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‘HARK, WHAT DISCORD’: PRECEDENCY AMONG THE EARLY-STUART GENTRY

David Gelber

It cannot be left to serendipity to explain the first publication of Shakespeare’s *Troilus and Cressida* in the early years of the Stuart *Risorgimento*. The politicking, prevarication and intellectual turbulence of the play was in no small part a reflection of the alteration that had accompanied the passage from a venturesome Queen to a philosopher King. Of all the truths that the playwright offered, perhaps none was so germane to the period as the homily preached by Ulysses on precedency: ‘the heavens themselves, the planets and this centre / Observe degree, priority and place ... but when the planets / In evil mixture to disorder wander, / What plagues and what portents! What mutiny! … O, when degree is shaked, / Which is the ladder to all high designs / then enterprise is sick’. Such maxims were among the mantras of the age. Preferring Biblical injunction to cosmic inference, Henry Howard, first Earl of Northampton and sometime Commissioner for the office of Earl Marshal, counselled the officers of arms to attend scrupulously to the proper ranking of men in ceremonies for ‘the apostle himself warily forecasts what inconvenience might grow to the breach of union for want of certain rules by which all persons might be marshalled’.[1] The herald William Segar, one of those at whom Northampton’s admonition was directed, needed no prompting. ‘The loss of worldly wealth is less grievous to men of generous mind than the privation of place’, he declared. It was imperative that ‘persons of dignity, magistrates, officers and other subjects of quality may be marshalled and ranged accordingly, for as good order is an ornament of excellency, so confusion causeth discord and is the root of many of the most dangerous questions’.[2]

Such histrionic language was not confined to future prognostications. An unnamed officer of arms, writing a year or two after James I’s coronation, described a ‘kingdom almost in flames of fiery quarrel only for going before, and no man more contentious for it than such as were wont to go behind’.[3] Such a situation did not, it must be said, commence only with the crowning of the first Stuart King. Disputes over precedency between peers had punctuated Parliamentary sessions since Lancastrian times.[4] More generally, the later years of Elizabeth’s reign had seen periodic contentions between gentlemen for precedence on commissions of the peace.[5] The most vociferous

[1] CA Ms Heralds 2, 973-1003.

[2] Sir William Segar, *Book of Honour Civil and Military* (London 1602), pp. 207f.

[3] CA Ms ‘The plea between the advocate and the anti-advocate concerning Bath and bachelor knights’.

[4] The precedence of individual peers *inter se* has its own history, closely related to the history of the House of Lords. It is not my purpose on this occasion to treat of this subject, nor of the question of the precedence of English and Irish peers, which was also hotly contested at this time.

hostilities arose from the prolific knighting of soldiers by the Earl of Essex during the Irish campaign of 1599, which allowed men of humble condition to overtake 'ancient gentlemen of the kingdom' who had not attained that honour – although it was a comment on how far the contemporary understanding of knighthood had strayed from medieval perceptions that its bestowal on men of arms should suffer censure.[6] Such ripples of turbulence as the Earl of Essex might have brought to the settled hierarchy of honour were soon lost within the surge of knighthoods that accompanied James I's succession. Whereas Essex had created 81 knights in 1599, James created about fourteen times that number during his first year upon the English throne.[7] It has been argued that the magnanimous and indiscriminate distribution of knighthoods that James allowed served a necessary social purpose in slaking the thirst for honours and advancement that had that arisen under his more parsimonious predecessor.[8] But although direct criticism of James was initially muted, some evidently found it easier to impugn the recipients of the honour than the King himself.[9]

It was not long before the wider effects of the vast creation of knights began to be seen and less taciturn discussion of James's actions heard. Whereas in previous times, disputes concerning precedence among the gentry had been confined to individual antagonists, the early Stuart period saw for the first time controversies of a collective nature between the massed representatives of entire ranks. Consequently, while precedence quarrels in Elizabeth's reign had remained local in nature, the large numbers now involved in such contentions meant that they assumed a national character. This in turn necessitated the intervention of the crown and the instruments of central government to calm such conflicts on a scale hitherto unknown.

