation's most significant constitutional frameworks. Appearing as they do at crucial points within the history of seventeenth-century England, each of his early discussions of the law negotiate a position for the poet within the key constitutional questions they posed. Where the letters of Harvey and Spenser demonstrate that debates around the reformation of English verse were reliant upon the importance of 'nature' and 'custom' well before Daniel's intervention, Daniel extended this precedent in *A Defence of Rhyme,* by constructing a model of English poetics in which commitment to the custom of English rhyme implies equal commitment to the customs of the law, and vice versa. Though he does not make particular enquiry into the historical origins of English law or poetry, his argument strongly implies a belief in the transmission and refinement of the law through customary usage, if not in the elaborate lineage from Brutus as espoused by Coke.[48] These texts therefore represent a significant application and adaptation of the 'common law mind' from outside the legal profession, establishing the groundwork for the historical questions Daniel would ask of the origins of law in the following decade.

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[48] C.f. Daniel's remark in *Defence of Rhyme* on the origins of European law: 'The *Gothes*, *Vandales* and *Longobards*, whose coming downe like an inundation ouerwhelmed as they say, al the glory of learning in *Europe*, haue yet left vs still their lawes and customes, as the originals of most of the prouinciall constitutions of Christendome:' (p. 140).

'The Original of Our Common Law': Daniel's Legal Thought Contextualised

In the previous chapter, I highlighted the general scepticism with which Daniel addressed the mythological accounts of the 'British story', where he opts instead to follow the example of Camden and others by using Roman sources for early Britain. Although by the end of the seventeenth century, the popularity of the British story had largely waned among historians, with Daniel's history appearing among a range of other similarly grounded histories, one of the century's strongest expressions of the British story was given by Edward Coke in his accounts of the origins of English law. Just as therefore the Brutus story allowed the British the eminence of a classical origination story, Coke's explanation – according to which the furthest origin point of English law could be traced to Greek law codes – enacted a similar function.[49]

Given his almost total rejection of any aspect of the 'British' story, Daniel's history does not enquire into the laws of the ancient Britons, beyond the likening of their customs to the Gauls. Many of the assumptions that undergird Coke's argument – for instance, the usage of Greek on the island before the Roman invasion – are negated by his case against the general historicity of the account.[50] For Daniel, moreover, any sense of continuity between the laws of England and those of the Britons is entirely discredited by the nature of the Saxon invasion, which he treats as the most complete example of conquest in English history, resulting in the almost total displacement of the native population and preserving no trace of their institutions. Thus, he concludes, 'nothing either of lawes, rites and customes, came to passe ouer vnto vs from the *Britaynes*' (sig. E2v). Indeed, the example of the 'Saxon Conquest' as a complete destruction of one State, and its subsequent replacement by the heptarchy (and, later, England itself) is important to recognise when considering his assessment of the later Conquest by the Normans.[51]

As has again been noted in the previous chapter, Daniel's account of Anglo-Saxon England focuses for the most part on the gradual unification of England. It is thus in the context of the increase of West Saxony's power that he begins to trace the history of English law, specifically in the reign of Alfred the Great. Here, under the 'continuall, and intricate toile' of his wars against the

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[49] See Coke's preface to the third *Report*: 'First, they say that Brutus the first king of this land, as soone as hee had settled himselfe in his Kingdome, for the safe and peaceable government of his people, wrote a book in the Greeke tongue, calling it the lawes of the Britans, […] the Lawes of the aunceint Britans, their contracts and other instruments: and the Records and judiciall proceedings of their Judges were written and sentenced in the Greeke tongue' (Coke, *Report* in Sheppard (ed.), pp. p. 82). This observation commences an analysis that aims to give evidence for the usage of Greek in Ancient Britain.

[50] See Chapter One of this thesis.

[51] C.f. Pocock: 'to be a Teutonist was to think differently from Coke, to derive English law from a Continental instead of a purely insular source' (*The Ancient Constitution*, p. 43). It is one of the ultimate difficulties of Pocock's studies that little attention is given to changing views of England's ancestral origins.

Danes, Alfred began to amalgamate the laws of the previous Saxon kingdoms: 'hee makes choice of the fittest; antiquates those of no vse, and ads other according to the necessitie of the time'. (sig. F2r) Among the laws newly introduced by Alfred, Daniel singles out the law he instituted to keep the peace amidst the 'wildenes of warre':

> hee ordained the diuisions of shires, hundreds, and tithings: that euery Englishman (now the generall name for all the *Saxons*) liuing legally, might be of a certaine hundred or tithing, out of which hee was not to remoue without securitie:

This description of the beginnings of tithing sureties and hundreds is borrowed from William of Malmesbury, the first historian (as William Alfred Morris has shown) to describe the origins of the Frankpledge system, and to attribute it – albeit wrongly – to Alfred.[52] The process of bringing together the laws of the Saxon kingdoms is given its fullest description in Daniel's history within the reign of Alfred. Strikingly, in the first book of the history, he does not make any reference to the supposed laws of Edward the Confessor, which constituted perhaps the most significant point of argument for the legacy of Anglo-Saxon law after the Conquest, both because of the alleged pact between the Confessor and Duke William (from which the King claimed his legitimacy to the crown), and for the existence of a twelfth century legal tract that in the early seventeenth century was widely believed to be a contemporary account of William's confirmation of the Confessor's laws.[53] The likely explanation for Daniel passing over any account of Edward's laws here is that his focus in this later part of the first book is restricted to the events leading to the Conquest; Edward the Confessor's reign is therefore distinguished for its facilitation of Earl Godwin's rise to power. Much like Daniel's account of the development of the English state, then, his account of the beginnings of English law under the Saxons is somewhat impressionistic, providing a brief account of Alfred's attempts to bring his expanding kingdom under a single law. It is not, moreover, until his discussion of the legal effects of the Norman Conquest, that Daniel offers a substantive assessment of the state of English law under the Anglo-Saxons.

Daniel's life of William I, which forms the whole of the initial printing's second book, is structured according to the 'active' deeds of the monarch, which constitutes a narrative of his life until his death, and a more discursive section that addresses the King's actions in peace time. Perhaps the central matter which this later section addresses is the means used by the King to

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[52] William Alfred Morris, *The Frankpledge System* (London: Longmans, Green, and Co., 1910), p. 6. Morris's study remains the only modern full-length study of the history of Frankpledge.
[53] See below.

consolidate his rule following the conquest. What immediately follows, then, is a short discourse on the King's legal reforms, beginning with the famous oath given by the King at his Coronation to instate and rule by the laws of Edward the Confessor, which Daniel views as an amalgamation of pre-existing Saxon law codes. Although Daniel acknowledges this pledge, he soon disregards the substance of the oath, remarking that 'it was done to acquiet the people with a shew of the contuinuation of their ancient customes, then that they enioyed them in effect' (sig. R1r-v).

The argument that William the Conqueror's oath to rule under the laws of Edward the Confessor was intended as a pacifying gesture, rather than a commitment to governmental and legal continuity, was a common argument across contemporary historical texts that addressed the conquest. In his 1607 edition of the *Britannia*, William Camden remarked that 'in token […] of a Trophee for this conquest, [William] abrogated some part of the ancient positive lawes of England'.[54] Similarly, in the preface to his 1608 treatise *Jani Anglorum,* John Selden argued that 'the *Norman* did warily provide against this danger, [of making new laws] by bestowing upon the yielding conquered Nation the requital of their ancient Law: a requital, I say, but more, as it should seem, for shew than use'.[55] Common to Camden and Selden's account is an awareness both of the ulterior motives underpinning the King's decision to confirm his abidance to the Laws of St. Edward, and of the preservative force of the oath itself. In the case of Selden, this is made particularly explicit, conceding shortly after to the overall assertion that England's law is 'of a far more ancient date' than the Conquest. Despite the obvious argumentative similarities between Daniel's statement and these earlier examples (it is certain that Daniel was familiar with Camden's recent edition of the *Britannia,* while his connection to many of Selden's close associates, including Camden and Robert Cotton, makes possible that he was an acquaintance of Selden's too), the conclusions he draws are the opposite. Indeed, the Norman Conquest, he writes, saw 'a generall innouation both in the lawes and gouernment of *England',* and that there was 'little conformitie betwene those lawes of former times, and these that followed vpon this change of State' (sig. R1v). In assessing the extent of this innovation, Daniel then addresses the origin of the common law itself:

> And though there might be some veynes issuing from former originals, yet the mayne streame, of our Comon law, with the practice thereof, flowed out of *Normandie,* notwithstanding all obiections can be made to the contrary.

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54 William Camden, *Britain,* sig. N2v.

55 John Selden, *The Reverse of Back-face of the English Janus,* trans. by Redman Wescot, sig. A3v.

In his essay on the intellectual origins of the Levellers – a response to Quentin Skinner's essay on the same subject – R.B. Seaberg draws particular attention to this passage, noting that it was paraphrased in a tract by the leveller John Lilburne (1614-57).[56] This paraphrase, in turn, was noted by Christopher Hill, who in his essay 'The myth of the Norman Yoke', completed it with the comment that 'the mainstream of our common law [is corrupt]'.[57] Seaberg, in response, argues that 'the phrase denoted common law procedure', the implication being that the law retained a native, English substance. Certainly, this would be in keeping with the earlier criticisms of the law offered in Daniel's poetry, however this interpretation somewhat disregards the substance of his remark. Daniel's comment encompasses two aspects of the common law: the law itself, accompanied by the 'practice thereof'. Despite his concession that 'there might be some veins issuing from former originals', Daniel gives little room to imply that the 'substance' of the common law was derived from the Saxons. Indeed, describing the state of Anglo-Saxon law before the conquest, he remarks that 'before these collections of the *Confessors,* there was no vniuersall law of the kingdome, but euery seuerall Prouince held their owne customes'. Whatever efforts were made to consolidate England's law under a unified Monarchy, it 'held […] not so long together […] as to setle one forme of order current ouer all'.

Where for Seaberg, Daniel's commentaries retain some sense of the Anglo-Saxon roots of common law procedure, his remarks in fact make little concession for any such relationship. For Daniel, Anglo-Saxon law is not identifiable as a single law, being constituted of several different law codes according to each kingdom, which shared

> nothing in comon (besides religion, and the constitutions thereof) but with the vniuersalitie of *Meum & Tuum,* ordered according to the rites of nations, and that *ius innatum,* the Comon law of all the world, which we see be as vniuersall, as are the cohabitations and socities of men, and serues the turne to hold them together in all Countries, howsoeuer they may differ in their formes. (sig. R1v-R2r)

As suggested by the invocation to 'the rights of nations' and 'the Comon law of all the world', the somewhat unusual application of the term '*ius innatum'* (or innate law) likely pertains to the more common Roman legal formulation '*ius gentium'*, applied here to describe the laws common to all nations according to the laws of nature, which ultimately form the basis for all human law.[58] For

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[56] R. B. Seaberg, 'The Norman Conquest and the Common Law: The Levellers and the Argument from Continuity', *The Historical Journal*, 24.4, (1981), 791-806.
[57] Seaberg, p. 795.
[58] For contemporary views of natural law in England, see Richard Tuck, *Natural Rights Theories: Their Origin and Development* (Cambridge: Cambridge University Press, 1979) pp. 82-90.

Daniel, then, all instances of agreement that could be found between the laws of each Anglo-Saxon kingdom (the outlawing of theft or murder, for instance), is indicative of the natural composition of society rather than a shared constitution.

In the following paragraph, indeed, he makes further critique of the 'ancient constitution', remarking that to look further than the Norman Conquest for the origins of the common law is 'to looke into an vncertaine vastnesse, beyond our discerning'. Whereas, therefore, acceptance of the 'ancient constitution' necessarily sought to legitimate the law by stressing its age, Daniel here offers an view alternative:

> Nor can it detract from the glory of good Customes, if they bring but a pedigree of 600. yeares to approue their gentilitie; seeing it is the equity, and not the antiquity of lawes that makes them venerable, and the integritie of the professors thereof, the profession honored. And it were well with mankinde, if dayes brought not their corruptions, and good orders were continued with that prouidence, as they were instituted.

As with the main subjects of his essay, Seaberg reads much Anti-Normanism into Daniel's account of the post-Conquest law, a view likewise repeated by Skinner's interpretation of *A Breviary.* This interpretation however requires a certain amount of tempering: especially with regards to the common law, Daniel's explicitly lauds the 'good customes' from which it grew, necessarily tied though they were to the coming of the Normans. Like his 'Epistle' to Thomas Egerton, Daniel's comment prizes 'equity' as the driving agent of the law, bolstered by the 'integritie' of its practitioners. By setting this view in opposition to the argument that the law derived its value from its age, however, Daniel marks a clear shift of perspective from his earlier work. The one comment that Daniel does make upon the 'corruption' of customs, finally, takes the form of a general maxim upon the successive corruptions of laws after they are established. Again, he leaves little room in this argument for the law's continuity beyond the Conquest, assuming as it does that the common law does not need an ancient lineage to legitimate it. Cumulatively, then, this viewpoint marks a striking departure from the ground upon which, for instance, a *Defence of Rhyme* was argued. If, therefore, *A Defence of Rhyme* imagined a model of England's constitutional foundations arising from the 'natural' tendencies of its language and people, the *Historie* views the common law as emerging from the very processes of monarchical intervention that the narrative of the 'immemorial law' provided against.

The argument that the common law arose as a consequence of the Conquest, was not unique to Daniel's history. In *The Idea of History*, for example, Daniel Woolf argues that Daniel's thoughts

on the origins of English law share much in common with his patron. Indeed, Ellesmere's thought on the subject provides a significant contextual thread to the history.[59] Louis A. Knafla's study of Egerton highlights that he 'dated the English constitution from the Norman Conquest', and that 'the chancellor believed […] that the English common law developed from the customs which grew out of the adjudication of cases involving feudal tenures', which Egerton believed originated from the conquest.[60] Like Daniel, therefore, Egerton retained a belief in the common law's Norman origins; yet for Egerton, the belief in its post-conquest origins also altered its relationship to royal power significantly.[61] On this point, Egerton is clearer than Daniel, arguing that the laws express the 'absolute pejorative' of the king.[62] It is, therefore, the fundamental concern of its practitioners to exercise this prerogative:

> [the king's law] made be exercised and executed by any Subiecte to whome power may be given by the King in anie place of Iudgement […] which the king by his law hath ordeyned, in which the Iudge subordinate cannot wrong the people; the lawe laying downe a measure by which eurie Iudge shall gouerne and execute, against which law if anie Iudge proceed he is by the law questionable, and punishable for his transgression.[63]

According to Egerton, then, the primary role of judges is in the exercising of the law according to the prerogative of the king, through which their office is legitimated. For Egerton, the king was the 'Substitute of god ymediatelie; the father of his people and the head of the commonwealth', born with an innate 'discretion, Iudgement, and feeling towards his people' irreplaceable by any judge.[64] The body of the law, it thus follows, is the 'kings owne will', and it is the responsibility of judges to practice in abidance to this will, 'otherwise he might well esteeme himself to be aboue the king's lawes'. Where, therefore, a figure such as Edward Coke built a narrative of English law that partly aimed to protect the law from excessive monarchical imposition, Egerton here views the absolute prerogative of the king, as expressed through the law, as a restraining agent against juridicial malpractice.[65] Indeed, his primary objections to Coke in his 'Observacons on Cokes Reportes' (1615) are grounded in what Egerton viewed as Coke's excessive personal interpolations upon the law, ranging from 'sowing his conceits in almost every Case' to 'cut shortt the Iuristiction

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[59] D.R. Woolf, *The Idea of History in Early Stuart England*, p. 98.
[60] Knafla, p. 70. Knafla cites several annotations in Egerton's library as evidence for this.
[61] Thomas Egerton, *The Post-Nati* in Knafla (ed.), *Law and Politics in Jacobean England*, pp. 202-253 p. 218.
[62] Thomas Egerton, 'A Copye of a Written Discourse' in ibid., pp. 197-201.
[63] Ibid., p. 197.
[64] Ibid, p. 198.
[65] See Chan Smith: 'Egerton wisely found in James an ally who was already suspicious of common law ambitions (p. 214); and Mark Fortier, 'Ideas and Equity: Coke, Ellesmere, and James VI and I' in Fischlin and Fortier, pp. 265-289.

of all other courts but of that Court wherein himselfe doth sitt'.[66] Egerton charges, moreover, that throughout the *Reports* Coke 'hath as it were purposely Laboured […] to desteeme and weaken the power of ye King in the ancient vse of his Prorogatiue.'

In all areas of the law, then, Egerton believed the king held sovereignty, extending to the common law. According to Knafla, Egerton negotiated the king's authority within the common law by highlighting that, 'in creating feudal tenures and appointing judges to sit in his place, [the King] was initially responsible for giving laws to his people'.[67] In the *Post-Nati*, Egerton advises that if

> neither direct law, nor Examples and precedents […] can resolve [a case], here is a true and certen Rule, how both by the Civil law, and the ancient Common law of England it may and ought to be decided: that is, by sentence of the most religious, learned, and judicious king.[68]

It is accordingly certainly possible that Daniel's own account of the origins of the common law is reflective at least in part of Egerton's influence, and that – furthermore – the implications of his argument share something in common with Egerton's more explicit claims regarding the royal prerogative. Certainly, it may be said that in conceding a Norman origination point for the common law, its relationship to royal power undergoes a significant shift from the arguments propounded by Coke: clearly, Daniel's argument implies a direct causal relationship between William's conquest and the common law. Despite this, however, the precise processes by which the common law was formed, and the King's resultant authority within the law, are left unexplored by the history. It cannot, therefore, be stated with certainty that Daniel's argument is exactly analogous to Egerton's, and it is furthermore important to highlight the fundamental intentional difference between Egerton's legal writings and Daniel's narrative history.

Another strategy of Daniel's history to assess the negative aspects of the Norman influence on English law is his description of the particular legal temperament which accompanied the shift in the language of the law. According to him, the Normans were 'a people more inured to litigation, and of spirits more impatient, and contentious, then were the *English'*, whose various laws – owing to the continual state of war in which they were developed – were 'plaine, briefe, and simple, without perplexities, hauing neither fold nor plaite, commaunding, not disputing' (sig. R3r). Again, Daniel's criticism of the 'contentious' element which the Normans introduced into England law bears similarity with the arguments of his earlier epistle to Egerton. It is in comparison with the

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[66] Thomas Egerton, 'The Lord Chancellor Egertons Observacions vpon ye Lorde Cookes Reportes', in ibid., pp. 297-318, p. 197
[67] Knafla, p. 70.
[68] Egerton, p. 149.

Norman customs that replaced them that Daniel gives the fullest account of Anglo-Saxon legal traditions. The trial of ordeal, a custom 'held from before their Christianitie', which had previously been undertaken in the history by Queen Emma, was replaced by the Norman practice of trial by jury. The question of the origins of trial by jury in England was subject of much debate among historians of Daniel's era. In the preceding century, Polydore Vergil had claimed that this practice originated with the Normans, which William Camden in turn rejected, arguing 'that it was in use many yeeres before', and inaugurated specifically during the reign of Aethelred.[69] For Daniel, the twelve men called upon in the Saxon Gemote 'were to be assessors with the *Greue* to iudge, and no Iurors', regarding the trial by jury as a Norman innovation (sig. R4r).

Despite the extent to which Daniel's history stresses the constitutional importance of the Normans' innovations in the law, he traces one key line of continuity from the Anglo-Saxon period, namely the means by which 'the peace and securitie of the kingdome' was administered. This area of the law, he states, is the most significant for the 'the King to looke vnto', and in the case of William the Conqueror, 'he found here better laws established, by the wary care of our former kings, then any he could bring' (sig. R4v).[70] The most important law which was carried across from the Anglo-Saxons, he argues, is the system of tithings and sureties ('whereby euery free man of the Comons stood as surety for each others behauiour') known as Frankpledge, which here Daniel terms as 'borough law'. This system, which he ascribed to Alfred the Great, divided the kingdom into 'Sheires, [...] euery Sheire consisting of so many Hundreds, and euery Hundred of a nomber of [...] Tythings, containing ten housholders,' under which 'if any-one should commit an vnlawfull act, the other nine were to attach and bring him to reason'. As Patrick Wormald has shown, Daniel's description here is grounded in his reading of the twelfth century legal treatise, the *Laga Edwardi*, widely believed to be contemporary with the Conquest, and to document the Confessor's laws.[71] A copy of the document, made from the published text within Lambarde's *Archaionomia*, is among the first to appear in the manuscript *Appendix* to the history, while the description of Frankpledge in the history itself is a direct paraphrase from the text.[72] Where, therefore, it is generally asserted among historians of Anglo-Norman law that Frankpledge developed (in the words of William Alfred Morris) by the new government adapting 'an old English system to the needs of their own

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[69] Camden, sig. N3r.

[70] This statement appears to draw partly from a similar remark in the *Dialogus De Scaccio*, where where it is claimed the king's laws for keeping the peace were a mixture of the Wessex, Mercian, and Danish laws, with the addition of 'those Norman laws from overseas which seemed to him most effective in preserving the peace' (FitznNeal, *Dialogus de Scaccario* p. 63).

[71] Patrick Wormald, *The Making of English Law: King Alfred to the Twelfth Century*, (Oxford: Blackwell Publishers, 1999), p. 8n. For an account of the origins of the document, see Bruce R. O'Brien, *God's Peace and King's Peace: The Laws of Edward the Confessor* (Philadelphia: Pennsylvania University Press, 199) pp. 44-61.

[72] See Chapter four of this thesis.

time', Daniel, drawing on the *Laga Edwardi*, reached a similar position.[73] This admission of continuity, however, does not presuppose that the character of the law remained unchanged, and Daniel makes the underlying purpose for its preservation clear. Indeed, it is primarily through the exploitation of Frankpledge, which 'made so strong a chaine to hold the whole frame of the State together in peace and order', that Daniel believes the King was able to consolidate his rule; here, William assumes the position of a 'conquering Maister,' who turns 'all this ordinance vpon the State, and batter herselfe with her owne weapon' (sig. S1v).

Perhaps the most potentially contentious aspect of Daniel's remarks on the history of English law is the possibility that they allow that the law itself is was altered by right of conquest. Certainly, it is reasoning that Seaberg infers from Daniel's analysis, and which later constituted much of the argumentative basis of the leveller thought. Here, a natural point of comparison is John Hayward's *Lives of the III Normans* (1613), as a contemporary history devoted to the effects of the Norman Conquest that presents a particularly strong condemnation of William's legal innovations: 'their [the Saxons'] ancient lawes and policies of State were dashed to dust; all lay couched vnder the Conquerours sword, to bee newly fashioned by him, as should bee best fitting for his aduantage.'[74] Explicitly, then, Hayward argues that William ruled as a conqueror, with little acknowledgement of the previous law codes of the nation. Similarly to Daniel, Hayward views the King's pledge to rule according to the laws of St. Edward as a conciliatory gesture. In one respect, however, Hayward differs greatly from Daniel: by acknowledging that Anglo Saxons' laws were abrogated by the Conqueror, he allows that they had previously existed as a cohesive body, and that – furthermore – these laws were 'ancient'. By claiming that William had therefore made laws as a conqueror, and 'these Lawes were layed vpon the *English,* as fetters about their feet, as a ponderous yoke vpon their necke, to depresse and deteine them in sure subiection', Hayward simultaneously establishes the reintroduction of the 'ancient' laws of the Saxons as the means through which the Norman Yoke became 'not onely tolerable, but acceptable and well esteemed'.[75] This, he argues, was achieved by the continual invocation of the laws of Edward the Confessor, according to which

> whensoeuer [the Norman Kings] were willing to giue contentment to the people: who
> desired no other reward for all their aduentures and labours, for al their blood spent in the
> seruice of their Kings, but to haue the Lawes of K. *Edward* restored.

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[73] Morris, p. 31.
[74] John Hayward, *The Liues of the III. Normans, Kings of England William the First. William the Second. Henrie the First.* (London: By Richard Barker, 1613), sig. M1.
[75] Ibid., N2v.

In substance, then, Hayward's position offers two key strains of influence in English law: one Norman, and often associated with tyrannical imposition, and the other Anglo-Saxon, serving to ameliorate the severity of the former. Indeed, this argument conforms closely to Seaberg's contention that English historians of the early seventeenth century 'viewed the past as a recurrent drama, a dialectic of promises […] renegations, and demands for restoration'.[76] While acknowledging the historical reality of the conquest, therefore, Hayward's argument ultimately lessens the extent of its influence upon the history of English law. Daniel's position differs from Hayward's in that it does not allow that Anglo-Saxon laws existed in a cohesive form before the conquest. For him, moreover, a 'general innouation' in English law occurred 'notwithstanding this confirmation, [of the Laws of St. Edward] and the Charters afterward granted by *Hen.* 1. *Hen* 2. and King *Iohn,* to the same effect' (sig. R1r). Whether or not Daniel believed that the oath retained a political value as a mode of popular recourse, still his comments underwrite the basis from which the 'ancient laws and rights' of the English apparently stemmed.

While the implications of Hayward's belief that William ruled as a conqueror are counterbalanced by the eventual restitution of Edward's laws, Daniel's argument looks elsewhere to justify his position. One of the key methods in which this is achieved is by examination of the extent to which William had ruled as a conqueror. Earlier in the history, Daniel had made clear that the Norman Conquest had occurred on the basis of a pretended right, and Daniel's comments on a number of the King's actions bear the inference that he had at least attempted a general conquest. The most pronounced of these is his discussion of William's attempt to shift the language of England into French, arguably the most explicitly 'anti-Norman' point in Daniel's history. Daniel's opinion on the persistence of Law French as the primary language in which England law was practiced was, as we have seen, alluded to in his epistle to Egerton as the 'memorials of our subiection'. In a restatement of his earlier comments, he asserts that 'haue we now [no] other marke of our subiection and inuassellage from *Normandie,* but only that, and that still speakes *French* to vs in *England'* (sig. R2v).

It is in this condemnation of the change of the law into French where Daniel most closely resembles the arguments proposed in Holinshed. Holinshed's account of the Conqueror's alteration of the law is grounded in the belief that he was 'a prince nothing friendlie to the English nation', and that the Normans abrogated 'all the ancient lawes vsed in times past, and instituted by the

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[76] Seaberg, p. 793. In the following chapter, I examine how Daniel's history might conform to this description in other contexts, such as the Barons' Rebellion.

former Kings for the good order and quietnes of the people'.[77] The general picture of Norman law given in the *Chronicles*, moreover, shares some of Daniel's earlier criticisms of the excessive complexity of English law, noting for instance that it is'intangled in sutes and causes, that by no means they knew how to get out'. If Norman law was intrinsically iniquitous towards the English, Holinshed argues that the shift in language was a 'great absurdity' according to which the law was incomprehensible to the population upon whom it was imposed.

Clearly, these remarks in Holinshed share many common implications with Daniel's, and it is probable that his familiarity with the *Chronicles* informed his position here, both in terms of the change in the language of the law, and the litigious temperament that they introduced in the country. Unlike Daniel's position, however, the argument in the *Chronicles* is part of a wider condemnation of the iniquities of Norman law more generally. Daniel's remarks are instead contextualised within a general attempt by the Conqueror to change the language of the country from English to French. This aim, however, was ultimately unachievable, since 'the solid bodie of the kingdome, still consisted of the *English,* and the accession of strange people, was but as Ryuers to the *Ocean,* that changed not it, but were changed into it.' In this comment, Daniel gestures towards a model of conquest seemingly informed by the precedent of the earlier Anglo-Saxon conquest. In this earlier example, the extent of the Anglo-Saxon conquest had encompassed a complete cultural subversion of one people in place of another; in the case of the Norman conquest, however, 'without the extirpation or ouerlaying the Land-bred people*,'* a widespread change in language was impossible. While, therefore, Daniel believed that the Norman Conquest initiated a 'general innouation' in the laws of England, total conquest of the English was impossible, requiring the eventual assimilation of the Normans into the 'bodie' of the state.

In its overall position on the legal effects of the conquest, the *Chronicles* share more in common with Hayward's position. Both, for instance, take the Conquest as a historical certainty – indeed, the title of its life of William makes direct reference to his 'politick conquest' – and that Norman law was imposed as a 'yoke' upon the English[78]. Likewise, the *Chronicles* perceive the history of English law after the conquest as undergirded by an identical process of amelioration that is proposed by Hayward, asserting that 'the Norman kings themselues would confesse, that [William's laws] were not verie equall', and that 'when they sought to purchase the peoples fauor, promise to abolish the lawes ordeined by their father, establish other more equall, and restore those

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[77] Holinshed, III, sig. B3v.
[78] Ibid., sig. A5r.

which were vsed in S. Edwards daies'.[79]

Daniel's position regarding the conquest shares the common assumption with Hayward and Holinshed that the effects of the conquest were to an extent ameliorated by the inability of the Normans to replace the preexisting English. Both arguments, indeed, share common characteristics with Pocock's description of Selden's view of the Conquest, where 'England was not inert matter upon which [William] could impose form'.[80] While for Hayward, this process was primarily understood in terms of the popular demand for the restitution of a native law code, Daniel relied on the more general argument that the overall 'body' of the country (particularly with regards to the bulk of the population) had remained unaltered by the Normans. Despite his criticism of the Norman attempt to change the language of the country, moreover, Daniel's overall view of William's reign questions the validity of his title of 'Conqueror', arguing that despite the means by which he had become King, he did not 'clayme any power by conquest, but as a regular Prince, submitted himselfe to the orders of the kingdome' (sig. O4r). Accordingly, Daniel rejects the view from the *Chronicles* that the King's legal innovations were an act of conquest (especially as they were not instituted by violence), by viewing them instead as 'a milde gathering vpon the disposition of the State, and the occasions offered' (sig. O4v). Taken as a whole, then, Daniel's view of the conquest and its effects upon the history of English law balances a belief that the essential legal framework of the country came from the Normans with a sense of the restrictions it initially brought to royal power. If, then, the Stuart view could assert the king's right to rule by conquest, Daniel by comparison argued that the legitimacy of his reign was instilled by his willingness to rule under the law. Again, this position finds certain resonance within Daniel's poetry, and notably his remark in the Epistle to Egerton that 'That both the Prince and people use one Barre'.

Overall, the range of Daniel's comments on the question of the conquest offer a more nuanced interpretation than is found in Hayward, appearing at once to accept and deny the historical legitimacy of the title. Surely, his acknowledgement of the illegitimacy of the Conqueror's title to the throne, and the violence with which it was seized, assumes that his accession was achieved by conquest. In his explanation of how his rule was consolidated, furthermore, William is explicitly referred to as a Conqueror. Where, however, it was Hayward's view that the King's legal innovations were enacted by conquest, with the intended purpose of subjugating the English under a 'yoke', Daniel considered the process in almost the opposite terms. For him, it had been through the manipulation of England's pre-existing laws that William had 'conquered' the kingdom (that is, by

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[79] Ibid., sig. B2v.
[80] Pocock, p. 287.

the exploitations of the very laws that secured England as a state), while the replacement of English customs was not made by conquest, but instead through a process of legal reform, in which he acted within the legal rights of the monarch. Certainly, his position here offers a widely different one to that with which it is associated by Seaberg, for which there is stronger corroboration within the *Chronicles* and *The Lives of the III. Norman Kings*.

Daniel's stance on the legal effects of the Conquest are discussed briefly in the prologue of Patrick Wormald's study of Anglo-Saxon law, *The Making of English Law*. Here, Wormald uses Daniel as evidence that 'the lawyerly construction of the past was not the only one', paying particular attention to his treatment of Frankpledge, and comparing Daniel's stance in the *Historie* to the later work of Robert Brady, remarking that 'Daniel in the 1620s [sic] and Brady in the 1680s had got close to the view of the Conquest's legal effects that would be taken in modern times'.[81] According to Wormald, both Daniel and Brady held the view that 'Norman law was feudal and imposed upon the English'. Writing shortly before Wormald, Nicholas von Maltzahn makes similar claim for Daniel's Historie in his account of Milton's attitude to the Ancient Constitution.[82] While certainly Daniel's analysis conforms to a degree with this statement, the history never characterizes Norman law as feudal, and indeed, the extent of Daniel's awareness of its feudal character requires further consideration. An obvious point of referral here is his attitude to the 'alteration of tenures' following the Conquest. Under the Saxons, he writes, legal tenure existed in two forms, '*Boke-land, and Folkland,*' and that 'one was a possession by writing' ('and by charter, hereditarie, with all immunities, and for the free and nobler sort'), whereas the other – without writing – was 'was to hold at the will of the Lord, bound to rents and seruices, and was for the rurall people' (sig. S2r-v). Daniel's argument does not explicitly name any system of tenure that replaced their Saxon counterparts; that they were to an extent replaced, however, is implied by his treatment of the Kentish custom of Gavelkind, which was popularly believed to have been retained following a direct petition from the people of Kent to the Conqueror. According to Holinshed, the retention of Gavelkind ensured that the 'ancient Liberties of England […] remaine inuiolablie obserued vntill this daie within that countie of Kent'.[83] Camden had tentatively endorsed the legitimacy of this story, and while Daniel appears to accept it as a genuine account, he does not ascribe any lasting historical importance to the episode, writing that despite the continued practice of the tenure '[the

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[81] Wormald, p. 8.
[82] Acknowledging some limitations to Daniel's account, von Maltzahn nonetheless argues that 'Daniel was keen to show that the common lawyer's claims to immemorial antiquity were simply wrong and that their law was a Norman import' (Nicholas von Maltzahn, *Milton's History of Britain: Republican Historiography in the English Revolution* (Oxford: Oxford University Press, 1996)., p. 205).
[83] Holinshed, III, sig. A5v.

people of Kent] now retayne no other then such as are common with the rest of the kingdome' (sig. S3r).[84]

Following the Norman Conquest, Daniel writes that the number of tenants subject to the will of a Lord increased, describing the restrictions therefore placed upon them as such:

> All such as were discouered to haue had a hand in any rebellion, and were pardoned, onely to enioy the benefit of life, hauing all their liulihood taken from them, became vassals vnto those Lords to whom the possessions were giuen, of all such lands forfeited by attaindors. And if by their diligent seruice, they could attaine any portion of ground, they held it but onely so long as it pleased their Lords, without hauing any estate for themselues, or their children, and were oftentimes violently cast out vpon any small displeasure, contrary to all right:

If, then, this description recognises that the Norman Conquest brought with it an increase in vassalage, his overall sense of the nature of tenure does not distinguish this change as feudal in character. Neither does Daniel offer any further consideration of the precise alterations of the Saxon institutions of tenure, and it is possible that he perceived this in similar terms to the Norman adoption of Frankpledge; that is, that the Normans exploited the preexisting Saxon system of Bookland and significantly widened the scope of its usage. Significantly, Daniel's description is also limited by his argument that the stringencies of such tenures were eventually mitigated by petition, so that 'whatsoeuer they had obtained of their Lords by their obsequious seruice, or agreed for, by any lawfull pact, they should hold by an inuiolable law during their owne liues' (sig. S3r-v). Partly, then, this comment appears to further reject the notion of the Norman Yoke by highlighting their receptiveness to popular appeal, similarly to the story of Gavelkind. While therefore Daniel makes clear that the Saxon forms of tenure were altered following the Conquest, the overall view given here is largely confined to an analysis of a temporary oppression, with little acknowledgement of Norman tenure as separate from the Saxon models it preceded, nor the far-reaching effects of this change.

Despite the limited scope of Daniel's comments on tenure itself, another point of interest regarding Daniel's awareness of the feudal character of Norman law is his discussion of the King's taxations, possession of land, and the system of tenure under which it was maintained. He begins by discussing the King's creation of Royal forests, writing that the 'all the Forests and Chases of the kingdom, he seized into his proper possession', becoming 'the withdrawing chamber of kings'. The

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[84] Camden notes that the story of Gavelkind is recorded only by '*Thomas Spot* the Monke' but describes the custom at length regardless (Camden, sig. Dd5r).

forests, then, were held under no other law beside 'his owne pleasure'; any crimes committed in these regions, therefore, were 'to be disposed [by the King] himselfe, absolutely, and all former customes abrogated' (sig. S4r). Fundamentally, Daniel views the King's actions here as the most tyrannous aspect of his reign, particularly with regards to the expansion of the New Forest, which entailed the widespread eviction of the land's residents, and heavy penalties imposed upon those who hunted his deer. This law, he argues, was continued across the reigns of the Norman kings, and finally abolished in the reign of Henry III.

Daniel does not treat the relationship between the King and his tenants separately from the subject of the King's general policy of taxations. Here, Daniel primarily argues that the King created few new taxations, and specifies that he made sparing use of the institution of Danegeld, which he claims was first used in England by Ethelred, to 'bribe the Danes'. This taxation entailed that two shillings should be required 'vpon euery hide or plough-land', which – though ostensibly an annual payment – he writes that under William it was 'onely taken vpon vrgent occasion'. Similarly, when discussing the tax for those who were direct tenants of the crown, Daniel argues that the Saxon tax of food pledge, under which 'Victuals, Wheate, Beifes, Muttons, Hay, Oates' was collected instead of money. As with the bulk of discussion on the King's revenues, Daniel here makes extensive use of the *Dialogus de Scaccario*, which specifies that food renders were collected throughout the reign of William the Conqueror, and eventually replaced by Henry I for the purpose of collecting revenues for war.[85]

Another tax of particular interest here is Scutage, a tax introduced under Norman feudalism under which a knight's fee was paid in lieu of military service.[86] Daniel argues that the tax was primarily used to raise emergency revenues during war, but that – however – its original use under the Conqueror was as a 'due reserued out of such lands as were giuen by the Prince for seruice of warre' (sig. S4v). In this proposed original form, Daniel views Scutage less as an importation of the conquest than as a practice rooted in Roman antiquity. Though he finds no external corroboration for it, he speculates that it was possibly a Saxon institution given a new name by the Normans, and that – furthermore – the practice of awarding land for military service was common for the Romans. In his description of the development of this practice in the Roman empire, Daniel uses feudal terminology, writing that it was emperor Severus 'who permitted the children of men of warre, to inioy their Fiefs'. By using this term to describe Roman land ownership, then, Daniel appears to

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[85] FitzNeal, pp. 40-41.
[86] On the origins of Scutage, see James Fosdick Baldwin, *The Scutage and Knight Service in England* (Chicago: The University of Chicago Press, 1897), pp. 1-17.

either draw little historical distinction between Roman forms of land ownership and those used in medieval Europe, and thus to misapprehend the particular implications of fiefdoms as a major component of feudal law. The conflation of feudal practices with erroneous Roman antecedents of course was not unheard of in the era. Among J.G.A. Pocock's criticisms of John Selden's analysis of post-Conquest English law, for instance, is that Selden's recognition of the Conqueror's introduction of feudal tenures into England was ultimately counterbalanced by insistence of the likeness of many Norman customs with Anglo-Saxon and even Roman practices.[87] While there are obvious differences between these two examples, both are demonstrative of a general tendency to conflate medieval forms of land holding with Roman examples.

It would appear that Daniel lacked a systematic understanding of the feudal law both as a uniquely medieval system of law, and as one of the most significant lasting effects of the Conquest. Surely, his understanding of the feudal law falls short of the (admittedly general) description given by Wormald. His focus on the King's use of preexisting taxations however, does enable him to construct a reasonably reliable account, drawn from the *Dialogus De Scaccario*, of the mixture of Saxon and Norman administrative practices in the immediate period following the Conquest. Indeed, it is perhaps among the most significant element of Daniel's overall view of the Norman influence on English law that his analysis balances various strands of continuity and discontinuity following the Conquest, with little allowance for the general conflation of Anglo-Saxon law with 'ancient liberties'. Instead, for instance, of condemning the tyranny of Norman law (as we find in Holinshed and Hayward, for instance), his overall analysis is more informed by the practical necessities inherent within the administration of a newly acquired state. Perhaps, therefore, it is in his negotiation of these political processes where he comes the closest 'to the view of the Conquest's legal effects that would be taken in modern times'.

<u>Conclusion</u>

It is one of the central arguments of this chapter that, while there exists many essential similarities across Daniel's different writings on the subject of law, the view of the history of English law proposed by the *First Part of the Historie of England* marks a significant shift from his earlier writings, and particularly the *Defence of Rhyme.* There, Daniel had seemed to have supported entirely the notion of a native legal body (in tandem with a native poetics) to which the monarch

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[87] Pocock, p. 288.

was bound in obligation. Although it would be inaccurate to assert that the *First Part of the Historie* represents a total rejection of the argument for legal continuity, the fundamental conception of the English constitution here allows little accommodation for the concept of the immemorial law. The formative passages of the *Historie* had already done much to reject any grounds on which to argue for an ancient British origination point for English law. Where, furthermore, Daniel discusses the Anglo-Saxons, no appeal is made to their 'ancient liberties', stressing instead that the legal structures of the Saxons were at once an amalgamation of several divergent law codes, and that the law of the recently unified nation was inherently unsettled.

There are several possible reasons for this perceptible shift in Daniel's thought, among which perhaps the most telling is the generic difference between *A Defence of Rhyme* and *The First Part of the Historie*. While the former text is very much concerned with historical argumentation, its defence of immemorial custom was written in direct response to the pressing issue of a foreign king, where the argument of the immemorial law provided both a forceful means of affirming the monarch's duty to rule without disrupting the established framework of the state, and a wider justificatory body within which to place the 'native' development of Daniel's own vocation. Again, Richard Helgerson's characterisation of the *Defence of Rhyme* as part of the conscious early modern construction of a 'gothic poetics' is pertinent here.[88] It is furthermore significant that the basis on which this argument was formed directly contrasted with the historical principles Daniel had espoused earlier in his poetry, and particularly in his criticism of the baseless accretion of myth surrounding the origins of Stonehenge in *Musophilus*, where the assertion of historical truth without any corresponding written record is rejected. It may be argued, accordingly, that Daniel's assertion that to find any origination point for the common law before the conquest 'is to looke into an vncertaine vastnesse, beyond our discerning' represents a return to the historical principles he had previously espoused. It is possible, then, that while many of the attendant preconceptions of *A Defence of Rhyme* are present in the *Historie*, that Daniel saw a distinction between ideas of the Ancient Constitution as a powerful argumentative tool (especially when deployed in the petitionary context of the *Defence of Rhyme*), and the historical validity of the concept. Accordingly, the shift towards narrative history writing required the application of a historical methodology that disallowed for the kinds of assertions made in the *Defence*.