The multiplication in the early Stuart period of the number of precedence conflicts, both between individuals and whole orders of men, had a number of causes, of which the royal management of the honours system was perhaps the most significant. Even before James had migrated south, the ribaldry, openness and iconoclasm of his Scottish Court had acquired for its lynchpin a reputation for informality, ease and indifference to rank that could scarcely have been further from the corseted rigours of Elizabeth's English regimen.[10] The Scottish King's liberality in dispensing knighthoods, which often saw junior branches of families raised above senior lines and gentlemen preferred before esquires, consequently proved unsettling to the habitually more particular gentry of England.[11] Nor did James's carelessness in questions of honour sit altogether comfortably with his own high opinion of the

[5] A. Hassell Smith, *County and Court: government and politics in Norfolk 1558-1603* (London 1974), pp. 71-74, 184-192.
[6] T. Birch, *Memoirs of the Reign of Queen Elizabeth* (London 1754) vol. 2, pp. 455-456.
[7] L. Stone, *The Crisis of the Aristocracy 1558-1641* (rev. edn. London 1979), pp. 71-77.
[8] L. Stone, 'The inflation of honours 1558-1641', *Past and Present* 14 (1958), pp. 50-52.
[9] BL Ms Cotton Vespasian F.ix, fos. 54-7.
[10] N. Cuddy, 'The revival of the entourage: the Bedchamber of James I' in *The English Court from the Wars of the Roses to the Civil War*, ed. D. Starkey (rev. edn. London 1992), pp. 178-180.
[11] J. Cliffe, *The Yorkshire Gentry* (London 1969), p. 6.

royal prerogative. His susceptibility to the suasions of suitors seeking advancement and – in due course – the sale of titles through third parties cast doubt on his oft-stated claim to act as the 'fountain of all honour'.[12] As such doubts multiplied, gentlemen dissatisfied with their own standing began to shed their inhibitions and challenge for themselves a higher place of precedence.

Private ambition was not the only factor contributing to such practices. Defensive motives were as often to blame for altercations over precedency as personal avarice, as men stepped up to defend their own honour. Increasingly, in neither theory nor practice did the crown's attitude to this complicated issue correspond to the predominant outlook among the gentry. There were conflicting opinions concerning the source of honour in the late sixteenth and early seventeenth centuries. By the meridian of Elizabeth's reign, the predominant view among those who wrote about the subject was that the crown was the well-spring of all honour.[13] 'Whom the King first nameth, to him is given the chiefest honour', declared John Ferne in *The Blazon of Gentry*, published in 1586.[14] 'The ranks and places appointed to honourable subjects ought ever to be at the prince's disposition and pleasure', averred William Segar, Norroy King of Arms, some sixteen years later.[15] A lawyer writing in or around 1622 named the King as 'the author of all honours'.[16] Even Sir Edward Coke, the inveterate champion of the common law, could concede that 'the King by his prerogative royal might give such honour, reputation and placing to his councillors as should be seeming to his wisdom'.[17]

Needless to say, James himself sought to nurture this idea at every opportunity. The King liked nothing more than to style himself 'the fountain of all honour', and deployed this slogan relentlessly.[18] Variants on this shibboleth were equally popular. In 1611, for example, James spoke of 'ourself, from whom all honour and dignity, either temporary or hereditary, hath his only root and beginning'.[19] Avowals of his sort were as much statements of fact as pronouncements of theory, for the King alone controlled the distribution of titles, which were the principal tokens of honour. Yet although all titles – even when they were hawked for cash by courtiers – were ultimately granted in the King's name, the conviction that honour was thereby conferred was dwindling. A popular anecdote circulating after one of James's mass knighting ceremonies of 1603 illustrated the perceived debasement of titles as a currency of honour. The tale

[12] Stone, 'The inflation of honours', pp. 47-50.
[13] I. Atherton, *Ambition and Failure in Stuart England: the career of John, first Viscount Scudamore* (Manchester 1999), pp. 7-9; M. James, *Society, Politics and Culture: studies in early modern England* (Cambridge 1986), pp. 379-81.
[14] J. Ferne, *The Blazon of Gentry ... of the Lawes of Armes and of Combats* (London 1586), p. 36.
[15] Segar, *Book of Honour*, p. 207.
[16] BL Ms Cotton Vespasian C.xiv, fo. 209.
[17] E. Coke, *The Fourth Part of the Institutes of the Law of England* (London 1644), p. 361.
[18] Bod Ms Ashmole 857, p. 242; A. Wilson, *The Life and Reign of King James I* (London 1719), pp. 664f; G. D. Squibb, *The High Court of Chivalry* (Oxford 1959), pp. 43f.
[19] John, Baron Somers, *A Collection of Scarce and Valuable Tracts* (2nd edn. rev. by Walter Scott, 13 vols., London 1809) vol. 2, p. 256.

told how one man enquired of another whether an individual approaching from afar was a gentleman. 'No I warrant you', came the reply, 'I think he is but a knight'.[20]

For while the King and contemporary theorists might for the most part have associated honour with royal advancement, among the nobility and gentry at large, lineage was the yardstick against which it was measured.[21] From the middle of the sixteenth century until after the Civil War, the culture of English gentlemen was suffused with a reverence for the old. This cult of the antique was expressed in myriad ways: in the pedigrees of fantastical length drawn up and displayed in their houses, in their anxious acquisition of ancient arms instead of modern concoctions; in their self-consciously anachronistic attitudes towards architecture and fashion.[22] Philosophers and enlightened men might share Aristotle's alleged dictum that gentility was naught but 'ancient riches', but the predominant view out of doors was that that descent bequeathed honour (daily experience lent support to this, for an earldom or barony dating back to the fifteenth century carried a higher priority within its own rank than one of more recent creation).[23]

The prevalence of this belief explains the growing exasperation in early-Stuart England at the crown's advancement of men to titles of honour of plainly dishonourable desert. Legion and unlovely were the epithets employed to describe those men who the King, through his prerogative, had advanced to knighthood and beyond: 'cockles', 'scum', 'shoals of base and ignorant trout', were among the abuses levelled at such individuals.[24] The gentry's dwindling confidence in the crown's commitment to preserving them in those places of honour to which they felt a hereditary right caused many to take the protection of their precedence into their own hands. There were reports of gentlemen and esquires boycotting quarter sessions and other public meetings in the shires rather than yield precedence to many of the newly-minted knights.[25] The lack of faith among the gentry in the crown's honour policy was one of the primary factors behind the epidemic of precedence disputes during the early-Stuart period.

Even when James recognised the deleterious effects of his over-enthusiastic and haphazard distribution of honours on his standing among the gentry, his response was not to curtail the giving of honours, but to seek to make amends by further exercise of his prerogative. A year or two after his coronation, James advanced a project for a

[20] *HMC Seventh Report* (1879), p. 527.
[21] A. Fletcher, 'Honour, reputation and local office-holding in Elizabethan and Stuart England', in *Order and Disorder in Early Modern England*, edd. A. Fletcher and J. Stevenson (Cambridge 1985), pp. 92f.; R. McCoy, 'Old English honour restored: aristocratic principle in the 1620s', in *The Stuart Court and Europe*, ed. R. M. Smuts (Cambridge 1996), pp. 140-5.
[22] F. Heal and C. Holmes, *The Gentry in England and Wales 1500-1700* (London 1994), pp. 34-7; A. Wagner, *Heralds of England* (London 1967), pp. 206-15; R. Kelso, *The Doctrine of the English Gentleman in the Sixteenth Century* (Urbana 1929), pp. 22f.
[23] Bod Ms Ashmole 749/1, fos. 3-4.
[24] *HMC Seventh Report* (1879), p. 527; F. Osborne, *Traditional Memories on the Reign of King James* (1658), p. 109.
[25] Queen's College Oxford Ms 144, fos. 28-30.

temporary order of knighthood limited to five hundred 'gentlemen of ancient houses and sufficient abilities' who felt aggrieved by their relegation behind men of 'a meaner sort'. The companions of this order (to be selected by the Privy Council) were to have precedence for their lifetime only above all other knights, except bannerets. Far from showing contrition for the affront caused to the ancient gentry, the draft proclamation of the new order contained a verbose and cocksure defence of royal conduct: 'for the clearer justification of our intent, as well out of the grounds of reason as the sway of prerogative, we note that as well all other laws as those of England derive honour only from the prince's will, wherein it resteth of vessels of contempt to make vessels of eminency in all sorts of subjects'.[26]