It has been one of the primary concerns of this chapter to further explore the significance of narrative histories in the wider dialogue of early seventeenth-century legal thought, particularly

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[88] See Helgerson, pp. 40-48.

with regards to Pocock's view of the relative unimportance of the form in this area. Daniel's *Historie*, in particular, presents a number of challenges to this assumption, not least the idea that narrative history was limited by its apparent loyalty to chronicle sources. Much of Daniel's account of the Conquest's legal effects, on the contrary, relies exclusively on medieval legal tracts. It is, for instance, through his engagement with the *Leges Edwardi Confessoris*, that Daniel constructed his view that the Normans had exploited pre-existing Saxon laws (namely Frankpledge) to further solidify their rule in England. His engagement with the *Dialogus de Scaccario* makes fruitful use of a then-unpublished source. It of course important, moreover, to recognise that Daniel's *Historie* does not attempt a systematic analysis of the law in the manner of such contemporary legal tracts as Selden's *Janus Anglorum*. Though, as Gerald Toomer has highlighted, Selden's sources in that text were primarily accessed through printed books, the extent of his research here surpassed Daniel's, and the methodological standards with which these sources were held highlights a clear distinction between the forms of both texts.[89] Daniel was not concerned with the reconstruction of the legal traditions either of Anglo-Saxon England, or Normandy, and under Pocock's standards, the *Historie* is again limited by its inability to apprehend the particular feudal character of Norman law. Equally, Daniel's *Historie* is remarkable because of his distance from the legal profession, giving a distinct alternative to (to repeat Wormald's phrase) 'the lawyerly construction of the past'.

Of course, inasmuch as Daniel's thought in the *First Part* may reflect the influence of Egerton, his arguments make significant qualifications to the case that the Conquest granted the monarch an absolute prerogative. While the method in which Daniel analysed the history of English law varied widely from those used in *A Defence of Rhyme*, the *Historie* does accommodate for the basic belief that the King had ruled under the law, and did not hold sole jurisdiction over it by right of conquest. Implicit within this argument is the belief that monarch's power over the law is prohibited by his obligation to rule according to this precedent. This position is further argued by the assertion that the Normans were forced to assimilate into the larger framework of the English state, which, if it does not extend to the elaborate constitutional arguments proposed by, for instance, Coke, it does allow for some accommodation of the 'people' as an effective petitionary force, especially with regards to the alleviation of the stringencies of post-conquest tenure. His position cannot therefore be said to have merely restated arguments for Royal supremacy in opposition to the narrative of the 'Ancient Constitution', since it is so cautious to concede the limitations on royal power that the narrative provided for. The more likely view, it appears, is that

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[89] See Toomer, p. 101-102.

Daniel believed that the monarch was not permitted to be the sole arbiter of the law, and his assertion that the Conqueror had submitted himself under the law was made to reinforce this belief.

It would appear that while the *Historie* disavows many of the supportive arguments of the 'Ancient Constitution', Daniel still valued the institutions which its narrative was partly constructed to protect. There is evidence, moreover, that Daniel's historical arguments were limited by the political situation of the 1610s. Daniel Woolf has noted, for instance, that Daniel's view of the origins of parliament appears to have shifted between the publication of *The First Part of the Historie*, and the *Collection.* In his life of Henry I, Daniel followed the earlier account of Polydore Vergil in describing the first parliament as such:

> he tooke a course to obtayne their free consents to serue his occasions, in their generall Assemblies of the 3. estates of the Land, which he first, and often conuoked: and which had, from his time, the name of Parlement, according to the manner of *Normandie,* and other States, where Princes keepe within their circles to the good of their people, their owne glorie, and securitie of their posteritie.[90] (sig. Bb3v)

Beside this passage, in the book's margins, a printed note reads: 'The first Parlement at *Salisbury, Anno reg, 15.*' When the book was expanded into the *Collection,* the passage itself (implying that the English parliament was derived from Norman customs) remained unchanged, the accompanying note was altered, reading: 'He assembles the first parliament, after the conquest'.[91] Remarking on this change, Woolf plausibly speculates that either Daniel had found 'more persuasive information about the Anglo-Saxon assemblies', or 'he now thought this institution [parliament], unsummoned for four years, in jeopardy, and with it the balance between king and subject'.[92]. More broadly, the importance that Daniel places on the Conqueror's oath to rule under the law, of course, does raise a significant problem that goes unanswered within the *First Part*, one that is underscored whenever Daniel describes the monarch's grant of certain rights as a gesture of dissimulation made to 'acquiet' the people. If, then, Daniel was unwilling to follow the implications of his own analysis by examining the extent of the king's sovereignty, we might well concede that Daniel presumed that monarch's prerogative was limited by its subjection to the law. But if this state was contingent solely upon the monarch's promise, then naturally it was open to exploitation and abrogation. Ultimately, then, the *First Part* leaves a presiding tension between two models: one in which the

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[90] On Polydore Vergil's belief that parliament originated in the reign of Henry I, see Paul Cavill, 'Polydore Vergil and the First English Parliament' in *Writing the History of Parliament in Tudor and Early Stuart England*, ed. by Paul Cavill and Alexandra Gajda (Manchester: Manchester University Press, 2018), pp. 37-56.
[91] Samuel Daniel, *The Collection of the Historie of England* (1621), sig. F4.3v. I return this comment again in my analysis of Daniel's projected Appendix, for which see the fourth chapter of this thesis.
[92] Woolf, *The Idea of History in Early Stuart England*, p. 99.

monarch is subject to the law, and one in which the law is subject to the will of the monarch. In the proceeding chapter, I will argue that this tension came to occupy Daniel particularly during the composition of the additional lives for the *Collection.*

Another area from which to consider the commonalities across Daniel's major writings on law is the significance of equity, which in his epistle to Egerton he had championed as the most important ameliorating agent within law. In that poem, the 'state of Equitie', embodied by Egerton's role as lord keeper, had served as an intermediary between the 'wrangling subtletie' of the law, and justice. Many of Daniel's harshest criticisms of Norman law, revolve around the same concerns of complexity: that, for instance, the language of the law was made foreign, and that the Normans replaced the simplicity of Saxon law with a more complex legal system. It is perhaps in this light that Daniel's supposed anti-Normanism should be read. Where Holinshed and Hayward appear summarily to characterise the Norman influence upon English law as corruptive, and to draw it in direct conflict with Anglo-Saxon law, Daniel's argument allows for a subtler assessment. By arguing that the common law was primarily a Norman innovation, for instance, Daniel did not (contrary to Seaberg's view) condemn it as inherently corrupted; rather, it is championed as a 'good custom'. His defence of the common law's Norman origins, after all, gives the explicit view that 'it is the equity, and not the antiquity of lawes that makes them venerable', and frames whatever corruptions to the custom as the inevitable process of future distortion.

Even in the case of the shift in language, however, it is arguable that the significance of the conquest in his attacks on contemporary law as a poet had diminished when he turned to the *First Part*. Between the *First Part* and the *Collection*, finally, Daniel's view appears to have developed further. Many of the most telling comments on the law in the *Collection* are devoted instead to comparing England's present legal culture with the medieval past.[93] When Edward I exacts huge penalties on his ministers for bribery and extortion, Daniel turns to matter of how such 'mighty treasure' was accumulated by such a limited number of noblemen in their administration of justice 'when Litigation, and law had not spred it selfe into those infinite wreathings of contention (as since it hath)'.[94] He locates his explanation in the growth of the legal profession as a commercial trade, which has engendered a huge increase in the number of practising lawyers in England in his own day. Now that the number of lawyers has 'growne bigger then the Law', therefore, 'their substances are of a smaller proportion then those of former times'. It follows, then, that the 'infinite wreathings of contention' against which he had elsewhere inveighed bear a close relationship to the growth of

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[93] See Daniel, *The Collection*, sig. I3v.
[94] Ibid., sig. P3v.

commerce in his own day than specifically to the imposition of Norman French after the conquest. In his life of Edward III, indeed, the king permits for pleas to the crown to be made in English 'that the subiect might vnderstand the Lawe'.[95] Daniel commends the gesture as 'A blessed act and worthy so great a King', yet offers a final reflection in which the obscurity of the law becomes an unavoidable fact of its practice:

> such is fate Law, that in what language soeuer it speakes, it neuer speakes plaine, but is wrapt vp in such difficulties and mysteries (as all professions of profit are) as it giues more affliction to the to the people then it doth remedy.

It is perhaps more appropriate, then, to view Daniel's criticisms of Norman law as grounded in his earlier praise of equity, rather than as necessarily indicative of anti-Normanism. It is furthermore possible, therefore, that his supposed anti-Normanism may be grounded more in how Daniel's history was read later in the century than in the work itself.

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[95] Ibid, sig. T4v.

Chapter Three: 'Of the Soueraignty, and the rest of the Bodie': The Church, Nobility, and the Angevin Kings in Daniel's *The Collection of the History of England* (1618)

Introduction

It is a belief commonly asserted by historians that the context of the English Reformation provided perhaps the primary engine for the study of the medieval English past during the sixteenth century, stemming – as Felicity Heal argues – from the 'second generation of reformers who felt a need to locate their Church temporally as well as providentially'.[1] The two projects most closely identified with this impulse are the editing and publication of medieval histories, a practice often typified by the work of Matthew Parker and his associates, and the composition of new ecclesiastical histories that reconfigured the Christian past as a continual conflict between the false and true churches, helping to define the reformed Church of England's place within the culmination of the universal course of Church history, and as the return to a native apostolic tradition, as handed down to the British by the supposed introduction of Christianity by Joseph of Arimathea. If, therefore, the religious preoccupations of sixteenth-century England were an inseparable aspect of its historical culture, then the animating legends of the British story naturally assumed a vital religious dimension. Alan MacColl has argued that the English Reformation provided ample room for the British story to reassert itself after the 'serious threat' made to it by Polydore Vergil's *Anglica Historia*, against which Tudor reformists traced the emergence of an Elizabethan protestant identity grounded upon an adaptation of Geoffrey of Monmouth's account of the earliest inhabitants of Britain – and especially the Samotheon kings – that centred the island's path from primitive idolatry to Christianity within the wider scheme of protestant church history.[2] For MacColl, the construction of a distinctively English (and thus exclusionary) claim to an ancient protestant Britain found its grandest expression in Spenser's *The Faerie Queene* despite the gradual authoritative decline of the British story in the late sixteenth century, serving (he asserts) to 'provide an English [and thus protestant] rival to the Trojan heritage claimed by imperial [Catholic] Spain.'[3]

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[1] Felicity Heal, 'What Can King Lucius do for you? The Reformation and the Early British Church', *English Historican Review*, 120.487, (2005), 593-614 (p. 606). The relevance of the English Reformation to the study of history in the sixteenth century has been a frequent area of focus in modern studies of the era. As the standard critical study of the 'British Story' in the sixteenth century, Thomas Kendrick, *British Antiquity* gives a useful introduction to the religious contingencies that drove the study of the British past. May McKisack, *Medieval History in the Tudor Age* is a good if cursory introduction to the key figures who studied the British past for this purpose. The best overall summary of the subject remains 'The Reformation and English History Writing' in Levy, *Tudor Historical Thought*, pp. 79-123.

[2] Allan MacColl, 'The construction of England as a Protestant nation in the sixteenth century', *Renaissance Studies*, 18.4, (2004), 509-637, (p. 606, 583). For a broader account along the same theme, see Allan MacColl, 'The Meaning of "Britain" in Medieval and Early Modern England', *Journal of British Studies*, 45.2, (2006), 248-269, and for an account that treats the subject of Protestant nation building with closer attention to its doctrinal underpinnings, see 'Apocalypse and Apologetics' in Richard Helgerson, *Forms of Nationhood*, pp. 247-294.

[3] MacColl, 'The Construction of England…', p. 605.

Ultimately, MacColl argues, the English protestant appropriation of a fictitious 'British' past speaks to an essential difference of national outlook with which James VI/I and his envisaged project of the union of the kingdoms of Scotland and England were confronted, and certainly his analysis provides a useful framework in which to view the appeal of the British story for the construction of a grand national mythology. As it acknowledges, however, neither the question of where the English could derive their ancestral inheritance from, nor from what grounds the historical precedent for the reformed English church could best be asserted, were settled by the end of the century. Something of the contentious character of these questions is traced by Felicity Heal's analysis of the multiplicity of uses to which the myth of the British King Lucius's conversion to Christianity was applied across the century. Although, as she highlights, the story of Lucius' conversion to Christianity held enormous appeal for protestants – grounded in the belief that the earlier the establishment of Christianity on the island could be dated, the less historical influence could be derived from the later corruptions of the Roman church – the standard account given by Geoffrey of Monmouth, and its invocation to Rome, rendered British history an equally powerful tool for Catholic polemicists.

Jean-Louis Quantin has argued that the protestant view of church history did not seek to justify itself by appeal to a continuous church history, noting that, for protestants, the Reformation was the most important event in Church history since the apostolic era.[4] It was thus the vantage of the present that afforded the fullest apprehension of the course of church history. While this remark is made to qualify the importance of the Church Fathers for sixteenth-century protestant divines, it is an equally applicable measure of the significance of scripture as the ultimate standard of comparison for the reformed Church of England. Even if, then, no formal argument for the persistence of the 'true church' across the medieval period could be drawn, it was the church's perceived conformity to the doctrinal and institutional structures of the apostolic church as mandated by scripture that ultimately authenticated it.[5] Where of course historical arguments for continuity could – and crucially, did – uphold the protestant claim to spiritual supremacy (particularly against the common Roman Catholic charge that theirs was an unedified, 'invisible

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[4] For the significance of Calvin in this belief, see Jean-Louis Quantin, *The Church of England and Christian Antiquity: The Construction of a Confessional Identity in the 17th Century* (Oxford: Oxford University Press, 2009), p. 86.
[5] C.f. Arnaldo Momigliano's account of the Eusebian model of universal church history, where 'the succession of this bishops in the apostolic sees represented the continuity of the legitimate heirs of Christ whereas the preservation of the purity of the original teaching of the Apostles gave internal unity to the Church' (Momigliano, *The Classical Foundations of Modern Historiography*, pp. 139-40).

church'), their chief authority was not necessarily historical in character.[6] Such a position, of course, was also liable to adaptation and alteration according to the demands of place and argument. Quantin has further argued that the 'originality of the sixteenth-century Church of England was to have adopted a Reformed theology while retaining pre-Reformation structures', and with the growth of English nonconformity, and the consequent drive towards the further institutional reformation of the Church of England in line with the reformed churches of Europe, 'conformist' divines defended the church by recourse to both scriptural and historical authorities to argue that its institutional structures were closer to the primitive church than either the Roman or (for instance) Genevan churches.[7]

If history played a secondary role to scripture in the construction of the ecclesiastical legitimacy of the Church of England, the study of history nonetheless retained prime significance as a repository for the doctrinal persistence of the true church, and the many errors of the Roman Catholic church. Equally significant to the Church of England's identification with the primitive church, of course, was its rejection of the medieval church, whose perceived turn towards moral and doctrinal corruption they firmly rooted in the history of the papacy, sequencing church history within a series of distinct periods, in service of which (as Helen Parish argues) 'Evangelical histories of the medieval church and papacy located the deeds of the bishops of Rome within the framework provided by biblical prophecies of Antichrist'.[8] The identification of the pope with the biblical antichrist, she continues, 'enabled evangelical polemicists to explain the apparent degeneration of the institutional church from its apostolic origins', and focused the rise of antichrist in the Roman Church at the centre of a universal, apocalyptic framework of history.[9] As Anthony Milton has established, antichrist was perhaps the most prominent *topos* of sixteenth-century English anti-papal rhetoric, and the belief that it was embodied by the pope was widespread by the turn of the seventeenth century (bolstered by the new King's own polemical interest and engagement in the subject), though – as he makes clear – the value of anti-papal rhetoric was likewise destabilised for some conformist divines in light of the domestic threat of puritanism.[10]

The precise location of the historical origins of ecclesiastical corruption was of course subject

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[6] For an account of the Protestant search for historical origins, see S.J. Barnett, 'Where Was Your Church before Luther? Claims for the Antiquity of Protestantism Examined', *The American Society of Church History*, 61.1, (1999), 14-41. See also, Levy: 'Of all the "reformations" of Europe, the English was, in terms of its justification, the most historical' (*Tudor Historical Thought*, p. 79).

[7] Ibid, p. 88.

[8] Helen Parish, *Monks, Miracles and Magic: Reformation representations of the medieval church* (London and New York: Routledge, 2005) p. 121.

[9] Ibid., and p. 124.

[10] Anthony Milton, *Catholic and Reformed: The Roman and Protestant Churches in English Protestant Thought, 1600-1640* (Cambridge: Cambridge University Press, 1995) pp. 93-127. Milton's account remains the best introduction to the identification of the Pope with the antichrist in English protestant polemic.

to debate among protestants, though Quantin notes that the end of the apostolic church was typically dated after the first five centuries of Christianity, at the end of the 'time of the church fathers'.[11] In tracing the emergence of the papal antichrist, then, similar problems of precise periodisation are inevitable; perhaps more than any other period, however, the eleventh century attracted enormous attention from evangelical historians both within England and on the continent, with the year 1000 commonly identified as marking the beginning of the 'time of antichrist'.[12] The reasons for this particular identification are at once rooted in the latent millenarian significance of the century, and furthermore confirmed by the tempestuous events in church history that it supposedly heralded, characterised by doctrinal alteration and the extension of papal power in temporal affairs. Within this period, special attention was devoted to the investiture controversy, in which the right of kings to personally invest bishops was revoked by papal decree, triggering a series of acrimonious disputes between the papacy and Europe's rulers, chief among which was the excommunication of Holy Roman Emperor Henry IV by Pope Gregory VII – culminating in his humiliation of outside the gates of Canossa Castle, where he had travelled to seek absolution – an event that for evangelical writers became emblematic of the papal usurpation of royal power.[13]

In England, the religious controversies of eleventh-century Europe, of course, converged with the cultural and political revolution of the Norman Conquest, an event that furthermore heralded the extensive reform of the English church. Where the Anglo-Norman chroniclers had remonstrated the state of religion in England before the conquest (even going so far as to suggest that this moral decline gave providential justification for the conquest), post-Reformation historians situated these events within the universal context of Church corruption. Partially behind the protestant appeal to British Christianity, Heal argues, was the evident discomfort with which the story of Augustine's mission to the Anglo-Saxons was received by protestants, an account – typically derived from Bede – that sat uncomfortably with the emerging acceptance of the Anglo-Saxons as the claimed ancestral progenitors of the English.[14] For English Catholics, moreover, the identification of Englishness with the Anglo-Saxons allowed for the assertion of the exclusively Roman Catholic origins of English Christianity, and thus the denial of any historical relevance of British Christianity to the

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[11] Quantin, p. 73.

[12] See Katharine R. Firth, *The Apocalyptic Tradition in Reformation Britain, 1530-1645* (Oxford: Oxford University Press, 1979) pp. 82-6, and also Felicity Heal, p. 9

[13] For an analysis of the significance of Gregory VII in reformation polemic, see Thomas S. Freeman, '1077 and all that: Gregory VII in Reformation historical writing', *Renaissance Studies*, 35.1, (2019), 118-145.

[14] On the Protestant unease regarding the Anglo-Saxon derivation of the English, see Benedict Scott Robinson, 'John Foxe and the Anglo-Saxons', in *John Foxe and his World*, ed. by Christopher Highley and John N. King (Aldershot: Ashgate, 2002), p. 54-72; and Matthew J. Philpott, *Rectifying the 'ignoraunce of history' : John Foxe and the collaborative reformation of England's past* (Unpublished Phd thesis: University of Sheffield, 2009) I, pp. 155-223.

contemporary English church.[15] Such an argument, of course, did not entirely strip the Anglo-Saxons of Protestant interest, and while Heal notes that Augustine's mission was never neatly integrated within the protestant view of history, the Anglo-Saxon church itself retained polemical value, particularly in light of the Norman Conquest. To a greater or lesser degree, then, the example of the pre-conquest church could be invoked to suggest that Anglo-Saxon England had retained the influence of British Christianity despite Augustine's mission.[16] While this may not necessarily imply that the Anglo-Saxon church was free from the taint of Rome, (as, for instance, the considerable evangelical interest in the life of St. Dunstan attests) the identification of the eleventh century as the beginning of the 'age of antichrist' certainly provided an appealing framework with which to understand the total usurpation of the native church by Rome.[17]

The wider context of the eleventh–century Roman Catholic church, and the post-Norman reformation of the English church more particularly, laid the groundwork for a series of conflicts between English monarchs and the Church that would form perhaps the primary historical antecedents for the later conflicts between church and state that had preceded the English Reformation. These cases, in turn, often demanded the reinterpretation of the lives of monarchs who had traditionally been reviled by the medieval historical tradition as tyrants, positing them instead as historical champions of the true church. The first of these disputes centred upon Anselm, the second Archbishop of Canterbury after Lanfranc following the conquest, whose opposition to both the practice of royal investiture, and the right of priests to marry, brought him in opposition first to William Rufus, and later Henry I, resulting in the abrogation of both practices. The fullest treatment of this dispute in the medieval tradition was given by Anselm's friend and contemporary, Eadmer, in his *Historia Novorum*, a history of the archbishop's active political life.[18] In this account, the cause of both kings is of course condemned as the attempted seizure of all spiritual power from the church, with especial vitriol being given to the character of William Rufus, who is condemned as a tyrant who 'desired to deptive Anselm of all authority' because he could not accept the authority of

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[15] See the discussion of Verstegan's *Remnants* in chapter one.

[16] See Quantin's discussion of Parker's model of British church history, according to which the Saxons were converted to Christianity by their first interactions with the native inhabitants of the island. According to this model, therefore, Augustine's mission was not a moment of conversion, but the first point of corruption of Britain's original Christianity (pp. 76-9).

[17] For an account of St. Dunstan's significance in protestant writing, see Helen Parish, pp. 105-18.

[18] For an introduction to Eadmer and his relationship to, and writings about, Anselm, see R.W. Southern, *St. Anselm: A Portrait in a Landscape* (Cambridge: Cambridge University Press, 1990) pp. 404-21. The post-reformation reputation of Anselm remains an unfortunately neglected element of the historical picture of the era, an extensive treatment of which is largely outside the scope of this chapter. One possible avenue of interest here is John Selden's 1623 edition of the *Historia Novorum*, the first printed version of the text. Toomer, I, pp. 333-345 treats this work as partly a retreat from the context of contemporary pertinence that had inflamed the reception of his *History of Tithes*, and partly an exercise in Selden's archival approach to the subject of English history.

any competing power 'even were it ascribed to the Will of God'.[19] Naturally, in early post-reformation accounts of Anselm's life, such as that by John Bale, the picture was subverted.[20]

Though its tone is certainly less inflammatory than earlier medieval accounts of this dispute, Daniel was clearly alert to the tensions between spiritual and temporal the dispute raised, and to the historical legacy of the dispute itself. Where, for instance, his account of the life of William Rufus is significantly more even-handed than the traditional picture of the King allowed for, still Daniel's overall judgement of the monarch warns that he came to ruin by seeking 'to bee absolute in power'.[21] Anselm's dispute, moreover, marks for Daniel 'the first co<n>testation about the inuestitures of Bishops, and other priuiledges of the Church, which gaue much to do, to many of his succesors'.[22] Even while Daniel acknowledges the episode's importance, however, his treatment of Anselm in both the lives of William Rufus and Henry I is somewhat cursory, choosing for the most part to emphasise its importance as an origin for later, perhaps more consequential disputes.[23]

Perhaps even more significant in the overall framework of English history than Anselm's dispute were those later conflicts that it inaugurated, and which form a point of focus for this chapter. In the following century, the protracted conflict between Henry II and Thomas Becket, resulting in the archbishop's murder and subsequent canonisation, provided perhaps the most potent example in the medieval English church of a conflict between the rights of the monarch and the liberties of the church. During the reformation, then, the legacy of Thomas Becket (as perhaps England's most revered saint) became a key battleground in reformed attacks against the cults of the medieval saints; and where Becket had been venerated in the medieval church as a champion of church liberties, traditional hagiographic accounts of his life were subverted, reinterpreting him as a traitor to the crown (particularly in light of his former political vocation, and his personal friendship with the King) who – under the behest of the Pope – had worked to undermine the King's ecclesiastical and temporal rights. Similar issues, moreover, arise in the life of King John, whose conflict with the Pope over the election of Stephen Langdon as Archbishop of Canterbury resulted in the King's excommunication and subsequent capitulation to the Pope. Where, moreover, the

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[19] Eadmer, *History of Recent Events in England*, trans. by Geoffrey Bosanquet (London: The Cresset Press, 1964) p. 61.
[20] See for instance John Bale, *The first two partes of the actes or vnchast examples of the Englysh votaryes gathered out of their owne legenades and chronycles by Johan Bale*, London, 1551, sigs. G1r-2r. William Rufus here is treated an opponent of the Papacy who would tolerate the 'horribyble ambysyon, auaryce, and incontynences' of the English clergy (sig. G1v).
[21] Samuel Daniel, *The First Part of the Historie of England*, sig. Z2r. Daniel blames their conflict on the admixture of the King's absolutism, and Anselm's stubbornness.
[22] Ibid, sig. Y4r.
[23] Because of the text's evident value as the oldest (and in some cases, eyewitness) source for the dispute, which Daniel would likely have invoked in his own account if it were available to him, I think it unlikely that Daniel had read Eadmer's history when he composed *The First Part of the Historie*, relying instead on the available materials in the *Scriptores*.

Anselm controversy was not treated at great length by Daniel in *The First Part*, these two further disputes constitute the most extensive treatment of Church affairs in the history. John's reign, of course, was also subject of a prolonged dispute with the barons of England, resulting in the engrossment of *Magna Carta* – and, in early-modern terms – the restorations of the common liberties of the kingdom.

When discussing the significance of ecclesiastical history to the early protestants, it is necessary to bear in mind both the difficulty of establishing consensus through the doctrinal instabilities of the sixteenth century and the intensely polemical character with which history in this context was deployed and received. While the discussion above, therefore, aims to establish some of the concerns that animated religious historical discourse, it does not presume to describe a coherent 'protestant view of history'. Felicity Heal asserts that, among controversialists, history 'was not put to consistent use, nor did it develop with the neat linearity sometimes implied in the secondary literature', and notes later that the drive towards new ecclesiastical histories (for instance in the 1560s-70s) were fuelled 'by the need properly to defend the newly established Church of England'.[24] While, moreover, the significance of religious controversy in sixteenth-century historical practice has been widely discussed by scholars, less work has been done to investigate how this impulse was reflected within the wider historical practices of sixteenth and early-seventeenth century England.[25] From the sheer force of this revisionary impulse, it follows that the writers of secular histories who addressed the same periods of English history were required to respond in some fashion to the revisionism occasioned by the Reformation.

When Daniel began to work on the remaining lives of the *Collection of the Historie*, therefore, it was the immediate context of Henry II and the Becket Controversy that he was confronted by. It is therefore the purpose of this chapter to investigate how the religious controversies of medieval England were treated by the civil historians of the era, and, most crucially, how these conflicts related to broader disputes between the king and the contingent powers of the state. In Chapter One, I observed that Daniel's treatment of the history of the origins of Christianity suggested unwillingness to engage fully with the doctrinal underpinnings of contemporary ecclesiastical history. Daniel, for instance, rejected any inference that the Anglo-Saxons had first been converted by their engagement with the Christian British, arguing instead that

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[24] Felicity Heal, 'Appropriating History: Catholic and Protestant Polemics and the National Past', *Huntington Library Quarterly*, 68.1-2, (2005), 109-132, (p. 123, 129).

[25] Recent scholarship has sought to further situate Reformation frameworks of history within the changing practices of history in sixteenth and seventeenth century England. Mark Greengrass and Matthew Phillpott, 'John Bale, John Foxe and the Reformation of the English Past', *Archiv für Reformationsgeschichte*, 101.1, (2013), 275-288 examines the place of Bale and Foxe within the broader picture of Tudor historiography.

Augustine's mission had marked the first introduction of Christianity to the English people. In accepting this, however, Daniel notably avoided drawing any critical inference about the character of the religion that was introduced, implying that the devotional controversies which inevitably attended any detailed discussion of the history of the English church lay outside the history's remit. Yet even when secular narrative histories of the era might have explicitly claimed some form of religious partiality, the vital importance of these events to the lives of the English monarchs (and particularly that of Henry II) render any attempt wholly to disentangle religious controversy from temporal affairs impossible. How, then, does Daniel respond to the revisionary impulse present in so much evangelical historical thought and particularly in respect to the reputations of the monarchs in question? What, therefore, might Daniel's treatment of these religious controversies tell us about the place of religion in his framework of the English state? Most importantly, perhaps, what implications did this have upon his conception of the extent and the limits of royal power?

'Made His Sufferings, His Glory' Thomas Becket in Daniel's 'Life and Reign of Henry I'

Despite the obvious parallels between Anselm's dispute with William Rufus and Henry I, it is equally vital to distinguish the circumstantial variance between this earlier conflict and that between Thomas Becket and Henry II. The most pronounced of these, of course, is the difference in resolution between the two disputes, and the profound implications of Becket's subsequent recognition as a martyr upon medieval understandings of his life. If Becket's murder - occurring, no less, in the very centre of the English church – provided perhaps the most powerful demonstration of the conflict between the liberties of the church and the sovereignty of the king in English history, it therefore proved a valuable tool with which to weaponise the cause of the former against the latter by situating Becket's life within the established framework of Christian martyrdom, a status confirmed by the number of miracles with which he was associated following his death.[26] It is unsurprising, then, that as perhaps England's most revered martyr, whose veneration was (at least nominally) predicated on the belief that his death was the direct result of his defence of the church against the impositions of the King, Becket's cult and reputation was an obvious target for early reformed iconoclasm.

While the circumstances of Becket's death were certainly a crucial and inextricable aspect of Becket's sainthood, it is equally important to recognise that the repudiation of his cult was a

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[26] See, for instance, the opening sentence of the prologue of John of Salisbury's (1115-80) *Life of Thomas Becket*: 'The Ancient Enemy fights continually against the most holy Church, but the Son of God, who redeemed it with His own blood, defends it by the blood of His members and carries it forward to true freedom.' John of Salisbury, *Anselm and Becket: Two Canterbury Saints' Lives by John of Salisbury*, ed. and trans, by Ronald E. Peppin, (Toronto: Pontifical Institute of Medieval Studies, 2009), p. 73.

rejection of the ritualistic and devotional practices (styled in post-Reformation evangelical rhetoric as idolatry) inherent to the worship of Roman Catholic saints, and thus also a rejection of the miracles reportedly performed at their shrines.[27] Where the performance of miracles had thus once served to reinforce the Roman Catholic Church's continuity with the biblical past to its laity, the evangelical rejection of these miracles as, at best, monkish trickery, and at worst necromancy, associated the practice with the biblical prophecy of antichrist in Revelation, which crucially recorded the performance of false miracles as one of its distinctive markers.[28] Though, as Parish has noted, the cult of the saints was not wholly eradicated from Church practice after the Reformation, the continued reverence for any given saint depended upon the malleability of its image. While, she argues, the figure of St. George could by virtue of its mythical status 'be readily appropriated to changing political and religious circumstances', it was precisely the historicity of Becket, and the pertinence of his conflict with Henry II to the events of the English Reformation, that rendered him so threatening to the evangelical cause, and therefore so vulnerable to iconoclasm.[29]

The especial pertinence of the Becket controversy to the events of the English Reformation were especially pronounced in the conflict between Henry VIII and his lord chancellor Thomas More, of which Robert Scully has remarked:

> The parallels with the twelfth century were rather striking: a king named Henry had appointed a gifted civil servant and friend named Thomas to high office expecting full support. But consciences intervened, strained the relationships beyond the breaking point, and ended in violent deaths for both Thomases.[30]

The parallels that drew Becket's life in such proximity with the English present also point to a marked difference between Becket and Anselm, namely his beginnings in civil politics, and his status as a favourite of the King who had facilitated his election to the see of Canterbury. Where Anselm's identity was firmly rooted in the monastic culture of Normandy (itself providing much opportunity for protestant exploitation), evangelical writers drew particularly on Becket's supposed worldly appetites, both as a condemnation of his individual moral character, and of the church that would thus receive him. John Bale, in the second part of his *Acts of the English votaries* (1551) offers a greatly distorted account of these beginnings, spent in 'lasciuiouse lightnesse and

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[27] For a discussion of evangelical rejections of the miraculous, see Parish, pp. 45-70.
[28] See Revelation, 19. 20.
[29] Parish, p. 151. See also Keith Thomas on Becket: 'So much of the past was on permanent display that there was always a risk that some inadvertent survival might prove not supportive but subversive of contemporary claims' (*The Perception of the Past in Early Modern England,* p. 4).
[30] Robert E. Scully, 'The Unmaking of a Saint: Thomas Becket and the English Reformation', *The Catholic Historical Review*, 86.4, (2000), 579-602 (p. 587). For a closer analysis of the parallels between the Becket and More's deaths, see Candace Lines, '"Secret Violence": Becket, More, and the Scripting of Martyrdom', *Religion & Literature*, 32.2, (2000), 11-28.

lecherouse wantonnesse', including a career as a soldier, during which Bale asserts that Becket was guilty of 'roderies, rapes, and murthers'.[31] In describing his career as a courtier, moreover, Bale charges Becket with excessive indulgence in worldly avarice: he delighted in 'the flattering prayses of the multytude', while his expenses 'farre' surpassed those 'of anye earle'.[32] Bale's polemic, of course, was particularly devoted to explicating the 'unchaste' practices of the bishops of the medieval church, and using them to expose the hypocrisy of the Roman Catholic demand for clerical celibacy. He relates, for instance, a story drawn from William of Canterbury in which Becket – as the chancellor – acted as go between the King and a mistress, and infers from their meetings that Becket himself engaged in an affair with the woman, jeering that 'Men are not so folysh, but they can wele conceyue what chastyte was obseured in those praty, nyce & wonton metynges'.[33]

Although Bale's account thus makes much of Becket's formative immorality, his civil career is not necessarily a common point of attack among the evangelical accounts of his life. Indeed, while Bale does state that Becket 'fashyoned hymselfe wholly to the kynges delyghtes', details of Henry's favour for Becket, and the King's own involvement in Becket's ecclesiastical advancement, are largely absent from his account. This is in contrast to the comparatively measured account of Becket's civil career found later in Foxe's *Actes and Monuments* (1563-83). Before entering the Church, Foxe writes, Becket 'was of a chaste and straite lyfe' and during his political career

> he was very cuivil, courtlike, pleasaunt, geuen much to both hunting and hauking, according to the guise of the court. And highly fauored he was of his prince, who not only had thus promoted him, but also had committed hys sonne and heyre to hys institution and gouernaunce […][34]

Elsewhere in the text, in describing Becket's gradual ascendence into the Church itself, Foxe further highlights Becket's enjoyment of the 'mery gestinges of the court', and likewise describes his richness of possessions and the height of his expenses, which – in a similar phrasing to that found at Bale's account – 'passed any earle'. Where, however, Foxe underlines that Becket's civil career had called his suitability for election as archbishop into question, Foxe withholds any specific moral judgement of Becket's civil career. It is instead Becket's ultimate loyalty to the Roman Catholic church, and particularly following his election as Archbishop of Canterbury, where Foxe levels the

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[31] John Bale, *The first two partes of the actes or vnchast examples of the Englysh votaryes* (London: For John Bale, 1551), sig. M3v.
[32] Ibid., (sig. M4r).
[33] Ibid., (sig. m4v). For William of Canterbury's account, which uses the story to demonstrate the opposite, see James Craigie Robertson, (ed.) *Materials For the History of Thomas Becket*, 7 vols. (London: Longman & Co., 1875-1885) I, p. 6.
[34] John Foxe, *Actes and Monumentes*, (London: For John Day 1583), sig. S2v.

heft of his criticism against him. In describing Becket's opposition to the King's demands to prosecute churchmen in civil court, the 'liberties of the church' for which the archbishop was thus praised by 'certain monks and priests', were to Foxe the 'licentious life and excesse of churchmen'. Whereas, therefore, Bale's account of Becket launches an extravagant attack on almost every element of his civil and religious life, Foxe reserves the bulk of his criticism for his religious attitudes: the obstinacy of his character; his commitment to the Pope, and his consequent refusal to submit to the will of the king. The binding characteristic of these faults, for Foxe, was Becket's religious attitude, characterised by a 'superstitious' loyalty to the Pope and to the maintenance of 'the vayne constitutions and decrees of men', which left him 'Full of deuotion, but wythout all true Religion'. The denunciation of the basis of Becket's faith here – predicated on the fanatical study of canon law – corresponds to a common strategy of post-Reformation historical polemic, where close abidance to Roman Catholic laws, grounded in human innovation, are set against obedience to divine law communicated by scripture. [35] It is a strategy applied by Bale in his description of the beginnings of Becket's religious leanings, moreover, where he stresses his exclusive interests in Canon law ('the byshoppe of Romes lowsye lawes') over scripture (sig. m3v).

For both Bale and Foxe, a principal characteristic of Becket's false religion was his disobedience of Henry II, with Foxe arguing that he 'forgot his obedience to his natural and most beneficent king' in his deep loyalty to the Pope.[36] The belief, demonstrated here, that an absolute obedience to one's monarch was a necessary Christian obligation, had its roots in Lutheran theology, whose influence in early English Reformation polemic was earlier displayed by William Tyndale in *The obedience of a Christen man* (1528). There, Tyndale draws particularly on Romans: 13, described by Quentin Skinner as 'the most important passage in the whole Bible on the theme of political obligation' for Luther and his followers, to highlight the monarch's role in the spiritual framework of the Christian faith:

> Let every soule submit hi[m]sylfe vnto the auctorite of the hyer powers. […] The powers y<t> be are ordeyned of God. Whos euer therfore resysteth y<t> power resisteth y<e> ordinance of God.[37]

For Tyndale, then, 'the rote of al evill […] is naturall blindnes', according to which the judgements of the individual conscience – on account of its fallen nature – is invariably disposed towards the

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[35] See, for example, the introductory description of Anselm in the *Acts and Monuments*, where Foxe remarks upon Anselm's reported saying that 'he wished rather to bee without sinne in hell, then in heauen with sinne'.
[36] See also the subheading of Bale's account of the Clarendon controversy, reading 'Antichrist he preferreth to hys kynges obedyence' (Bale, sig. M5r).
[37] Quentin Skinner, *The Foundations of Modern Political Thought,* II, p. 15. The opening chapter of this volume, from which this quotation is drawn, remains a valuable account of the political contingencies of Lutheran theology (pp. 3-19). William Tyndale, *The obedience of a Christen man*, (Antwerp: for Merten de Keyser, 1528), sig. D5r.

justification of evil acts, where 'worldlye witte' is 'no thinge else but craft and sotilte to obteyne that which we iudge falsly to be best'.[38] It is to account for this inability that God has given 'laws vnto all natio[n]s' and deposited rulers 'in his awne steade' for their maintenance.[39] By their divine appointment as the 'ministers of God' and the intermediaries between divine and temporal justice, therefore, monarchs demand total obedience from their subjects irrespective of the moral standing of the monarch themselves. It is, as Skinner has underlined, a key if unstable distinction in Lutheran theology that the 'ungodly' commands of a king cannot be obeyed by their Christian subjects, and yet – in accordance with Paul's command to 'Let every soul submit himself unto the authority of the higher powers' – nor is the subject permitted to resist the actions of an ungodly king.[40]

Skinner has furthermore shown that Tyndale's text draws a similar distinction where, if a command runs contrary to the subject's obedience to God, an 'evil' commandment from a monarch cannot be obeyed. The chapter 'The obedience of subjects unto kings, princes and rules', however, is largely devoted to the necessity of – if not obedience – then submission to monarchical power. Indeed, Tyndale directly addresses the matter of tyranny in the text, drawing on the account of King Saul and David given in Kings, where after David cuts a piece of Saul's clothing 'his hert smote hi[m] because he had done so much vnto his lorde'.[41] In their second encounter, moreover, where David comes across Saul asleep, and his servant Abishai asks whether he should 'give him but even one stripe and no moare' with a spear, David forbids him to kill Saul. Discussing both these episodes, Tyndale asserts that – despite Saul's wickedness – David acknowledged that 'he that resisteth the kinge resisteth God and da[m]neth Gods law and ordinau[n]ce'.[42] For Tyndale, the monarch's position renders him 'without lawe', and his deeds thus accountable only to God; the obligation to submit to the will of the monarch therefore extends to every subject beneath him, including – pointedly – clergymen of any rank.[43]

The belief that the monarch's power was the closest temporal corollary to god's provided

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[38] Tyndale, sig. E3v.
[39] Ibid., sig. D6r
[40] Skinner argues that the strength of Luther's belief in the 'duty to non-resistance' was to some extent determined by the contexts of his own political situation. The Peasants' Revolt of 1524, for instance, prompted Luther to condemn the principle of rebellion against any ruling authority for fear that 'the radicals might distort his political teachings' (p. 18). In the 1530s, however, facing the threat of a military attack from the Empire against the Lutheran Church, 'Luther suddenly and permanently changed his mind' (p. 17). In the English context, Richard L. Greaves has highlighted that the Protestant obligation to obey the monarch was complicated during the Marian restoration, producing a variety of responses from English reformers that ranging from passive resistance to open calls for tyrannicide (See Richard L. Greaves, 'Concepts of Political Obedience in Late Tudor England: Conflicting Perspectives', *Journal of British Studies*, 22.1, (1982), 23-34). Skinner's account of the development of constitutionalism, moreover, and particularly the Monarchomach tradition of late sixteenth century France, highlights the constant shifts in devotional politics across the century. My account does not therefore presume to trace a neat line of continuity of obedience theory from Luther to the following century.
[41] Tyndale, sig. D7r.
[42] Ibid., sig. D8r.
[43] Ibid., sig. sig. D8v.

evangelical writers with the means to assert the spiritual primacy of the monarch over the competitive claim of the papacy, and thus to instil the spiritual necessity of obedience to the king in any dispute that situated him in conflict with the institutional church. The civil charge of treason, which both Bale and Foxe level against Becket in their accounts of his life, therefore, is afforded an equally grievous spiritual significance. While neither Tyndale, Bale, nor Foxe would have likely regarded Henry II's policy to the English church as tyrannous, believing the material structure of the church to fall entirely within the temporal jurisdiction of the monarch, the charge of disobedience to the King – where 'they that resist shall receive unto themselves damnation' – was enough to sustain their condemnation of Becket. Of course, the interdependence of the conflict itself with the overall struggle of monarchical and church powers certainly underlines the political convenience of this doctrine, and especially so for those writing after the English break from Rome. When evangelical writers applied this model of kingship to the English church, moreover, the histories of those monarchs whose policies had set them in direct opposition with the English church – as the example of King John will later demonstrate – were heavily reinterpreted from their traditional medieval accounts in confirmation of the model of the 'godly king'.