Given the high-handed tone of this pronouncement, it was perhaps just as well that the scheme was never executed. Nonetheless, the early-Stuart Kings embarked on several smaller scale initiatives to repair some of the damage done. Recognising that the mass creation of knights risked derogating from the reputation of officers of state, James authorised a series of measures designed to protect their standing. In 1609, he acquiesced in an order given by the Commissioners for the office of Earl Marshal allowing any knight who had served as an ambassador to a foreign sovereign, 'in respect of the honour which he hath had to stand covered in the presence of a king', to take precedence before knights of an earlier creation.[27] A more sweeping measure was transacted in 1612, pursuant to the King's decree in a dispute between the younger sons of peers and baronets (of which more below). This enactment provided that, 'by reason of such their honourable order and employment of state and justice', Knights of the Garter, knights of the Privy Council, the Master of the Court of Wards, the Chancellor and Under-Treasurer of the Exchequer, the Chancellor of the Duchy of Lancaster, the Chief Justice of King's Bench, the Master of the Rolls, the Chief Justice of the Common Pleas and the Chief Baron of the Exchequer should take precedence before (*inter alia*) other knights bachelor.[28] In 1618, there was a further attempt to enhance the standing of the crown's legal officers when the Lord Chancellor ordained (undoubtedly with the King's approval) that sergeants-at-law should have precedence on all commissions of the peace before knights bachelor.[29] The King's concern for the dignity of his ministers found wider expression too. In July 1620, James admonished no less a person than the Archbishop of York for claiming precedence at the Yorkshire assizes over the President of the Council of the North since the latter was 'his Majesty's minister and doth represent his Majesty's person'.[30]

Charles I, who was no less bullish in his determination to expand the frontiers of the prerogative than his father, acted in a similar spirit. In February 1626, he decreed that Knights of the Bath were to have priority before ordinary knights bachelor. The

[26] Ibid.

[27] CA record Ms I.25/33.

[28] *The Decree and Establishment of the Kings Majestie, upon a Controversie of Precedence, betweene the yonger sonnes of Viscounts and Barons, and the Baronets* (London 1612: henceforth *Decree and Establishment*), pp. 6-9. Among themselves, they were to take precedence in the order listed, unless they were otherwise able to claim a higher position.

[29] NA (PRO) SP 14/95/21.

[30] NA (PRO) SP 38/11.

precedence of bachelor knights and Knights of the Bath (who were only ever made with the King's personal approbation at royal solemnities) had long been in dispute, and Charles's decree was not before time.[31] Yet this announcement, which was scheduled to coincide with Charles's coronation, was not intended simply to insure against any fresh trouble that might arise from the creation then of a new tranche of Knights of the Bath. It also represented a more subtle and decorous solution to the problem that James had endeavoured to answer in his proposal for a temporary order of chivalry – the need to find some way of promoting favoured or deserving gentlemen above the now serried legions of knights bachelor. Other measures followed. On St George's Day of 1629, Charles decreed that the Chancellor of the Order of the Garter should have precedence above all other knights, except those of that fraternity and the Privy Council. In July 1634, he ordained that the Queen's Treasurer should have precedence above all baronets.[32]

Another innovation during the early-Stuart age was the use of royal warrants or letters patent to confer on selected individuals a higher place of precedence than they could otherwise challenge simply from title or birth. An early example was the grant in 1606 to Sir James Hay, one of the King's Scottish favourites, of precedency before all knights and esquires in England.[33] The grant to Hay, along with other early awards of this sort, were intended purely as marks of royal preferment. Yet as tokens of honour or favour, warrants of precedence were unwieldy devices, for they required the King to specify precisely what place their recipient should enjoy. A typically tortuous example is provided by the grant in 1612 to Sampson Lennard, relict of Margaret, *suo jure* Baroness Dacre. He was to take precedence as though he was the eldest son of his father-in-law, the late Lord Dacre, with priority above the heirs apparent of all barons who had been his junior.[34] Alongside such awards, knighthoods and peerages offered an altogether more painless means of advancement (Hay, indeed, was made a baron in 1615).

Because of the attendant complexities, warrants of this sort were soon confined to situations where royal intervention was required to correct inequities in the ordinary rules of precedency – most commonly when a peerage title was transmitted other than by strict succession from father to son. In such circumstances, the siblings of the new peer or heir apparent could not claim any special precedency, for by established protocol, such individuals were entitled to a special place only if their fathers themselves had been peers. At a time when pride in dynasty was intensely acute, there were obvious pressures to mitigate the rigours of these regulations. In 1619, therefore, the King was persuaded to award Sir Francis Seymour, second surviving son of the late Lord Beauchamp and grandson of the Earl of Hertford, precedence as the younger son of an earl. Similarly, in 1630 Charles I granted the same precedence to George Talbot, younger brother of the Earl of Shrewsbury, who had inherited his peerage from an uncle.[35] Although such awards depended on royal acquiescence, they

[31] Bod Ms Ashmole 857, 424; Bod Ms Ashmole 862, 88-98; BL Ms Cotton Vespasian F.ix, fos. 51-3.
[32] CA record Ms I.25/62, 67.
[33] NA (PRO) SP 14/22/18.
[34] NA (PRO) SP 14/114, 94.
[35] CA record Mss I.25/50, L2 (Founder's Kin) / 31.

served more to entrench the connection between lineage and honour than to magnify the prerogative.

Differences between the crown and the gentry in matters of honour might have provided much of the mental underpinning for growing anxieties over precedency, but conflicts between individual gentlemen had more material causes. Long-term social changes enlarged the potential for precedency disputes. Several factors in particular can be identified. One was the expansion of the gentry as a social class. It has been estimated that the number of men professing gentry status increased by three times during the sixteenth and seventeenth centuries.[36] As a rule of proportion, it was only to be expected that the enlargement of the gentry should occasion a rise in the number of conflicts between its members. Yet there were other conditions that raised the potential for precedency disputes beyond the scales of proportion. It was not simply that the gentry was increasing in size, but also that the occasions where conflicts might occur were multiplying. Over the course of the sixteenth century, the hierarchical social structure of the Middle Ages – centred on the great households of territorial magnates – disintegrated.[37] Until such a time, the pre-eminent men in any locality passed most their days in the company of their inferiors, all of whom had their allotted place according to the ordinances of the house in which they served. At the upper end of the social scale, meetings between equals had been rare (occurring not infrequently on the battlefield) and often liable to provoke bloodshed.[38]

By the end of the sixteenth century, the strict vertical stratification of everyday life had to a large extent accompanied the medieval household into oblivion. Representatives of the ever-distending upper-class encountered each other with a growing regularity in a variety of arenas. Schools and universities were now nurseries teeming with embryonic aristocrats whose fathers and grandfathers might seldom have departed the homestead in their formative years. London, which for the first time during the sixteenth century became the locus of court, legal and social activity in the kingdom, provided further opportunities for congress among gentlemen.[39] Particular problems were caused by the influx during that period of scions of gentry families to the capital and elsewhere, either to ply a trade or to fill places in the ever-expanding state bureaucracy.[40] The migration of gentlemen to the cities infected municipal bodies with an unprecedented concern for precedency in early-Stuart times. The corporations of London, Oxford, Reading and Chester were among those whose transactions were disrupted during the reigns of James I and Charles I by quarrels over precedency.[41] The gentry offshoots who enlisted in the organs of

[36] L. Stone, 'Social mobility in England 1500-1700', *Past and Present* 33 (1966), pp. 22-5.
[37] M. James, *Family, Lineage and Civil Society: a study of society, politics and mentality in the Durham region 1500-1640* (Oxford 1974), pp. 181-7.
[38] F. Heal, *Hospitality in Early Modern England* (Oxford 1990), pp. 40-43, 54-55.
[39] Stone, *Crisis of the Aristocracy*, pp. 385-92, 687f.
[40] G. Elton, *The Tudor Revolution in Government* (Cambridge 1953), pp. 3-8; G. Mingay, *The Gentry: the rise and fall of a ruling class* (London 1976), pp. 6f.
[41] CA record Ms I.25/36-8; NA (PRO) SP 14/112/83; *Acts of the Privy Council 1617-1618* (1929), 310-311; BL Ms Harleian 2180, fos. 148f.

central or civic government brought with them an honour-based understanding of precedence that conflicted with the established practices of those organisations (the rules of precedence for individual bodies corporate almost always mirrored the chain of command rather than social standing). In the Inner Temple and the Exchequer, on the Council of the North and the Navy Board, there were instances of esquires, knights and baronets demanding precedence over more senior colleagues by virtue of their titles.[42] Such problems were exacerbated by the promiscuous dissemination of dignities by James I, which effected a sometimes serious disparity between social and official rank and threatened to undermine the authority of governing institutions. In 1608, for example, the Mayor and aldermen of London complained in a petition to the King that certain 'knights commoners' 'yet keeping shops and continuing their trade' were seeking to take precedence over them at public assemblies, 'even in their own wards and jurisdictions, contrary to the most seemly and bountiful order of the city'.[43]