Bale's account is particularly violent in its description of Becket's death, essentially condoning his murder on account of his treason, describing how his murderers 'cut of the popes marke to hys very braiue whyls he in ydolatry comended himselfe and the cause of hys churche'.[44] For Bale, then, the brutality of Becket's death is commensurate with the nature of his behaviour, and his subsequent veneration by the Roman Catholic church emblematic of its political priorities. His canonization, and its reinforcement by the proliferation of reported 'false miracles' and of hagiographies shortly following his death, were for Bale enacted solely for the purpose of diminishing the power of Henry II and his successors, for which reason the King's visible supplication and repentance was further demanded. Here, Bale describes that the King was made to attend Becket's mass 'naked', where he 'receyued of the monkes a discipline wyth roddes', and ultimately 'resygned his power vpon their hygh aultre, consented to their vsurped lybertees, and professed him selfe a perpetuall subiect to Antichrist'.[45] Finally, having described Becket's veneration, Bale remarks that despite the official confirmation of his sainthood by the Roman Catholic church, the nature of his reputation was disputed in Paris, where debates were held on the question of the archbishop's salvation. Especially pertinent to Bale's purpose here is the opinion of Roger Norman, who 'proued hym wurthie to be dampned for obstynate rebellyon against his kinge'.

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[44] Bale, sig. M7v.
[45] Ibid., sig. M8v

Although Bale's account of Becket is relatively terse, and its rhetoric markedly more violent than many of the Reformation accounts that followed it, the basic outline of his account shares many similarities with Foxe's. Perhaps their greatest point of difference, indeed, is Foxe's reluctance to condone the manner of Becket's death, as the opening of the text – a rejection of the basis of his martyrdom – makes clear. Having attacked the grounding of Becket's cause as pertaining exclusively to the temporal jurisdiction of the church, under the terms of which his death was therefore no different from 'any other whome the Princes sword doth here temporally punish', Foxe qualifies that 'would I haue wished agaynne, the lawe rather publikely to have found out his fault,' than for 'the swordes of men' to have done so.[46] This is partly explained by the explicitly unlawful nature of the murder (occurring without the 'special commandement neyther of the prince nor of the lawe') and perhaps more importantly by the pivotal function of his murder for his later canonisation. In effect, then, the extrajudicial character of Becket's death facilitated his elevation by the church: had Becket's death been managed by lawful prosecution, Foxe argues, there would have been no grounding for the claim of martyrdom, and his reputation would have stood instead as a confirmation of the King's authority over the church.[47]

The influence of these evangelical reinterpretations of the Becket controversy was widespread in the broader historical culture of sixteenth-century England, and the image of Becket as a traitor thus became the standard in England throughout the century. Equally, however, it is crucial to recognise that the concerns of Foxe and Bale were shaped by the immediate demands of their historical moments, and the particular force that the controversy had exerted in the earlier years of the Reformation. The doctrinal implications that shape their accounts, therefore, underwent some transformation as the century progressed, and the Becket controversy was examined by historians both within the church and outside it.[48] A good example here is the relatively extensive narrative of the Becket controversy given in Holinshed's *Chronicles*, which – for the greater duration of the account – gives a significantly less religiously charged portrait of the dispute.[49] Particular attention is given in the *Chronicles* to the unlawful nature of Becket's murder, going further than Foxe (who, despite his clear characterisation of the extrajudicial character of the murder, also relates it to the 'temporal sword' of the monarch) to distinguish the actions of the murderers from the will of the King. Thus, Holinshed reports that after they had killed the

[46] Foxe, sig. S1r.
[47] Foxe furthermore expresses the wish that monarchs had used 'the sword of the law' against the Catholic church in any such dispute.
[48] See, for instance, Skinner's account of the Protestant roots of resistance theory, pp. 198-238.
[49] Matthew Woodcock, 'Narrative Voice and Influencing the Reader' in Kewes et al (2013), pp. 337-353 offers a brief but instructive comment on Abraham Fleming's contributions to the account of Becket in the *Chronicles*, which demonstrated his 'protestant zeal' (p. 337).

archbishop, the murderers looted his house on the presumption that it was 'lawfull for them being

the kings seruants so to doo.'[50] Where, moreover, they believed themselves to have 'lustilie

defended his cause', in fact, 'king Henrie gaue them so litle thankes for their presumptuous act,

sounding to the euill example of other in breach of his lawes, that they despairing vtterlie of pardon'

and were forced into exile.

It is possible that, as given in the 1577 edition of the *Chronicles*, Holinshed's account of the

Becket controversy was regarded as insufficient in its condemnation of the archbishop, for the

episode received several remarkable additions in the 1587 edition. The most obvious of these,

adduced at the end of the description of his death and its aftermath, highlights Becket's

accountability for his murder by recasting the text as the 'tragicall discourse of ambitious Becket',

whose civil career had been advanced by the 'princes favour', which he then exploited in his

conduct as archbishop (sig. H2v).[51] In this account, indeed, Becket is primarily identified with

temporal ambition, from which the explicitly religious criticism that characterised evangelical

critiques of Becket is to an extent absent. Holinshed argues that – having been elected archbishop –

Becket should not have led 'so secular and prophane a life', and draws the further moral from the

controversy that

> promotions atchiued by ambition are not permanent, and are so farre from procuring fame
> and renowne to the obteiners, that they turne them in the end to shame, infamie and reproch,
> after losse of life and effusion of bloud.

Where, then, the Becket controversy had primarily been understood by Bale and Foxe in terms of

the wider conflict between the monarch's power and the pope's, the account given in the Chronicles

here primarily attributes Becket's behaviour to his temporal ambition for 'fame' and 'renown'.[52]

While their negative portrayal of Becket is doubtlessly predicated on similar assumptions to Bale

and Foxe (that Becket's defence of church liberties was an attempt to remove temporal power from

the King and to the church), the moral framing of the dispute here is secular, political, and couched

in the terms of historical didacticism.

Another account of the Becket controversy that demonstrates the shifting political relevance

of the story, this time from within the church itself, is the account given in *A catalogue of the*

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[50] Holinshed, *Chronicles*, III sig. H2r.
[51] See Ibid.,, III sig. D1r.
[52] It is possible here that by neglecting to describe any spiritual dimension to Becket's cause or his death, the Holinshed authors are working to refuse Becket's character any such motivation.

bishops of England (1601) Francis Godwin (1562-1633).[53] The preface of Godwin's work, describing his reasons for having written it, reflects upon the legacies of England's evangelical historians, and points to the difficulties of maintaining their rhetoric into the author's present moment. Discussing his historical practice, Godwin writes that he 'need not greatly to paine' himself with description of the faults of his subjects, on account that contemporary historians 'haue borne a hand hard ynough at least vpon the Prelates and Cleargy of former times'.[54] Godwin, indeed, is aware of the polemical character of these histories, remarking that they were 'happily intended to good purposes'; but he takes issue with their willingness to renounce the medieval church and its bishops entirely. Conceding that the medieval church was subject to 'much deale of ignorance', Godwin asserts that that their attacks had been overstated, reaching beyond matters of 'doctrine' to the moral characters of the churchmen themselves (sig. A3v). If the English church had then been wrong in its doctrine, it did not render it unchristian. The purpose for Godwin's corrective, as he then makes clear, is his belief that this intensive revisionism has further engendered the complete rejection of episcopacy among 'the vulgar sort', with whom he charges a 'shew of reformation' aimed towards the divestment of 'the goods and reuenues of the church' and 'the temporall rewards of learning'. His book, therefore, is situated as a direct response to the rise of anti-episcopal nonconformity, and his reassessment of the characters of England's Pre-Reformation bishops a means of defending the structural and spiritual legitimacy of the present Church, of which he remarks that its state under Elizabeth is unique (doubtlessly for its incorporation of – in Quantin's phrase – 'Reformed theology' into 'pre-Reformation structures'), with 'no other reformed Church of Christendome any thing neere comparable vnto it'.[55]

With this intention in mind, Godwin's book is also remarkable for the somewhat muted portrayal of the Becket controversy that it presents. His book does not present exhaustive accounts of the lives of its subjects, and the cursory extent of its research indicated early in his life of Becket when he repeats the mistaken claim (corrected in Foxe's earlier account) that Becket's mother had originated from Syria.[56] The life, moreover, scarcely ventures to pass any judgement on the events it describes, and his choice of detail stands in contrast to many of the accounts that preceded it. In describing Becket's preferment to the King, for instance, Godwin opts to follow the account of his

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[53] Godwin's historical work has been most extensively covered in modern criticism by Daniel Woolf, whose entry for Godwin in the Oxford Dictionary of National Biography is the best available survey of his life. (Daniel Woolf, 'Godwin, Francis' in *Oxford Dictionary of National Biography* (Online edn.: Oxford University Press, 2004 <https://doi.org/10.1093/ref:odnb/10890> [accessed 10 February 2023]). Woolf discusses Godwin's later *Annales* in *The Idea of History in Early-Stuart England,* pp. 125-8.
[54] Francis Godwin, *A Catalogue of the Bishops of England*, (London: For George Bishop, 1601), sig. A3r.
[55] Godwin, sig. A4v.
[56] See Foxe, sig. S2v.

early relationship with Archbishop Theobald, who, 'espiyng his manifold good parts', instructs him to study the canon law.[57] It was by Theobald, Godwin claims, that Becket received the King's preferment, an action that had been furthermore occasioned by the then-Archbishop's concern for preservation of the church's welfare, which he perceived to be threatened by 'the drifts and deuices of Courtyers'. In describing Becket's behaviour as a courtier, moreover, Godwin argues that Becket had begun to forsake the appearance of a churchman 'to affect the pompe and brauery of the Court', the better to achieve his purpose of defending the church.[58] Where the evangelical writers of the sixteenth century had stressed that Becket was 'very civil' by disposition, then, Godwin's account returns to an explanation more in line with those given by his hagiographers, according to which he had dissimulated his ecclesiastical affiliations with the aim of advancing the church's cause from within the court.

From the initial framing of his life of Becket, it is clear then that Godwin's view of the Becket controversy contains a certain degree of sympathy for the broad outline of his cause (even going as far to assert its universal relevance), which should not however be taken to suggest a particular sympathy with Becket. Indeed, Godwin negatively describes Becket's overzealous practice as archbishop of claiming land he alleged to be stolen from the church, and he is especially disapproving of Becket's objections to the prosecution of churchmen by temporal courts lists, underlining the 'dayly infinite outrages' that 'were committed by Cleargy', which were insufficiently prosecuted by the ecclesiastical courts.[59] The king's decision to publish the articles of Clarendon is accordingly regarded as a counter measure against 'this intollerable and licencious liberty of the Cleargy'. It is Becket's fervent opposition to the articles of Clarendon, and his request of aid from the Pope to quash the proposal, that provoked the King to seek harsher measures against the Church, where he committed to the 'diminishing and breaking of all immunities and liberties of the church'. Here, Godwin's text provides an altogether subtler reading of the Becket controversy than in previous ecclesiastical accounts, which works to reconcile the post-Reformation image of Becket with a defined separation between the liberties of the church and the jurisdiction of the monarch. While Godwin does not question the King's right to respond to Becket by seizing church possession, he certainly highlights the extremity of the action, justifying it not as an act of tyrannical overreach, but instead as direct response to Becket's refusal to concede anything to the King. Godwin implies, moreover, that the correct course of action for Becket would have been

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[57] Godwin, sig. D5v
[58] Ibid., sig. D6r.
[59] Ibid., sig. D6v.

towards reconciliation (thereby, presumably, to ameliorate the penalties the King had imposed on the church after Becket's refusal), but that instead of working to 'pacifie the Kings displeasure, [...] daily he prouoked him more and more'.[60]

In modern scholarship, Godwin's life of Becket has been noted for its apparent even-handedness towards the dispute, a quality that is perhaps better described in terms of Godwin's defence of his present institutional church than in any broader desire to reinstate the reputation of the archbishop.[61] Becket is not rehabilitated by his account, indeed the terms of criticism that Godwin levels against him do not differ significantly from those given by Foxe. Instead, Godwin's treatment of the controversy works to clarify the agents of power involved in the jurisdiction of the church, and perhaps to suggest an appropriate balance of power. It is clear, for instance, that Godwin was wary to endorse the King's punitive measures against the church, highlighting the constant danger to the church posed by temporal agents, primarily the nobility and the monarch's magistrates. It is moreover remarkable that, in his account, the post-Reformation emphasis on the necessity of obedience is altered to accommodate a sense of the threat that absolute submission to the monarch's will might pose to the church. Equally, however, Godwin is conscious of the threat posed upon the sovereignty of the monarch by the zealous pursuit of church liberties, and as such condemns the archbishop's behaviour, which served only to further inflame the conflict.

If Godwin's *Catalogue of the English Bishops* reveals a growing willingness among early seventeenth-century conformists to defend the medieval English church as crucial to the present structure of the church, there is evidence for a similar unwillingness to renounce the medieval church in Daniel's work. One of the most striking characteristics of Daniel's medievalism, of course, was his admiration for the unity of western christendom, which manifests in his commentary on the destructive radicalism of the Reformation, made at length in the *Civil Wars* and *Musophilus*, and intimated in the outline of his history in the *First Part*.[62] In these texts, the value of the medieval church is primarily institutional, and questions of doctrine are largely subsidiary to wider notions of common 'piety'. Where, then, certain doctrinal positions might be assumed of Daniel from the sympathies that his work expresses — chief among them a strong preference for a single national religion, and a dislike for internal schism — this institutional emphasis carries over into the history. We have seen, for instance, that Daniel followed his post-conquest sources in

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[60] Ibid., sig. D7r.
[61] Daniel Woolf, 'Godwin, Frances'.
[62] See the introduction to this thesis.

outlining the decline of religion in England before 1066, and their commendation of the religious reforms of William I, in terms that again stress the institutional functions of religion and eschew the more polemical concerns of the reformed historical tradition.

Daniel's treatment of Thomas Becket is the most detailed account of a religious dispute to appear in the history, featuring so prominently in his life of Henry II that he takes pause to justify its appearance in a civil history. This passage highlights Daniel's central concerns for the Becket controversy, and points to the distinguishing features that separate it from the accounts we have discussed so far:

> This businesse of the Church, I haue the more particularly deliuered (according to the generall report of the Writers of that time) in regard it laie so chayned to the Temporall affaires of the State, and bewrayed so much of the face of that Age, with the constitution both of the Soueraignty, and the rest of the bodie as it could not well bee omitted. Besides, the effects it wrought in the succeeding raigne of this Prince, the vexation, charge; and burthen it layed vpon him for manie yeares, is worthie of note, and shewes vs what spirit had predomination in that season of the World, and what Engines were vsed in this Oppugnation. (sig. H1r)

The justification, indeed, confirms Daniel's reluctance to incorporate matters of the church into the history (writing that he has related it only because it 'could not well bee omitted') while emphasizing the significance of the controversy both for the 'Temporall affaires of the State' and the overall historical picture of Henry II's reign. Perhaps, it also raises the question of why Daniel chooses to stress Becket in the history, where the lengthy disputes between Anselm and the two Norman Kings (arguably as demonstrative of the interplay between church and temporal powers) are related briefly and given distinction only as the beginning of a series of disputes of which the Becket controversy was a greater part.[63] One possible reason for this is the particular significance that Daniel gives to Henry II as the most powerful king to yet rule over England, whose domain – extending well beyond England itself – made him 'the greatest of all the Christian world in his time' (sig. I5v). As the most powerful European king, then, the Becket controversy for Daniel naturally plays out on a grander scale than the previous conflicts, and its implications extend to the heart of Christianity within Europe, and within the full extent of the power of the English state itself. Immediately, moreover, Daniel identifies that the affair pertains directly to the 'constitution of the Soueraignty, and the rest of the bodie' in the period under description: it is this interaction that Daniel's account therefore aims to trace.

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[63] For Daniel's coverage of the Anselm affair in the *Appendix to the Historie*, see the fourth chapter of this thesis.

Daniel's account of the Becket controversy begins at the point where Henry II prefers him for the archbishopric, where he summarises the King's reasoning for his election, and the King's primary motivations for the action. Preceding Becket's introduction into the history is an account of the King's intended ecclesiastical reforms. Having settled his broader continental power, Daniel writes that the King 'beganne to be more at home, and to looke to the Prerogatiues of his Crowne', and here 'he was informed' that these prerogatives had recently been infringed by the Church, which 'were thought to haue inlarged their iurisdiction beyond their vocation' (sig. G5v). This was primarily evinced, he writes, by the active role they had taken in King Stephen's election as king, for whose advancement they had 'made their own conditions, with all aduantages for themselues'. The church had thus played a key role in the civil war between Stephen and Empress Mathilda, having sought actively to deny Henry II his right of succession. Where the church had eventually mediated peace between himself and Stephen, this had ultimately been undertaken of necessity, owing to the king's 'Sword, the justice of his cause', and its strong support in England itself. Having aided him not from their 'affection', but as a 'shew' of their power, the King began his reign ill-disposed to the Church, and disinclined to pursue its interests.

Perhaps more so than any account discussed above, then, Daniel is attentive to the significance of the Church's temporal power, and thus the difficulties involved in the King's projected reforms. Having thus underlined the immediate situation of the Church's power in England following the King's accession, Daniel later offers an analysis of the long-term state of Church power in the kingdom that serves to further clarify the terms of dispute. During the reign of the Anglo-Saxons, he argues, 'the Bishops […] principally swaded the State', and where the Norman Conquest had greatly reduced the 'former liberties', the separate jurisdictions of the temporal and ecclesiastical courts had rendered them '*if not content, yet quiet*' (sig. G6r). Where, then, the conquest had to some extent settled a divide between the two powers, it remained unstable, with the church actively seeking to expand its liberties further, as its exploitation of the crown's instability during the civil war had demonstrated. The King's reforms, then, would necessarily entail a protracted dispute with a church 'that were very sensible in that part'. This is especially so, he further adds, due to the '*vniuersall participation of the Spirit that fed them*', by which Daniel presumably means the wider institutional Roman church.

To this context of the conflict between temporal and church authorities, Daniel adds another crucial factor to the power dynamics that fuelled the dispute, namely the nobility, who 'emulous of the others authority', further encouraged the King towards reformation of the clergy. This passage, indeed, shares similarities with Godwin's proclamation that the nobility invariably 'seeke to pray

vpon the Church'. Daniel, however, goes further than Godwin to underline the nobility's influence in the dispute itself, arguing that it was by the encouragement of the nobility, who alleged 'how the immunities of the Clergie tooke vp so much from the Royalty, as his execution of Iustice', that the King was provoked to seek the revocation of these immunities. This equivalence between the powers of the church and the nobility (and the vested interests engendered in each) is a telling demonstration of the primary agents of political power at play in Daniel's version of the event, through which the causes of the dispute are clarified beyond either the King's desire for greater sovereignty or the church's temporal ambitions.

In Daniel's explanation of the causes of the Becket controversy, his discussion of the archbishop himself is cursory, being entirely framed by the King's reasoning for electing him to the archbishopric. Having established that the King was determined to reform the clergy, Daniel introduces Becket as a civil politician and a favourite of the King. Here, he issues no moral judgement on Becket's character, discussing neither Becket's reasoning for entering politics, (as Godwin does) nor his ostentatious behaviour and tastes as chancellor. Instead, Daniel focuses entirely on the King's estimation of Becket, remarking that he regarded him 'Diligent, Trusty, and Wise', with the King's estimation of his 'worth, and integrity' demonstrated by his appointment as tutor to prince Henry. Bearing in mind, then, the King's awareness of the difficulties faced by any attempt for church reform, Becket's preferment to the archbishopric was grounded in his assurance of the chancellor's loyalty, with the expectation the expectation that Becket would be 'euer the readier to aduance his affaires, vpon all occasions'.

Daniel's account of the context behind the dispute here is notably dispassionate in its assessment of the church's cause, both in Daniel's framing of the terms of dispute (which, he stresses, were pertinent to the 'that time of deuotion') and the absence of the inflammatory rhetoric that one finds even in Godwin's account.[64] Where his description of the church's political influence may register a note of criticism against its practices, Daniel nonetheless offers little by way of general reflection on the church's actions, choosing instead to explain the conflict by highlighting the interests of the parties that it involved, and this method is carried over into his description of the dispute itself. Daniel explains, for instance, the King's initial proposition for clergymen charged with any '*heinous offence*' to lose the privilege of the Church and be punished by the '*ciuill Magestrate*' and gives the reason that without 'secular correction […] there would bee no sufficient meanes to restraine them from doing mischiefe'. To this, he reports, the Archbishop 'shewed the

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[64] Compare, for instance, Godwin's assertion that clergymen were guilty of 'dayly infinite outrages', with Daniel's account of the accusation, which specifies that the king was informed of these offences by the lay nobility.

King how they were not to yield to any such Act', since they were contrary to the 'liberties of the Church'. As the King had sworn to defend these liberties at his coronation, they therefore 'humbly besought him' to abide by this promise. The following exchange, where the King asked the bishops whether they would 'submit themselves' to the laws and customs of Henry the First, to which they replied that they would in all matters besides '*their Order, the honour of God; and holy Church*', is drawn directly from the account given by Roger Howden, who serves as Daniel's primary source for the controversy.[65] To Howden's account, Daniel adds some further analysis of the King's growing anger with the Bishops, whose actions in Westminster had been spurred 'by the animation of the Archbishop of Canterbury'. This, combined with the King's expectation that Becket would have been 'more yielding to his courses', marks the point in the history where the controversy moves to a direct confrontation between the King and Becket himself.

The prior division of the conflict between the causes of the institutional Church and the King are further clarified by Daniel's account of the meeting at Clarendon, during which the positions of the Bishops of England become separated from Becket's. Following the King's harsh response to Becket's original refusal, and encouragement from the Pope to reconcile with the King, Becket swears '*to obserue the Kings Lawes so farre foorth as was required'*.[66] After his subsequent recantation of this promise at the council of Clarendon, the Bishops persuaded him to make the oath 'to obserue the Kings Lawes without any resueration' (sig. G6v). When the King had ordered the oath to be committed to writing, however, Becket requested a copy, and proclaimed to the Bishops upon receiving it: *Brethren stand fast, you see the malice of the King, and of whom we are to beware*.[67] Noticing the willingness of the other Bishops to submit to the King, Henry thus attempts to exploit the divisions within the clergy (and particularly the deeper historical dispute regarding the primacy of Canterbury or York) by soliciting the Pope to appoint the Archbishop of York as '*his Legat of all England*'. From the aftermath of the council of Clarendon, to Becket's exile after being tried for a civil offence allegedly committed during his chancellorship, then, Daniel devotes much attention to the conflict within the clergy, which he relates with a heavy reliance on Howden's account.

At the point in the history when Becket flees England, the terms of the conflict shift further to

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[65] C.F., Howden: '[…] Thomas, archbishop of Canterbury, made answer for himself and the others, that they would receive those laws which the King said were made by his grandfather, and with good faith would observe the same; saving their orders and the honour of God and of the Holy Church in all respects' (trans. Henry T. Riley, I, p. 259).
[66] Direct rendering from Howden. (I, p. 260).
[67] Again, a direct rendering of Howden, however with some notable omissions. Howden specifies that the King demanded the clergy to 'annex their seals to the said writing', which – though the other Bishops were willing to do – Becket refused. (I, p. 260)

encompass both the wider authority of the western church, with the Pope now playing a direct role in the dispute, and the King's relationship to the broader temporal authorities of Europe. He relates the account from Howden, for instance, that the King had sent an emissary to the King of France, asking that he refuse to admit Becket, whereupon the King of France – in awareness of the political advantage it might afford over his rival - dispatched in return an emissary to the Pope, bidding him to '*support the cause of Thomas of Canterbury, against the Tyrant of England.*'[68] In retaliation for the Pope's refusal to send legates into England to resolve the dispute, and his subsequent condemnation of the articles of Clarendon, the King attempts both to build further international alliances to aid his cause, and to undermine the general authority of Pope Alexander, by going against the Pope in his separate dispute with the Holy Roman Emperor, who had alleged that Octavian was the rightful holder of the Papacy.

For Daniel, therefore, the dispute at this point develops into a 'drie warre' between the King and the papacy, which Daniel conveys by extracting from the lengthy correspondence between the two parties (encompassing the King, the English Bishops, Becket, and the Pope) as recorded in Howden's C*hronica* (sig. H2r). In drawing on this correspondence, Daniel remarks on the particular significance of letters as sources for the composition of history, in what is among the most explicit passages of source evaluation in the work. Letters, he writes, are 'the best peeces of History in the world, and shew vs more of the inside of affaires, then any relations else', a commentary that recalls Daniel's opening assessment in the *Breviary* of the difficulties he faces in writing the history, in which he placed especial value on 'the inward, and particular Motives' of historical rulers (sig. H3v).[69] If Daniel's 'skepticism', as Woolf has argued, showed certain reluctance to incorporate psychological interpretation in his historical analysis, the letters (and Daniel's terse, aphoristic reflections upon them) invite his readers to draw the 'inward' motives behind the dispute that they reveal.[70]

In the first letter, the Pope instructs the Bishops to 'desist from intruding vpon the liberties of the Church, and to restore the Archbishop to his Sea and Dignity'. Their reply, which opens by relating what they communicated to the King, further underscores the papal position: they plead that 'vnlesse hee would yeelde to your Holy admonitions, you […] could in patience forbeare no longer' (sig. H2v). To this, they state that they personally warned the King that if 'hee amended not his

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[68] See Howden, p. 268.
[69] Daniel's argument here bears a striking resemblance to Francis Bacon's description of the historical value of letters in the second book of *The Advancement of Learning*. For a comparison between Daniel's statements here and Daniel's view of letters and other documentary sources, see chapter four of this thesis.
[70] Woolf, *The Idea of History in Early Stuart England*, p. 102. It is notable, indeed, that Daniel's leaves the full implications of his reflections to be parsed by the reader.

errours, his Kingdome would not long stand' (sig. H3r). Behind these warnings, perhaps, is the broad threat that the King's persistent opposition to the church would carry eventual spiritual reprimand, carrying also the possible threat of his excommunication. Having underlined the King's response to these demands (that he would refer all accusations of wrongdoing to the Ecclesiastical council of the country), however, the Bishops urge the Pope to refrain from immediately passing 'any sentence of interdiction' or 'abscinsion'. Here, they underscore the particular dangers that such an action would inflict on the state of religion in the Kingdom itself, and thus the damage that it would inflict upon the church. With the excommunication of Henry II, they argue, any possible reconciliation between the King and Becket would fall apart. With the severance of the monarch's obedience to the Pope, moreover, the kingdom would – 'without choyce of religion, or Iustice' – fall to the worship of Idols. In his brief commentary upon these two letters, Daniel remarks that in them 'wee truely see what barres kept these two mighty powers back from their wills'. For Daniel, then, these letters serve to demonstrate the perceived interdependence between the King and the church for the stability of both institutions within the state. Where, then, the King's position as the head of the state depended on his obedience to the Pope, both in terms of the providential wellbeing of the kingdom, and the political stability of his position. Equally, the continuation of the Church's influence in England was dependent upon the King's acknowledgement of, and obedience to, the church's spiritual authority in the kingdom.

For much of Daniel's account of the Becket controversy, the dynamics of the conflict are considerably unsettled, a characteristic that deepens when Daniel turns to address the archbishop's murder and its aftermath. As we have seen, Daniel demonstrates that Becket's refusal to submit to the King divided the English clergy throughout the conflict. Even the position of the King of France, who had allied himself with Becket and designated Henry II the 'tyrant of England', shifts to some degree during the conference between Becket and the Henry, where he acts as intermediary. Upon hearing the King's plea for Becket to obey the laws that his predecessors had, the French King remarks: 'Will you bee greater then Saints? better than Saint Peter? what can you stand vpon? I see it is your fault, if your peace bee not made' (sig. H4r). Becket's 'hauty reply' to the King, moreover, 'distasted the hearers' to the extent where his cause was regarded to be upheld by 'obstinacy' rather 'then zeale'. It would appear, moreover, that support for Becket fell further following his eventual reconciliation with the King and return to England, particularly within the clergy. Daniel remarks that Becket returned 'not as one who had sought his peace, but inforced it', having removed the papal bull from the Archbishop of York (and multiple other bishops) for crowning the junior King Henry *without his leave*. Daniel highlights that, at this point, the

archbishop had returned 'with larger power to his resolution than before', which enabled him to hold the suspension of the bishops 'until they had satisfied [him] in so much, as he thought fit'. By this severe imposition of his authority, however, Becket immediately brought the English clergy against him, and it was thus in retaliation to their complaint that he 'was growne so imperious as there was no liuing under him' that the King in turn make the exclamation '*is there no man who will ridde mee of this trouble*', which lead to Becket murder.

In describing the events of the archbishop's murder, Daniel's account closely resembles those of Foxe and later Godwin in its clear condemnation of the action itself.[71] He describes the 'execreable manner' with which the knights entered the cathedral, 'putting on their armor (to make the matter more hideous)' and notes the specifically graphic detail that the knights 'strake out his braines, that with his bloud besprinkled the Altar' (sig. H4v). Remarkably, Daniel's view of the King's role in the murder is somewhat ambiguous: he appears to favour the probability that the King had not ordered the murder, reporting that 'by some [sources] it seems' that the knights were instructed by the King to 'deale with the Archbishop' by entreating him to '*take his Oath of Fealty to the young King*'. Even so, however, Daniel refrains from giving a definite judgement on his culpability, and underlines that for the Knights, Becket's murder was of 'great service' to the King, but that they perhaps doubted that the King would 'seeme so to acknowledge it' after it was committed.

In contrast to the brutality of the murder, was Becket's own 'courage', and his refusal to renounce his commitment to the cause of the church under the threat of violence. It is, Daniel thus argues, the confluence of these factors that forces the absolute turn in opinion throughout the Western Church in favour of the cause of the Church. To illustrate this shift, Daniel extracts three letters to the Pope, each of which demonstrates the identification of Becket's death as a martyrdom soon after the event, and the demand for some form of vengeance against his murderers. These letters offer varying degrees of specificity in accusing the King of wrongdoing in the murder: Becket's ally the King of France entreats him to simply '*vnsheath Peters sword, to reuenge the Martyr of* Canterbury'. Daniel also extracts from a letter by the Archbishop of Sens, which gives the most specific attack on the King, beginning with an incendiary proclamation of the Pope's spiritual and temporal authority over Kings. The Pope, he writes, 'was appointed over Nations, and

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[71] See also John Speed's comments on the murder in *The History of Britaine*. Speed is notably more fervent in his ridicule of Becket's claim to martyrdom than either Godwin or Daniel, commenting how his 'zeale for the Popes Soueraignety' had so exalted him that 'his old *Shoe* was deuotly kissed by all passengers' at his shrine (Speed, sig. Eeee3r). Regardless of this, however, Speed stops short of approving the 'butcherly execution' of the Archbishop, having been carried out with 'no lawfull authoritie'.

Kingdomes, to bind their Kings in fetters', and as such, he exhorts the Pope not only to 'reuenge

that which is past', but to 'prouide for the future' against the 'rage of tyranny' by further enlarging

the church's power.

In addition to demonstrating the force of outrage that Becket's death elicited, these extracts

also serve to underline the political opportunity that Becket's death created for the King's enemies.

In this way, the murder gave leverage for the church both to negate the proposed ecclesiastical

reforms of Henry II, and to consolidate its authority over monarchical power. These aims, indeed,

were realised when the King was forced to take an oath to reconcile with the church, according to

which he was required (among other stipulations) '*neuer to forsake Pope Alexander, nor his*

Catholicke Successors', and – crucially – to '*abolish all such customes as in his time had beene*

introduced to the preiudice of the Church' (sig. H6v). Following his description of the oath, Daniel

announces that the 'tedious business' of the dispute was finally ended, at which Daniel then

summarises the importance of the conflict to Henry II's reign, and furthermore gives his most

explicit judgement of Becket's character. Daniel finds little with which to fault the King, reflecting

that it had been

> his ill fortune, to grapple with a man of that free resolution as made his sufferings, his glory:
> had his ambition, beyond this world; set vp his rest, not to yeeld to a King; was onely
> ingaged to his cause, had opinion, and beliefe, to take his part: Which so much preuailed, as
> the King seeking to maister him, aduanced him; and now is he faine to kneele, and pray to
> his Shrine, whom he had disgraced, in his person, and hauing had him aboue his will,
> whilest he liued, hath him now ouer his Faith, being dead.

It is strongly suggested by this passage that Becket had, through the course of his dispute with the

King, invited martyrdom.[72] For Daniel, then, Becket's death had essentially fulfilled the 'part' that

he set out to assume by resisting the King, suggesting therefore that Henry's attempts to impose his

will on the archbishop had ultimately worked to fulfil Becket's intent. Now that Becket's cause had

been invested with the force of martyrdom, the King was made to submit to the demands of the

church.

Where Daniel's account of the Becket controversy does not reflect the more obviously

polemical character of the earlier evangelical writers who had attacked Becket so vociferously, his

overall assessment of Becket's historical reputation therefore shows the influence of these accounts.

Indeed, Daniel finishes his discussion of Becket by repeating the detail – expounded first by Bale

and repeated at greater length by Foxe – that Becket's salvation was called into question in a debate

in Paris not long after his death, during which '*Roger* a *Norman* maintained, he had iustly deserued

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[72] A common charge in post-reformation commentaries on Becket's death.

death, for rebelling against his Soueraigne, the Minister of God.' While it is unclear whether Daniel would have agreed that Becket necessarily 'deserved death', the inclusion of this opinion does serve to demonstrate the illegitimacy of Becket's claim to martyrdom, suggesting therefore that Becket's had essentially engaged in treason.

Taking into account his reading of Becket, therefore, Daniel is ultimately more sympathetic to the King's cause than to the church's, a position that of course has significant implications for Daniel's overall view of the monarch's rightful jurisdiction over the church. It follows from the belief that Becket was obliged to obey to the monarch's proposed reforms that it was an appropriate use of monarchical power to pursue them. Daniel's account of the controversy is notably less concerned than is Godwin's earlier account with mediating a correct balance of spiritual and temporal authorities within the state. Rather, Daniel's account traces the process by which the King's cause was diminished, and ultimately what effect Becket's murder had on the broader framework of this. The extent of Henry II's power, as we have seen above, is one of the presiding concerns of Daniel's account, and Daniel argues that the Becket controversy 'bowed him more' than any other dispute during his reign. As he makes clear, this was to some extent outside the King's control, though this does not necessarily leave the King free of culpability in the erosion of his own authority. Notably, Daniel is especially critical of the King's decision to crown his son Henry as King of England while maintaining a *de facto* position as monarch. Daniel makes clear that this action was undertaken as a means of making 'things safer' amidst the instability of the dispute, particularly by requiring the bishops of England to affirm their loyalty by swearing the oath of fealty to the new King. Regardless of its short-term purpose, however, Daniel highlights that this was '*an act without example in this Kingdome*' that caused him to 'to disioynt his owne power, and imbroyle his people with diuision'. The 'commonwealth', accordingly, became a 'Monster with two heads', the implications of which extended well beyond the dispute for which it was undertaken.

The metaphor of the 'monster with two heads' is a favoured image of Daniel's, used in various contexts throughout his work.[73] Lawrence Michel has previously noted the frequency of this image in his thought, remarking that its continual application reveals an almost obsessive preoccupation with the consequences of civil disorder.[74] Daniel's application of the metaphor here, however, is remarkable among other examples in his work: where he had typically used the image to describe an external force that threatens the order and stability of the state (indeed, the term was used in this context both in England and on the continent), here it is applied directly onto the

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[73] See, for instance, 'Sonnet XVI' in Sprague (ed.), p. 18, ll. 9, where he invokes the 'hydra of my cares'.
[74] See the introduction to this thesis.

framework of the body politic.[75] This application, indeed, invites immediate comparison with Jean Bodin's analysis of the impossibility of investing sovereignty in two people, using the example of Rome under Pompey, Caesar, and Crassus, which though a 'monster with three heads', could be maintained for as long as the three figureheads were all alive.[76] Once Crassus was killed, however, 'the other two fell in sunder, and so eagerly made warre vpon the other [..] vntill that one of them had quite ouerthrowne the other'. It is likely the conceptual and metaphorical similitude of Daniel's reflection here to Bodin, indeed, that compels Daniel Woolf to argue that Daniel – like Bodin – 'saw the absolute, undivided sovereignty of the monarch as essential'.[77] While, however, Woolf concedes that Daniel regarded the monarch's power to be limited in some forms, further clarification is needed on his position on indivisible sovereignty. Bodin's theory, indeed, stresses primarily the total investment of power in the sovereign, arguing therefore that the monarch cannot delegate its ultimate authority to other administrative powers such as the estates. Daniel, on the other hand, is ultimately interested here in the division of the monarch's office itself. In his study of Bodin's theory of absolutism, Julian Franklin compares Bodin to the legal theorist Barthèlemy de Chausseneuz (1480-1541), who in his *Catologus* (1514) asserts that the monarch cannot 'concede the insignia of [his] office to another; because by that act there would be two heads in a single body, which would be monstrous'.[78] As Franklin observes, Chasseneuz posits 'that a prince cannot retain sovereignty and yet concede it to another, without producing a juridicial absurdity', a position that does not necessarily foreclose the delegation of the sovereign's power to other governmental institutions.

Daniel's analysis of the consequences of the King's decision to divide his sovereignty follow a similar trajectory to Bodin's: by introducing a rival claimant to his own title Henry II effectively set the stage for the fragmentation of his power, and the remainder of the life is devoted to tracing the protracted decline in fortune that the humiliating resolution of the Becket controversy heralded. Following the resolution of the dispute, 'to make the better way to the ending of this businesse', and notably to appease the King of France, the younger Henry was crowned for the second time, whereupon he was convinced in Paris that '*to be a King, was to be a power aboue, and vndeuideable*'. Where the dispute with the church was ended, then, the coronation of the junior King opened another, which likewise provided further ground for exploitation by rival powers. The

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[75] C.f., the second book of the *Civil Wars* (1595): 'this many-headed monster multitude' (2, 12, l. 2).
[76] Jean Bodin, *The Six Bookes of a Commonweale: A Facsimile Reprint of the English Translation of 1606, Corrected and Supplemented in Light of a New Comparison with the French and Latin Texts*, ed. by Kenneth Douglas McRae, trans. by Richard Knolles (Cambridge, Mass: Harvard University Press, 1962), sig S4r.
[77] D.R. Woolf, *The Idea of History in Early Stuart England*, p.103.
[78] Chasseneuz, quoted in Julian Franklin, *Jean Bodin and the Rise of Absolutist Theory* (Cambridge: Cambridge University Press, 1971), p. 111

junior King, then, demanded his father 'either to resigne vnto him, the Dutchie of Normandie, the Earledome of Aniou, or the Kingdome of England for his maintenance', for which demand he is supported by the King of France, and – moreover – the noblemen whom the King had dispossessed (sig. I3v). This therefore incurs a series of rebellions between Henry II and his sons that would play out across the rest of his reign. Like Chasseneuz then, the terms on which Daniel argues for an undivided monarchy relate primarily to the stability of the monarch's office rather than wider constitutional balances of power. Equally, if Daniel asserts that parliament, as an 'assembly of state', should have refused consent to the King's proposed decision, then it does not necessarily follow that Daniel is making any claim for the power of parliament beyond the duty to prevent the alienation of the monarch's power.[79]

As a result of Henry's decision to crown his son, therefore, Daniel announces towards the latter half of the life that 'we haue seene the best of the Kings glorie', and where he concedes that 'he had after this good success', most of the remaining text is devoted to tracing the King's 'declining fortune' in war until his death (sig. I5r). One especially noteworthy sign of this decline, for Daniel, occurs after many of the King's English and Norman noblemen defect to the cause of the junior King. By this fragmentation of allegiance, in which he was 'foresaken of his owne people' he writes, the King was 'driuen through distrust to hire, and intertaine strange forces', namely in the recruitment of a mercenary army. While he does not dwell on the military effect of Henry's reliance on mercenaries, the central concern here is to demonstrate this loss, given especial bitterness by Daniel reminder that it occurred 'in the middest of his glory'. At the point of his death, occurring shortly after he is forced to sign a peace treaty with the King of France, the loss of his 'state' is total: he is 'forsaken both of his subjects', and, by being forced to submit to the King of France, 'himself' (sig. I6r).

The Right to Resist? Richard I, King John, and Rebellion

If Daniel's account of the life of Henry II traces his course from 'the most powerful king' of England thus far to his almost total loss of authority at the end of his reign, then the following lives of Henry II's sons, Richard and John, partly work to trace the loss of the empire on which the father's power was built. Where, moreover, the life of Henry II affords Daniel the opportunity to consider the extent of monarchical power and its competing agencies, it is in the following two lives that Daniel begins to suggest where the limits of that power should lie.

Similarly to that of his father, Richard I's reign was characterised by its close involvement with

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[79] See the previous chapter for Daniel's belief that parliament established in the reign of Henry I.

the affairs of the church, albeit on radically different terms. Indeed, where Henry II's proposed ecclesiastical reforms had set the King against the interests of the church, Richard I's reign was distinguished by the opposite dynamic, with his participation in the third Crusade being perhaps the distinguishing event of his reign. The king's efforts to procure finances for the crusade are the subject of perhaps the harshest analysis of a monarch's actions yet given in the history. From the beginning of the account, Daniel associates Richard's character and political behaviour with certain financial avarice. His first action is to seize 'vpon his Treasure in France' by the imprisonment and extortion of a Norman nobleman (sig. I6v). From the beginning of his reign, Richard concerns himself with raising funds for the crusade, with Daniel noting that the 'great Treasure' that he had inherited from Henry II was 'not thought sufficient' to undertake the campaign. The King, therefore, begins immediately to sell parts of his estate to the Church and nobility; and uses exploitative tactics (such as 'pretending to haue lost his Signet', and requiring that all previous grants must be confirmed by the new signet) to raise money 'to the griefe of his subjects'. In pursuit of these aims, the King was aided heavily by the Pope, from whom he was granted permission to 'dismisse' anyone he desired from the Crusade, and who agreed to appoint the new Bishop of Ely, one of the King's closest allies, as legate of England in his absence. The Bishop of Ely therefore assumed the prime position in the government of the state, for which he was given 'as great and absolute a power' as the King 'could giue him' (sig. K1r). As legate, the Bishop worked to further raise funds for the crusade by imposing new fees upon both the laity and the clergy.

As I have alluded to at the outset of this thesis, Daniel's treatment of the policies of this King, and the means in which they were pursued, stand in striking contrast to the historical tradition that had preceded him. As John Gillingham has argued, Richard I's involvement in the crusades (no doubt for the crucial part it played in the conflict between the Christian and Islamic worlds) won him widespread praise in the English historical tradition, and his reputation had survived even the radically revisionist accounts of Bale and Foxe.[80] It is in conformity with this view, moreover, that Daniel first described the King's reign in the opening summary of English history in the *Civil Wars*.[81] There, Daniel treated Richard's involvement in the Crusade as a glorious imperial achievement, declaring that the vast territory of Henry II's empire 'bound not his desire', and that as

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[80] Gillingham, *Richard I,* pp. 1-14.
[81] Ibid, p. 10.

a result he increased 'the glorie of our armes', and spread 'the English Ensignes in the East'.[82]

Returning to Richard's life twenty years later in the *Collection*, his position on both the King's character and the worth of the crusade itself shifts radically. While Daniel is cautious not to lay any negative judgement on the cause of the crusade itself, his interpretation of its effects on the kingdom is resoundingly negative. Where the church had bitterly resisted the efforts of Henry II to curtail its power, none of Richard I's policies were resisted either by the English clergy, nor by the broader western church, even when his efforts to raise money for the crusade had directly encroached upon the English church's holdings. The absence of any resistance, Daniel argues, was on account of the religious significance of the cause itself, which 'made the Clergie, which then might doe all, to deny him nothing', and which furthermore 'fed' the people 'with the report of his miraculous valour' (sig. K6r). Throughout the account, then, temporal and spiritual power work in tandem.

More so than in the previous King's reign, Daniel is especially attentive to the effect of the King's policies on his subjects. For the crusade, for instance, Richard had 'consumed […] all that mightie Treasure left him by his father, and all that otherwise hee could teare from his subjects', a practice that furthermore was extended to the King's European conflicts following his return to the continent (sig. K3r). The conflict between England and France was renewed, and the King returned to England 'from the latter end of February to the tenth of May', with – he argues – the sole intention of 'gleaning out what possible this kingdome could yeeld' (sig. K5r). In pursuit of further funds, moreover, the King's magistrates made further taxes, with the result that (as Daniel reports from Howden) 'all England from Sea to Sea was reduced to extreame pouerty'.[83] Of especial note, finally, was the expansion of the Forest law, which Daniel had sharply criticised in his account of William the Conqueror's life. Here, the King's foresters

> not onely execute those hidious lawes introduced by the Norman, but impose other of more tyranicall seuerity, as the memory thereof being odious, deserues to be vtterly forgotten, hauing afterwards by the hard labour of our noble ancestors, and the goodnes of more regular Princes, beene assuaged and now out of vse. (sig. K5vr)

The vehemence with which Daniel attacks the Forest law in this passage ('hidious', 'tyranicall', 'odious') is perhaps curiously disproportionate to their contemporary pertinence, having 'beene assuaged' by popular petition to 'more regular Princes'. Despite his assertion that the record of the

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[82] Samuel Daniel, *The first fowre books of The ciuile wars between the two houses of Lancaster and Yorke*, (London: For Simon Waterson, 1595), sig. B4r. Henry II and Richard I mark the point in this earlier account of English history where the English state began to shake away the oppressive legacy of the conquest, and thus Richard's 'glory', though thwarted in its 'spring' before he could fully exercise it, is a sign of England's growing self-confidence internationally; for the resonances between Richard's military virtue, and his praise of Mountjoy and Essex, see below.
[83] See Howden, II, p. 434.

law 'deserues to be vtterly forgotten', however, it clearly holds instructional value for Daniel as an exemplum of the worst kind of penalty that a monarch can impose upon his people, and the significance of popular appeal in their eventual revocation. Daniel therefore returns to the familiar seventeenth-century image of the English people – or at least representative body of noblemen – as a petitionary force who secured their rights by continual demands to their monarchs.

Another sign of the King's disregard for both his subjects and for England itself is the comparatively little time that the King had spent in England during his nine-year reign, of which 'he was neuer aboue eight moneths in England'. It had been, as we have seen, a concern that the wide extent of Henry II's power would overawe the King's obligations to England, and where that King had ultimately proven such concerns to be wrong, for Daniel, Richard I's relationship with the country is particularly distant. While, therefore, he had 'exacted, and consumed more of this Kingdom' than any previous king of England, his absence from the kingdom made him 'lesse deserued then any' of his predecessors. Implicit in this assertion is the belief that the level of extraction practiced by the King throughout his reign required a reciprocal public investment in the kingdom itself, with the King leaving no 'monument of Pietie, or of any other publique worke'. Nor did he display any 'loue or care to this Common-wealth' beyond 'to get what he could from it'.

In his closing assessment of the Richard's reign, Daniel is equally scathing of the church's complicity in the king's abuses. Indeed, Daniel accuses those members of the clergy who had governed England in the King's absence of preferring to 'serue' the King 'before the seruice of God'. Where, perhaps, this does not imply that the better course would have been open disobedience of the King, then it suggests that their desire to hold 'his good opinion' drove them to greater excess than the King 'could haue done for himselfe'. Daniel then reflects on the particular character of their abuses, which were

> was made the more miserable, in that they came betrayed with the shew of *Religion & Law*, the maine supporters of humane societie, ordayned to preserue the state of a people, and not to confound it.

In this passage, therefore, Daniel returns to the model he has previously established regarding the function of the law in the framework of a state, drawing an equivalent significance for the institution of religion. By turning these two 'maine supporters of humane societie' against those to whom it is required to provide for, the Church (and thus the king) were therefore guilty of subverting the fundamental purpose of the institutions themselves. Daniel's identification of the state with the 'people' rather than the monarch, meanwhile, resonates with his use of the term

'common-wealth' in the previous paragraph.[84] Arguably, then, Daniel is deliberately privileging the sense of a state as a body of people (or a 'humane societie') over that which might prioritise a ruler's own power.

Gillingham has argued that Daniel's life of Richard I was the 'first to dissent from the opinion of the king that had dominated English historical writing for more than 400 years', enlisting Daniel's earlier praise of the King in *The Civil Wars* to argue that the radical reinterpretation that the *Collection* provides may in part be explained by the demands of Jacobean politics.[85] Where James I had been encouraged to lead 'a continental Protestant crusade against Spain', Daniel's portrait of Richard I's foreign excesses 'suited the interests of James I's court'. Gillingham highlights that Daniel's account is inflected with a cautious sense of its own anachronism, which strengthens this interpretation.[86] Equally, however, it might be argued that the martial image of Richard in *The Civil Wars* was itself shaped by the early context of the poem's composition, particularly by the patronage of the great Elizabethan soldier-noblemen, Mountjoy and the Earl of Essex, under which it was first undertaken.[87] There, Richard's martial reputation as a conqueror of the east gives antecedent to Daniel's commendatory stanzas to Essex and Mountjoy, removed in 1601 after the Essex rebellion, where he imagines a present in which England had not been afflicted by Civil War, and had instead united Western Europe in war against the Ottoman Empire. In casting Essex and Mountjoy as commanders in this conflict, Daniel at once commends the 'ancient honour' that both men embody, and laments the lack of adequate occasion to exercise (and thus, immortalise) their virtue.[88] The poem's heroic image of Richard I thus compliments Daniel's heroic treatment of his two patrons. In the *Historie*, however, the characteristics of Richard I's reign – his long absence from the kingdom, his high expenses, and its resultant effect on the English people – were an appealing focal point from which to distinguish the qualities of a bad King, and thus to assert the necessary duties of a ruler to the state that constituted equitable kingship.[89] As the passage above demonstrates, Daniel contends that the chief obligation of a monarch is to the preservation of 'the state of a people', where Richard had exemplified the exploitation of the state for the benefit of the

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[84] A striking case, then, of the language of 'commonwealth' sitting beside that of 'state'.
[85] Gillingham, p. 10.
[86] Ibid, p. 11. Gillingham draws attention to the remarkable warning against anachronism that appears in this life, which is been frequently invoked by the *Historie's* critics as an expression of Daniel's historical principles.
[87] Daniel Weiss has argued that the first four books of the Civil Wars were likely composed at Wanstead, the residence of Essex, and later Mountjoy.
[88] See Rees, pp. 126-29. Daniel, in turn, casts Essex and Mountjoy as the heroes of an epic to the ultimate glorification of Elizabeth, which his present theme has prohibited him from writing.
[89] Daniel, it is worth mentioning, also acknowledges that because most of the King's reign occurred in the context of war, it is not known 'what this King wold haue proued' had he ruled for longer, noting further that near his death the King had vowed 'a reformation of his life', which was reflected in his later political behaviour. (sig. K6r) This, Daniel asserts, demonstrates that the King was 'conuertible', a quality that separates him in the *Historie* from the forthcoming example of King John.

monarch. If, as Daniel acknowledges, Richard remained popular among his people throughout his reign, Richard's 'excesses' introduced tensions within the state that were later borne out in the reigns of later monarchs. It is accordingly in the example of 'his irregularitie' that Daniel views the beginnings of the conflicts between Richard's immediate successors and the nobility, by which means 'their [the kings'] boundlessness came to be broght within some limits'. It now remains to turn to these events.

Richard I's successor, King John, was traditionally reviled by the English historical tradition, and his reign – marred by alleged infanticide, religious conflict, and rebellion – had by the sixteenth century become synonymous with tyranny.[90] As with the legacy of Thomas Becket, however, John's lengthy dispute with the Pope over his alleged right to nominate the Archbishop of Canterbury, leading to the King's excommunication, was an immediately appealing target for revisionism during the Reformation.[91] As Becket had been recast from a defender of church liberties and a martyr against tyrannical overreach to a traitor against the King, so too the image of King John was reinterpreted from that of a tyrant and to a defender of true religion against the corrupt papacy. Despite their similarities of appeal, and the relative contemporaneity of these revisionist interpretations, it is also the case that revisionist interpretations of King John were significantly less stable or lasting throughout the sixteenth century than those of Becket. While, therefore, the broadly negative view of Becket that had emerged during the Reformation persisted beyond the sixteenth century, Carole Levin has argued that John's historical reputation in large part depended on its usefulness as a precedent for the religious conflicts of the era, assuming its highest point of relevance in the early Reformation, when John's conflict with the Pope became a direct antecedent to Henry VIII's dispute.[92] In the service of building this precedent, then, a counter image of a 'heroic' King John was established against the traditional view of the King as a 'monster'. For the evangelical tradition of history writing, then, the salient aspect of John's reign was this religious dispute, around which the additional controversies of his life (notably the conflicts with the Barons) were reshaped to centre the Papacy as his continual opponent. Unlike a figure such as Becket then,

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[90] A good general survey of John's historical reputation in the medieval tradition and beyond is C. Warren Hollister, 'King John and the Historians ', *Journal of British Studies*, 1.1, (1961), 1-19.

[91] Carole Levin, *Propaganda in the English Reformation: Heroic and Villainous Images of King John* (Lewiston: Edwin Mellor, 1988) is the fullest account of the uses of John's life during the English Reformation and thereafter into the early seventeenth century. My account of the broad framework of the Tudor reinterpretation of his life is indebted to her own. Levine's study takes advantage of the wide range of texts that covered his reign in the era, particularly with regards to drama, establishing a methodological framework for the study of the King's historical image that has recently been taken up by Igor Djordjevic in *King John (Mis)Remembered* (London: Ashgate, 2016), a less religiously oriented study of the changing fortunes of John's historical legacy.

[92] See particularly ibid., pp. 55-105; and for why John's 'heroic image' fell out fashion, see p. 251.

whose life could be represented with minimal factual deviation from the medieval sources it was drawn from (entailing instead a reinterpretation of Becket's cause and motivations), the overwhelmingly negative historical image of the King required greater interpretative liberties to reshape his image, the impetus for which did not necessarily continue beyond the immediate political moments that had stirred it.

If the early Reformation saw the peak of interest in John's religious conflicts, this is not to say that John's reign lost its political relevance after Henry VIII, or that other aspects of his reign were entirely devoid of later interest. For Levine, if John's 'fight with the Pope ceased to be useful propaganda' by the late-Elizabethan period, when 'England had her own church, and Henry was justified by his own success', then Elizabethan accounts of John's life shifted focus to highlight the more pertinent matters of the day.[93] In the late-Elizabethan theatre, she argues, John's conflict with the barons assumed greater prominence, his image shifting to that of a weak king whose weakness had incurred the rebellion of his barons. Naturally, then, the excommunication of King John carried its own parallels with Elizabeth I's excommunication, in which the Pope proclaimed that her subjects were released from obedience to her. Given that Elizabeth's reign was therefore shadowed by the threat of recusant rebellion, therefore, John's example could serve to demonstrate (along familiar early-protestant lines) that subjects owed obedience to the monarch regardless of their moral standing.[94]

One remarkable feature across all sixteenth-century treatments of King John is the relatively low prominence given to *Magna Carta* as a significant result of John's reign.[95] Levin has argued that 'For English Renaissance political theorists, *Magna Carta* did not have the same importance that it had in other periods', and only began to gain significance as a mode of recourse during the James I's disputes with parliament in the seventeenth century.[96] Another reason for why *Magna Carta* was so rarely discussed in early-modern histories of John's reign was widespread confusion

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[93] Ibid., p. 201.

[94] Levin reads Shakespeare's King John as a statement of the belief that 'a people must be loyal to the ruler even if he is not ideal' (Levin, p. 210).

[95] The critical bibliography of *Magna Carta* and its historical and legal legacies is vast. The classic modern critical study and edition of the charter is J.C. Holt (ed.), *Magna Carta*, 2nd edn (Cambridge: Cambridge University Press, 1992). Christopher W. Brooks examines Magna Carta's importance in Sixteeth-century England in 'The Place of Magna Carta and the Ancient Constitution in Sixteenth-Century English Legal Thought' in Sandoz (1993), pp. 75-114. Studies of the interpretation and revival of *Magna Carta* in the seventeenth century are numerous. Three general surveys of the subject are Maurice Ashley, *Magna Carta in the Seventeenth Century* (Charlottesville: The University Press of Virginia, 1962) and Herbert Butterfield, *Magna Carta in the Historiography of the Sixteenth and Seventeenth Centuries* (Reading: University of Reading, 1969). John Baker, 'Sir Edward Coke and Magna Carta 1606-1615' in *The Reinvention of Magna Carta* (Cambridge: Cambridge University Press, 2017), pp. 335-409 and George Garnett, 'Sir Edward Coke's resurrection of *Magna Carta'*, in *Magna Carta: history, context and influence*, ed. by Lawrence Goldman (London: University of London Press, 2018), pp. 51-60, both trace the origins of Coke's engagements with Magna Carta before the crucial parliamentary conflicts of the 1620s, where the bulk of scholarly appreciation for the subject has tended to rest.

[96] Levin, p. 202.

about the origins of the charter. The copy of *Magna Carta* most commonly printed in statute-books, as John Baker has shown, dated from 1225 and was confirmed by Henry III, thus decontextualising the circumstances of conflict that created the charter and bolstering the commonly held belief that it had been made statute during the reign of Henry III.[97] Barker further notes that in the inns of court of the early-seventeenth century, there was some awareness that it was originally 'granted by John', however even here it was 'immediately explained that it was not a statue until Henry III'.[98] John Selden, for instance, made only passing reference to *Magna Carta*'s connection to John in *Jani Anglorum*, declaring that his reign was relatively free of legal interest.[99]

Early into Daniel's life of John, it is clear that his account owes little to the legacy of the heroic interpretation of the King. Daniel begins his account by explaining the circumstances by which John attained the crown instead of its rightful successor, Arthur. Being among Richard I's army in the aftermath of the King's death, John worked immediately to establish himself as the favourite for succession, promising 'large rewards' in return for their support, and assigning two noblemen to go into England to announce that, as King, he would 'restore vnto [the people] their rights, and gouerne the Kingdome […] with moderation' (sig. K6v). While, then, Arthur held the right of succession, John quickly manoeuvred his allies into England itself and established himself as the monarch. Support for Arthur, he notes, was concentrated in the regions of Normandy, which favoured the 'vsuall custome of inheritance'. As a child, moreover, it was only by his right of succession that he commanded support, and with the threat of an unsettled succession, therefore, John was ultimately favoured for the crown.[100] For Daniel, John's pretended right of succession portends the iniquities that would later distinguish his reign (characterised by 'violences and oppression'), proclaiming that 'he gouerned with as great iniustice as he gat' the crown. As a result of these 'miserable incombrances', John 'made way to those great alterations in the gouernment which followed', suggesting early in the text that John's reign therefore held important constitutional significance.

Now that John had thus established himself as King, the most pressing affair at the beginning of his reign was the faction that had developed around Arthur, whose claim was supported by the King of France. This conflict, therefore, lead to an eventual battle between the King and Arthur's factions in Normandy, at the end of which Arthur and his supporting Barons were taken Prisoner. This victory alone, Daniel argues, would have been sufficient to 'to haue established his Estate',

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[97] See Barker, pp. 4-12.
[98] Ibid, p. 4.
[99] Ibid, p. 5. See also G.J. Toomer, *John Selden: A Life in Scholarship* (Oxford: Oxford University Press, 2009) p. 97-8.
[100] 'Men being content rather to embrace the present, though wrong, with saftie, then seeke to establish anothers right, with the hazard of their own confusion' (sig. K6v).

and thus secure his title against the rival claimant, yet he accounts John to be culpable for the later murder of Arthur, which occurred in concert with the 'cruell execution of many his prisoners and Ostages' (sig. L1v). Daniel views the cruelty of these actions to mark something of a point of no return for the King, arguing that afterwards 'he lost himself and his reputation for euer'.[101] In addition to the latent moral transgression that they represented, moreover, Daniel regards the action as politically calamitous. The murders, he explains, caused the nobility of 'Brittaine, Aniou and Poictou' to rebel against the King and appeal to the King of France, who summoned John to his court of justice. Having refused to attend, therefore, the King was 'condemned both to loose the Dutchy of *Normandie* […] and all his other Prouinecs in *France*', which in the course of a year were all lost by the King's own 'negligence', or else 'by the reuolt of his owne Ministers'.

The King's actions in Normandy, therefore, set the stage for further conflicts in the province, in the pursuit of which he was required to impose financial penalties on the clergy and nobility, thus marking the beginning of the protracted conflict between John and his Barons. In practice, these penalties were of course in keeping with the practices of his predecessors, and where Daniel regarded Richard I's financial exactions to be wholly excessive, he makes clear that they were tolerated by the people, in part because of the King's good reputation. John's conflicts in Normandy, on the other hand, were pursued 'without success', incurring the belief that their holdings were 'likely euer to be made liable to the Kings desperate courses' (sig. L2r). The result of this, Daniel argues, is that the laity begin to consider the restitution of their 'ancient immunities' which the Kings of England from the Conquest had 'vsurped', giving rise to the 'the first ciuill dissention that euer we finde, since the establishing of the English Kingdom'. In effect, therefore, the origins of the conflict between John and the Barons for Daniel extends beyond the immediate factors of John's reign to a longer inequity practiced successively by the kings of England. At the point of John's reign, Daniel argues, the Nobility had grown 'to bee of great numbers, of great meanes', often holding lands in Normandy, which 'by this violent, and vnsuccessfull King', they had been barred from. In his interpretation, therefore, it is the confluence of the nobility's growing independence of power from the monarch, and John's ineffectiveness as a ruler, that therefore brought the issue to crisis.

From the beginning of his discussion of the conflict, Daniel appears to view the Barons' case

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[101] Daniel had offered a similar account of John's rise to power in his short summary of his reign in *The Civil Wars*, where John 'gets to the crowne by craft, by wrong, by force' and 'murders the lawfull heire', which act provoked 'all the worldes despight' (Daniel, *The ciuile wars*, sig. B4v). In its brevity, the full stanza gives a useful description of the traditional historical view of the king, culminating in the oft-repeated story that John was poisoned, which Daniel later identified as false in the *Collection*.

against the King favourably, with a significant caveat. In a description of the 'face of those times' that gave right to the dispute, Daniel explains that the nobility 'saw themselues, and the Kingdome brought to be perpetually harassed at the Kings will', and where he views this worry to be justified, he offers an ultimately negative assessment of their practices by arguing that their 'cause was much better then their prosecution'. According to him, they used 'many vniust and insolent courses' in their rebellion against the King, meaning that 'we can excuse no part herein'. While perhaps a more obvious course of action here would have been to disavow the action of rebelling against the monarch, Daniel does not explicitly disavow rebellion as a mode of action, blaming instead the King as the 'diseased head' which produced 'a distempred body'. This explanation, therefore, works to underscore the disastrous consequences of a bad ruler upon the overall 'body politic' of the kingdom. The implication, therefore, is that bad rulers exert a totally corrupting influence upon the rest of the state, rendering all within it 'ill; and out of order'.

It is in this context of tyrannical instability that Daniel situates the origins of John's conflict with the church, whom he immediately describes as an 'ambitious Clergy polluted with auarice'. For him, 'aduantages vpon the weaknesses they found' in England's government to elect their own candidate, Reginald, for the see of Canterbury, which Daniel asserts they justified by appeal to 'pretended' ancient privileges that gave the clergy primacy in the election of bishops over the monarch. The King, in turn, nominated the Bishop of Norwich as his own candidate for the see to the monks of England (who themselves claimed a right to elect bishops), sending an envoy to Rome 'to obtain the Popes confirmation of this Election' (sig. L2v). The bishops of England, in turn, sent their own envoy to Rome to argue their right of participation in the election of new bishops. Seeing 'the procurators not to agree vpon one person', the Pope nullified both candidates and set forward his own, Stephen Langdon, to whom the Monks in turn assented. The rejection of the King's proposed candidate in favour of a figure whom the King later accused of being 'bred euer in the Kingdom of *France*, and among his enemies', gave rise to another bitter conflict between a King of England and the Papacy.

In his account of the conflict between John and the Pope, Daniel utilises a similar method to that which he had employed in his account of the Becket controversy, namely by drawing on the correspondence between the two parties. The King, therefore, proclaimed in a letter to the Pope 'that he would stand to the liberties of his Crowne to the death', reminding the Pope of the 'great profit' that Rome derived from his see, and threatens to 'stop vp the passages of his people to Rome', and to delegate all ecclesiastical questions to the English clergy (without 'iudgement of strangers') if Langdon's election was not revoked. The Pope, in turn, reminds the King that 'if your

deuotion bee most necessary for vs, so is ours no less fit for you', asserting that 'elections celebrated at the Apostolique Sea' did not require 'the consent of princes', and that the election was settled as in the manner that it was to ensure the ease of succession, 'lest the Lords flocke should bee long without pastorall cure' (sig. L3r). Pointedly, the Pope's letter invokes the example of Becket as a warning to the King against pursuing any further conflict with the church, suggesting the lasting potential of Becket's martyrdom as a restraining measure against the kings of England.

As with his commentary on Henry II's correspondence with Rome, Daniel summarises that, through them, 'we see how these two mighty powers striue to make good each other prerogatiue'. The correspondence was followed by the Pope's instructions to the Bishops of London, Ely, and Worcester to persuade the King 'to reforme himselfe', otherwise the kingdom would be subject to interdiction. Having thus failed to convince the King to submit, therefore, the Pope followed through with this threat, ceasing all liturgical practices in the kingdom. The interdiction, Daniel explains, lasted for two years, 'to the great distraction of the state', during which time the King did not relent in his position, leading ultimately to the Pope passing the sentence of excommunication against him (sig. L3v). Daniel is particularly critical of the Pope's decision here, immediately comparing this course of action with that which followed Becket's murder. There, Pope Alexander had been 'better aduised' to 'forebare' the judgement of excommunication against Henry II, where here, Daniel argues that this 'extreame course of abscicion' did further violence to the English Church. In describing the Pope's decision to excommunicate King John, Daniel also invokes the excommunication of the Holy Roman Emperor Otho III in the same year, both of which he regards to be 'straines of an unjust nature' (sig. L4r). The Pope, he explains, had worked 'for his own ends' to elect Otho as emperor, and their conflict had centred upon a land dispute between the Empire and the kingdom of Sicily. In both cases, therefore, Daniel views the Pope's sentence of excommunication as an unnecessary incursion into the temporal affairs of rulers, being pursued '*in cases of the Popes owne particular interest*' to establish a '*predomination, beyond the bounds allowed vnto piety, which was onely to deale with means soules, and not their Estates*'.

The measures later taken by the Pope to resolve the dispute with King John, represent perhaps the clearest example in the *Historie* of a pope's political power. Here, the Pope 'pronounces [John's] absolute deposition from the Royall gouernment' of England, instructing the King of France to raise an army to depose the king (sig. L4v). This act, he argues, represented the 'greatest sentence that euer yet was giuen against any Soueraigne King of this Kingdome'. Far from intending to supplant the King of England, however, Daniel argues that the Pope exploited the historical animus between the two kingdoms to 'terrifie' King John into submission. This was ultimately achieved when,

informed of the 'mighty forces bent against him', John soon granted 'restitution and satisfaction' of the possessions he had seized from the Clergy, and submitted 'himselfe to the iudgement and mercy of the Church', according to which the crown was to be held by John and the successive kings of England from Rome, for which they were required '*the annuall tribute of a thousand Markes of siluer*' (sig. L5r). Much like in his account of the Becket controversy, then, the result of the dispute worked to further extend the papal influence over the kingdom of England. While it is never voiced as such in the text, Daniel's analysis of the Pope's conduct here, where kings are exploited for his own advancement, in effect demonstrates the *de facto* political primacy of the medieval papacy over Europe's rulers.[102]

Where Daniel's account here is therefore highly critical of the papacy, his account of John's retaliations against the clergy during the dispute do little to establish John as a godly or heroic counterforce to a corrupt papacy. With each 'violence' that the Church thus imposed against the King, the King in turn responded with an equally violent penalty against the church. Following the monks' decision to support the candidacy of Stephen Langdon, for instance, the monks of Canterbury ('as violently executed as commanded') were expelled from the kingdom, and their possessions seized (sig. L2r). Daniel, it should be noted, writes with a degree of caution that the King's offenses against the church are recorded only by the 'Monasticall writers of that time', suggesting that their vested interest to exaggerate his actions may thus 'aggrauate the rigorous course taken in this business'.

Although, moreover, Daniel argues that the King's eventual decision to submit to the Pope was possibly motivated by the question of his own salvation, his overall portrait of the King's religion emphasises his impiety. The most salient example here is his treatment of the myth, stemming from the *Maiora Chronica*, that John had considered converting to Islam in homage to the emperor of Morocco.[103] Daniel is not unaware of the elaborate character of this story, and 'in charity' rejects the claim that John had considered renouncing Christianity altogether, though he does not entirely discredit the substance of it. He defends both the 'grauity and credit' of the story's source, 'liuing so neere to those times', arguing that it would have been in keeping with the 'desperat violence' of the King's character to have at least openly negotiated with the Islamic emperor to suit his own interests. (sig. L6r) To substantiate the picture, Daniel adduces a story from

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[102] See for instance, the King of France's realisation that the Pope had forbidden the invasion, where Daniel notes that despite the king's own willingness to pursue it regardless, he saw 'his confederates and followers quailed with this menace of the Church' and was thus forced to abandon it (sig. L5r).
[103] For the origin of this account, see Matthew Paris, *Chronica Majora*, ed. by Henry Richards Luard (London: Longman & Co., 1874) II, pp. 559-664.

Paris in which the King remarked, 'at the opening of fat Stag': 'see how prosperously this beast hath liued, and yet neuer heard Masse'.[104] This remark, according to the devotional practices of the time, 'sauored of an impiety', working further therefore to emphasise the king's irreligiousness.[105] By emphasising the King's impiety, moreover, Daniel paves the way for an equally negative assessment of the church's subsequent support for the King following his reconciliation with Rome and the lifting of the interdiction against the kingdom. After this event, for instance, Daniel records that the English clergy appealed to the church to seek reparations from the King for the 'inestimable losse of the Church, and Churchmen' during the interdiction (sig. L6v). This request was denied, with Daniel offering the withering assessment that the King was now regarded in Rome as 'a most tractable obedient, and indulgent Sonne of the Church'. The papacy, therefore, becomes an important ally of the King, to which he successfully appealed for aid during the Barons' rebellion.

One of the central consequences of the sentence of excommunication, of course, was its supposed severance of the subject's obligation to obey the monarch, a subject that is fundamentally significant to the later events of John's reign. In the case of the dispute with the church, Daniel makes clear that the sentence alone could do little to alter the bond of obedience between the subject and their monarch. There are accordingly 'so many ligaments in a state that tye it together,' that they can be broken only by a 'generall alteration' of the state itself. The excommunication, therefore, failed to alter the dependencies between the monarch and subject that the obligation to obedience is founded on, hence the Pope's ultimate decision to terrify the king with the threat of foreign invasion and deposition.[106] It follows, then, that the greater threat to the stability of his rule rested in the King's relationship to the people, where already his actions had led to the consideration of the 'ancient liberties' of the nobility. Following a military defeat in France, therefore, and 'fearing the outrage of a necessitous and distempred King', England's Barons pledged to 'make war vpon him' unless he conferred the 'rights of the Kingdom', as pledged in the Charter of Henry I.

Upon being read the 'Lawes, and Liberties' that the charter stipulated, Daniel reports from Paris that the King asked '*why the Barons did not likewise demaund the Kingdome*', and asserted that they would make himself '*a seruant*' (sig. M1r). This remark occasions a significant commentary from Daniel, who argues that the King's outrage was the sign of a 'powre' who had

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[104] Ibid, p. 565.
[105] In his analysis of Daniel's life of John, Igor Djordjevic offers a compelling reading of his treatment of Paris in this passage. Despite the obvious authority given to Paris in this account, (based primarily on its age) Djordjevic argues, Daniel is ultimately concerned here with the moral lesson that, 'because   can transmit to the ages any and every remark and actions of a prince, they ought to be more circumspect' (Djordjevic, p. 132).
[106] See also Daniel's commentary on the 'little effect' of the Pope's excommunication of the Earl of Louys during the rebellion (sig. M2v).

'gotten out into the wide libertie of his will', where any measure of restraint would suggest the total subversion of his prerogative. Daniel, therefore, views the King's primary fault in terms of the familiar preference for continuity against innovation, summarised aphoristically by the statement that 'they who inherit Offices succeed in the obligation of them', according to which the 'most certain meanes to preserue' the kingdom's obedience to the King was to 'possesse them with the same conditions that he hath inherited them'.[107]

Even while Daniel is so favourable towards the Barons' cause, and excoriating against the King's, his account is measured by a certain hesitancy to permit the rebellion, which recalls his earlier explanation that 'we can excuse no part' of this period. In waging war against the King, for instance, the Barons were 'hasty as [the King] was auers', and elsewhere Daniel acknowledges that 'it were to be wished it had not beene in this manner' that the liberties of the kingdom were obtained (sig. M1v). Equally, however, Daniel does not appear to suggest a reasonable alternative for the rebellion, asserting that the Barons acted on the belief that 'nothing was to bee obtayned' from the King 'but by strong hand'. The weight of blame for the rebellion accordingly rests on the King here. Yet rather than suggesting any support for the Barons' rebellion as an act of disobedience itself, Daniel thus stresses instead that the obedience of the nobility was dependent upon the monarch's attendance to the interests of his subjects. Whether or not the act of rebellion against an unjust king was justifiable, therefore (leading as it does to civil war, the breakdown of the state, and 'outrages'), Daniel suggests that the refusal to rule equitably necessarily begets civil dissension.

In her own discussion of Daniel's life of John, Levin argues that Daniel's belief that 'the king is accountable to his people and may be judged by the good or ill his reign affords them' was representative of 'a change in perspective' from that which had characterized sixteenth-century accounts of John's life, and which moreover 'will grow more evident as the seventeenth century progresses'.[108] Where this accurately describes the tenor of Daniel's account, which of course was written at a time in which tensions were mounting between the King and the parliament, Levin stops short at considering what broader significance his reign might have held for Daniel, for which the clearest place to turn is his treatment of *Magna Carta*. Relatively early into the life, Daniel identifies the origins of *Magna Carta* in the reign of John, further noting that it was ratified again by Henry III. From his continual invocation to 'the liberties of the kingdom', it appears that Daniel

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[107] See also Daniel's similar remarks upon the abrogation of Magna Carta: ' to bee aboue mankinde, as those Princes would be, that would be vnder no Law; considering the preseruation of Kings and Kingdoms is to haue the ballance of satisfaction, both of the one and other, equall. But by such Counsailors is he confirmed in his refractory humor' (sig. M1v).
[108] Levin, p. 238.

regarded *Magna Carta* as something of a restatement of the body of laws contained in the *Laga Edwardi Confessoris*. It was moreover, he asserts, the Archbishop's reading of the amended *Laga Edwardi* to an assembled parliament that triggered the Barons to commit themselves to the 'liberties' it allegedly contained, where Daniel reports from Paris that the Barons would 'spent their bloud' for their restoration.[109] Instead of discussing the details of the charter, Daniel is ultimately more attentive to its overall constitutional effect: it was made 'to keepe the beame right betwixt Souraingtie and Subiection'. Equally, Daniel stresses that the promises of the Charter were not practiced in John's reign, noting later in his account that the charter was annulled soon after it was granted, encouraged by 'ill counsell' (sig. L1r). Indeed, Daniel argues that *Magna Carta* only came into effect 'in the maturity of a iudiciall Prince, *Edward* the first'. Where the charter required the ratification of a better king than John, however, it was ultimately through the Baronial rebellion that the 'rights of the kingdome' were first 'recouered'.

Conclusion

It has been one of the primary aims of this chapter to investigate how Daniel's *Historie* responds to the challenging reinterpretations of the events of twelfth and thirteenth century England proposed by evangelical historians in the wake of the English Reformation. Daniel's own position on the medieval church, of course, differed substantially from these earlier examples in its relegation of doctrinal questions in favour of a focus on the wider societal function of the church. Like Godwin, then, Daniel refused to renounce the historical example of medieval christianity in his work, while the unity of the pre-Reformation church formed a vital aspect of his medievalism, one that inflects the *Historie* principally in the centrality of 'piety' in Daniel's analysis of religious concerns. Equally, his somewhat broad characterisation of 'piety' as the foundational element of religious institutions in turn underscores the strict spiritual jurisdiction that the church would ideally uphold. In this respect, the continual intercession of both the English clergy and the Papacy become crucial to Daniel's account of the Angevin kings. His analysis of the religious disputes of the era build upon the premise that spiritual and secular power should exist separate from one another; yet recognise the immense political power of the church as a fact of the era. It is therefore when he parses the political implications of this premise that Daniel most closely resembles the evangelical tradition. This does not suppose a direct line of influence from Bale or Foxe to Daniel, of course, but rather

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[109] See Paris, II, pp. 582-3.

suggests that the disassociation of Becket from the cult of sainthood – and the political concerns that fed into the process – set the context for later interpretations of the politics of the controversy.

The distinctions between Daniel's account of the English church and the earlier tradition become especially evident when the Becket affair is situated within the proceeding lives in the history. Here, the presiding concern in how the powers of the monarch and the papacy navigate and confront one another in pursuit of their own interests takes various forms, ranging from excessive claims on temporal sovereignty in cases where the King challenges the institutional authority of the church; and their willingness to abet the worst excesses of a monarch providing that they fall within their interests, even in cases where the monarch's conduct imposes harshly upon the English church. Often, direct confrontations between the monarchy and the papacy are framed in terms of a clash between the 'wills' of the King and the Pope. Daniel's life of Henry III offers a striking point of comparison between these two powers, occasioned by the King's appeal against the high revenues of the Papacy in England, which surpass the revenues of the crown. Responding to this complaint, Daniel reports that the Pope pronounced that '*It is fit that wee make an end with the Emperor that we may crush these Petty Kings'*, which provokes a reflection from Daniel on the nature of papal and monarchical 'Domination':

> if the Popes (the professed souraignes of piety) vpon the aduantage of mens zeale, and beliefe, grew to make their will, and their power equall […] no meruaile if secular Princes, whose consciences are vntyed, striue to breake out into the wildnesse of their wills from those bounds wherein by the law of the state they are placed. (sig. N3v)

It is Daniel's broader concern with the relationship of the individual 'wills' of the monarch to government of the state that therefore connects Daniel's analysis of religious conflict to the reign of Richard I and the Barons' War between the monarch and the nobility in John's reign. Ultimately, then, what interested Daniel most about the medieval church here were the questions about monarchical power that reverberated through its conflicts with the King. Chief among these are the extent of a monarchic's jurisdictional authority and the limits of a subject's obligation to obedience when the will of the monarch breaks away from the 'law of the state'. The progression from the 'mighty' example of Henry II, then, whose authority is diminished by powers largely outside his control, to the various excesses of Richard I and King John, broadly manifests in the *Historie* as a shift in focus from the monarchical 'estate' to the 'state' of a people.

In his analysis of these problems, therefore, *Magna Carta* comes to assume a significant place in the development of legal strictures to protect the subject from the excessive incursions of their monarchs. Commenting on Daniel's treatment of Magna Carta in his life of John, Igor Djordevic

has argued that his explanation brought him close to the modern view of the salient events of the King's reign, and gave antecedent 'for the rhetorical uses of the period in the run-up to the Civil War'.[110] While, indeed, the relatively cursory attention given to *Magna Carta* itself in the text suggests that a full appreciation of the legal and constitutional significance of the charter awaited a later commentator, Djordevic's emphasis on the text's awareness of the historical significance of John is surely correct. *The Collection* nonetheless demonstrated growing awareness of the charter's importance to the framework of English history, which we find again demonstrated in the life of John's successor, Henry III. Daniel, of course, had argued that *Magna Carta* was only confirmed in the reign of the 'judicious prince', Edward I, and in the reign of John's successor he shows how the King's refusal to abide by either *Magna Carta* (confirmed again 1225) or the 'Charter of the Forests' contributes to the highly dysfunctional relationship between the King and nobility throughout his reign, which again forces the King to war with his barons. It is thus with the introduction of *Magna Carta* into English history that R.B. Seaberg's contention that Daniel (among others) 'viewed the past […] as a dialectic of promises, renegations, and demands for restoration' most clearly pertains.[111] Read with Daniel's commentary on English law before and after the conquest in the *First Part* in mind, of course, the frequent invocation to 'ancient liberties' here rests uneasily with his earlier attempts to undermine the idea that England had a unified law from which these liberties could be asserted. In the absence of any further commentary on the early antecedents of the charter, however, it is arguable that Daniel again prioritises the petitionary force of such a claim over its factual basis.

If Daniel's analysis champions the 'hard labour of our noble ancestors' as the primary means by which the common rights of the kingdom were established, the history stops short of any endorsement of armed rebellion against the monarch, even against a tyrant. Even considering the obvious royal contexts of Daniel's history (which naturally would have foreclosed any argument for popular authority over kings analogous to those proposed by George Buchanan, for instance), Daniel's strong dislike for any armed rebellion against a monarch can be traced to the *Civil Wars*, where the events of the poem are set in motion by the deposition of a weak king by an ambitious subject. Even the more challenging and unsettled atmosphere of his *Philotas* ultimately gives way to a strong condemnation of over-mighty subjects at the end of the play. In the *Collection*, the deposition of Edward II gives antecedent to the events of Richard II's reign, and here he issues condemnation against the 'most excerable doctrine' – proposed by the Bishop of Hereford – that the

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[110] Djordjevic, p. 130.
[111] See Chapter Two, n. 71 of this thesis.