It was not simply in the burgeoning conurbations that encounters between gentlemen were becoming increasingly familiar. In the countryside too, there were a growing number of places where gentlemen might meet. Among the most common was the judicial bench. Gentlemen whose ancestors often had been little better than warlords, enforcing discipline in their bailiwicks by the sword, were now joined with their neighbours on commissions of the peace to administer justice in an ostensibly consensual fashion. These commissions underwent rapid expansion in the later sixteenth century and beyond, in many cases doubling in size between the juvenile years of Elizabeth's reign and the first decade of James's.[44]

Churches were another place of resort where gentlemen increasingly coincided. Whereas in earlier times, the lord of the manor might have been the only man of blood in the parish, the expansion of the gentry meant that in many places, the local church now played host to a number of reputable families. In all localities during this period, the church was the principal stage for displays of gentry honour and lineage. Hatchments and banners displaying the arms of principal dynasties would invariably festoon the nave, and the tombs of their progenitors would scarce less frequently fill the chancel. It went without saying that successive generations of such families expected equal prominence in life as their ancestors received in death. These considerations acquired new importance with the widespread installation of seating in churches after the Reformation. Men of honour built, bought or seized conspicuous pews, often raising them on daises and erecting pompous canopies overhead.[45]

[42] *Calendar of the Inner Temple Records* ed. F. A. Inderwick (n.p. 1898) vol. 2, p. 10; NA (PRO) SP 14/48/145; SP 16/184/25; R. Reid, *The King's Council in the North* (London 1921), pp. 374-7.

[43] BL Ms Cotton Vespasian F.ix, fos. 105-8.

[44] L. Peck, *Court Patronage and Corruption in Early Stuart England* (London 1993), pp. 31-33.

[45] G. Addleshaw and F. Etchells, *The Architectural Setting of Anglican Worship* (rev. ed. London 1956), pp. 90-95; J. Scarisbrick, *The Reformation and the English People* (Oxford 1984), pp. 164, 173.

Since the private jurisdiction traditionally exercised by noblemen and gentlemen over their dependents had in most cases given way to public judicature, many of the old rules governing precedency (which had been particular to individual households) were now redundant, with nothing of a more general application to replace them. Thus, at just the moment that public encounters between men of honour were becoming more common, there was growing uncertainty as to how gentlemen should conduct themselves on such occasions. These doubts found several means of expression. One was in a wave of courtesy manuals, most of which included observations on appropriate conduct in matters of precedence (although the advice given was rather at the whimsy of the author).[46] Another was in the steady stream of enquiries concerning points of precedence directed to the College of Arms and the occupants of the Earl Marshal's office. Neither of these had ever been formally granted general jurisdiction over questions of precedence. However, their experience of marshalling different ranks on state occasions and more general expertise in questions of honour gave them a measure of *de facto* authority that was popularly exploited.[47]

It should not, however, be thought that there was complete confusion in the ordering of gentlemen. The scale of precedence between ranks was governed by custom and gradual accretion. During the Middle Ages, it had been set down in periodic ordinances made variously by the High Constable, the Earl Marshal and the Lord Chamberlain of the Household. The earliest of these that has survived dates from 1399, although there is no reason otherwise to attach any special significance to this year.[48] There were minor inconsistencies between the several orders of precedence drawn up during the Middle Ages. This was a reason behind a dispute at the court of Queen Elizabeth in January 1595 between Viscount Montague and Lord Thomas Howard. The former claimed precedence through his title; the latter, as the younger son of a duke. The Queen referred the question to the determination of the Commissioners for the office of Earl Marshal. The Commissioners in turn sought the opinion of the officers of arms, who found that the records were in conflict. The Commissioners therefore took it upon themselves to promulgate a new instrument, based as closely as possible on prior usage, both to settle the particular question and to insure more generally against like disputes in the future. The consequent 'Ordinance or Decree made by the Commissioners of the office of Earl Marshal of England for the Precedence of all Estates according to their Birth and Calling' established the relative pre-eminence of all ranks of peers, sons of peers, knights and gentlemen, from dukes downward (see **Table 1** over).[49]

Although this measure settled the precedence between the different degrees, it said nothing of the ranking of men within each of the different orders. Among peers, time-honoured convention dictated that dukes, marquesses, earls, viscounts and barons should precede in order of their promotion to each of these several titles.