'sick Head of a Kingdom, was of necessity to be taken of', which constitutes 'a sinne beyond all other that can bee committed vpon earth' (sig. R1v). Broadly speaking, his analysis shares much in common with the Tacitist commonplace, popularly referenced in Lipsian Tacitism, that bad kings must be endured rather than resisted.[112] In the first book of the *Civil Wars*, Daniel imagines the 'grauer sort' witnessing the gradual decline of Richard II's power, and reflecting (in a direct borrowing from Tacitus' *Histories*) that it is better 'T'admire times past, follow the present will/ Wish for good Princes, but t'indure the ill'.[113] Even when the reign Edward II is followed by a great king, the ultimate, divinely ordained consequence of his deposition is the civil wars of the following century.

Although Daniel ultimately prefers parliamentary petition over open rebellion, the foreclosure of more radical means of action leaves little room for manoeuvre when monarchs transgress the legal framework of the state.[114] Daniel characterizes England under Henry III as a '*crasie, and diseased State*', for which places he equal blame upon the King, and '*the impatience of a stubborne Nobility*' (sig. O5v). Even when Edward I confirms *Magna Carta*, indeed, Daniel ultimately comes to question the value of petition as a means of political action. Such a circumstance, indeed, 'where the Prince, and people seeke but to obtaine their seuerall ends, and worke vpon the aduantages of each others necessities', is 'often vnsuccessfull', and a cause for further contention (sig. P5r). The implicit view between the rights of the commons as an innate facet of the English constitution, and as something that the monarch may confirm or revoke at his pleasure, remains something of a lingering tension across the history. When, finally, Daniel argues in the afterword of his history that the ensuing period after Edward III was subject to the same 'dilapidations made by our ciuile Discord, by the Nonage or negligence of Princes, by the alterations of Religion', doubt is thrown on the precise 'bounds' that *Magna Carta* really had brought upon the monarch (sig. V3v).

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[112] See Justus Lipsius' extortion in the *Politica* to suffer rather than depose tyrants: 'Herehence do spring factions, dissentions, and ciuill warre' (Justus Lipsius, *Six Bookes of politickes or ciuil doctrine*, trans. by Sir William Jones, (London: For William Ponsonby, 1594), sig. Cc3v).

[113] Daniel, *The Civil Wars*, 72, ll.1; 73. ll. 7-8; Gajda, *The Earl of Essex,* p. 245. C.F., Tacitus' Marcellus: 'Se meminisee temporum quibus Natus sit. Quam civitatis formam patres avique instituerint; ulteriora mirari, praesentia sequi; bonos imperatores volo expectere, qualiscumque tolerare' (Tacitus, *The Histories* in *The Histories, The Annals* II, pp. 14-17). The passage is also quoted in Lipsius' commentary on Tyranny mentioned above, for which see Lipsius, sig. Dd1r).

[114] See Henry III's conflict with the Barons: 'recourse is had to Parliament (the best way if any would serue, for remedy)' (sig. O5v).

Chapter Four: 'Peeces of Historie': *The Appendix to the Collection of the Historie of England in Context*

<u>Introduction</u>

> […] to labour with the fancie of a fairer language, or better order for the Composition of our Storie or any part of is (as diuers haue done) without the carefull searching of these kinde of helps, is but to spend that time & cost in plastering onely, or painting of a weake or poore building, which should be imployed in prouision of timber and stone for the strengthening and enlargement of it.[1]

This passage by John Selden comes from his celebrated dedicatory letter addressed to Augustine Vincent, one of several prefatory epistles in Vincent's *Discoverie of errours in the first edition of the catalogue of nobility published by Ralph Brooke* (1622). Vincent's book takes the shape of a reproduction of, and extended scholarly attack against, Brooke's catalogue (1619), itself published to refute Camden's commentary on the nobility in *Britannia*.[2] For his commentary, Vincent drew on his extensive familiarity with the public records to refute and amend the propositions in Brooke's catalogue, a move that A.E. Brown characterizes as 'something of an innovation in the scholarly argument of the day.'[3] Acknowledging Vincent's 'exceeding Industry in reading […] not onely the *published authors* […] but withall, the most abstruse parts of *History*, which lye hid either in priuat *Manuscripts*, or in the publique Records of the Kingdom', Selden uses the occasion of Vincent's book to comment on the vast reserve of unpublished '*Historicall materials*' relating to English history that are neglected by the narrative historians of his day.[4] Instead, historians rely entirely upon the select body of English histories readily available in printed editions, which 'seeme little more than as a handfull well gather'd' when weighed against the mass of unexplored archival resources.[5]

Selden's letter, therefore, takes aim at a range of conventional ideas about the proper method for the composition of new histories from medieval sources. In his reading, reliance upon the contemporary bibliography of printed historians presumes an authoritative canon of English history conferred only by their availability, 'as if the Presse gaue first authoritie to whatsoeuer hath bin written, and iustly denied it to all bookes vntill they had past there!' Crucially, of course, Selden's

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[1] John Selden, 'To my Singular Good Friend, M<r> Augustine Vincent' in Augustine Vincent, *A Discoverie of Errours in the First Edition of the Catalogue of Nobility*, (London: published by Ralph Brooke, 1662), sigs. A1r- C2r, sig. A2r.
[2] Wyman H. Herendeen, 'Brooke [Brookesmouth], Ralph' in *Oxford Dictionary of National Biography* (Online Edn.: Oxford University Press, 2004) <https://doi.org/10.1093/ref:odnb/3552> [Accessed 15 June 2023].
[3] A.E. Brown, 'Vincent, Augustine' in *Oxford Dictionary of National Biography* (Online Edn: Oxford University Press, 2004) <https://doi.org/10.1093/ref:odnb/3552> [Accessed 15 June 2023].
[4] Selden, sig. A1r.
[5] Selden's involvement in Bacon's *Henry VII* is discussed in Woolf, 'John Selden, John Borough and Francis Bacon's "History of Henry VII", 1621' *Huntington Library Quarterly*, 47.1, (1984), 47-43. As G.J. Toomer has observed, the subject was of especial interest to Selden during this period, and as such Seden's comments resonate with the prefatory address to his edition of *Eadmer* (Toomer, p. 172).

comments broaden the scope of appropriate materials beyond history writing, making especial appeal to research in the 'world of Historicall matter' that 'lyes hid' in England's record offices that are utterly unattested 'in our common histories'. Vincent's antiquarian practice, therefore, gives example for the prospective narrative historian of England willing to advance historical study beyond the rhetorical embellishment of established knowledge, practices for which Selden – well aware of the classical foundations of the methods he is criticising – offers ancient antecedent, fashioning (for instance) Polybius, Livy, Suetonius, and Tacitus as diligent searchers in the public records of Rome.

Selden's 'Letter to Vincent' is perhaps the most famous expression of a burgeoning awareness in early Stuart England (following the example of historians on the continent) of the usages of the methods typically reserved for antiquarian research for the composition of narrative history.[6] Broadly speaking, it is the development of this awareness (and in turn, the tentative identification of antiquarian scholarship with the writing of history) that forms the backbone of Daniel Woolf's *The Idea of History in Early Stuart England*.[7] It is, as we saw in Chapter One of this thesis, an awareness of the value of unprinted material that spurred Daniel's appeal to his scholarly contemporaries in the 'Errata' to the *First Part of the Historie*. There, of course, Daniel distinguishes his identity as a historian firmly away from the antiquarian, as 'more of an honorer then searcher of antiquities' who is 'only studious of the generall notions'.[8] With this proviso in place, Daniel exhorts 'all worthy spirits in that respect' (to whom he had sent copies of the private 1612 edition) to correct any erroneous passage in the printed history, and crucially, to furnish him with appropriate manuscript materials for the remaining history. Here, he makes special reference to the aid of Robert Cotton, whose 'choyce, and excellent store, can best furnish this work'.[9] Daniel's appeal for scholarly aid in the substantiation of his history follows a familiar practice among his contemporary English and European historians. On a far grander scale, as Anthony Grafton has shown, the French historian Jacques Auguste de Thou (1553-1617) disseminated the first 'tentative' edition of his history of the world to scholars 'across Latin Europe' in the hope of 'confirming and

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[6] See Selden's list of contemporary European historians who make use of public records (sig. A1v).
[7] Woolf, *The Idea of History,* esp. pp. 200-242. For Woolf, Selden's own *Historie of Tithes* (1618) serves as something of a point of reconciliation between the two disciplines, as a scholarly account of an institutional practice that explicitly styled itself a 'history'.
[8] David Sandler Berkowitz, *John Selden's Formative Years: Politics and Society in Early Seventeenth-Century England* (Washington: Folger Books, 1988) argues that Selden's stipulations for the writing of history demand the historian to have the requisite training of an antiquarian and a scholar, requiring 'special knowledge of palaeography, diplomatics, and philology', which thereby wrests 'the discipline of history away from amateurs' and 'Into the keeping of those technically qualified to advance historical knowledge' (pp. 48-9). This somewhat overestimates the radicalism of Selden's treatment of narrative history here: the invocation of Bacon does not foreclose the possibility of scholarly assistance.
[9] Daniel, *The First Part of the Historie*, (sig. Gg2r-v).

supplementing the facts he had already established'.[10] In response, scholars from across Europe offered a range of factual corrections and supplementary source materials, which De Thou often incorporated into his history verbatim. During the composition of his *Henry VII*, Francis Bacon relied upon the assistance of Cotton, Selden, and Sir John Borough (d. 1643) to accumulate manuscript materials that might be used for his history.[11]

We have already established in that Daniel had likely already received the assistance of Cotton during the composition of *The First Part of the Historie*, from which he gained access to the then-unpublished *Dialogus de Scaccario*. Questions around Daniel's purported use of manuscript documents have persisted in modern criticism, centred particularly upon the projected *Appendix* of documentation which is invoked both by the royal license printed at the book's opening, and in his 'aduertisement' to the reader.[12] As John Pitcher has highlighted, the 1618 edition of the *Collection*, the final publication of his lifetime, was a private publication heavily financed by Daniel himself, and intended (as Daniel makes clear in the opening sentence of the 'aduertisement' to the reader) for private circulation among Daniel's friends and patrons.[13] Due to the limited means at his disposal to facilitate the publication of the book, as well as his own failing health, Daniel asserts that where he had wished to publish the book with '*Dedication, Preface,* and all the Complements of a Booke,' he is required to disseminate the work in 'peeces'.[14] The major omission of the 1618 edition of the *Historie* is the *Appendix*, which Daniel implies was beyond the financial scope of the publication, and which he promises to print 'as soone as I haue meanes' to do so (sig. A3v). In 1619, Daniel died, leaving both the remaining lives of the *Collection* unwritten, and the proposed *Appendix* – to which he makes frequent reference in the margins of the work – unpublished. Presumed lost for much of the work's life cycle, a working copy of Daniel's *Appendix* was discovered in the early 1980s by John Pitcher. This manuscript, contained in National Library of Scotland MS 3736, has been termed the 'Kerr Manuscript' after its first owner, Robert Kerr of Ancrum (1578-1654), to whom Daniel bequeathed his papers.[15]

The possibility that the unpublished *Appendix* might give evidence for Daniel's engagement with manuscripts was first enumerated by his nineteenth century editor, Alexander Grosart. There,

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[10] Anthony Grafton, *The Footnote: a Curious History* (London: Faber & Faber, 1997), p. 137.
[11] This practice, as Woolf suggests, was 'precisely the sort of thing that the statesman-historian should do' ('John Seldon, John Borough and Francis Bacon's "History of Henry VII", 1621', p.48).
[12] 'This booke, intituled, *The Collection of the History of England*, with an *Appendix* to the same hereafter to bee printed' (*The Collection,* sig A4v).
[13] John Pitcher, *Samuel Daniel: The Brotherton Manuscript, a Study in Authorship* (Leeds: The University of Leeds School of English, 1981), pp. 178-184.
[14] Samuel Daniel, *The Collection of the Historie of England* (London: For Simon Waterson, 1621), sig. A3r.
[15] For an analysis of the provenance of the MS, see Pitcher, *Samuel Daniel: The Brotherton Manuscript* p. 178.

Grosart asserts that the work would have contained 'MS. Documents by aid of Sir Robert Cotton, Camden, etc.'[16] Modern critics, on the other hand, have taken a more skeptical view of its possible contents. May McKisack's discussion of the *Appendix* largely ties to her overall judgement of Daniel as a historian with limited facilities as a researcher (owing, she supposes, to the relatively late age at which Daniel began to write the prose history), but who nonetheless gestured towards an understanding of the importance of contemporary documentation. Without access to the document itself, the project for McKisack 'shows that Daniel recognised the importance of official and semi-official documents as well as chronicles', and she thereafter gives a useful account of 'the lines with which he worked' by examining the explicit uses of documentary sources in the *Historie*.[17] With the exception of the *Dialogus de Scaccario*, most of the primary documents quoted in the text or cited in its margins (the Statue rolls, for instance) were taken from printed books. McKisack's argument implies, therefore, that this practice might well have been retained in the assembly of the *Appendix*.

In the intervening years between the publication of the history and the discovery of the 'Kerr MS' in 1981, critical references to the *Appendix* generally followed the tenor of McKisack's argument, albeit in more general terms. In her critical biography of Daniel, Joan Rees briefly invokes the *Appendix* to illustrate that 'Daniel was fully aware […] of the value of first-hand documents', as likewise does William Godshalk in the same year.[18] More recently, Daniel Woolf and Joseph M. Levine have given two contrasting assessments of the issue. Woolf notes the recent discovery of the 'Kerr MS' by John Pitcher, and asserts that the manuscript 'shows that Daniel made direct reference to original sources – chronicles and charters available in Sir Robert Cotton's library and through friends such as Camden – rather than relying principally on a recent history'.[19] Like Grosart, Woolf's statement here appears to be heavily informed by Daniel's exhortation to Cotton in the Errata of the *First Part of the Historie*, and he makes no further enquiry into the contents of the manuscript. Levine, by contrast, gives no reference to the discovery of the manuscript *Appendix* in his short account of the *Historie* in *The Battle of the Books*, and indeed, it is unclear from the text if Levine was aware of its discovery. Levine gives a good account of the *Appendix*'s place in Daniel's organisational priorities: 'to keep the narrative smoothly flowing,' he writes, Daniel 'eliminated the documents in his sources, (letters, treatises, etc.) hoping to print them

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[16] Alexander B. Grosart in Samuel Daniel, *The Complete Works in Verse and Prose of Samuel Daniel*, ed. by Alexander B. Grosart, 5 vols. (New York: Russell and Russell, 1963), IV, p. xviii.

[17] May McKisack, 'Samuel Daniel as Historian', pp. 231-2.

[18] Joan Rees, *Samuel Daniel*, p. 155; Godshalk, 'Daniel's "History"', p. 53.

[19] Daniel Woolf, *The Idea of History in Early Stuart England*, p. 288. Like the earlier account of Daniel's historical in Levy's *Tudor Historical Thought*, (to which it of course owes much) Woolf's treatment of Daniel's sources is somewhat cursory, favouring analysis of his historical thought.

separately in an appendix, but somehow he never got the means'.[20] Daniel's promise to cite his sources in his note to the reader, is accordingly treated as unfulfilled, and while he asserts that the impulse to organise his sources in an *Appendix* 'suggests a distinctly modern sensibility', he qualifies his statement by asserting that 'he never thought to seek out the documents except as he found them in the chronicles'.

Where, therefore, the *Appendix* has appeared in critical accounts of Daniel's *Historie*, the project has tended to play the supplementary role in broader distinctions of Daniel's approach to his source material. Accounting for the lateness of the manuscript's discovery, spanning the vast majority of modern accounts of the *Historie*, the relative vagueness with which it has been addressed is of course understandable, yet leave a number of questions for both Daniel's treatment of 'first hand' sources in the *Historie*, beyond even what the manuscript might tell us about the extent of Daniel's historical research. In claiming, for instance, that it is noteworthy that 'Daniel should have such scruples' as to publish an *Appendix*, Levine does not further consider what kind of a departure Daniel was making from his chronicle sources in choosing to relegate documentary material to an *Appendix*, and thus what specific 'modern sensibility', if any, the project evinces. Woolf, on the other hand, locates Daniel's *Appendix* within the key driving forces of his study, namely between a 'cut and paste' style of narrative history writing, and the gradual reconciliation of scholarly antiquarianism with the writing of history itself, without further examination of either Daniel's marginal citations to primary sources in the *Historie*, or the manuscript *Appendix*. The implied link to Cotton and Camden is therefore indistinctly drawn.

Despite the considerable importance of the discovery, no further steps have been taken to scrutinise the various claims that have been made for the *Appendix* using the available manuscript evidence. As a result, the *Appendix* remains an anecdotal curiosity in the critical literature of the *Collection*, and little more understood than when it was attested only by Daniel's commentary and the book's printed marginalia. Fundamentally, then, this chapter intends to fill this considerable gap in our knowledge of Daniel's *Collection*, drawing upon the copy of the *Appendix* supplied by NLS 5736, and upon new manuscript evidence. As such, it will ask what kinds of precedents informed Daniel's conception of the place of primary documentation in narrative histories? How are the texts in the MS *Appendix* used to gloss Daniel's history*?* What do the texts in the *Appendix* tell us about the extent of Daniel's historical research? And how, finally, does the reincorporation of the projected *Appendix* transform our understanding of the *Collection* as a history?

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[20] Levine, *The Battle of the Books*, pp. 296-7. Insofar as Daniel quotes frequently from his sources in the main text of his history (particularly from letters), Levine's statement here is partially incorrect.

The *Appendix* and 'the Aduertisement to the Reader'

Daniel's commentary on the *Appendix* in his 'Aduertisement to the reader' offers an instructive point of entry into the project. It will thus be necessary briefly to situate the *Appendix* within the range of concerns that the address discusses. Fundamentally, the 'Aduertisement' can be read as a justification of the formal principles he has employed to write the history, and the methods by which the history was constructed. As such, Daniel uses the advertisement to the reader to explain his method of citation, and to give his fullest account of his source materials and the principles with which he has approached them. Much of his discussion here is made to assure the reader of the *Historie*'s authority, in which the veracity of its source material – containing '*the Stampe of Antiquitie, the approbation of Testimony, and the allowance of Authority*' - plays the key legitimating role. It is here where Daniel gives perhaps his fullest explanation of the use of marginal citations in the printed text, supplying a list – though by no means comprehensive – of the authors he has used for each life in case they are omitted from the margins.[21] After this, Daniel makes a striking reference to his usage of 'supplyes extraordinary', acquired 'either out of Record, or such Instruments of State, as I could procure'. What Daniel appears to be invoking here is the use of non-literary, or first-hand documentation that cannot be readily consulted in the chief narrative sources he used for the bulk of his accounts. In these cases, presumably owing to the 'extraordinary' nature of the material, Daniel asserts that he has 'given true account' of his particular source in the margin.

The history of source citation, indeed, has proven a fruitful line of enquiry in the history of historiography. In his excellent study of the history of the footnote, Anthony Grafton has examined the tensions in the early seventeenth century between erudite, scholarly methods of source citation, and its usage in 'pre-critical' history.[22] Despite the voluminous extent of his research, for instance, Grafton argues that De Thou 'wanted the superstructure' of his book 'to remain classical', and hence refused to make his sources plain in the interest of preserving the integrity of the text.[23] This practice is likewise followed by Camden and Bacon in their histories. Daniel, for his part, settled to gloss the history within the narrow borders of the margin that frames each page of the *Collection*, which provide summaries of the events that the text depicts; datings; occasional notes; and source citations. Where Pitcher has argued that in his method of source citation, 'Daniel was every inch a new historian', however, his commentary ultimately suggests a less concerted method: citing the

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[21] See William Leigh Godshalk, 'Daniel's "History"', p. 53.
[22] Grafton, *The Footnote*, p. 147.
[23] Ibid., p. 141.

main sources for his history in the 'aduertisement', Daniel reserved the margins for occasional or 'extraordinary' sources (a practice he put to fullest use in the opening two books of the *First Part*, which are reproduced in the *Collection*), and referemces in the *Appendix*.[24] Read in this light, his method becomes at once less rigorous than Pitcher has supposed, and more consistently applied than Levine has argued.

It appears to be, therefore, partly in the interest of lending the 'allowance of Authority' to the *Historie* that Daniel frames his decision to compile an *Appendix* consisting of 'all Treaties, Letters, Articles, Charters, Ordinances, Intertainments, prouisions of Armies, businesses of Commerce, with other passages of State appertayning to our History.' In his description of the projected *Appendix*, moreover, Daniel throws further light on the conceptual shape of the *Historie* and the *Appendix*'s relationship to it. Earlier in the text, Daniel describes his role as author and historian chiefly involving the act of 'sewing [the history] together' from its disparate sources. Daniel's reasoning here immediately calls to mind the typical humanist objection to medieval and later chronicle histories for both stylistic and organisational incoherence. Equally, however, his relationship to style is more complicated than this historiographic model can wholly accommodate for; the brevity of the *Historie* itself distinguishes Daniel's history from the other contemporary English histories it is often linked with. His commitment to writing a 'brief' history therefore involves practical concerns just as much as literary. The clearest demonstration of this occurs in Daniel's dedication to Robert Carr in the *First Part of the Historie*, where he reflects that 'to know the generall affaires of *England*, who haue least leasure to read them'.[25] There, then, the question of brevity, is intimately concerned with that of the *Historie*'s readership, serving in part as a distillation of the general course of English history for the instruction of a politically involved readership. Turning again to the 'Aduertisement', it is Daniel's desire for the history to give a unified, 'vn-interrupted deliuery of the especiall affaires of the Kingdome', without 'imbroyling the memory of the reader' that justifies the omission of documentation from the body of the history itself.

It is important to stress, of course, that by its nature as an appendix, the project occupied a secondary importance to Daniel than that of giving 'the especial affairs of the kingdome' in the narrative itself. Indeed, he gives no indication that Daniel intended for the *Appendix* to be a compulsory part of the finished book. Instead, he comments that he intends to publish the *Appendix* 'for the better satisfying of such Worthie persons, as may make vse of such Materials'. The fact that Daniel chose to omit primary documentation from the main narrative *Historie*, however, is

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[24] Pitcher, 'Daniel, Samuel,'.

[25] Samuel Daniel, *The First Part of the Historie of England* (London: For Nicholas Okes, 1612), sig. A2v.

ultimately less remarkable than his intention to accommodate this material into the overall structure of the book, a project not readily paralleled by Daniel's contemporary narrative historians. The immediate comparison point, which Daniel certainly has in mind, is the practice in many of the annalistic histories on which he relies, to incorporate primary sources into the texts of their narratives. As Michael Staunton observes, the inclusion of documentary sources was characteristic of medieval historiography, emerging particularly within ecclesiastical history writing, developing in England within the monastic tradition of ecclesiastical and civil history writing, with writers such as Bede, Eadmer, and William of Malmesbury supplementing their histories with documentary material.[26] The subject of Staunton's analysis here is Roger Howden, whose position as a civic administrator, he argues, 'gave his history a character that had not been seen before in England', defined by his extensive access to – and inclusion of – the state documents of his day.[27] As such, his *Chronica* remains a key repository of primary documentation for Angevin England, and was used extensively as such in the early modern period, whether for its extensive records of the Becket correspondence, which forms a large part of Foxe's account of the affair in the *Acts and Monuments*; or later, as a repository of early English legal texts for the early publications of Selden.

In his account of Howden, Taunton asserts that 'through his extensive use of documents we can see the workings behind the great public events of their time'. Where we need not presume a likeness of implication, there is some resonance between his position here and Daniel's own analysis of the value of letters contained in Howden, invoked in the previous chapter, which for him give 'more of the inside of affaires, than any relations else' (sig. H3v). Daniel's especial praise of letters there, which he believes constitute 'the best peeces of History', is of course itself indicative of the manifest differences in historical outlook that characterise both historians, yet it nonetheless provides a window into how Daniel might have conceptualised the value of documentary sources as an ultimate part of his completed history. In making his case for the especial value of letters, Daniel may well have been informed by Francis Bacon's earlier commendation of the historical value of letters in the second book of *The Advancement of Learning* (1605), in which he writes: 'the Letters of Affaires from such as Manage them, or are priue to them, are of all others the best instructions

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[26] Michael Staunton, *The Historians of Angevin England* (Oxford: Oxford University Press, 2017).

[27] Ibid, p. 10. Staunton views the novel character of Howden's history as deeply tied into the administrative innovations of the Angevin government, beginning with Henry II, which created 'new kinds of administrators, new subjects of concern, new kinds of sources, and new kinds of historians' (p. 56). For Staunton, therefore, Howden's *Chronica* represents the convergence of existing historiographical practices with these revolutionary changes in the nature of English government, rather than a conscious shift on part of its author.

for History, and to a diligent reader, the best Histories in themselues'.[28] This account occurs towards the end of Bacon's attempt to offer a comprehensive survey of the branches of historical writing, just before he moves from histories grounded in truth, whether natural or temporal, to 'FAINED HISTORIE', or poetry. To Bacon's classification of the various types of sequential histories, then, he adds a further category under the title of 'APPENDECIES to HISTORIE', which he defines as the 'words' – expressed in 'ORATIONS, LETTERS, & BRIEFE SPEECHES, or SAYINGS' – by which political events ('deeds') are brought into effect. Bacon's distinctions here between letters and oratory are more classically inflected than Daniel's, yet the terms of value which he ascribes to letters – that they constitute 'Histories' in themselves, and therefore fulfil something of a commensurate purpose to that of narrative history writing by showing the inner workings of the political process – shares much with Daniel's later appraisal.[29] Without supposing any easy transposition of Bacon's categorical distinctions onto Daniel's book, moreover, Bacon's telling conceptualisation of the written testimony of historical figures as the 'appendices to historie' certainly could have informed Daniel's own thinking about the organisational shape of the *Collection*. In doing so, the remit of what constituted appropriate material for an 'Appendix' may well have widened to incorporate the broader variety of materials that Daniel encountered in his research for the *Collection*, within and without the chronicles that he read. Certainly, his awareness of the utility of documentary evidence extended beyond the more politically intimate examples of letters, as his description of the contents of the *Appendix* testifies to. While not strictly related to the contents of the *Appendix*, another telling point of the 'Aduertisement' is his apology for any errors that the *Historie* may contain, which ends with a reflection on the often-contradictory rendering of such numerical figures as 'the summes of Monies, numbers of Souldiers, Shippes, the slaine in Battayle, Computation of Tymes, differences of Names and Tytles' by his sources. Here, Daniel makes especial claim for the value of precise monetary sums, the knowledge of which 'serues much for instruction'; where the precise date of a particular event 'makes not a man the wiser in the business then done' (sig. A4r).

From my examination of Daniel's preface to the *Historie*, several of his governing concerns

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[28] Francis Bacon, *The Oxford Francis Bacon, IV: The Advancement of Learning*, ed. Michael Kiernan, (Oxford: Oxford University Press, 2000) p. 72-3. The overriding concerns of Bacon's work - its defence of learning in general, its refusal to prioritise the work of the ancients above that of the moderns and thus its particular advocacy for further discovery - are all those which Daniel shared deeply, and which he expressed in his own defence of learning, 'Musophilus' (with which Kiernan has compared *The Advancement of Learning*), as well as in *A Defence of Rhyme*. It seems that *The Advancement* would have been of enormous interest to Daniel.

[29] A good example of the classical contexts that inform Bacon's distinction would be the respective value of the letters of Cicero, and his public oratory. Kiernan notes that Bacon followed the model of the 'ancients' in recording his own letters and public speeches (Michael Kiernan in ibid. p. 273-4).

for the *Appendix* are apparent. It is tempting to read his commentary on the *Appendix* in light of his earlier invocation to the 'supplyes extraordinary', and indeed to identify that earlier statement as evidence of Daniel's manuscript research. It should not, however, be assumed on this basis that Daniel was necessarily referring to manuscript material; 'extraordinary' might also apply in this context to such printed collections of documentary material as Lambarde's *Archainomia*, of which Daniel made frequent use, citing the text often in the margin. Clearly, on a fundamental level, the *Appendix* provided Daniel with a practical solution to an organisational problem: Daniel recognised the 'instructional' value of the primary documentation he encountered during his historical research, but elected to restrict in the interests of preserving the brevity and narrative unity of the *Historie* itself. Such a process, indeed, clearly also involved a degree of curation on Daniel's part; with 40 citations to the *Appendix* appearing in the printed history, its contents clearly represent a selection of materials from his research. On another level, we might presume that the *Appendix* served to give further legitimacy to Daniel's authority as a historian, lending the 'stampe of antiquity' to the work it supplements. More importantly though, Daniel also intended for the *Appendix* to be of utilitarian value: it was assembled so that it might serve the practical needs of a readership.

National Library of Scotland MS 5736: Overview

National Library of Scotland MS 5736 consists of two separate manuscript texts, bound together in limp vellum. The first, and earliest text in the manuscript, is a copy of Asser's life of Alfred the Great, written in a sixteenth-century italic hand.[30] Following this is the manuscript of the appendix to Daniel's history, which takes up the remainder of the volume.[31] As Pitcher has established, the text of the appendix is readily identifiable with Daniel's history due to the title page that opens it, written in Daniel's distinctive Italian style hand, that reads 'The Appendix to the Collection of the Historie of Englam' [sic].[32] In the upper left of the margin, Daniel writes a list of the monarchs that the appendix presumably intends to cover, beginning with William I and ending with John. Other than on its title page, Daniel's hand recurs at several points in the manuscript, providing the titles for two of its texts.[33] Most of the text is written in the hand of an amanuensis. As is common with scribal manuscripts of the early-seventeenth century, the amanuensis typically employs an italic hand for titles, names, and marginal notes, and writes in secretary hand for the body of the text.

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[30] National Library of Scotland MS 5736 ff. 1r-21r.

[31] Ibid., ff. 22r-77r.For the purposes of this essay, I refer to the manuscript as either 'NLS 5736' or 'The Kerr MS'.

[32] Ibid., f. 22r. Daniel's autograph recurs a further two times in the text of the MS (ff. 31r, 37r; items 5, 13), where it provides headings. See n.55 for another instance of Daniel's hand on the back pastedown.

[33] Ibid., ff. 31r, 37r.

Some notable exceptions to this practice will be discussed later.

In total, NLS 5736 contains 50 items, in Latin, and English. Typically, the scribes begin a new item in the manuscript on a separate folio sheet from the one that preceded it. This practice is not always implemented consistently, however, and where this is usually explained by a connection between the sequence (for instance, two or more texts on the same monarch), occasionally there is no obvious chronological connection between a new text and the one it follows. Beyond these instances, therefore, it is unclear whether or not that the manuscript was composed sequentially, suggesting a more electric approach to its construction, with the general practice of presenting each text on a separate page allowing for a certain degree of organisational flexibility in the final assembly of the sequence. As it stands in the present sequence, the manuscript loosely follows a chronological sequence, beginning with William I and working up until Edward III (whose reign, however, is not represented in the present manuscript), as indeed would likely have been the organisational shape of the finished work. There are, however, a number of notable inconsistencies within this sequence, perhaps most heavily in the latter half of the manuscript, where the nominal progression from King John to Henry III is interrupted by a long sequence of texts on the deposition of Richard II (falling curiously outside the remit of the final edition of the history), before returning to Henry III. Following the sequence on Henry III, moreover, the chronology is again interrupted by two text relating to the reign of Henry IV, after which – separated by six blank folio sheets – the manuscript moves to a chronological sequence of texts on Edward II. The sequence is further interrupted by the final two items in the manuscript, which are two separate texts relating to Richard I and King John respectively.

While we have seen that he projected *Appendix* has generally suggested a willingness in Daniel to consult primary manuscript material in his research, with Woolf in particular asserting that the discovered manuscript demonstrated Daniel's use of 'original sources' from Cotton's library, an examination of the texts extracted in NLS 5736 give a different picture of the project. Almost every text in the 'Kerr MS', indeed, is a transcription from a limited range of printed sources: by far the most frequently used source in the manuscript is Holinshed's *Chronicles*, from which twenty six of the items are derived, while the second (with eleven items) is another large Tudor history, Hakluyt's *Principal Navigations*.[34] Seven texts derive from Savile's *Scriptores*, two of which derive from Malmesbury's *Historia Novella*, and six from Howden's *Chronicle,* while two texts derive from Lambarde's *Archainomia*. A table of the year's expenses in the household Henry Earl of Leicester,

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[34] For a full account of each source used in the MS, see Appendix D of this thesis.

during the reign of Edward I is supplied by Stow's *Suruay of London* (1598). Most of the given headings for each text in the manuscript appendix are borrowed from the printed sources from which they derive. In several instances, however, the manuscript contains titles not found in their sources. From Holinshed, for instance, Daniel takes two texts relating to Anselm's clerical reforms, consisting of two numbered lists of prohibitions for the clergy made at two separate synods in 1102 and 1008. These lists are not distinguished (as many of the Holinshed texts used for the Appendix are) from the rest of the text by separate titles, and are introduced instead by a brief description of the synod in which they were made. Daniel, in turn, uses the basic framework of Holinshed's descriptions to devise his own titles for the text.[35]

In light of the relative centrality of medieval historians as sources for the *Historie* itself, wherein later chronicles such as Holinshed's usually act as supplementary texts, Daniel's heavy reliance upon the later chronicles for the texts in the 'Kerr MS' is remarkable. Frequently, it displays displaying a preference for later English copies where their Latin originals were available to him. This is well illustrated by his inclusion of a summary, from Holinshed, of the articles made by Anselm during the council of London in 1102. In addition to the Holinshed text, another copy of the articles was available to Daniel in Savile's text of *Gesta Pontificum*.[36] A more transparent example is the copy of the agreement between King Stephen and the Duke of Normandy, which is made from a text in Holinshed whose heading gives Matthew Paris as its source.[37] Daniel's preference of Holinshed over Malmesbury and Paris in these two instances is perhaps best explained by a preference for texts in English over those in Latin, and that – regardless of whether or not Daniel cross referenced between the texts in making his selections – Holinshed and Hakluyt therefore provided a repository of translated documentation.[38] This need not imply a strong commitment to rendering each document in the *Appendix* into English; it is probable, for instance, that in texts where no existing English translation was available to him, such as the items from

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[35] Holinshed, for instance, introduces the 1108 synod as follows: 'Anselme held an other synod or councell, whereat in presence of the king, and by the assent of the earles and barons of the realme it was ordained. [etc.]' In the appendix, this becomes the title: 'Ordinances by the said Anselme made at a Synode holden in presence of y<e> Kinga[nno] [re]g. Hen: I' (f. 31r).

[36] Another document, in Latin, and available to Daniel in both Lambarde's *Archainomia* and Howden's *Chronica*, is the ten articles ('Decreta') of William I which opens the 'Kerr MS' sequence. For the *Appendix*, Daniel chooses Lambarde's text over Howden's, possibly for the marginalia - faithfully transcribed in the 'Kerr' text - that accompanies it, which stands in contrast to the sparser presentation of the text in the *Scriptores*. Lambarde's text of the *Laga Edwardi Confessoris* follows the *Decreta* immediately in the sequence, which might equally suggest that Daniel used the *Archainomia.* See William Lambarde, *Archainomia* (London: For John Day, 1568), sigs. Mm1v-Mm3r; Henry Savile, *Rervm Anglicarvm scriptores post Bedam* (London: For George Bishop, Richard Barker, and Ralph Newbury) sigs. LL6v- Mmm1r.

[37] C.f., NLS 5736, f. 37r (Item 13) and Holinshed, III, sig. F5r.

[38] In some instances in the *Historie*, Daniel quotes briefly from a source in the main text of the Historie, citing the *Appendix* in invitation to consult the full text. In these cases, it is clear that the quoted passage is Daniel's own translation.

Lambarde and the *Scriptores*, Daniel would have printed the texts in Latin without an accompanying translation. Rather, then, it would appear that Daniel gave priority to English texts where they were available in his sources.

Although the vast majority of texts in the manuscript derive from printed sources, there are two texts additional texts copied here which Daniel cannot have accessed in print. Both of these texts are extracted from prose additions in John Hardyng's later *Chronicle*, and relate to Bollingbroke's deposition of Richard II. Although not generally regarded as one of his sources for the poem, it seems somewhat likely that Daniel had previously encountered Hardyng's work, which was printed and expanded by John Grafton in 1543, in the course of composing *The Civil Wars*. The first of these is an account of a 'feigned chronicle', supposedly disseminated by John of Gaunt to prove that Edmund Crouchback, and not the future Edward I, was the younger son of Henry III, with the aim of bolstering the claim of 'heire apparannt to King Richard' for his son (NLS 5736, f. 64r). The second text, which follows after the first in the NLS sequence, relates to Henry Percy's uprising against Bolingbroke in 1403. This text begins with a short explanatory passage in English, in which Hardyng explains how 'many men mervaile' that Percy, who was once loyal to Bollingbrook, would eventually stage an uprising against him. Proposing to answer this question definitively, Hardyng proclaims that 'I the maker of this booke was brought up from vii yeres of age in S<r> Henry Percies howse', and thus 'I know his intent and had it written' (NLS 5736 f. 64r). Hereafter, Hardyng provides a Latin text addressed to Henry IV in the names of Percy and other nobles, alleging (among other things) that by usurping the crown, murdering Richard, Bolingbroke had broken a 'holy oath sworn to us at Doncaster' shortly after his return from exile.[39]

Sarah Peverley has established in her description of twelve surviving fifteenth-century manuscripts of Hardyng's later *Chroncile* that there are three copies which contain the prose additions extracted in the 'Kerr Manucript': Bodleian Library MS Arch. Selden B. 10, Harvard University MS 1054, British Library MS Harley 661.[40] In her analysis of the relationship between the available manuscripts of the *Chronicle*, Peverley asserts a particularly close relationship for the Bodleian and Harvard manuscripts, positing that the latter was likely copied from the former.[41] The textual distinctness between the Bodleian and Harley texts on the one hand, and the British Library text on the other, is well demonstrated by the number of variants in the Harley copy of the two texts

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[39] *Chronicles of the Revolution: 1397-1400*, (Manchester: Manchester University Press, 1993), trans and ed. Chris Given-Wilson, p. 194.

[40] Sarah Louise Peverley, *John Hardyng's Chronicle: A Study of the Two Versions and a Critical Edition of Both for the Period 1327-1464* (Unpublished Phd Thesis: University of Hull, 2004), pp. 71-115.

[41] Ibid.,p. 121.

in question, recorded by Peverley in her text of the longer chronicle.[42] These variations allow us to determine that the Harley text is probably not related to the transcriptions in the 'Kerr MS': where variants exist between the Bodleian and the Harley texts, the 'Kerr MS' agrees with the Bodleian text. Harley MS 661, moreover, lacks the marginal note beside the text on Henry Percy that appears in the Bodleian and Harvard texts, and which Daniel used as the heading for his transcription.[43] The Harvard copy of both texts also has omissions: while it is not clear when this damage was sustained, both texts are made imperfect by substantial tears in the bottom corner of each folio on which they appear; the margins of each folio in question here are substantially cropped, and the present text of the 'feigned Chronicle' lacks the marginal note Daniel used as the basis for his own heading.[44]

While the Harley MS might be readily discounted as a possible source for this text, it remains difficult to determine whether Daniel accessed Hardyng's text in the two other surviving witnesses, or whether from a now lost manuscript source, be it a fifteenth century copy or a later transcription. It seems likely that the choice to copy two texts from Hardyng that do not appear in Grafton's editions was deliberate, possibly suggesting prior familiarity with the printed edition. Given, that Hardyng makes appeal to his own authority as a witness to the events he describes in these extracts, it is easy to see why they both appealed to him as sources. According to Peverley's study, moreover, there is reason to believe that the manuscript witnesses of Hardyng's *Chronicle* attracted some interest in early modern England even after Grafton's publication. During the late sixteenth-century, the Bodleian MS was in the possession of Ferdinando Stanley, (c.1559-1594) from whom Peverley argues Spenser likely gained access to the text, which he utilized during the composition of *The Faerie Queene*.[45] While there is a gap in the provenance trail between Stanley's ownership and John Selden's, it could be that the Bodleian MS had likewise attracted Daniel's attention, perhaps even as early as the 1590s, when Daniel composed the greater part of *The Civil Wars*.[46] Although it is by no means certain, then, the Bodleian text perhaps represents the likeliest source of the three available manuscripts.

The difficulty in establishing a direct source for the 'Kerr MS' text is further compounded by

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[42] See Ibid., pp. 574-75, 579-80. Peverley's text here indirectly copies many of the variations found in NLS 5736, by including readings from British Library Harley 293, a text which I argue below was likely copied from NLS 5736.

[43] British Library MS Harley 661, f. 152v.

[44] Harvard University Library MS 1047, ff. 141v-142v; 144r-145r.

[45] Ibid., p. 81. Peverley also speculates that Stanley permitted Shakespeare to use the manuscript during the composition of the Henry VI trilogy. Through his mother Margaret, whose name is written on the Bodleian text, Stanley was related to the Clifford family as nephew by marriage to Daniel's patron, the countess of Devonshire, and thus as first cousin of his student, Anne Clifford. Depending on whether the manuscript remained in the Stanley family's possession after Ferdinando's death, this might have constituted an avenue by which Daniel gained access to the texts.

[46] The date of Selden's purchase of the Bodleian MS does not appear precisely to be known.

the number of textual alterations that distinguish the Hardyng passages from the available sources, ranging from probable misreadings of the text, to additions in phrasing and punctuation that suggest an attempt lightly to edit the text's archaisms. The marginal note of the text on the 'feigned chronicle', for instance, reads 'Touchant the cronicle of the two sonnes of King Henry þe third in evidence that Edward was the elder son and Edmund be yonger' in the Bodleian.[47] In NLS 5736, 'in evidence' becomes 'it is euident', suggesting a possible misreading (and subsequent correction) of its source. The opening paragraph of the text is a good demonstration of 'Kerr MS's' variations. The Bodleian MS gives it as follows:

> For as moche as many haue bene merred and yet stond in grete erroure and controuersi holding oppinion froward how that Edmond, erle of Lancastre, Laycestre, and of Derby, was the eldire sonne of Kinge Henry the thirde, crouchebakked, vnable to haue be kinge; for which Edward, his yonger broiler, was made kinge bi his assent, as som men haue alegged by an vntrue cronicle, fayned in the tyme of Kinge Richard the seconde by John of Gaunt, duke of Lancastre, to make Henry, his sonne, kinge whan he sawe he might not be himself chose for heyre apparant to King Richard.[48]

In the 'Kerr' manuscript, the verb 'merred' becomes 'in erred' (likely interpreted as an unusual spelling of 'inured'), an error that appears to originate from the commonly identical formation of 'in' and 'm' in English blackletter scripts. 'Oppinion froward' has been adjusted to 'a froward opinion', and a similar change occurs later in the sentence, where 'he might not be himself chose' becomes 'he might not himself be chosen'. It appears that the two apposite phrases that close the latter part of the sentence (beginning 'crouchbakked'), were taken to be fragmentary, for the 'Kerr text' appends 'and that he was' to give the passage clearer syntactical direction. Elsewhere in the text, parentheses are used to separate three separate clauses, for which no precedent is found in the available manuscripts. The closing sentence of the English portion of the text, moreover, is abbreviated in the 'Kerr MS' to remove both the identification of the two sealers of the Latin manifesto as 'squires of Sir Henry Percy', and the note that the text 'now followit next after'.[49] Possibly, this might indicate an omission in the manuscript source it derives from; or perhaps the passage was taken to be redundant at the point of transcription, and thus omitted.

There are several possible explanations for the scribe's alterations in the 'Kerr MS' text. It could be that the text was directly copied by the amanuensis from a fifteenth-century manuscript of the later *Chronicle*, and the multiple instances of syntactical smoothening thus represent the scribe's

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[47] Peverley, p. 574. Harley 661 reads 'Touchynge', while NLS 5736 has 'Touching' (f. 154r).
[48] John Hardyng in Peverley, p. 574.
[49] Ibid., p. 579.

own interpolations onto the text. Such interventions, however, are generally uncharacteristic of the hands in the 'Kerr MS', and where this may partially be explained by the differences between transcribing from printed book and a far earlier manuscript text, the level of fidelity shown to the printed sources elsewhere in the manuscript suggest that Daniel himself might have supervised the changes to the text here, though his hand does not appear in these texts.[50] It is possible, then, the Hardyng texts in the 'Kerr MS' were made from an earlier transcription by Daniel himself.

In his provisional analysis of the 'Kerr MS', made to establish both the manuscript's connection to Daniel, and the precise identity of the text, Pitcher argues that the manuscript is likely not the 'copy [of the *Appendix*] which Daniel probably had ready for the press in 1618'.[51] Of the texts in NLS 5736, he explains, 15 texts agree with the citations to the history, leaving 25 citations to the *Appendix* for which no corresponding source is present in the manuscript.[52] Highlighting, moreover, the 19 folio blank folio sheets interspersed throughout the manuscript, and the items in the manuscript that fall outside the *Collection*'s final remit, Pitcher suggests that the manuscript likely represents a 'working notebook' for Daniel's personal use.[53] Two further observations can be brought to complement Pitcher's comments here. In the beginning of a sequence of texts on Henry II, the scribe begins the preparatory work for a transcription by writing the date for a text in the upper left corner of the page (1155 in this instance), but leaves the page blank.[54] The blank pages in the manuscript, in addition, appear to have been repurposed in making the binding of the text.The upper left corner of the back pastedown contains a note, very likely in Daniel's autograph, reading 'Edward. 2' (similar in presentation to Daniel's heading of Anselm's synod, where he writes 'Henry 1' in the upper left margin). This is otherwise blank, suggesting that it formed a fragmentary part of the overall manuscript.[55]

Regarding the number of texts in the 'Kerr MS', Pitcher argues that Daniel 'appears to have been adding further material for the reigns already covered in the 1618 text', implying therefore that the manuscript represents 'yet another stage in the design for the history', perhaps even beyond the initial assembly of source texts for his printed appendix.[56] It is, however, important to acknowledge that Daniel's own marginal citations to the *Appendix* do not necessarily prescribe the intended remit

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[50] For an example of the scribe's usual fidelity to his sources, see below.

[51] Pitcher, p. 183.

[52] Pitcher provides a table of each instance of agreement in *Samuel Daniel and the Brotherton Manuscript* pp. 185-8. I make some additions to this list below.

[53] Ibid., p. 184.

[54] NLS 5736, f. 43r.

[55] NLS 5736, inside rear cover.

[56] Pitcher, p. 184.

of materials for the work. While Daniel does not directly invoke it in the margins, for instance, it would seem likely that a document as ostensibly foundational to the post-Conquest law as William's supposed 'ten laws' (the first item in the MS) would have been a natural point of entry into the *Appendix*, and it is perhaps telling here that the first item of agreement in the MS – a short charter from William I that grants land to the Earl of Brittany – is written on the verso of the last folio of the *Laga Edwardi*, which follows the 'Decreta' in both the 'Kerr MS' and Lambarde's *Archainomia*.[57] Where it thus remains highly likely that the 'Kerr MS' represents a working copy of the *Appendix* which Daniel continued to work on until his death (coming down to us more or less unfinished, therefore), it is more difficult to determine which items were added later the basis of his marginal citations in the 1615 alone.

Where Pitcher's analysis of the 'Kerr MS' gives a useful account of the purposes that it might have served for Daniel, the history of the MS is further complicated by the existence of another manuscript of transcribed documents with which it shares many explicit points of concordance, along with a number of equally telling differences. Having thus underlined the chief characteristics of NLS 5736, it is therefore necessary to turn to this manuscript – now part of the Harleian collection in the British Library – before giving a fuller analysis of the contents of the *Appendix*.

The 'Kerr MS' and British Library MS Harley 293

British Library MS Harley 293 is a collection of miscellaneous sixteenth and seventeenth-century papers of various sizes, in a modern binding, chiefly relating to either Elizabethan politics or to broader English history. A common characteristic of many of these papers is their association with Ralph Starkey, whose hand – both in its neater, scribal form, and the hastier style often employed for his own notes – features heavily across the collection. Of those texts that are not in his hand or are clearly of an earlier date than Starkey's own, his ownership is usually indicated by his annotation.[58] The majority of texts in the collection can therefore be related with confidence to Starkey's own library, incorporated into the Harleian library through the library of Simonds D'Ewes, whose annotations also appear here.[59] Folios 71r-90r of the manuscript form a sequence of 32 documents, written in a single secretary hand, derived from four printed sources, and covering

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[57] C.f., NLS 5736, ff. 25r-v, 26r-30r, 30v (Item 1, 2, 3); for Lambarde's texts of 1 and 2 see Archainomia, sigs. Mm1v-3r, Mm3v-Qq2v.

[58] See, for instance, a sixteenth-century copy of Henry IV's will, in the lower upper corner of which, Starkey has written: 'This coppie of H the 4<th> his will was Examyned by the origenall vnder the Privie Seale according to the orthograffe in the ~~originall~~ hands of M<r> Thomas Randolfe a counselor of Linches inne the 12<th> of Aprill Ano 1625' (British Library MS Harley 293 f. 92v).

[59] See Harley 293, f. 1r; 18r, for instance.

the reigns of English kings from Henry I to Henry IV.[60] Whereas the scribe of 'the Kerr MS' typically separates each item in the manuscript by beginning them on a separate folio sheet, the sequence of texts here were continuously written, with each item in the manuscript following directly from the last where the available space on the page permits. The scribe usually begins a new text beneath the one he has finished, using catchwords on each page. The only page in the manuscript not to feature a catchword beneath it is f. 81v; ff. 81r-2v, however, are in fact a four-page bifolium, and thus its absence likely does not mark the beginning of a separately written series of extracts. The sequence of texts presented here, for instance the first six items in the manuscript, are ordered – with two exceptions – by the monarchs they cover.[61] Within each sequence, the texts typically follow one another chronologically. The order in which monarchs appear in the manuscript, however, is messier, suggesting some attendance to a chronological sequence at points, but ultimately showing little attempt at systematic organisation.[62] While the hand in this manuscript is very likely to be that of a professional scribe, there is evidence that it was written quickly and with a varying level of care. The scribe's attendance to the punctuation of his source texts is, as we shall see, somewhat inconsistent, and while the opening pages of the manuscript are carefully written, the hand becomes messier as it progresses; from ff. 88r-90r the hand grows visibly bolder, characterised by heavier ink strokes, fewer words per line, and somewhat freer letter formation.

In his description of D'Ewes' library, Andrew G. Watson groups ff. 61-242 of Harley 293 into his catalogue of manuscripts which 'certainly or almost certainly belonged to D'Ewes although they are not recorded anywhere as being his property', and where its claim is less certain than those texts directly bearing Starkey or D'Ewes' hands, its proximity to those texts suggests the likelihood that D'Ewes owned the manuscript.[63] Folios 71r-90r of Harley 293, however, contain no additional annotations to substantiate such a relationship. In her general account of Harley 293, Sarah Peverley has asserted that 'the manuscript was written by Ralph Starkey', a somewhat ambiguous comment that could either apply incorrectly to the extent of the manuscript itself (the work of multiple hands), or to the specific folios of interest to her, which fall within ff. 70r-90r.[64] Assuming that Peverley is referring to ff. 70r-90r, there are a number of clear differences between typical Starkey's

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[60] For the purposes of this chapter, I refer to ff. 71r-80v as 'Harley 293' for the remainder of this chapter.

[61] Items 18 (Harley 293 f. 80v) and 19 (f.80r-v).

[62] The order of kings in the manuscript is as follows: Edward I (Items 1-7;18), Richard I (Item 8), Edward III (Item 9), Edward II (Items 9-10), Henry IV (Items 11-13), John (Item 14), Henry III (Items 15-17; 19), Richard I (Items 20-27), Henry I (Items 28-29), and Henry II (Items 30-32).

[63] Andrew G. Watson, *The Library of Sir Simonds D'Ewes*, p. 84, 324.

[64] Peverley, p. 116. Peverley neglects to acknowledge that ff. 77r-79r are part of a larger sequence within Harley 293, which adds to ambiguity of her description here.

hand and the scribe here that complicates any certain identification. It remains true, as we have seen in my opening chapter, that Starkey's hand can vary depending on the circumstance of composition: his casual hand is typically far looser in style than his professional secretary hand. While there may, indeed, be a number of general affinities between Starkey's casual hand and the example here, the differences are distinct enough to render any identification of this portion of the manuscript to Starkey very unlikely.[65] A more convincing explanation, therefore, is that – if Starkey owned the manuscript – he either purchased it, or else it was copied for him by an associate.

By examination of their respective items alone, a strong connection between Harley 293 and the 'Kerr MS' is obvious.[66] Of the 50 items that feature in Daniel's manuscript appendix, nearly half of the same texts (24) recur in Harley 293; indeed, only items 1-7 and 9 in Harley 293, a series of texts from Hakluyt and Holinshed relating to Edward I and III, find no corresponding text in the manuscript appendix.[67] Examining these opening texts against Daniel's marginal references to the appendix in the *Historie*, moreover, establishes a further relationship between the manuscript and the project. Daniel's life of Edward I includes a series of short extracts from the king's correspondence with the Pope over his war with Scotland, culminating in a longer extract from the Barons' letter of 1301, alleging the supposed supremacy of the king of England over the Scottish crown. Beside this extract is a marginal note referring readers to the unpublished appendix, presumably with the intention of leading them to the complete letter (sig. P. 6v). While this text is not found in NLS 5736, it is present in a translation extracted from Holinshed in Harley 293, under the title 'The tenour of a letter from all the lordes temporall of the Land to Pope Boniface'.[68] In describing the Calais peace treaty between Edward III and John II of France in 1360, which ended the Hundred Years' War, Daniel again refers his reader to the appendix, presumably to consult the treaty itself. Again, this text is not represented in manuscript appendix, and again it is found in Harley 293, extracted from Holinshed (sig. T4v).[69] From these two agreements, it appears that the items in the Harley MS that are not found in the manuscript appendix bear a similar relationship to the printed history to the texts included in the appendix. As I have noted above, the manuscript

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[65] To give an example: One of the most characteristic elements of the hand in Harley 293 is its somewhat indistinct formation of the minuscule 'th' fricative when it begins a word. While there are examples in the text where the scribe will form a t as a straight line with a cross, more commonly he forms the opening 't' somewhat impressionistically as a curved line, which flows into the secretary h, giving the appearance of a single letter formation. (See for instance the opening sentence of the Charter on f. 72r, where this formation is used in three successive words). I have found no such parallel in a known Starkey's hand.

[66] For a list of the items in Harley 293, see Appendix D of this thesis.

[67] Item 1, 'A Mandate of Kinge Edward the first concerning outlandish marchants', is taken from Hakluyt (Harley 293, ff. 72r-3v); Items 2-7 all derive from Holinshed.

[68] Harley 293, ff. 73r-4v (Item 7); see Holinshed, III, sigs. Gg3v-4r..

[69] Harley 293, ff. 75r-76r.

appendix includes texts directly cited in the printed history, and some for which there is no invocation. On this basis, it would appear likely, then, that the texts which are unique to the Harley MS are also related to the projected appendix, especially given the notable absence of texts relating to Edward I in NLS 5736.

Although, as I have noted, the text of Harley 293 is altogether rougher in presentation than 'The Kerr MS', the two manuscripts share several striking presentational similarities. In 'the Kerr MS', texts are dated using either of two methods: the first, and most common, uses the somewhat diagrammatic method where 'Anno' serves as a root from which the calendar and regnal year is given above and below respectively; the other method typically gives the regnal year in the title of the text, and the calendar year above the title.[70] While the texts in Harley 293 are less consistently dated than the 'Kerr MS', the scribe here dates their texts according to the same two methods.[71] Comparing the presentation of the same texts in both manuscripts, moreover, reveals further correspondence in the scribes' choice of method. 12 texts in Harley 293 are undated, nine of which feature in 'The Kerr MS'.[72] Some of these texts, such as the sequence of texts relating to the deposition of Richard II, are undated because they form part of a sequence of texts from the same year; in this case, the first item dates the sequence.[73] The scribe of the 'Kerr MS' likewise employs the same practice in his presentation of the same texts.[74] While there are minor differences of presentation between the scribes' dating in these manuscripts, in cases where Harley 293 includes dated texts that also feature in the MS appendix, the method of dating is the same in both manuscripts: where therefore the scribe of NLS 5736 dates a text in the title, the corresponding text in the Harley MS implements the same method.[75]

Though we have established that the precise ordering of the texts in the 'Kerr MS' is more difficult to determine than the continuously written Harley MS, there are numerous instances where the sequence of texts in the two manuscripts appear in concord. Where, then, the lack of chronological sequence between monarchs in Harley 293 contrasts with the more chronologically attentive sequence in the MS *Appendix*, within the internal groupings of texts in Harley 293, there is

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[70] For instance: NLS 5736, the subheading of title (f. 25r) employs the first method, while the two texts on f. 30v (items 3 and 4) use the second.

[71] Item 10 of Harley 293 (f. 76r), for instance, is undated, where the equivalent item in NLS 5736 (Item 48, f. 76r) has the date of 1321.

[72] Harley 293, items 3 (f. 72r), 5-6 (f. 73r), 10 (f.76r), 13 (78r), 17 (80r), 22 (f. 83r), 24-7 (ff. 84r, 85v, 86r-v), 31, (f. 89r).

[73] Ibid., f. 83r.

[74] Ibid., f. 83v.

[75] For the first method compare, for instance, NLS 5736, f. 74r (item 46) and Harley 293, f. 76r (item 11); and NLS 5736, f. 77r (item 49) and Item 8 of Harley 293 f. 74 (item 8), for the second.

often sequential correspondence between the two manuscripts.[76] The 'Kerr MS', for instance, features a chronological sequence of letters and charters from the reign of Henry III, each written (excepting the final two) on separate folios. The final text in this sequence, 'A Charter for the Marchants of Almaine', dates from 1261.[77] Following this, and separated from the former sequence by three blank folios, are two further charters, now drawn from Holinshed relating to Henry III's victories over Wales and Scotland.[78] In Harley 293, items 12-20 form almost an exact replica of this sequence of texts, including the leap from Hakluyt to Holinshed in the final two items that disturb the chronology. Item 32 of NLS 5657 (f. 58r), which appears between the 'Mandate for the King of Norway's ship' and the 'Charter of Lubek', does not appear in Harley 293, a curious omission which marks the only point of difference between the two manuscripts here. Another notable instance of concordance between the manuscripts is the sequence relating to Richard II.

In addition to the frequent sequential correspondence between the Harley MS and the manuscript appendix, Harley 293 is also remarkable for its use of the same titles as those of the appendix, where no title is given by the source text. The final four items of the Harley MS, for instance, form a short sequence of texts – all taken from Holinshed – relating to the reigns of Henry I and II. All the texts extracted here are untitled in Holinshed, and the titles given to them (often longer and more contextually grounded than the examples where the MS uses Holinshed's titles) each correspond with NLS 5736's presentation of the same text.[79] Within this short sequence, the third item, a text relating to Henry I's reconciliation with the Church after Becket's murder, is particularly suggestive. The title, as given in Harley 293, is: 'King Henry the sonne his purgation and satisfaction in the citty of Auranches in S<t> Andrew church before the kinge his father the cardinals, 2 legatts from the Pope and diuerse bishopps'.[80] The 1808 catalogue of the Harleian Library correctly highlights the text's invocation of the Young King Henry here as erroneous: the proper subject of the 'purgation' here should be the elder Henry.[81] The same error equally applies to the same heading as it appears in NLS 5736, where the scribe initially omits the invocation of 'the sonne' and adds it in superscript, in keeping with the later reference that satisfaction was made

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[76] Items 2-6, for instance, closely follow a sequence of texts in Holinshed, as too Items 21-27, which follow the same sequence of texts Richard II's deposition as the 'Kerr MS'.

[77] NLS 5736, f. 59r.

[78] Ibid., f. 62r-v.

[79] For instance, 'Anselme Archbishopp of Canterbury held a sinnod att London wherein these constitutions were made Anno reg: 3. Hen: I' (Harley 293, f. 86r).

[80] Harley 293, f. 88v.

[81] *A Catalogue of the Harleian Manuscripts in The British Musueum*, 4 vols., (London: For Command of His Majesty KingGeorge III , 1808-12), I, p. 168.

'before y<e> King his father'.[82] The title, like most of the original titles in both manuscripts, is constructed from the contextual paragraph that precedes the extracted text in the *Chronicles*. Here, it forms part of a complex sentence:

> […] and now to saie somewhat of this Henrie the seconds sonne the yoong king, by whom the troubles were moued, (note you this) that after he had receiued the crowne togither with his said wife, they both passed the seas incontinentlie backe againe into Normandie where on the seauen and twentith of September, at a generall assemblie holden within the city of Auranches in the church of the apostle S. Andrew, King Henrie the father, before the cardinals the Popes legats, and a great number of bishops and other people, made his purgation,[83]

It is plausible that, by quickly reading this passage to provide the basic context for the text itself, a scribe mistakenly read the act of 'purgation' in light of its earlier focus on the activities of the younger Henry, and erroneously brought the subject of the purgation, 'King Henry the Father', in line with the later list of its witnesses.

A final, perhaps decisive point of agreement between the two manuscripts, is the inclusion of the same two extracts from Hardyng's later *Chronicle* in Harley 293 that are found in the 'Kerr MS'. In her analysis of the manuscript witnesses of the later *Chronicle*, Peverley identifies Harley 293 as one of 'three known fragments of Hardyng's Chronicle', of which the 'Kerr MS' is not included.[84] While it seems reasonable to assume that other, as yet undiscovered fragments of the later *Chronicle* have survived, Peverley's analysis at least speaks to the comparative rarity of early-modern transcriptions from the later *Chronicle*. Accounting for obvious minor differences in spelling and punctuation across the two manuscripts, the level of agreement between the 'Kerr' and Harley texts is extremely close. Each of the variant readings in the 'Kerr MS' texts (the misreading of 'merred' as 'inerred', the points of altered syntax, the added parentheses, and the omission in the English preamble to the 'Quarrell') finds correspondence in the Harley text, suggesting either a common source, or that one text was directly transcribed from the other.[85] Taken together, therefore, the numerous points of agreement in both the selection of texts and in their presentation across the Harley MS overwhelmingly justifies the presumption of a close relationship with the 'Kerr'.

Having underlined the chief points of correspondence between Harley 293 and the MS *Appendix*, it is necessary to now consider what specific relationship between these two manuscripts

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[82] NLS 5736, f. 44r.
[83] Holinshed, *Chronicles,* III*,* sig. H4r.
[84] Peverley, p. 117. Of the remaining two MSs described by Peverley, one dates from fifteenth century, and the other from the sixteenth century.
[85] Harley 293, ff. 77r-9r.

exists. Given the presence of a title page in Daniel's hand, and the further examples of his autograph across the manuscript, it is easy to identify the relationship of NLS 5736 to the projected *Appendix to the Collection*. In comparison, the overarching intention behind Harley 293 is harder to determine, and – as we shall see – any claim of a direct relationship (such as one being copied from the other) carries significant challenges. Where it is possible, though, that Harley 293 pre-dates the compilation of the appendix, and that Daniel had used the manuscript as the basis for the texts included in the 'Kerr MS', it is far likelier that this is not the case.

A strong indicator that NLS 5736 was not copied from Harley 293, may be seen by comparing the two manuscripts against the printed texts from which they derive. It is true, of course, that when considering a seventeenth-century scribal text against its source, points of variation in spelling and punctuation are to be expected; neither manuscript, indeed, is an exact copy of its sources in this respect. Taking, for instance, a short text that forms part of the sequence on Richard II's deposition, and comparing Harley 293's text against its source in Holinshed illustrates these variations well. The title of the text, as given in the Chronicles, is: 'A copie of the instrument touching the declaration of the commissioners sent from the states in parlement, vnto King Richard'.[86] NLS 5736's text follows Holinshed's spelling here quite closely; indeed, the only variation of note is the use of abbreviation of the fourth definite article.[87] On the other hand, the scribe of Harley 293 makes a number of notable changes here: the scribe consistently prefers to spell 'copie' as 'coppy'; 'touching' and 'sent' are each spelled with an additional e at the end; words ending '-tion' are abbreviated by the common scribal use of '-con' with a macron; and where Holinshed consistently uses 'parlement' in this text, the scribe prefers the spelling 'parliament'.[88] The first sentence of the text, which serves to give context to the document, appears in Holinshed as follows:

> This present indenture made the nine and twentith daie of September, and feast of saint Michaell in the yeare of our Lord 1399, and the three and twentith yeare of King Richard the second.

The differences between the *Chronicles* text and NLS 5736 here are again minimal: the scribe omits the first comma in the text, and renders 'twenith' as 'twentieth'. Harley 293, on the other hand,

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[86] Holinshed, III, sig. Ccc4r.

[87] NLS 5736, f. 54r.

[88] Harley 293 f. 84v.

gives a number of notable changes that appear to be aimed at briefly distilling the essential information of the source text:

> This present indenture made xxixth of Septem\<ber> And feaste of S\<t> Michaell in the yeare of our lord 1399. and the 23 yeare of King Richard the second:

By the omission of 'daie' here (choosing instead to simply give the day and month), and the rendering of Holinshed's 'three and twentith' in Arabic numerals, Harley 293 does not appear a likely source text for the copy in the 'Kerr MS', which follows Holinshed far more closely in these details.

Another illustration of the scribe's closer attendance to its source texts in the 'Kerr MS' is in its rendering of the printed marginalia that often appears in the sources used by both manuscripts. A good example here, the first of which features heavy marginal notes, are the two texts devoted to Anselm. In NLS 5736, the scribe follows the text of the *Chronicles* in transcribing the marginal notes beside the main body of the text, which serve primarily to distinguish the subject ('beneficies', for instance, or 'archdeacons') of each decree.[89] The first page of the text in Harley 293, covering the first four decrees in the manuscript, makes some effort to reproduce the marginalia from Holinshed, (albeit with the omission of two notes) and it is possible therefore that the scribe had intended to reproduce the marginalia fully after copying the finished text; when the scribe continues the text on the following folio, however, his annotation breaks off entirely.[90] The second text on Anselm here, containing four marginal notes in the *Chronicles* and the 'Kerr MS', likewise reproduces none of Holinshed's marginalia. Again, then, of the two manuscripts under discussion, NLS 5736 stays the closest to the Holinshed's text.[91] It therefore seems likelier that the copy in the manuscript appendix was made directly from the text of the *Chronicles* (or from a manuscript that adhered closely to the Holinshed text), than it was copied using Harley 293 as an intermediary.

If, therefore, Harley 293 did not serve as a source for the appendix to the history, what relationship do the two manuscripts share? Perhaps the most difficult challenge to any confident answer to this question, are the presence in both manuscripts of texts that are not included in the other manuscript. If, for instance, the scribe of Harley 293 used NLS 5736 as the basis for his

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[89] See Holinshed, sigs. D1v-2r, S3v.

[90] Harley 293, ff. 86r-8r, 88r-v .

[91] See also Harley 293's additions to the Holinshed text in the first two decrees: where Holinshed simply numbers each decree and records it with an initial 'that', the scribe writes 'First that […]', 'Second that […]' Holinshed, D1v; Harley 293 f. 86v.

transcription, it appears likely that, unless the scribe had consulted another source for the extracts, the manuscript would have included the texts that are not found in the present appendix. Equally so, it must be acknowledged that Harley 293 provides only a selection of the texts that feature in NLS 5736.

Despite the difficulties underlined above, there are two unusual points of concordance between these two manuscripts, again to be found among the texts relating to Richard II, that might go some way to suggest the origins of the Harley MS. From its presentation in the MS alone, there is good evidence to assume that the NLS copy of the text in question was copied directly from a printed copy of Holinshed. The text is a copy of Richard II's resignation of the crown, written in first person, and is the third in the sequence of five texts relating to the event which the scribes in both the manuscripts copy. In the *Chronicles* this particular text is distinguished on the page by a change in typography from the standard blackletter type used for most of the work, to a roman type.[92] In the 'Kerr MS', the scribe takes care to follow the textual distinction given to Richard's resignation by changing the script of his transcription from his standard secretary hand, to an italic hand usually reserved for headings, resuming the use of secretary hand at the point where the *Chronicles* returns to blackletter. This is not emulated by the scribe of Harley 293. The copy in NLS 5736 contains a small scribal error where a short passage from the source is omitted from the main body of the text. The scribe corrects this mistake by writing the missing passage in the margin beside the omission, and indicates its correct place in the text with an arrow below the line, and another beside the correction itself. The text thus appears as such in the manuscript:

> I Richard […] acquit & assoile all Archbishops bishops & other prelats, secular or religious, of what dignitie, degree state or condition so euer they be; and also all Dukes Marquesses, earles barons Lords and all my liege men, […] & successors foreuermore, from the same bonds & oaths, I release, deliuer & acquit **<and set them free, dissolued, and acquit>** & to be harmlesse, for as much as longeth to my person […] (NLS 5736, f. 54r-v).[93]

Turning to the source text for this passage in Holinshed, the cause of this error can be confidently assigned to the highly formulaic and repetitive character of the language, with two similar constructions – 'deliuer & acquit' and 'dissouled, & acquit' – appearing almost directly level with one another in the relatively narrow text block of the *Chronicles*. It is probable that the scribe therefore, perhaps following a momentary lapse in concentration, skipped a line to the second 'acquit'.

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[92] Holinshed, sig Ccc5r.
[93] Emphasis my own.

Turning to the copy of the same text found in Harley 293, we find that the scribe omits the same seven-word passage in the main body of the text as that in the 'Kerr MS', and likewise provides the omitted within the margins.[94] There is evidence here, moreover, to suggest that the scribe did not copy this in the knowledge that it was a correction to the text. The scribe of Harley 293, indeed, often corrects his own errors and omissions: later in his copy of Richard II's resignation speech, for instance, the scribe omits two words in the text, which he later adds in superscript, with an arrow below the line. In the preceding text to the resignation (the 'declaration of the Commissioners' discussed earlier), moreover, the scribe of Harley 293 makes a similar error of omission, in which the repetitive character of the text evidently causes the scribe to skip a portion. In acknowledgement of this mistake, the scribe writes the missing text in the margin of the manuscript, marking its place by drawing corresponding flowers in the text block and beside the missing passage.[95] At the end of the missing passage, moreover, the scribe further distinguishes the omitted passage's place in the larger text by writing the word it precedes. The marginal correction in the resignation, in contrast, is not consistent with the scribe's correction practices, being notably disconnected from the point of text it relates to. Where the marginal note is situated level with the text it clarifies in the 'Kerr MS', the passage stands roughly two lines above the text it should correct in the Harley, giving no signification in either the text block or the note itself that it stands as a part of the main body of the text. Rather, the passage appears to have been copied by the scribe in the belief that it was a marginal note that complimented, rather than amended, the text.

From this detail, therefore, it can be inferred that the scribe did not access the printed text of Holinshed directly in producing this text, but rather copied from another manuscript that contained this marginal correction, which the scribe thereby misconstrued as a marginal note. It may be that the text in the manuscript appendix was itself copied from a previous manuscript that made this correction (perhaps, then, copying the main body of the text first and adding the correction as he encountered it in the margin). In its relative adherence to its printed sources generally, however, and its attendance to the typographical features of the Holinshed text here and elsewhere in the MS, it remains likeliest that the scribes of the appendix relied on printed texts to make their transcriptions. As such, it is surely very likely, if not certain, that the source for the text in Harley 293 was NLS 5736. From this, a possible picture of the general circumstances around Harley 293's composition may be proposed. If it did indeed use NLS 5746 as the basis for its transcriptions, the most puzzling

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[94] Harley 293, f. 85v. See Appendix E of this thesis (figs. 1-2) for a comparison of the marginal correction in the two MSs.

[95] See Harley 293 f. 84v.

aspect of Harley 293 remains the inclusion of items 1-7, and 9, which are not present in the MS appendix, and the number of texts in the appendix that the scribe did not copy in his own transcription.

Comparing the contents of the two manuscripts, the selection of texts provided in Harley 293 does not appear to correspond with any especial design beyond that which is provided by the context of NLS 5736 and its obvious connection to Daniel's *Collection*. Taking, for instance, the sequence of texts extracted from Hakluyt in Harley 293 relating to Henry III discussed earlier, it is reasonable assume that the 'Charter graunted for the behalf of the Marchants of Colen', which appears in the NLS sequence but is missing from the Harley MS, would have been of sufficient interest to warrant copying if the text had been available to him.[96] If, therefore, Harley 293 did use the manuscript appendix as the source for its transcriptions, then it is likeliest that the copy available to the scribe differed substantially from what is now extant in NLS 5736, both in its inclusion of texts that are missing from the surviving manuscript appendix, and in the probable omission of texts which are found in NLS 5736. One possible explanation here might be that the transcription Harley 293 was made either shortly before or after the inheritance of the manuscript by Sir Robert Kerr, forming perhaps only part of an inherited collection of loose papers. This interpretation might go some way to explain the discrepancies between the manuscripts: the broad disordered chronology of Harley 293, for instance, with several instances where the sequencing of texts reflects the order found in NLS 5736. Conceivably, then, it is possible that the present sequencing of the text represents something of a later composite, and that the papers from which items 1-8 and 12 of the Harley MS were copied were lost at some point between the manuscript's inheritance and its binding.

Even if the direct source for Harley 293 cannot be determined with certainty, the manuscript assuredly does demonstrate early engagement with the papers that Daniel assembled for his *Appendix*, and that copies were made from the text early into its history. Certainly, there is contemporary evidence of interest in Daniel's papers, namely in a letter written to Kerr in 1621 by the Scottish poet William Drummond (1585-1649), who had acquired a manuscript presentation copy of Daniel's masque *Hymen's Triumph*, which is preserved today in the University of Edinburgh library. Finding that his copy lacked both a title and a chorus, and hearing that Daniel 'bequeathed to you his scrolls', Drummond enquires whether 'there were a more perfect coppye

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[96] The same can surely be applied to the other Hakluyt texts missing from Harley 293, including the three letters from the King of Norway regarding English merchants (NLS 5736 f 73r-v).

among the Author's papers'.[97] Drummond today is best remembered for his marked interest in contemporary poetry and drama, (most vividly demonstrated perhaps through his friendship with Ben Jonson), and his enquiry into Daniel's papers reflect this.[98] Given that the bequest of Daniel's papers to Kerr was known soon after Daniel's death, there is possibility that, as the major work of his later years, there was some contemporary interest in Daniel's historical papers in the immediate aftermath of his death. Daniel's invocation of the unpublished appendix in his note to the reader may well have encouraged investigation of these papers for a copy of the unpublished text. Certainly, such a text may have drawn the attention of a collector such as Ralph Starkey, the likely owner of the Harley MS, a figure whose acquaintance of Cotton may well have made him well placed to access the manuscript. Equally, however, it must be acknowledged that the reasons for Harley 293's transcription – whether it was intended as a copy of the appendix, or whether it was simply copied for the texts it contained – is impossible to tell without a general title, or an owner's notes. In the absence of this supplementary material, any immediate connection to the *Appendix* would undoubtedly have been lost as the manuscript changed ownership.

The *Appendix* and the *Collection*

As we saw earlier in the chapter, the *Appendix* has frequently been interpreted – with or without the witness of the 'Kerr MS' – as a collection of *pieces justicatives*, by which Daniel 'made his sources plain'. Pitcher has given the clearest demonstration of this practice thus far by examining Daniel's discussion of the pact of peace between Henry II and Roderick, the King of Ireland, which briefly describes the terms agreed between the two kings. By citing the *Appendix* beside this description, he writes, 'the reader was directed to some document [now supplied in the 'Kerr MS'] by which he might test Daniel's account of the political concord agreed' between the two kings.[99] In this example, therefore, Daniel intended to offer the text of the agreement to verify the historical authenticity of his narrative, much along the lines of his assurance in the 'Advertisement' that 'the Reader shall be sure to be payd with no counterfeit Coyne'. Pitcher's table of the instances of

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[97] William Drummond, 'William Drummond of Hawthornden to Sir Robert Kerr' in *Correspondence of Sir Robert Kerr, first Earl of Ancram and his son William, Third Earl of Lothian*, ed. by David Liang, 2 vols. (Edinburgh, Bannatyne Club, 1875), I., pp. 24-5, p. 25. Drummond's copy of *Hymen's Triumph*, presented by Daniel to Jane, 'the ladie of Roxborough' (from whom Drummond evidently acquired it) is a scribal copy of the text, containing a dedicatory poem, two songs, and several corrections in Daniel's autograph (University of Edinburgh Library, MS D.e.3.29, ff. 1v, 9r-v, 10r, 29r). Whether or not Kerr supplied Drummond with his requested text, he later wrote the title of the work on the opening endpaper (f. iir). For a fuller account of this MS and its history, see John Pitcher, 'Introduction' in Samuel Daniel, *Hymen's Triumph*, ed. by John Pitcher (Oxford: The Malone Society Reprints, 1994), v-xxxiii.

[98] Michael R.G. Spiller, 'Drummond, William, of Hawthornden' in Oxford Dictionary of National Biography (Online Edn.: Oxford University Press, 2007) < https://doi.org/10.1093/ref:odnb/8085> [Accessed 13 June 2023].

[99] Pitcher, p. 182.

agreement between passages of Daniel's history and the texts in the 'Kerr MS' offer more examples of the practice, among which peace treaties like that between Henry II and Roderick emerge as a recurrent point of focus for further explication. A good example of this occurs (curiously unrecorded in Pitcher's table of agreement) earlier in the history, in which Daniel describes the peace agreement between the future Henry II and King Stephen, which established him as the King's successor. Daniel outlines four relevant articles of this agreement and adds in the next paragraph: 'There is a charter of this agreement in our Annals, which hath other Articles of reseruation for the Estates of particular persons', an assertion accompanied by a citation to the *Appendix* in the margin (sig. G3r). The 'Kerr MS', in turn, supplies two texts from Holinshed that agree with this passage: the charter itself, and a full copy of the 'Articles of agreement' from which Daniel has extracted in the history.[100]

It is important to reiterate at the outset of this analysis that the MS cannot be taken wholly as substantive for the complete *Appendix* as it might have appeared in a printed state. As Pitcher has shown, of the citations to the *Appendix* in the *Collection*, many of course find no corresponding text in the 'Kerr MS', while other texts in the MS do not agree with any passage in the *Collection*. Another ambiguity arises over the over the precise purpose of the texts evidently copied for the unfinished continuation of the *Collection*, such as the passages from Hardyng. From that evidence, it very plausible that certain portions of the 'Kerr MS' were copied for Daniel's personal use during his work on the *Historie*, and where we might credibly argue that Daniel intended to repurpose these notes to substantiate the *Appendix*, in cases where there are no clear points of agreement between an item in the MS and a passage in the *Collection*, this cannot be certain. Another important consideration here is Daniel's inconsistent method of citation: where references to the *Appendix* are often signalled in the margin by the phrase 'vide appendix', Pitcher has recorded four points of agreement where no direct citation is given. If we assume that Daniel intended to print these items in the *Appendix* regardless, the remit of texts intended for the collection, but not witnessed by either the 'Kerr MS' or Harley 293, becomes yet more uncertain. Where, finally, the 'Kerr MS' often does bear witness to a directly illustrative practice of supplementation, such as the examples given above, it is my intention in the proceeding discussion to suggest that the relationship between a passage in the history and the text Daniel employs to gloss it in the *Appendix* is often more complicated than this reading supposes.

As we have earlier established, the *Appendix* is not cited in the earliest section of the *Historie*,

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[100] NLS 5736, ff. 36r-v, 37r.

from the Roman invasion to the Battle of Hastings. Citations begin instead with William the Conqueror, the first lengthy biography of a monarch in the work. Daniel makes five citations to the Appendix in the life of William I, of which Pitcher lists only one instance of agreement with the 'Kerr MS', namely a charter granting land to the King's nephew, the earl of Brittany.[101] Examining the remaining texts on William the Conqueror in the manuscript against the remaining citations to the *Appendix* in the *Life*, however, suggests closer correspondence than Pitcher accounts for.[102] Three of the remaining citations each relate to English law after the Conquest: the first occurs beside a passage narrating the King's statement, at St Alban's, of his 'personall Oath', following the English lords' surrender at Berkhamstead, in which he swears in the presence of Archbishop Lanfranc *'to obserue the Auntient Lawes of the Realme, established by his Noble Predecessors, the Kings of England, and especially those of Saint Edward '*.[103] This passage is among the earliest extracts of the history to be written, having first appeared in the manuscript *Breviary*, after which it was incorporated into the *First Part* with minimal revisions.[104] Although the text of the passage was left unaltered by Daniel when he reprinted it in the *Collection*, his description of the declaration itself is given in italics, in a fashion reminiscent to his common method of incorporating passages from other texts into the work. Together with this citation to the *Appendix* that appears beside it, the effect of this typographical alteration is to suggest that Daniel is extracting directly from the text of the oath he describes, which the *Appendix* will then supply in full.

In light of this apparent commitment to giving a text of the oath, the early date of this particular passage is of significance. As George Garnett has shown, the only medieval source to record that William gave such an oath at Berkhamsted is the *Gesta Abbatum* of St. Albans, a text as then unprinted in Daniel's lifetime, but whose account is the obvious antecedent of Daniel's own.[105] The relationship, however, is likely indirect: where it is possible that Daniel might have accessed a manuscript of the *Gesta Abbatum* in the Cotton Library, it is far likelier that he, in keeping with the heavy reliance on the *Chronicles* throughout the *Breviary,* simply adapted this passage from

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[101] Item 3 in ibid, f. 30v.

[102] Evidently, Pitcher's account is careful only to record unambiguous points of agreement between the two manuscripts.

[103] *The Collection of the Historie of England*, sig. D5r.

[104] C.f. Cotton MS. Titus F. III: 'the King <againe> took a personall oath […] to obserue the Auncyent laws of the Realme established by his noble predecessors the Kinges of England and specially those of S<t> Edward' (f. 316v).

[105] Garnett, *The Norman Conquest and English History*, pp. 162-4. As Garnett has earlier shown, the ultimate source for the submission at Berkhamsted is the *Anglo-Saxon Chronicle*, where it is reported that William 'promised them that he would be a faithful lord' (*Conquered England: Kingship, Succession, and Tenure 1066-1166* (Oxford: Oxford University Press, 2008 p. 1).

Holinshed, which follows Paris closely in describing the oath at Berkhamsted.[106] Neither the *Gesta Abbatum*, furthermore, nor Holinshed's *Chronciles*, supplement their descriptions of the oath with any purported documentary text.[107] Daniel's account, it should be noted, is unique among the three in identifying the Berkhamsted oath with the oath given at his coronation. Possibly he came to view the later oath as a 'renewal' of the Coronation oath by comparing Holinshed's accounts, both of which are termed his 'personall oath' in the *Chronicles*. In spite of this, his accounts of these two oaths remain somewhat conflicting: William promises to '*establish equall Lawes, and to see them duely executed*', a description far more in keeping with the earliest textual accounts of William's coronation oath, implying no special privilege for established English law, let alone the Confessor's laws; and which importantly concerns the king's duties as a lawmaker, rather than own his need to subject himself to the law.[108] Whether Daniel believed that the King had originally sworn to obey Edward the Confessor's laws, or if he regarded the Berkhamstead oath as something of a revision to the original oath, oriented especially for the appeasement of the English noblemen, is thus unclear. Considering the high importance that Daniel places on William the Conqueror's promise to rule according to the laws of Edward the Confessor, Daniel's reason for intending to present a text of the oath are clear.[109] As we have seen in the previous two chapters, Daniel used the king's purported coronation oath to suggest that William had placed himself under the law, a claim that forms his principle strategy for negotiating the difficult question of the conquest's legacy, and the subsequent limitations it imposed on the rights of his successors. Even if, then, he does not allow that the King had followed his promise to rule according to the laws of Edward, the promise – restated in the coronation oaths of William's successors – gives shape to many of the later conflicts between the monarch and nobility in the *Historie*, especially in the lives of John and Henry III. Yet had Daniel thus intended to present a text of an oath to evidence William's willingness to obey the Confessor's laws, he would have been disappointed by his available sources. Malmesbury's account of the coronation is brief, for instance, giving no mention of an oath; Howden, on the other hand, specifies that William 'promised on oath' to protect the Church, and to 'enact and observe just laws', an

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[106] C.F. the passage from Daniel's history quoted above with Holinshed: 'that he would from thencefoorth obserue and keepe the good and ancient aprouued lawes of the realm, which the noble kings of England his predecessors had made and ordained heretofore; but namelie those of S. Edward' (sig. Holinshed, III, sig. B3v). The account in the *Chronicles* dispenses of Paris' more cynical reading of the gesture by simply recording that the oath was sworn, which Daniel follows.