[46] Simon Robson, *Court of Civil Courtesy* (1577), 3-8; J. Cleland, *Ἡρω-παιδεία, or the Institution of a Young Nobleman* (Oxford 1607), pp. 179-84.
[47] NA (PRO) SP 14/71/40; BL Add Mss 14410, fo. 35, and 47182, fo. 26.
[48] G. D. Squibb, *Precedence in England and Wales* (Oxford 1981), pp. 15-17
[49] BL Ms Stowe 1047, fo. 264; BL Add Ms 25247, fo. 67.

Dukes of the Blood	Younger sons of Marquesses	Esquires for the Body
Other Dukes	Barons	Eldest sons of Knights Banneret
Marquesses	Eldest sons of Viscounts	Eldest sons of Knights Bachelor
Eldest sons of Dukes	Younger sons of Earls	Esquires
Earls	Eldest sons of Barons	Gentlemen
Eldest sons of Marquesses	Knights Banneret	
Younger sons of Dukes	Younger sons of Viscounts	
Viscounts	Younger sons of Barons	
Eldest sons of Earls	Knights Bachelor	

Table 1: Table of precedence from an 'Ordinance or Decree made by the Commissioners of the office of Earl Marshal of England for the Precedence of all Estates according to their Birth and Calling'. 16 January 1595. BL Add Ms 25247, 67.

This practice was confirmed by the 1539 'Act for the placing of the Lords in the Parliament', the main purpose of which was to settle the precedence of certain great officers of state, but which at the same time appointed that all other peers within their ranks should be placed 'after their ancients, as hath been accustomed'.[50] Although it was not unknown for monarchs to raise peers within their ranks above those of a more senior creation, this had been done sparingly. The formula that peers within their ranks should precede according to the antiquity of their titles had a wider application, so that the elder and younger sons of peers took place among themselves according to the dates of their fathers' respective creations. The same rule also applied to knights within their various orders. As William Segar, Norroy King of Arms, told an enquirer in 1604, 'knights take place according to the worthiness of the order wherein they be, and therein precede after their seniorities'.[51]

Although it was impossible (not to say anachronistic) to speak of a precise date of creation for some elder baronies by writ, for the majority of peerages, the time of inauguration (in cases of dispute) might easily be discovered by reference to the patent rolls. For knights, the matter was rather less straightforward, since creation to any of the chivalric honours was not accomplished by charter, but by dubbing with the sword. There appear to have been few disputes between knights in the reign of Elizabeth – perhaps because the Queen was so sparing in her distribution of this reward.[52] However, the shortcomings of this undocumented, archaic practice were immediately revealed by the inordinate number of knights made by James in his first year in England. In the euphoria anticipating his coronation, the King authorised the making of some 432 knights alone, the names of the candidates in most cases being put forward by a courtier or suitor. On 23 July 1603, the Earls of Nottingham, Worcester and Suffolk, Commissioners for the office of Earl Marshal, were charged with the arduous task of dubbing this number. Requiring nominees to line up in three queues before them, the Commissioners 'set their swords at work at once to make confusion'. Although, 'there was never any question but that ancientcy

[50] *Statutes of the Realm* (vol 3), 729-730.
[51] NA (PRO) SP 14/8/40.
[52] Stone, *Crisis of the Aristocracy*, pp. 74-7.

among bachelor knights was ever, and ever must, be the rule of their going before or behind', the practice of knighting men simultaneously in groups of three created such a 'hurly-burly' that no order of this sort could be imposed. The new knights quarrelled viciously amongst themselves as to who should precede, some claiming that the sword of one Commissioner conferred more honour than the sword of another, others arguing that nomination by the Queen carried more esteem than recommendation by a nobleman, others still insisting that knighting at the top end of the hall was more auspicious than at the bottom.[53] With good reason might William Dugdale later speculate that King Arthur had caused his knights to sit at a round table to prevent quarrels as to who should sit at the head.[54]