[107] See *Gesta Abbatum Monasterii Sancti Albani*, ed. by Henry Thomas Riley, 3 vols. (London: Longmans, Green, Reader, and Dyer: 1867-9), I, p. 47-8.

[108] The substance of the claim that William had done so, appears primarily to derive from the later Coronation Oath of Henry I, reported in Malmesbury to have reinstituted the 'just rule of our ancient laws […] in full', and – as Garnett argues – further borne out by the so-called Coronation charter of Henry I, which invokes the laws of Edward twice (Malmesbury, *Gesta Regum*, 714-5; Garnett, *The Norman Conquest,* pp 133-5).

[109] See Chapter Two of this thesis.

account much in keeping with the earlier descriptions of the coronation oath in the Anglo-Saxon Chronicle, and the *Chronicle* of Florence of Worcester.[110]

While the 'Kerr MS' accordingly contains no text that correlates directly with the oath described here, two of the texts do directly invoke the laws of Edward: William's 'ten laws', transcribed here from Lambarde, and his famous 'London Writ', which Holinshed presents in an Old English, and a Latin translation, the latter of which is copied directly below the text of the land grant in the 'Kerr MS'.[111] The first text, presented as the laws which 'William King of England made with his principle men after the Conquest', is greatly concerned with negotiating the 'peace, security and good will' between the English and the Normans. [112] The text thus invokes the laws of Edward the Confessor as the universal law that every subject of the kingdom, English or Norman, is required to observe in 'all respects'. A very similar context, albeit on a smaller scale, is evident in the London writ, an address to 'all the townsfolk within London, French and English', promising that 'both of you shall be worthy of those laws as you were in the time of King Edward'. This text is of course primarily concerned with the internal politics of the city, rather than in establishing a justificatory framework for William's reign.[113] Indeed, the writ appears in Holinshed to substantiate the assertion that, in spite of his subjugation of the English elsewhere, William 'somewhat fauoured the citie of London'.[114] In the absence of any documentary text of a writ, therefore, it is very possible that Daniel intended to refer his reader to these texts. In light of its apparent lack of correspondence to any passage in the history, moreover, and its close proximity to the Land grant in 'Kerr MS' (corresponding perhaps with the facing citations to the land grant and the 'oath' in *Appendix*) could suggest that Daniel copied the London writ specifically to support his account of the Berkhamstead oath.[115] Such an ascription, of course, generates its own problems, not least that both the *Leis Willelmi* and the London Writ are couched in the terms of royal grants, and thus do not express the monarch's own obligation to the law.

The final citation to the *Appendix* in the life of William the Conqueror occurs beside his

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[110] Howden, *Annals of Roger Howden*, I, p. 139.

[111] Holinshed, III, sig. B6r; NLS 5736, f. 30v.

[112] 'Hic intimatur quid gulielmus Rex Angloru[m] cum principus suis constiuit post conquesitionem Angliae', NLS 5736, f. 25r. Taken from Lambarde's text.

[113] Quoted and translated in Nicholas Khan, 'William the Conqueror's writ for the City of London', *Historical Research*, 96, (2023), 3-16, p. 3. Khan argues that the London writ was issued to resolve internal tensions within the city itself.

[114] Holinshed, III, sig. B6r.

[115] That the London writ and the land charter were transcribed together is suggested by the subheadings that date them: the heading of the land charter is dated 1087 in the 'Kerr MS', while the London writ is dated 1069. As a comparison with the Holinshed text shows, the correct dating for each is the reverse: the date for the London writ is not given in Holinshed, however because it is printed at the close of its account of William the Conqueror, the 'Kerr MS' gives 1087. The dates for both texts, therefore, were written before either text was copied, scribe then copied the two texts according to their chronological placement in the Holinshed, explaining the error.

description of the king's measures to quell English provincial resistance to the conquest, specifically the fine of 'some 36 pounds, some 28 pounds' imposed upon a hundred in cases where a Norman was found killed, and their murderer was not apprehended (sig. E3r). Daniel's account of the fine is paraphrased directly from its description in the *Dialogus De Scaccario*.[116] In the *Collection*, however, Daniel makes an additional claim for the fine in an accompanying marginal note, asserting that the fine had not originated from William, but instead was a 'renued' law 'first made by King Knute', and directing the reader to the *Appendix* for his evidence. The point of agreement here is clear: Daniel is referring to the sixteenth article of the *Laga Edwardi*, on murder fees, which asserts in its opening sentence that the fees 'were devised and confirmed in the days of the Danish King Cnut' to deal with cases where an Englishman should murder a Danish nobleman and flee.[117]

Considered in general, then, Daniel's citations to the *Appendix* for the earliest passages in the *History* serve a range of purposes, serving to expound on matters to which he only alludes in his narration, to substantiate important historical claims – however inexactly aligned – with documentary proof, and also to offer light revisions to the text of the history itself. While, moreover, several of the citations refer directly to texts which Daniel invoked in *The First Part*, the inherently additive character of the reference to Cnut's institution of murder fees, for instance, suggest that work on the *Appendix* did not begin concurrently with the writing of the earlier edition of the history, occurring instead, perhaps, when Daniel began to augment the lives of the earlier publication into the expanded *Collection*. While it is certain from his frequent references to *Archainomia* in the *First Part* that Daniel had accessed and used Lambarde's text of the *Laga Edwardi* during the initial composition of the 'Life' – and indeed it remains possible that the text of the *Laga Edwardi*, among other texts in the manuscript, originally served as research notes during the composition of the work – he did not use the tract for his initial account of the murder fees, relying instead on the account in the *Dialogus de Sccaccario*. Somewhat uncharacteristically for Daniel, who otherwise obsessively revised his work between successive editions, the *First Part* was reprinted in the *Collection* with minimal alterations to the original text. Conceivably, the lack of revisions to the text might reflect the strains that Daniel's growing ill health exerted on the completion of the work. Perhaps, therefore, one significant purpose of both the marginal block of the *Collection* and the citations to the *Appendix* that it contains, was to allow Daniel to lightly revise his earlier text without extensively reworking what he had previously written.

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[116] See Richard Fitzneal, *Dialogus de Scaccario,* ed. and trans. by Charles Johnson, pp. 52-55.

[117] 'Murdra quidem inuenta fuerunt et constituta in diebus Chnuti Dani regis', NLS 5736, f. 27v. The *Laga Edwardi*'s treatment of the murder fine is discussed in Bruce R. O'Brien, *God's Peace and King's Peace: The Laws of Edward the Confessor*, pp. 78-9.

Similar revisory tendencies are evident when Daniel cites the *Appendix* in his account of Henry I. The most politically loaded revision to the text of *The First Part*, as Daniel Woolf has shown, occurs in the margin of the *Collection*, where Daniel's previous assertion – following Polydore Vergil – that Henry I's call to counsel in 1116 represented 'the first parliament' instead becomes the 'first parliament after the conquest' (sig. F4r).[118] While the original passage that it accompanies is unaltered in the *Collection*, its precise meaning is open to interpretation: following the meetings at Salisbury, he writes, meetings of the King with his counsel 'had from his time the name of Parliament, according to the manner of *Normandie*, and other states'. This could certainly suggest that the practice of holding parliament was Norman in origin, and discontinuous with any proposed Anglo-Saxon precedent, as the marginal note in the *First Part* might suggest. By qualifying that note, however, Daniel subtly exploits the alternative implication of the passage, which emphasises the Norman derivation of the name 'parliament' instead, leaving room to imply that an analogous form of counsel existed in England before the Conquest, even if the form of parliament that was practised thereafter derived its practice from the Normans. Immediately below this amended note, Daniel makes another citation to the *Appendix*, suggesting that, similarly to the note on murder fees, the citation was made retrospectively, sometime after the composition of the *First Part*. The absence of an obvious corresponding text in the 'Kerr MS', together with the fact that Daniel's original sources for the 1116 'parliament' are narrative rather than documentary, introduces similar difficulties of identification that we encountered with the citation appending to the Berkhamstead oath. It is equally possible that Daniel intended to further illustrate the existence of parliaments in England before the conquest; further to justify the etymological derivation of 'parliament' from the French; or to expound on the critical function of parliaments in a state, whereby 'Princes keepe within their circles to the good of their people, their owne glorie, and securitie of their posteritie'.

The two items in the 'Kerr MS' that directly pertain to Henry I's reign, namely the two summaries of Anselm's 'synods', are not directly referenced in the history, nor cited in the *Appendix*. Despite the absence of any clear reference point in the margins, there is good reason to suppose that Daniel intended to publish these texts in the *Appendix*, especially given the relatively sparse attention that the *First Part* gave to the investiture controversy. As established in the previous chapter, Daniel highlights that Anselm's dispute with William Rufus and later Henry I was the catalyst for the later conflicts between the monarch and the church, yet his account offers little more

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[118] See Chapter Two of this thesis.

than a summary of the principal events of the conflict. It is plausible that, after having written a far more detailed account of the Becket controversy in the *Collection*, Daniel decided to substantiate the account of Anselm with supplementary texts, which demonstrate the fundamental points of contention in the dispute without the need to expand on the text of *Historie*. In addition to these texts, Daniel also gives a citation to the *Appendix* beside his description of the letters of Pope Paschal II, exhorting King Henry to desist pursuing his right of investiture, and promising that the papacy will advance the king's interests in other matters of 'state' (sig. F2v). While not collected in the 'Kerr MS', Daniel's description correlates directly to Paschal's letter to Henry I, found in *Gesta Regum*.[119] The language in which Daniel describes this letter bears comparison with his later analysis of the Henry II's correspondence with the Pope during the Becket controversy. Having relied until then upon the power of the Church in his dealing with Henry, he assesses that the King remained 'too strong' and too remote from Rome to 'be constrained'. The Pope resorts instead to 'persuasion', and models his letter accordingly. Like the vituperative, threat laden language exchanged between Henry I and the Pope, the rhetoric of the letter from Paschal – 'kind' and 'full of protestations' here – at once belies and underscores his ultimate intent. Both letters, as Daniel makes plain, dramatize each dispute as a personal conflict between the two 'wills' of the King and that of the Pope. By intending to reproduce the whole letter in the *Appendix*, then, Daniel brings the passage closer in line with his account of the Becket correspondence, which supplements his political analysis of the letters with extracts from the document itself. Finally, in singling out this particular letter for replication, by which the Pope persuades the King to relent in his opposition to Anselm, he further underscores the significance of this action in the broader history of the English church, becoming the basis for both the future expansion of ecclesiastical power over the monarch on the one hand, and a model in which the papacy (seen in lives of Richard I and King John) works to advance the monarch's interests on the condition that he does not incur on the church's proclaimed liberties on the other.

Another possible instance where the *Appendix* serves to expand on areas insufficiently covered in his own account are the items in the 'Kerr MS' taken from Hakluyt's *Principal Navigations*. Although Hakluyt, behind Holinshed, is the second most utilised source in the 'Kerr MS', however, the texts drawn from the *Principal Navigations* have the least direct relationship to Daniel's narrative of all the major sources for the manuscript. Relative to this, Daniel's method of selection here is noteworthy. Including the text of the 'charter concerning outlandish merchants'

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[119] Malmesbury, *Gesta Regum*, I, pp. 776-780.

represented in Harley 293, all of the texts used derive from a continuous sequence of texts assembled in the *Principal Navigations* as part of a a large chronological collection of documents relating to the history of 'domestical and forren trades and traffiques' in Britain.[120] The documents contained in this section – following Britain from the Romans, to the heptarchy and onwards – accordingly consist of letters and charters relating either to trade agreements between England and other European powers, or to foreign mercantile activity in England, especially within the city of London. In making his selection, Daniel focused exclusively on documents relating to the newly written lives in the *Collection*, from Henry II to Edward II, of which only one document is missing from the 'Kerr MS'. This is supplied on the first page of the Harley MS.[121] Although these texts represent the most concentrated series of borrowings from any part of a source text for the *Appendix*, none of the individual items directly illustrate any passage in the history. Daniel's selections, then, are not driven by any commitment to illustrate the history itself, but simply by the utility of the resource as a concentrated series of documents relating to the mercantile history of England. It is therefore possible that these texts were transcribed for reference during the composition of the *Collection*, explaining the remit of the texts. Even though, then, Daniel did not make extensive use of the *Principal Navigations* for the history itself, the book could then have assumed a secondary function as a resource for material in the *Appendix*, where the mercantile history of England becomes a consistent thread within the broader variety of documents that it contains.

Although these examples show that Daniel frequently used the *Appendix* to expand on key events in the text, the application of this principle is not always consistent in the history. Despite being the most carefully documented ecclesiastical dispute in the *Collection*, and perhaps one of the most extensively documented historical episodes in his sources, the Becket controversy is sparsely represented in the 'Kerr MS'. While Daniel's narrative of the dispute passes without any citation of the *Appendix*, the 'Kerr MS' contains two short texts relating to the affair, drawn from Holinshed, which are directly invoked in the text, and thus would have likely appeared in the printed *Appendix*: a summary of the King's decree against Becket in 1165, and the 'Purgation' of Henry I in 1172, following Becket's murder.[122] None of the voluminous correspondence associated with the affair are

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[120] See Richard Hakluyt, *The Principal Navigations, Voiages, Traffiqves and Discoveries of our English Nation*, 3 vols. (London: For George Bishop, Ralph Newbury, and Robert Barker, 1598-1600), I, L4r-M6r. *The Principal Navigations* contain no texts related to the reign of Edward III here. Daniel's transcriptions hence end at the final text relating to Edward II, the 'Ordinance of the Staple to be Holden'.

[121] 'A mandate of Kinge Edward the first concerning outlandish marchants:/' (Harley 293, ff. 71r-2r.; Hakluyt, I, sigs. M1r-3r.).

[122] NLS 5736, f. 44r-v.

represented in the manuscript, and where it is possible that Daniel made transcriptions from the letters for inclusion in the *Appendix* that are now lost, it is equally so that he regarded the long quotations extracted in the narrative itself to give sufficient example of the exchanges, without need of further exemplification. The same practice is seen during his life of King John, in which Daniel quotes at length from the correspondence between the Pope and the King without citing the *Appendix* (sig. L2v-3r). Like the account of the Becket affair, Daniel instead supplements his account of John's ecclesiastical dispute with a short text drawn from Holinshed.[123] Holinshed prints a text of this charter in Latin, followed by act of homage, which he presents in both the Latin original and an English translation. Having summarised the most significant term of the charter, by which John surrenders the kingdom to the Pope, to be held in vassalage with an annual fee of '*a thousand Marks of Siluer*', it might be expected that the citation of the *Appendix* contained in the margin would refer to the full text of this charter. Instead, as the 'Kerr MS' shows, Daniel opted only to include the King's oath of fealty to the Pope, leaving his short description of the charter to stand as sole evidence of its contents.[124] Rather than the constitutional implications of the act, therefore, what ultimately seems more important here is the act of humiliation (or, the state of 'extreme lownesse') that the King's capitulation required.

In another, contextually similar example to John's resignation to the Pope, Daniel's method use of citation works in almost the opposite fashion. We have seen that Daniel intended to supplement a long quotation from the Barons' letter of 1301 with a copy of the full letter in the *Appendix*, presented in the Holinshed translation. Daniel's decision to include this text within the *Appendix* is remarkable both for the complex political contingencies inherent to the dispute, and the uneasy confluence of Daniel's presiding concerns that surfaces from this. The fundamental source of contention here is Edward I's assertion of sovereignty over Scotland – then under English government – following the abdication of John Ballilol in 1296, whose election Edward adjudicated, which precipitated his invasion. In response to this claim, the Scottish nobles make an appeal to the Pope, arguing that Scotland is '*a free Kingdome of themselues*' (sig. P6r). The Pope, in response, alleges that the sovereignty of Scotland belongs to the Church, and orders the King to withdraw from Scotland in recognition of their higher authority. The Barons' letter, therefore, involves a dispute between three significant power claims: the right of the Scottish people to assert

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[123] *Appendix* cited in the margin; the text is present in the 'Kerr MS' (Item 20), NLS 5736, f. 44r-v..

[124] Holinshed, III, sig. Q3r-v. I base my presumption that Daniel intended only to give a text of the act of homage by his presentation of the text in the 'Kerr MS': he dedicates a single folio page to the text, which takes up roughly the upper quarter of the available recto. Had Daniel intended to include the Charter with the words of fealty, it is likeliest that the texts would have been copied together on the same page.

its sovereignty over the kingdom, even in the absence of a monarch; the ostensible precedence of the English crown over Scotland, as established from the '*days of Brute*'; and the church's precedence over the English crown to assert sovereignty over Scotland. In the context of early-Stuart politics, Edward I's effort to achieve the union of the English and Scottish crowns by conquest invited immediate comparison with the union of the crowns, and James' long-term aspiration for the political union of the kingdoms within a single British state, a comparison that Daniel makes explicit. Edward's ultimate aspiration for the union of the crowns is accordingly treated as 'noble' in its intentions (and indeed, driven by the natural impulse for a ruler to increase their power), and Daniel asserts that the only reason that the conflicts it instigated need be remembered in the present is that they demonstrate the 'comfortable blessings' of the present union, and the 'wofull calamities' caused by their separation (sig. P3v). While he concedes that Edward had originally sought to acquire Scotland by peaceful means, his ultimate reading of the King's intervention in Scotland is, perhaps unsurprisingly, highly sympathetic to the Scottish cause. In contrast to the union of the crowns in 1603 – achieved peacefully by right of succession, and thereby established in 'sure, and lasting hold' – the attempt to claim Scotland by means of violent conquest could only hope to attain an unstable settlement.[125]

In addition to the complex external power dynamics that the exchange therefore involves, by its nature the Barons' letter demonstrates the role of parliament in the determination of disputes regarding the sovereign rights of the monarch. While it of course acts in the interest of Edward in the localised context that it pertains to, the letter is not presented as a simple restatement of the King's own letter, but instead serves as a declaration of the nobility's interests in the crown's sovereign claims, and their requirement therefore to act independently of the monarch to ensure the preservation of those claims. Fundamentally, then, the nobles are required by oath to maintain 'the liberties, customes and lawes of our fathers', which in turn binds them in fealty to the king to uphold 'the right of the crowne of England'. Their response to the Pope, therefore, lays great stress on the right of parliament to restrain the will of the monarch if it should come into conflict with his sovereignty. Even if the King would assent to the Pope's demands, therefore, the Barons assert (in a passage which Daniel quotes in the text of the *Historie*) that they 'will not suffer our foresaid lord the King to doo or by anie means attempt the premisses' stipulated by the church.

As Julian Franklin has observed, the principle that the king was prohibited from giving away

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[125] Similarly to the 'Panegyrick', his analysis of the union of the crowns is couched in the language of divine providence: God ordains that the union of the crowns should be achieved in peace, because any other course would not establish a stable union.

any part of his kingdom without the consent of the people was conceded, though not without qualification, even in absolutist theories of kingship.[126] Taken further, however, the claims made in the Barons' letter could be used to claim greater restrictions on sovereign power. Roughly twenty years after the publication of the *Collection*, John Milton encountered the Barons' letter during his reading of Holinshed's *Chronicles*, and used it in an entry of his commonplace book (in the section on kingship) to demonstrate the principal that 'no king can give away his k. dom without consent of the whole state', a position he elaborates on with an extract from Thaunus' French history, which declares that 'the King is merely the usufructuary of the property of the realm in his possession'.[127] Milton's interpretation here is clearly influenced by the Elizabethan tradition of mixed government theory, and especially Thomas Smith, to whom he makes frequent reference in the surrounding entries. Indeed, his following entry cites Smith's analysis in *De Republica Anglorum* of King John's resignation of the crown to the Pope to further clarify the extent of monarchical power. There, Smith argued:

> that act [of John's resignation] neither approved of his people, nor accorded by act of parliament, was forthwith and ever sithens taken for nothing, neither to binde the king, then, nor his successours, people, or Realme.[128]

In Milton's paraphrase, Smith's observation becomes a general rule of kingship that restricts the right of a monarch to act without the consent of the whole state, as embodied in parliament.[129]

In Daniel's history, of course, the Barons' letter receives no such analysis, and the only indication that he thought it remarkable beyond the demands of the narrative is the citation to the *Appendix*. Yet, in the absence of any explication that might make his intent plain, it is perhaps these broader concerns about the respective rights of parliament and the monarch that most convincingly justifies the letter's inclusion. This is particularly so if we remember Daniel's earlier analysis of

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[126] Julian H. Franklin, *Jean Bodin and the Rise of Absolutist Theory*, (Cambridge: Cambridge University Press, 1973) pp. 76-9. As Franklin observes, Bodin accepts this limitation only in the example of a 'successive' monarchy such as France, in contrast to a 'hereditary' kingdom such as England. Because succession in a hereditary monarchy works analogously to private inheritance, 'consent of the state is not required' (p. 78).

[127] John Milton, 'Commonplace Book' in *Complete Prose Works of John Milton*, ed. Don M. Wolfe, (New Haven: Yale University Press, 1953), I, pp. 344-513, p. 141. For an account of how Milton's Commonplace Book is situated within his reading practices in the late 1630s and 40s, (with a particular emphasis on his historical reading) see Thomas Roebuck, 'Milton and the Confessionalization of Antiquarianism' in *Young Milton: The Emerging Author, 1620-1642*, ed. by Edward Jones (Oxford: Oxford University Press, 2012) pp. 48-71. Roebuck argues that Milton's commonplace book, in keeping with the standard practices of the form, do not reflect his 'rough notes' on Milton's reading, but a 'distilled collection of that reading', organised under the three headings of 'Ethics', 'Politics', and 'Economics', that amounts to a work of 'moral philosophy' (p. 53). The organised, argumentative character of his notes on kingship here are consistent with this judgement.

[128] Sir Thomas Smith, *De Republica Anglorum*, ed. Mary Dewar (Cambridge: Cambridge University Press, 1982), p. 56. Though not explicitly stated by Daniel, it is possible that he held John's resignation to be illegitimate for the same reasons that Smith underlines.

[129] Milton's commonplace book renders 'that act' as 'the act of a k.' ('Commonplace Book', p. 442).

Henry II's decision to split the crown between himself and the younger Henry, in which he remarks that it is 'strange that a Parliament, an assembly of the State, conuoked for the same business', should have consented for the King to split the sovereignty of the kingdom. Where he surmises that the King 'would not be denied in the motion', and that therefore he overrode any parliamentary resistance to the decision, the view that parliament was obliged to resist any attempt to divide the sovereignty is implicit in his analysis. Without assuming a total resemblance to the more encompassing view of popular consent that Milton implies, the letter's assertion of the right of parliament to refuse consent, irrespective of the circumstantial ambivalence around the claim itself, articulates exactly Daniel's view of how parliament should proceed in cases where the sovereign is compelled to divide his power.

Conclusion

From this enquiry, it may be concluded that the *Appendix* shows little further engagement with manuscript resources beyond the use of the *Dialogus de Scaccario*. Whatever awareness Daniel might have had of the potential of Cotton's library (for example), the *Appendix* did not emerge from any broadening of Daniel's range of sources, but grew instead directly from his historical practice, which chiefly involved the reading and adaptation of the printed literature of his day. Where, therefore, the rhetorical and organisational principles that spurred him to isolate copies of primary documentation away from his history represents a departure from the 'laborious' chronicles in which he encountered them, ultimately the *Appendix* reinforces his intention to synthesise and distill the medieval and Elizabethan traditions on which he primarily relied. In this respect, the *Appendix* reinforces the history's broader identity as a 'collection' drawn from disparate sources. Simultaneously, the work is not divorced from the argumentative threads of the history it glosses. It is clear that Daniel did not intend for the *Appendix* to be a comprehensive rendering of every document that he encountered during his research, despite the encompassing description of the project given in his 'aduertisement' to the reader.[130] His selection, moreover, indicates the multiplicity of uses that the *Appendix* served: it could be used to qualify or revise earlier passages of

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[130] In addition to the instances where Daniel and offers no citation to the *Appendix*, in other examples Daniel directs the reader directly to his source: for the Charter of Liberties (1100) which the Archbishop of Canterbury presented to John as an example of a royal grant of the Confessor's laws, the marginal citation directs the reader to Paris' *Chronica Majora*. Another, more consistent example occurs when the narrative describes a statutory roll. In these cases, (concentrated in the lives of Edward II and III) rather than directing the reader to the *Appendix*, Daniel instead cites the statute directly, such as in his account of the statute of 1341 whereby the King renounced the right to dismiss his officials, beside which the citation reads as follows: 'Vid Stat. 15. Edward .3.' (sig S2r).

the *Historie*; expand upon areas insufficiently covered in his own narrative (as in the example of the borrowings from Hakluyt); or bolster Daniel's historical arguments. Frequently, then, the level of discrimination with which Daniel included texts in the document depended upon its broader function in the *Historie*.

If we impute a process of curation to the texts in the 'Kerr MS' and Harley 293, then, then it subject to an eclectic range of impulses that varies from text to text. Take, for instance, Daniel's commentary on the methods used by Richard I to raise funds for the king's war with France. To demonstrate the extremity of the extractions, Daniel exhorts the reader to 'witness' three key documents as evidence: the 1194 general eyre of the kingdom by Hubert Walter; the taxes placed upon tournaments in the same year; and the 1198 eyre conducted by the king's four justiciars (sig. K5v). Daniel carries his critique through to his descriptions of each document, highlighting (for instance) the provision in the 1194 eyre for the taxing of Jews, '*on whom the King would haue none to prey but himselfe*', and drawing particular attention to the harshness of the 1198 eyre. Though this passage, spanning two paragraphs, contains only one citation to the *Appendix*, the 'Kerr MS' supplies copies of each document, with the two eyres copied from Howden, and the charter restricting tournaments presented in an English translation from Holinshed.[131] It is reasonable to assume that he intended each of these documents to be printed in the *Appendix*. Read alongside the passages in the *Collection* with which they agree, these texts would have fulfilled a similar function to that outlined earlier by Pitcher, in which the reader is invited to compare Daniel's analysis with the documents he has drawn on. This manoeuvre takes on particular force here, where Daniel's commentary on the proceedings these texts describe forms a part of perhaps his most revisionist and condemnatory historical assessment in the *Historie*.

Bearing in mind their immediate citational context in the *Collection*, if we situate these texts further within the broader range of texts in the *Appendix*, they assume another layer of significance. We have seen, for instance, how Daniel used a citation to the *Laga Edwardi* to lightly revise his account of the origin of murder fines in the *Historie*. The citation is therefore limited in its point of focus, pertaining to only a short chapter of the longer treatise. By intending to present a full text of the treatise in the *Appendix*, Daniel therefore makes an implicit assumption that this text – one of the fundamental early English legal documents for his contemporaries – carries an interest autonomous of the demands of the narrative.[132] Read in this light, the *Laga Edwardi* follows

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[131] NLS 5736, ff. 46r-v, 49r, 77r. C.f. 'The Tenour of the Charter concerning the turnements before remembered' with Holinshed, III, sig. N5v.

[132] We also have seen, of course, that Daniel used the *Laga Edwardi* for his description of Frankpledge, for which see the second chapter of this thesis and Wormald, *The Making of English Law,* p. 8n.

continuously in theme from the document that precedes it in the 'Kerr MS', the 'ten articles' of William I. Where these two texts had closed William Lambarde's collection of early English laws, in Daniel's *Appendix*, they commence a series of legislative texts.[133]

The next item of legislative importance in the 'Kerr MS' is the 'Assize of Northampton', which gives witness to Henry II's centralisation of justice, whereby (as R.C. Vam Caenegem writes) 'royal redress of injustice' was 'given through the (king's) itinerant justices' that 'follow judicial procedures of which jury was the keystone'.[134] Daniel's narrative discusses this process at length, first detailing how the King '*caused the Kingdome to be deuided into six parts, and constitutes for euerie part three Iusitces itinerants*', and thereafter describing both the offences that they were required to address, and the means by which they were adjudicated (sig. I2v). While Daniel's commentary here of course does not capture the exact constitutional significance of these documents, they do show a sensitivity to both the novelty of the practice and the lasting legislative precedent it established. He notes that the 'charge giuen for businesses in these Assises' were relatively limited in their scope, and that

> The multitude of actions which followed in succeeding times, grew out of new transgressions and the increase of Law and Litigation, which was then but in the Cradle. (sig. I3v)

For Daniel, then, the assize sees the beginning of a practice by which the royal estate's later abuses of its administrative powers were facilitated. Read in this light, therefore, the text works to anticipate the two eyres of Richard I. According to Daniel's discussion of the charter in his life of John, moreover, it is by *Magna Carta* – and in particular the edition of Edward I, by which it was made statute – that these abuses were therefore brought under limitation. Beside the passage where Daniel gives his analysis of *Magna Carta*, he gives a citation to the *Appendix*, implying that he intended to present a text of the charter – probably the 1297 edition – as a supplement. In the *Appendix*, therefore, it seems likely that *Magna Carta* would have served as the culmination of this sequence of legal documents, by which Daniel presents something resembling an administrative and legislative record of England after the conquest.

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[133] An admittedly curious omission here is the text of the *Leges Henrici,* which was available to Daniel through the edition of Howden in the *Scriptores.* Neither the *Collection* nor the 'Kerr MS' offer much indication that Daniel regarded the reign of Henry I as legally significant, which might explain the absence of this text.

[134] See R.C. Van Caenegem, *The Birth of the English Common Law*, 2nd edn. (Cambridge: Cambridge University Press, 1988), pp. 40-42.

<u>Conclusion</u>

Despite the various critical opinions that the *Collection* has provoked, many of Daniel's critics are united in their detection of a proto-'modern' impulse coursing through the work. For McKisack, Daniel was a modern whose historical capacities were thwarted by his limited scholarly abilities; for Levy, Daniel's source citations brought him closer than almost all his contemporary narrative historians to the erudite contexts of antiquarianism; despite his qualifications to the contrary, Levine gives commendation of the 'modern sensibility' revealed by the projected *Appendix*; while Woolf posits that Daniel's focus on the developments of the English state gave precedent for later constitutional histories of England.[1] Cumulatively, these views have given the grounds upon which Daniel's *Collection* could lately be pronounced 'the first modern history of medieval England and its kings'.[2] While it has not been the intention of this thesis merely to chisel at the limits of this purported achievement, my analysis shows that emphasis upon Daniel's place in the evolution of English historiography has obscured the broad range of influences and contexts that gave rise to the work. Consequently, scholars of early modern English historical thought have tended to exaggerate how disparate the formal varieties of historical practice were in seventeenth century England. This is at the expense of further investigation into the readership, patronage, and intellectual networks in which historical thought of all kinds cross-pollinated. These are contexts in which Daniel was immersed well before his formal engagement with prose history. Each of my chapters, therefore, has demonstrated how Daniel's work was profoundly shaped by the prevailing historical preoccupations its era.

Having described Daniel's application of his sources in the construction of his work, and identified the primary sources he used to compile the *Appendix*, my thesis allows us to take a wider view of the practices that Daniel used in the making of his history. In their classification of erudite practices in the era, critics have tended to draw implicit distinctions between the consultation of printed histories, and research using unpublished manuscript materials. While Daniel made some use of the archival repositories of his day, my account of the predominant reliance upon printed histories for texts in the *Appendix* ultimately shows that these classifications were far less robust than historians have previously allowed for. Indeed, focus upon adaptation and imitation in the composition of early modern narrative histories have overshadowed the reading of printed materials as a form of research, which consequently underestimates the multiplicity of uses that printed

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[1] Levine, *Battle of the Books*, p. 297
[2] Pitcher, 'Who Told on Samuel Daniel', p. 73.

histories served for their readerships, and could thus serve in the composition of new histories. For a figure such as Daniel, who professed to be concerned with only the general progression of English history, the surfeit of letters, treatises, charters, legal tracts, found in such histories as Savile's *Scriptores* and Holinshed's *Chronicles*, provided Daniel with sufficient materials for the construction of the *Historie* and its *Appendix*. As my analysis has shown, moreover, Daniel's methods of citation cannot be understood in terms of a single antecedent or erudite practice. To provide the foundations for his *Historie*, Daniel followed the example of his friend William Camden by constructing a portrait of the ancient Britons from a collage of classical authorities, fortified by careful marginal citation. If these chapters offer perhaps the clearest synthesis of antiquarian learning and historical narrative within the *Historie*, then the citational practice employed herein cannot be divorced from the demands of argumentation. This is further demonstrated by my analysis of the *Appendix*, where I have shown that the impulse simply to 'make his sources plain' in fact describes only one of the wide variety impulses that governed the compilation of the work.

My analysis of Daniel's application of Holinshed here also allows us to reconsider critical orthodoxies around the supposed death of the chronicle. In this respect, my thesis has built upon the foundations recently laid by Wyman Herendeen in his account of the uses of Holinshed for the composition of later narrative histories. There, Herendeen argued that despite the obvious ways in which the Collection represents a reaction against the encompassing varieties of the *Chronicles* in favour of careful selection and strict political focus, the annalistic form of the *Collection*, and its 'effort at impartiality' and emphasis on the participation of the reader in the formation of historical judgement, owe much to his engagement with the *Chronicles*.[3] If, as I had argued, the progression from *A Breviary* to the *First Part* partly represents a turn away from Holinshed as the primary source for Daniel's narrative, then the particular significance of Holinshed is reasserted at the end of Daniel's project by the later lives of the *Collection* and by the *Appendix.* Herendeen's broader argument locates the 'poly-vocality' of the *Chronicles* at a critical juncture between the practices of history writing and antiquarianism, and it was precisely this 'poly-vocality', or variety of material, that gave the *Chronicles* its peculiar distinction for its late-Elizabethan and Stuart readers. Where previous readings of the *Collection* frames Daniel's reading of the *Chronicles* under the strict concerns of his political history, I have shown that the extent of the work's 'reaction' against the *Chronicles* has been overstated. For him, Holinshed was not (as Herendeen has it) 'an antiquarian document' destined to be supplanted by the 'modern' histories of his contemporaries, but rather a

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3 Wyman Herendeen, 'Later Historians and Holinshed' in Kewes et al. (2012), pp. 235-250, p. 244.

living repository of historical exchange that not only provided raw historical matter to be refined by sophisticated analysis, but methodological exempla that gave shape to a full range of Daniel's historical practice.[4] This extends to its annalistic structure; its use of narrative account and documentation; its synthesis of historical forms and the multiple uses to which the history could therefore be applied. In this respect, the *Collection* is as readily identifiable as a 'political chronicle' as its more traditional classification as a 'politic history'.

By arguing this, I do not intend to suggest that Daniel recognised no formal distinction between the *Collection* and its antecedents. Daniel had intended to satisfy a demand for a short history of England that delivered the principal political affairs of the English state. His commitments, in turn, were distinguished by its envisaged noble readership, to whom he regarded the knowledge of English history as a vital resource of counsel for the navigation of its present political sphere. It is in this context, perhaps, that Daniel's statements of the objectivity of his account (if not necessarily bourn out by his practice), and his refusal to excavate the depths of psychological motivation behind political action should be scrutinised. In one vital respect, this refusal manifested as a belief in the universal concurrence of political motivation: the politics of a unified state, in his reading, necessarily contended with the same broad forces across the boundaries of time and geography. Daniel's appeal to the 'discretion of the reader', moreover, does not merely suggest his tentative loyalty to past authority, but also presupposes the role of his readership in the interpretation of its contents. Equally, it is this quality that informs the generic distinction of the work as a 'collection', and Daniel's identification of himself as a compiler and sewer of historical materials. If, then, the *Collection* can be identified with the tradition of the 'humanist lesson book', then it is not simply by a process of passive exchange that Daniel proposed its lessons could be learned.[5] As my analysis of the *Appendix* has shown, his conceived relationship between the contents of the *Historie* and its reader is thus inherently dialogic, and the work's interpretive lacunae an invitation for learned participation and reapplication.

This discursive quality can also be traced to the local networks in which Daniel himself participated, and among which the first printed editions of the work were circulated. It was, after all, upon the encouragement of his 'worthy' friends that Daniel had endeavoured to 'make good [his] mind' in the form of a prose history, a context that immediately calls to mind the living dynamic of intellectual conversation evoked by Fuller in his description of Daniel's meetings with Camden and John Cowell. The intellectual contexture of this network, indeed, was deeply embedded within the

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[4] Ibid., p. 243.
[5] Woolf, *The Idea of History*, p. 90.

poetic traditions that Daniel had aligned himself with at the beginning of his career. These localised networks, moreover, were also intimately bound to the patronage contexts under which Daniel operated for the duration of his career, wherein the political contingencies that guided his earlier exercises in historical poetry were also shaped. If, then, Woolf is correct to argue that Daniel's history was devoted to the exploration of questions he had originally asked in his poetry, then these questions were fostered by the historical and political preoccupations inherent to the intellectual cultures he inhabited, and which were likewise asked in an equally broad range of textual forms. Beyond these more elite contexts of dissemination, chapters one and four of my thesis have also shed further light upon the importance of Ralph Starkey as a participant within the historical and political culture of early-Stuart England as both a collector and a scribe. My analysis of his involvement in the dissemination of Daniel's *Breviary* extends our understanding of Starkey's interests in the contemporary political and historical thought of his contemporaries by suggesting that Starkey's interests actively shaped the contexts under which the manuscripts transcribed in his circle were produced and later circulated. In my tentative analysis of the recurrence of scribal hands across his collections, moreover, I have suggested new areas of pursuit through which we may expand our understanding of the scribal networks over which he presided beyond the formative work of Beal and Woudhuysen on his relationship to the 'Feathery Scribe'.

If my thesis has not sought fully to disturb the commonplace critical distinction between antiquarian study and the writing of history, it has served to reinforce the essential *historical* nature of both pursuits for its early Stuart practitioners. In my analysis of Daniel's commentary on English legal history, I have shown that Daniel's thought developed in concert with a range of contemporary texts devoted to the same problems that Daniel took on in the *First Part*. Clearly, Woolf is correct in assigning a special importance to Egerton's patronage in the development of this thought, yet I have shown that Daniel's commentary cannot be accounted to a single chain of influence. Neither can Daniel's thought necessarily be enlisted to substantiate arguments for a more general early-Stuart discovery of the *feudum*, such as those put forward by Knafla, Brooks, and Sharpe. Where my second chapter suggests new ways to approach seventeenth-century English legal thought before the parliamentary crises of the 1620s beyond the polarity of the 'ancient constitution' and feudal models originally conceived by Pocock, reconsiderations of the early-Jacobean legal thought of such figures as Selden and Cotton would throw further light upon the contexts in which Daniel's conception of the history of English law evolved.

Although Daniel's rejection of the 'ancient constitution' naturally raised troubling questions about the monarch's power of the law, his commentary ultimately attempted to negate the

implications of his arguments. The strategy he employed in the *First Part* was to reject the belief that William the Conqueror had ruled by conquest, and had voluntarily submitted himself under the law. The questions of the appropriate limits that the law should place upon a monarch's power, and how the monarch might be constrained when these limits were transgressed, are explored at their fullest length in the later lives of the *Collection*. These are questions, of course, that occupied Daniel for much of his career, which he explored across his two political dramas, and most importantly in *The Civil Wars*; and which were fomented within the patronage circles under which Daniel worked in the 1590s. My analysis of Daniel's lives of the Angevin kings offers the fullest consideration yet of how these political concerns operated within his later historical thought. When he charted the course of Henry II's reign from the full 'Glorie' of its beginnings, through to its gradual diminishment under the stresses of the Becket controversy and its fallouts, Daniel foregrounded the individual extent of a monarch's power, a focus that comes into greater clarity when qualified against the 'boundlessnes' of the reigns of Richard I and King John.

It is the tentative and somewhat unsettled character of his political analysis that leads Woolf to dub Daniel a 'Janus faced' historian who at once served as a 'panegyrist of absolute sovereignty' and a 'recorder of elective monarchies'.[6] This reluctance fully to extend the political implications of his own thought has been previously explored by David Norbrook in his account of Daniel's poetic practice, and we must again be mindful that the *Collection* was made under the hope for Royal support.[7] Daniel's model of good monarchy fundamentally stresses subjection to the law, acknowledgement of the common rights of the subject, and rule according to precedent. The monarch, in this understanding, ultimately becomes an office of state, the obligations of which militate intractably against the individual whim of any given incumbent. To enjoy the full extent of power available to his office, therefore, the monarch is required to operate within this framework. In the work's reluctance to advance a sustained model of resistance by which the monarch could be constrained, however, the *Collection* never accommodates for the possibility that the 'beam twixt sovereignty and subiection' could be transgressed at the monarch's pleasure. The problem here, my analysis suggests, is not necessarily articulated as a tension between a Bodinian model of sovereignty and a theory mixed monarchy (or indeed, between the language of 'state' and that of 'commonwealth'), but instead between Daniel's models of good and bad kingship and his deep rooted concern for the consequences of the civil disorder. We see this tension at play, of course, across the *Civil Wars*, and in the ambivalences that guide his exploration of over-mighty monarchs

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[6] Woolf, *The Idea of History*, p. 103.
[7] Norbrook, *Panegyric of the monarch…*, p. 133.

and their ambitious subjects in the tragedy of *Philotas*. My analysis of its manifestation in the *Collection*, therefore, builds upon the groundwork established by Norbrook, Burrow, Paleit, and Wright in their examinations of the politics of Daniel's poetry, at once suggesting avenues through which the continuities of his political thought can further be traced; and perhaps limiting the extent of the political radicalism implied by Wright's interpretation of Daniel's *Civil Wars*.

Like many of his contemporaries, Daniel recognised the absence of a single, distilled history of England in the literature of his day, and as such regarded the project as a necessary intervention. Indeed, because the finished remit of the work fell short of its intended point of closure at the death of Elizabeth, the *Collection* has since been categorised among other 'failed' seventeenth-century attempts to answer the demand for a complete English history, such as Milton's.[8] In Daniel's conception of the history, however, there was an important stress on the provisional quality of his endeavour. Addressing Carr in the dedicatory letter of the *First Part*, Daniel conceives of his work as an 'aduenture', the success of which rested not necessarily on Daniel's individual achievement, but in laying the groundwork for later endeavours in the same task by inducing 'others of better abilities, to vndergoe the same'.[9] When he reflected upon the lives he had completed in the *Collection*, Daniel ventured the more assured claim that it contained 'more together of the Mayne, then hath beene yet attempted', and settled to reflect upon his original design that 'it is more then the worke of one man […] to compose a passable contexture of a whole History of England'. However Daniel envisaged such a history in the final stages of his life, the implication that the making of this new English history might well be undertaken by a process of collaboration, and that his own work would require exterior supplement anticipated one of the most significant framing elements of its seventeenth-century reception. Where the efforts of the English historians of the early seventeenth century had failed to satisfy demand for this ideal history of England, the impulse to amalgamate their efforts, and thereby deliver an unbroken, 'modern' rendering of English history shaped the work's seventeenth-century applications profoundly. In closing, therefore, it is appropriate briefly to consider these uses.

It was in the context of this impulse that John Trussell of Winchester (1575-1648) set out in the 1630s to produce a continuation to the lives in Daniel's history.[10] An antiquary likely educated

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[8] Martine Watson Brownley, 'Sir Richard Baker's "Chronicle" and Later Seventeenth-Century English Historiography', *Society for the Promotion of Roman Studies*, 52.4, (1989), 481-500.
[9] Daniel, *The First Part of the Historie*, sig. A2v.
[10] See Robert Smith, *John Trussell: A Life (1575-1648)* (Unpublished PhD Thesis: University of Southhampton, 2013).

under Camden in Westminster school, Trussell explained in the preface to his *Continuation of the Collection of the History of England* (1636) that he had 'took to heart' the reflection of the late Prince Henry that 'of all Nations the English were most blame worthy' in the absence of a history commensurate with the greatness of their ancestors.[11] Instead of proposing to work entirely from new foundations, however, Trussell remembered that 'that part of the History […] which was most intricate and troublesome' had been 'ingeniously followed (by that every way well) deserving Gentlemen *Samuel Daniel*' while the history of Henry VII had of course been provided by Bacon. Both of these works succeeded in rendering those 'rubbes and bawkes which the deluge of time had raised' smooth, and with the aid of Hayward's *Henry IIII* and More's *Richard III*, the purpose of Trussell's work was not to fulfil the projected scope of Daniel's history, but instead to lay his own 'smooth' path between these two accounts. This was how Trusell proposed the definitive English history be written, and his account aimed to replicate the terse, concentrated stylistic and organisational principles of Daniel's history. Though originally printed as a separate book, Trusell's volume followed the presentational layout of the *Collection* in expectation that the two works would flow continuously. When the *Collection* was reprinted in 1650, sixteen years after Waterson's final edition, Trussell's book therefore became an intrinsic constituent of Daniel's history, and the two books were printed together for the remainder of the seventeenth century.

Where the method proposed by Trussell certainly did not quell demand for an ultimate English history, his lead certainly provided directive for the later contexts in which the *Collection* was read. In 1675, Edmund Bohun (1645-1699) produced an English translation and expansion of Degory Wheare's highly influential guide to the order in which historical works should be read, *De ratione et methodo legendi utrasque historias, civiles et ecclesiasticas* (1637). In addition to the more exhaustive course of reading in English civil history proposed by Wheare and enlarged by Bohun, Bohun suggested an additional 'short course of English History' that could be provided by a sequential reading of modern narrative histories.[12] Readers were advised to begin with Milton's *History of Britain*, which gave a fuller account of pre-Conquest England than Daniel's did, and to move from here to Daniel and Trussell. The Tudor era, then, would be covered by Bacon's Henry VII, Godwin's *Annales* of Henry VIII, Edward VI, and Mary, whereupon 'Camden's *Annales* […] fall in'. Such a course, indeed, followed an established – if not neatly prescribed – practice in the late seventeenth century, as one anonymous reader's personal 'Collections out of the Histories of

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[11] John Trussell, *A Continuation of the History of England* (London: For Ephraim Dawson, 1636) sig. A3r.
[12] Edmund Bohun in Degory Wheare and Edmund Bohun, *The Method and Order of Reading both Civil and Ecclesiastical Histories*, trans. by Edmund Bohun (London: for Charles Brome, 1685), sig. N1r.

England' (preserved in British Library MS Sloane 273) demonstrate.[13] This reader begins their course with Daniel's *Collection*, from which he assembles a series of extracts, moving from here to Trussell, which is supplemented with William Habington's *Edward IV* (1640) and George Buck's *Richard III* (com. 1619, pub. 1647).[14] Bacon's *Henry VII* and Herbert of Cherbury's *Henry VIII* (1649) follow hereafter, with the remaining lives of the Tudors provided in Heylin's *History of the Reformation*.[15]

In the contexts wherein this tradition of reading emerged, Daniel's history was chiefly lauded for the brevity of its style and the 'wise and moral' ethical judgements provided in his analysis. In his biographical sketch of Daniel, Fuller commended upon the work's reconcilliation of '*Brevity* with *Clearnesse*', qualities that Trussell's continuation 'commendably contriued' but ultimately failed to equal.[16] This judgement was echoed in turn by Bohun in his assessment of Daniel and Trussell's respective merits, to which he also praises the instructive value of Daniel's 'Political and Moral Reflexions'.[17] Where the emphasis upon Daniel's achievements as a stylist ultimately leads us is the *Collection*'s inclusion within John Hughes' three volume collection of English histories that together made the *Complete History of England* (1706), which represents something of a conciliation of the model history proposed by Trussell. In its emphasis upon stylistic polish, the *Complete History* has been characterised by Joseph Levine as a typically classical affair, intended at last to 'turn the history of England into a form that would have satisfied a classical Roman'.[18] The general preface that opens the collection, therefore, carefully steels its reader through the varieties of style contained within it. Like Fuller and Bohun, the preface principally lauds the 'refinement', 'good sense and just eloquence', which characterises his narration.[19] The modest enthusiasm that had greeted Trussell's *Continuation* in the seventeenth century gave way here to a renunciation: written 'meanly' in a 'wretched style', its compilers thought it necessary to commission a new account of Trussell's narrative 'after Mr. Daniel's method', likely by White Kennett (1660-1728).[20]

Within the framework of the *Complete History*, we see the roots of a critical view of Daniel's *Historie* that has inflected the work ever since. Noting Daniel's earlier 'vein in Poetry', the preface commends that Daniel resstrained his poetic impulse 'from inflecting his Prose', while in the

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[13] British Library MS Sloane 273, f. 1r. The hand likely dates to the late seventeenth-century.
[14] Daniel: ibid, ff. 2r-6v; Trussell, ff. 6v-8v.
[15] Bacon: ibid., ff. 12v-17v; Cherbury, ff. 18r-34v; Heylin, ff. 34r-56v.
[16] Fuller, sig. Ddd3r.
[17] Bouhn in Wheare and Bouhn, sig. M6r.
[18] Levine, *Battle of the Books*, p. 309.
[19] 'Preface' in John Hughes, *A Complete History of England*, 3 vols. (London: for Brab Aylmer et al, 1706), I, sig. A1r.
[20] Ibid.,sig. A1r-v.

'Purity and Grace' of his expression the preface likened him to the 'most sensible Writers' of its own day.[21] While Levine, moreover, has drawn attention to the uneasiness with which these disparate histories were assimilated into a complete history, ultimately his account situates the effort within the broader early-eighteenth century intellectual conflicts between ancient antecedent and modern innovation, which divides the supposedly backwards-looking histories of Daniel and his contemporaries from the antiquarian tradition. It is one of the principal implications of my study that these distinctions cannot be definitively drawn around the historical practices of early-Stuart England, however. Where more work is required fully to disclose the discontinuities that accompanied the assimilation of these different narrative histories in the seventeenth century, emphasis on this broad assimilatory impulse can serve to obscure a more complex range of contexts in which narrative histories, and Daniel's particularly, were read and used.

One especially striking example of the applications of Daniel's work may be found in the use of the history by one 'Thomas Gybbons, esq.' found in one of three manuscripts made by Gybbons in the Harleian MSs in the British Library. Though Gybbons' biography has not been traced, and a full excavation of his readerly identity falls outside the scope of this conclusion, two of the notebooks give evidence for Gybbons' involvement in researching the local genealogies of the Norfolk gentry, including transcriptions from his correspondence, which shows him active from 1631.[22] The third manuscript, Harley 980, is a long collection of reading notes likely spanning a number of years, presented on the opening page under the title of 'Fragmenta Historipolitica Miscellanea Successiciua', or 'Successive Miscellaneous Historical-Political Fragments', paginated in his hand.[23] By its maker's propensity to note in law French, and the considerable number of legal reports and legal antiquarian texts represented, it is clear that Gybbons was legally trained. Though by no means contained under the rigorous organisational principles of a commonplace book, Gybbons' methods of recording his reading are consistent throughout the manuscript: typically, he produces short separate entries containing paraphrases from a text, leaving ample room in the left hand margin to cross reference an entry with another text where appropriate.

If we might assume a chronological trajectory for the making of this MS, Gybbons encountered Daniel's *Collection* early in its assembly, and his notes from the text make up a large

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[21] C.f. John Pitcher: 'he wrote a prose as lucid as anything the later seventeenth century could manage' ('Daniel, Samuel').
[22] British Library MS Harley MSs 970 and 971. For Gybbons' letter, see Harley 970, f. 18r. Gybbons affirms the letter is addressed to him on f. 14v. See also Peter J. Lucas, 'Sir Robert Kemp and the Holograph Manuscript Containing Capgrave's "Life of St. Gilbert" and "Tretis'", *The British Museum Quarterly*, 36.3/4, (1972), 80-83.
[23] British Library MS Harley 980 ff. 13v

portion of a series of ninety four numbered entries from an eclectic selection of legal, political, and historical texts.[24] The first nineteenth entries in the series offer a somewhat loose assemblage of English customs, precedents, and historical derivations, ranging from the etymologies of the words 'lord and lady', drawn from Verstegan's *Remnants*; to the purported superiority of the English crown over Scotland, which he extracts from Daniel's account of Barons' letter.[25] The twentieth entry, however, commences a more concentrated series of extracts taken from a sequential reading of the *Collection*.[26] In a manner befitting the interests of a legal thinker, Gybbons' extracts from Daniel show a marked attendance to Daniel's commentaries on the development of English law, and the establishment of precedent. Indeed, Gybbons' extracts show very little interest in either Daniel's historical judgements or narrative detail. During his reading of the life of William the Conqueror, for instance, the only event extracted from the narrative portion of the text concerns the subjugation of Wales under the king. When Daniel moved to discuss the Conqueror's legal innovations, on the other hand, Gybbons was more attentive.

Equally significant as the focus that Gybbons brought to the work were the texts that he cross referenced his entries against in the margins. In entry thirty eight, for example, Gybbons recorded Daniel's commentary on Anglo-Saxon trials by ordeal, and later stuffed the margin beside the entry with references to passages from other texts he presumably encountered later. These include Coke's *Institutes*, Lambarde's *Archainomia*, Selden's edition of Eadmer, Verstegan's *Remnants*, and Speed's *History*.[27] Elsewhere, having noted Daniel's contention that the first parliament 'since the conquest' took place in the reign of Henry I, Gybbons cross references this view against pages 701-3 of the second edition of Selden's *Titles of Honour* (1631), which trace the participation of barons in parliament from the Conquest onwards.[28] In a second survey over Daniel's history later in this sequence, Gybbons again copies Daniel's position on the origins of parliament, and references Coke's opposing account of Saxon parliaments in the preface to the *Ninth Report*.[29] Below this, Gybbons cites Walter Ralegh's *Dialogue* on parliament, where one of his speakers likewise dates the beginning of parliaments to Henry I.[30]

When, therefore, Gybbons encountered Daniel's *Collection*, the questions he asked of the work were the same he brought to the broader range of his historical reading. Where his reading

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[24] Ibid., ff. 13v
[25] Ibid., ff. 5v-6r.
[26] Ibid., ff. 6v-11r.
[27] Ibid., f. 7r.
[28] John Selden, *Titles of Honor* (London: For William Stansby, 1631), sigs. Rrrr1r-2r.
[29] Harley 980, f. 11r.
[30] Walter Ralegh, *The Prerogative of Parliaments in England* (Middlebury: s.n., 1628), sigs. B2v-3r.

notes show particular interests in antiquarianism and legal writing, the reading of such histories as Daniel's and Bacon's – or indeed, of political treatises such as Ralegh's – were not separate pursuits from his investigations of Coke's *Institutes*, nor of Camden's *Britannia* and Selden's *Titles of Honor*. We can, therefore, consider the contexts of these texts to be inherently dialogic. In this respect, of course, Gybbons' miscellany is not anomalous, and another striking example of this process of textual dialogue is found in the *Treatise of Gavelkind* (1648, published 1660) by the Kentish antiquarian and Anglo-Saxon scholar William Somner (bap. 1599-1669). Somner was a royalist under the patronage of William Laud, and following the outbreak of the Civil War devoted himself to the study of Old English, one result of which was his work on gavelkind.[31] Daniel had noted the retention of gavelkind beyond the conquest in his life of William the Conqueror, yet came short of suggesting that Kent enjoyed any special liberties in his own day. Somner cites Daniel's commentary here by page in his chapter on the origins of Gavelkind, together with similar commentaries from Verstegan, Spelman, Parker, and Lambarde.[32] For Somner, however, the most important passage from the 'late compendious Historian of our own', was Daniel's commentary upon the unsettled status of the Anglo-Saxon law before the Conquest, where he distinguishes between the laws that were common between the kingdoms according to natural law, and the particular laws by which they 'held nothing in common'.[33] Reproducing this passage in full, accompanied by the page reference in the margin, Somner uses Daniel's argument – together with Lambarde's copy of the laws of Cnut in *Archainomia* – to argue that Gavelkind's origins were particular to Kent, rather than a national custom retained by petition to the Conqueror.

As the contexts under which Somner's *History* was composed demonstrates, the ways that Daniel's history was used carried complex political contingencies in the seventeenth century, and especially in the febrile environment of the Civil War. Here, Gybbons' miscellany again provides a striking point of comparison here, signalled in the later pages of the MS, which evince his close engagement with the polemical literature of the 1630s and 40s, wherein he extracts both from parliamentarian and royalist sources. On account of the relative even handedness of Gybonns reading here, and the lack of personal commentary, it is difficult to surmise where precisely his own sympathies lay. He traces, for instance, Charles' *Answer to the XIX Propositions of Both Houses of Parliament* (1642) through to its rebuttal by the parliamentarian Henry Parker and its Royalist

[31] Peter Sherlock, 'Somner, William', in *Oxford Dictionary of National Biography*, (Online edn.: Oxford University Press, 2004) <https://doi.org/10.1093/ref:odnb/26030> [accessed 27 November 2023].

[32] William Somner, *Treatise of gavelkind, both name and thing* (London: For William Somner, 1660), sig. L3r-v.

[33] Ibid., sig. L4r-v.

responses.[34] Directly below his notes on Parker's treatise, for instance, Gybbons again returns to the question of the origins of Parliament by citing Coke's view that the Saxons held parliaments.[35] In this context, moreover, Gybbons looked again to Daniel's history for information on earlier conflicts between the monarch and parliament, and particularly the purported right of parliament. There, he notes that Daniel 'stiles' the meeting at Runnymede where *Magna Carta* was engrossed as a parliament, which the king was 'constrayned to summon' by force of arms.[36] This observation is followed by a long extract from William Prynne's *Soveraigne Power of Parliaments and Kingdoms* (1643), which observes that a parliament cannot be dissolved at the king's 'mere pleasure' once it has been assembled.[37]

By examining these two strains in the afterlife of Daniel's *Collection,* I do not propose that the seventeenth century reception of the work followed two parallel channels. Indeed, the historical interests of figures such as Trussell and White Kennett (a biographer of Somner) should not be traced to a single guiding concern, nor treated as politically neutral. It seems likely that the practice of amalgamating disparate English histories into a single account found antecedent in the earlier antiquarian drive to make the medieval sources of English history available in print. In its attempt to fill the gap between Daniel and Bacon's histories, therefore, Trussell's volume performed a function not unlike Savile's *Scriptores* forty years earlier, which sought to bridge the gap between Bede and Matthew Paris. The essential likeness of Savile and Trussell's prefatory reflections upon their endeavours suggests a close conceptual relationship between the editing of earlier histories and the making of new histories, a fuller pursuit of which could itself offer a fruitful reinterpretation of historical practice in early modern England. For Daniel's part, it is surely the case that the more stylistically guided commentaries on the *Collection,* and the constitutional applications for which Gybbons and Somner used the text, would not have struck him as distinct practices. Daniel's *Historie* was shaped in conversation with the full range of historical forms available to him in his career; and it was in conversation with these forms that the work's seventeenth century reception and applications in turn were shaped.

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[34] Harley 980, ff. 179v-180r; 200v-202v; 218r-226v.
[35] Ibid., ff. 202v.
[36] Ibid., ff. 215v.
[37] Ibid., f. 216r.

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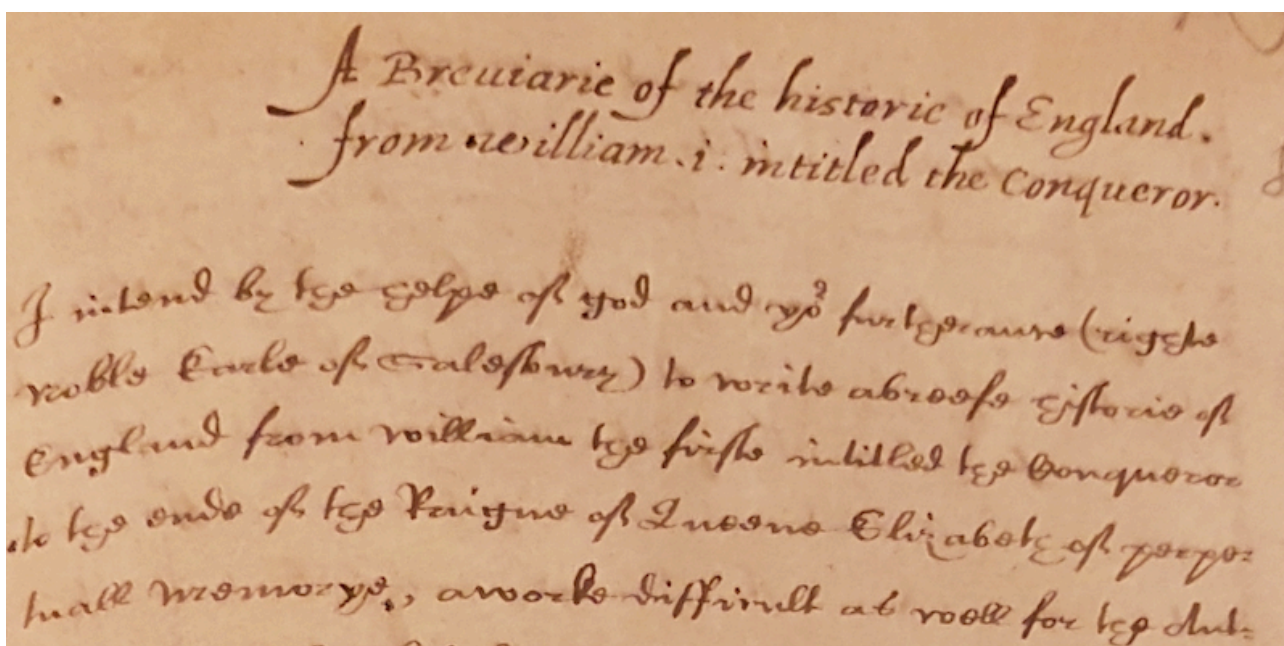
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Appendices
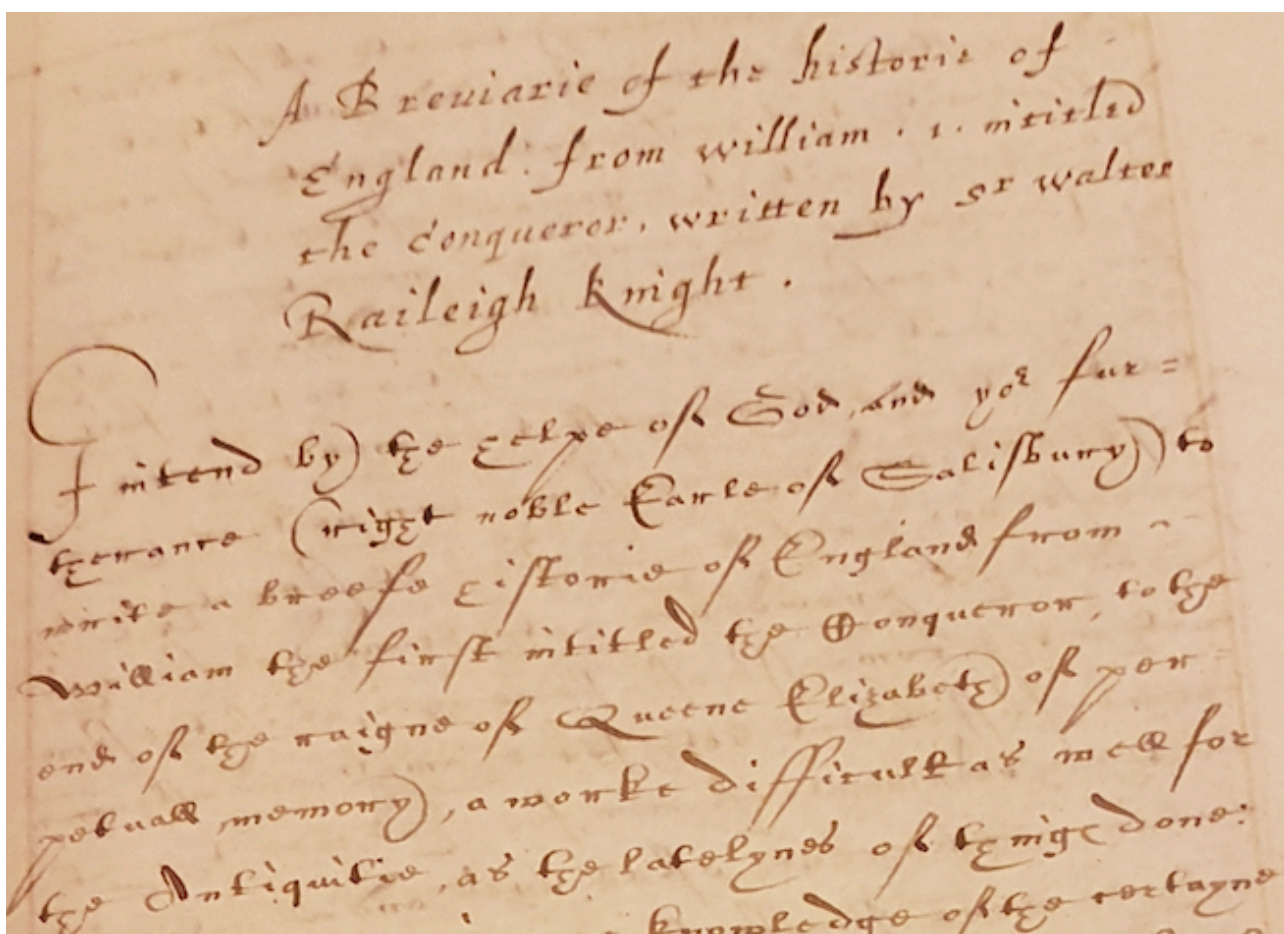
Appendix A: British Library MS Titus F. III and Harley MS 39

Fig. 1: Cotton Titus F. III, f. 309r (Starkey)


Fig. 2: Harley 39, f. 332r

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Appendix B: The Hand of British Library MS Harley 39
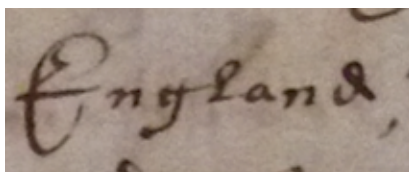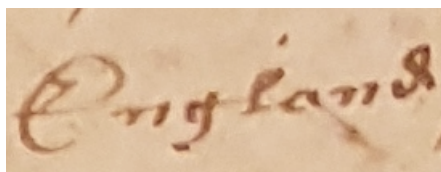

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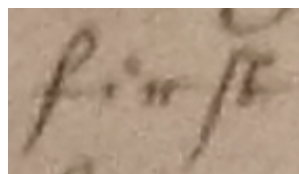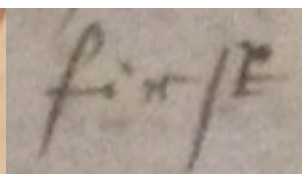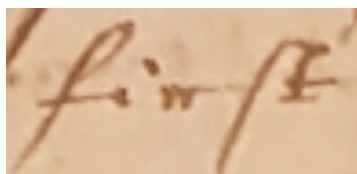
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Harley 37, f. 337r;
Harley 1128, f. 1r.
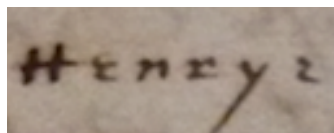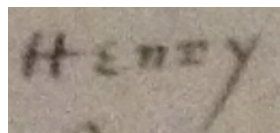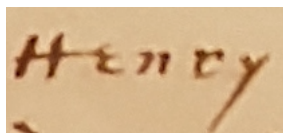
Harley 39, f. 339r;
Harley 36, f. 29v;
Harley 37, f. 5r.

Harley 36 (ff. 28r; 28v 31v)
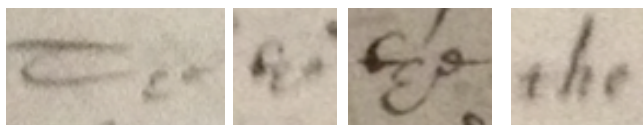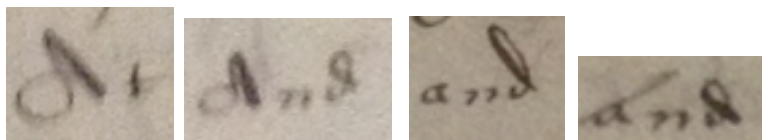
Harley 39 (ff. 342r, 335r)
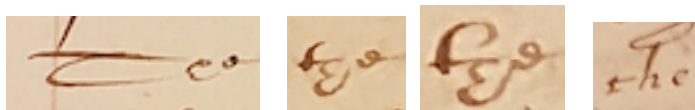
Appendix C: British Library MS Cotton Titus F. III and Starkey's Graphite Corrections in MS Harley 36
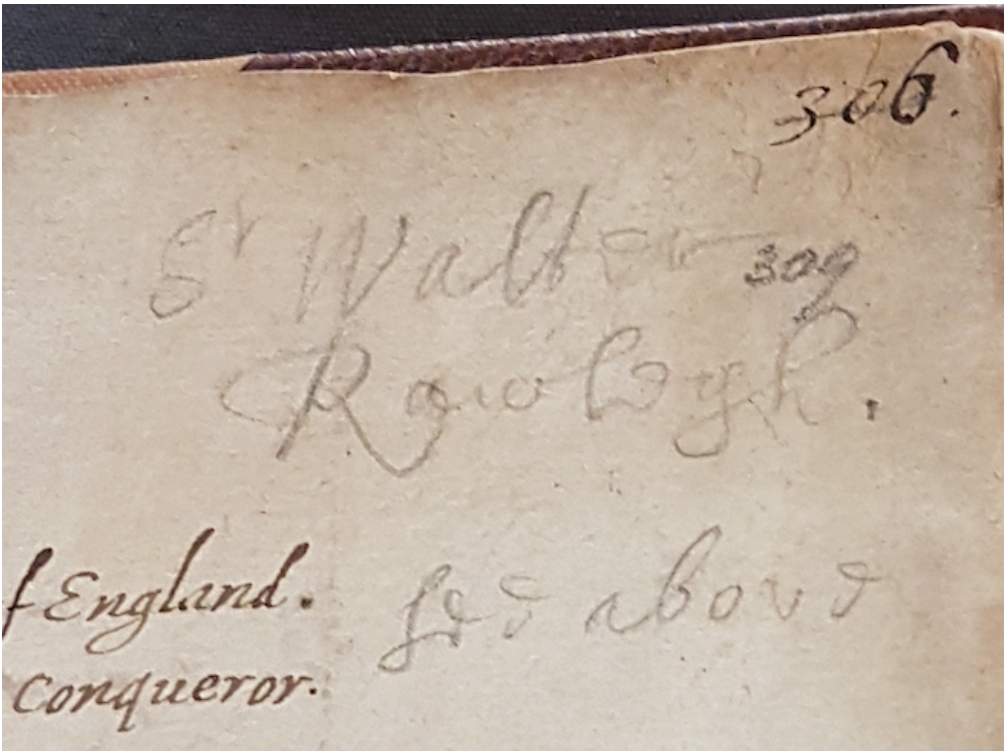
Fig. 1: Cotton Titus F. III, f. 309
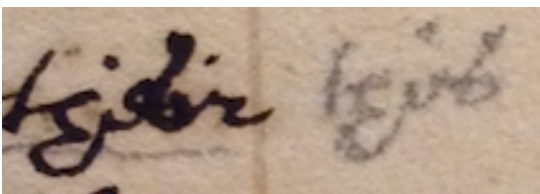

Fig 2: Harley 36, f. 255r
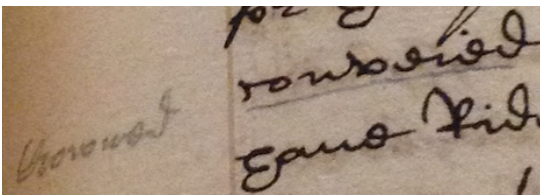

Fig. 3: Harley 36 f. 256r
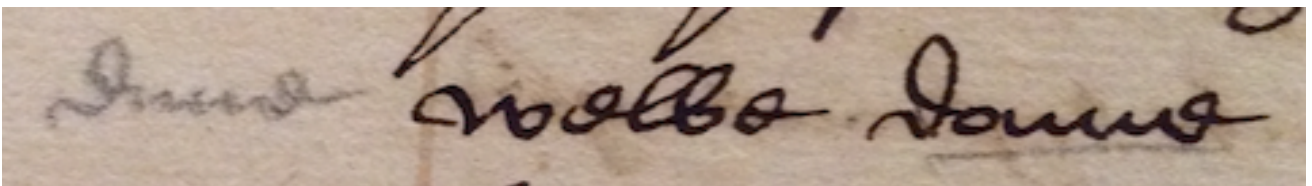
Fig 4: Harley 36, f. 258v

National Library of Scotland MS 5736, ff. 25r

For both manuscripts, items are titled by their subheadings where possible. Sources are given in footnotes.

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3. Land Charter of William the Conqueror to Alaine, Earl of Brittany f. 30v.[3]
4. London Charter of William the Conqueror f. 30v.[4]
5. 'Anselme Archbishop of Canterbury Held a Synod at London Wherein these constitutions were made An<no> reg. 3. Hen. 1' f. 31r.[5]
6. 'Ordinances by the Said Anselme made at a synode holden in presence of y<e> king.' f. 31r-v.[6]
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10. 'Epistola Willielmi regis Siciliae, Henrico .2/' f. 34r.[10]
11. 'Epistola Archiepiscopi Rotomagensis Innocento Papae de obitu Henr: Primi./' f. 35r.[11]
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13. 'Articles of Agreement betweene King Stephan and Henry Duke of normandies [sic], according to Math. Paris.' f. 37r.[13]
14. 'The Order of the Coronation of King Richard the First' ff. 37r-v.[14]
15. 'Ordinance [where]by King Rich. I. to be obserued a[mong the sea]faring men' f. 37v.[15]

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[1] William Lambarde, *Archainomia*, sigs. Mm1v-Mm3r.
[2] Lambarde., sigs. Mm3v-Qq2v.
[3] Raphael Holinshed, *Chronicles*, sig. B2r.
[4] Holinshed., sig. B6r.
[5] Holinshed., sigs. D1v-2r.
[6] Holinshed, III, sig. D3v.
[7] Savile, *Rerum Anglicarum Scriptores*, sig. Ggg1v (Howden).
[8] Savile., sigs. Ggg1v-3r (Howden).
[9] Savile., sig. Ggg3r-v (Howden). Items. 8-10 appear sequentially in the text.
[10] Savile., sig. Eee5v (Howden).
[11] Savile., sig. R4v (Malmesbury - *Historia Novella*).
[12] Holinshed, III, sigs. F5v-6r.
[13] Holinshed, III, sig. F5r.
[14] Holinshed, III, sig. L3v.
[15] Holinshed, III, sig. L5r.

16. Oxford Charter of King Stephen f. 39r.[16]
17. 'The League between Henry the second and Fredericke Barbarossa Emperor of Germanie, wherein is mention of friendlie traffike between the mearchants of the Empire and England confirmed in the yeare of our Lord 1157.' f. 43v.[17]
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19. 'Ordinances decreed by Hen: 2. At an assemble of Bisshops ao reg: 15./' f. 44r.[19]
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22. 'Conditions wherevppon King Henry y<e> father & King Henry & Geffrey his two sonnes were accorded ./' ff. 44v-5r[22]
23. 'The Charter of the agreement written & subscribed betwixt Hen: 2. And Roderike <King of Cannagh> as followeth.' f. 45r-v.[23]
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25. 'Assisa de mensuris facta per Rich. Regem Angliae' f. 49r.[25]
26. 'A generall safe conduct graunted to all forreine Marchants by king Iohn in the first yeere of his reign, as appeareth in the records of the Tower, Anno I Regis Iohannes./' f. 50r.[26]
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29. 'The Articles obiected to King Richard whereby he was counted worthie to be deposed from his principalitie ./' f. 53r-4r.[29]
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32. 'The Publication of King Richards deposing' f. 55r.[32]
33. The Duke of Lancaster Laiet challenge or claime to the Crowne' f. 55r.[33]
34. 'The letters of King Henry the third, vnto Hauginus King of Norway, concerning a treatie of peace, & mutuall traffique of marchanize &c.,' f. 56r.[34]
35. 'A Mandate for the King of Norway his ship called the cog./'f. 57r.[35]

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[16] Savile, sig. R5v (Malmesbury - *Historia Novella*)
[17] Hakluyt, Principal Navigations, I, sigs L4v-5r.
[18] Holinshed, III, sig. G5r.
[19] Holinshed, III, sig. H3v.
[20] Holinshed, III, sig. H4r-v.
[21] Holinshed, III, sig. H5v.
[22] Holinshed, III, sig. I3v.
[23] Holinshed, III, sigs. I4v-5r.
[24] Savile, sigs. Bbbb3r-4r (Howden).
[25] Savile, sigs. Eeee2v-3r (Howden).
[26] Hakluyt, sig. L5v.
[27] Holinshed, III, sigs. Tt5v-6r.
[28] Holinshed, III, sig. Tt6v.
[29] Holinshed, III, sigs. Ccc3v-4r.
[30] Holinshed, III, sig. Ccc4r-v.
[31] Holinshed, III, sig. Ccc4v.
[32] Holinshed, sig Ccc5r.
[33] Holinshed, sig Ccc5r.
[34] Hakluyt, I, sig. L5v.
[35] Hakluyt, I, sig. L5v.

36. 'A Charter graunted for the behalf of the Marchants of Colen in the xx<th> yeere of Henry the third, confirmed by King Edward y<e> first as it is extant in the roule of charters in the eighteenth yeere of King Edward the first./' f. 58r.[36]

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42. 'The quarrel of S<r> Henry Percy at Shrowesbury,' f. 65r-v.[42]

43. 'The Letters of Edward the Second vnto Haguinus King of Norway concerning the English marchants arrested in Norway and their goods to be freed from arrest/' ff. 73r.[43]

44. 'Another Letter of Edward the Second to Haguinus king of Norway in the behalfe of certen English Marchants./' f. 73r.[44]

45. 'A third letter of King Edward the second to Haguinus King of Norway in the behalfe of certaine English Marchants./' f. 73r-v.[45]

46. 'An account made by Henry Leicester Cofferer to Thomas Earle of Lancaster' f.75r-v.[46]

47. 'An Ordinance of the Staple to be holden at one certaine place./' f. 75r.[47]

48. 'Articles where with the Barons charged the Spensers' f. 76r[48]

49. 'The tenour of the Charter concerning the turnements before remembered' f. 77r.[49]

50. 'The words of fealtie made by king John to the Pope. A.o/ reg .14/' f. 78r.[50]

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[36] Hakluyt, I, sig. L6r.
[37] Hakluyt, I, sig. L6v.
[38] Hakluyt, I, sig. L6v.
[39] Holinshed, III, sig. W4r-v.
[40] Holinshed, III, sig. Aa1v.
[41] John Hardyng, *Later Chronicle* in Peverley (ed.), pp. 574-575.
[42] John Hardyng, pp. 578-580.
[43] Hakluyt, I, sig. M3v.
[44] Hakluyt, I, sig. M4r.
[45] Hakluyt, I, sig. M5r.
[46] John Stow, *A Suruay of London* (London, Printed by John Windet, 1603), sigs. G3v-G4v.
[47] Hakluyt, I, sig. M6r-v.
[48] Holinshed, III, sig. Hh6r.
[49] Holinshed, III, sig. N5v.
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4. 'The coppy of the writt for the deliuery of the Castells./' ff. 72v-3r.[54]
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6. 'The forme of the king of Scotts homage to King Edward in action: Anno reg -) 21' f. 73r.[56]
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9. 'Articles of the finall peace accorded betwixte Edward the 3 kinge of Englande, and Iohn the French kinge:/' ff. 75r-6r.[58]
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11. 'Ann account made by Henry Leicester Cofferer to Thomas Earle of Lancaster for one wholl yeares expences in the Earles house, from the day next after Michalmas in the seauenth yeare of Edward the second, vntill Michalmass in the 8 yeare of the same king, amounting to the some of 7 thousand 9 hundred 57 pounds, 30 shillings 4 pence halfe penny as followeth' ff. 76v-7
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17. 'The charter of Lubek granted for seauen yeares, obtained in the one and fortith yeare of Henry the third :/' f. 80r.
18. 'A charter for the marchants of Almaine, who haue an house att London comonly called Gildhall of the Dutch, franted in the 44<th> yeare of Henry the third, reneud and confirmed in the I and 29 yeare of Edward the first Anno 1261)' f. 80v.
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[51] Hakluyt, I, sigs. M1r-3r.
[52] Holinshed, III, sig. Ee4r.
[53] Holinshed, III, sig. Ee4v.
[54] Holinshed, III, sig. Ee5r.
[55] Holinshed, III, sig. Ee5r.
[56] Holinshed, III, sig. Ee5v.
[57] Holinshed, III, sigs. Gg3v-4r.
[58] Holinshed, III, sig. Oo3v.

25. 'The tenour of the instruments whereby king Richard resigneth the Crowne to the Duke of Lancaster:/' ff. 85v-6r
26. 'The publication of Kinge Richardes deposinge:/' f. 86r-v.
27. 'The Duke of Lancaster laite challenge or claime to the Crowne:/' f. 86v.
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29. 'Ordinances by the said Anselme made att a sinodd holden in Presence of the Kinge. Anno. 9. Hen. i.' f. 88r-v.
30. 'King Henry the sonne his purgation and satisffaction in the citty of Auranches in St Andrew Church before the kinge his father the cardinalls, 2 legatts from the pope and diuerse bishoppes:/' ff. 88v-9r.
31. 'A letter of young Henry touching the dissapoimt of Archbishope Richard conseraton' ff. 89r-v.
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they bee from their oth of ffealtie & homage, & all other deeds & priuileges
made vnto me & from all manner bonds of allegiance, regalitie & lordship
which they were or be bounden to me, or anie otherwise constrained; & them
their heires; & successors for euermore, from the same bonds & oaths, I release
deliuer & acquit, & to be harmelesse, for as much as longeth to my person, by
any mannes waie or title of right, that to me might follow of the foresaid
things or anie of them. And also I resigne all my kinglie dignitie maiestie and
Crowne with all the lordshipps, power & priuileges to the forsaid kinglie dig-
nitie and crowne belonging, and all other Lordships and possessions to me
anie manner of wise perteining, of what name title qualitie or Condition so euer
they be (except the lands and possessions) for me, and mine obits, purchased & the
And I renounce all right, and all manner of title of possession, which I euer
had or haue in the same lordships & possessions or any of them with all man-
ner of rights belonging or apperteining vnto any part of them. And also the
rule & gouernance of the same kingdome & lordships, with all ministrati-
ons of the same & all things, & currie each of them, that to the whole
empire & iurisdictions of the same belongeth of right or many wise may
belonge.
And also, I renounce the name worship

Margin note: and sett them for free, dissolued and acquit

Margin note: And sett them for ffree dissoloued and acquit