The inadequacies of this system were swiftly realised but slowly rectified. Although it was rumoured in 1603 that the Earl of Worcester, in his capacity as Commissioner for the office of Earl Marshal, might be tasked with drawing up a hierarchy of the new knights bachelor, based on their respective precedence prior to dubbing, nothing appears to have been done.[55] Sir Thomas Wilson, Clerk of the Records, recognised in the bedlam an opportunity for turning a profit. Sometime between 1616-1618, he proposed the introduction of a 'Register of Honour' for recording all knights, offering his own services as registrar with an annuity of £30.[56] It was not until 1622, however, that the King took the measures necessary to end the confusion. In May of that year, James addressed a warrant to the Earl of Arundel, Earl Marshal, bemoaning the 'great inconveniences and many differences … about the precedency of knights' occurring because 'so exact a roll is not kept of them as ought to be'. He instructed Arundel to draw up a register of knighthood, in which the names of all those at any point thereafter rewarded with this honour were to be entered, along with the time and place of their dubbing. The new knights were themselves, within a month of receiving their honour, to present a certificate to the Earl Marshal containing these particulars, on pain of forfeiting any advantage of precedence due to them from the time of their knighting.[57] This measure was given general force a little under a year later, when the King issued a proclamation (printed at the same time for public distribution) commanding all men knighted since 15 May 1622 to fulfil the provisions of the edict of the previous year.[58]

If the means for ordering knights were only belatedly introduced, there was at least some overarching method for ranking them. The same could not be said for the untitled ranks of the gentry. The honorific postnominals of 'esquire' and 'gentleman' were derived from prescription and not appointment. It was therefore impossible to speak – as with the nobility and knighthood – of a specific date of creation for these ranks. Although some commentators claimed to know the precise criteria that would win a commoner admission to the hallowed gentry fold, in practice there were no fixed conditions. Writers on the subject thought that wealth, learning or public service were all sufficient qualifiers, and those who probed the matter deeper even pondered

[53] Peck, *Court Patronage and Corruption*, pp. 31-3; BL Ms Cotton Vespasian F.ix, fos. 53f.
[54] Sir William Dugdale, *The Antiquities of Warwickshire* (London 1656), p. 164.
[55] *HMC Seventh Report* (1879), p. 527.
[56] NA (PRO) SP 14/104/89.
[57] NA (PRO) SP 14/130/76.
[58] *A Proclamation for registering of Knights* (1623).

the substantive distinctions between esquires and gentlemen.[59] Historians have emphasised the importance of less objective criteria – particularly the perceptions and opinions of others – over the more measurable indicators preferred by contemporary authorities.[60]

Formally, such considerations were of little consequence. The heralds, acting nominally under royal auspices, were empowered to authorise and regulate the use of the styles 'esquire' and 'gentleman' during the course of their Visitations. Although the standards which the individual heralds employed to assess the claims of pretenders are opaque (and much leniency was allowed), officially, only hereditary proofs were to be admitted (an exception was made for justices of the peace and other ministers of the crown, who enjoyed an *ex officio* right to call themselves 'esquire').[61] It was therefore incumbent on the individual gentleman to satisfy the officers of arms with the necessary evidences that he was born of gentle blood. In practice, the Visitations were inadequate to the task of policing the use of titles of gentility, for they were conducted too infrequently to achieve any consistency. Moreover, the officers of arms had not the resources to investigate every claim to gentility or to prosecute each alleged transgression.[62] Consequently, the use of the styles 'gentleman' and 'esquire' was as much self-regulating as officially sanctioned.

Much the same was true when it came to the precedency of gentlemen. The heralds and the incumbents of the Earl Marshal's office encouraged the view that, in cases of dispute between two gentlemen, the one who could demonstrate the longer aristocratic lineage (neither holding the title 'esquire' or any public commission that might confer a higher priority) ought to take precedence.[63] That the officers of arms and their overlords should foster this notion was only to be expected, for if (as Visitation practices implied) gentility derived from inheritance, it followed that more honour belonged to the gentleman with the longer pedigree. Yet it was quite impossible to apply such principles at large. It was not simply that the Visitation records were partial and the heralds' means insufficient, but also that myriad local customs and traditions prevailed. In many churches, the hire of prominent pews to image-conscious congregants was one of the principal sources of parish finances. In such cases the best place went to the highest bidder. Equally, most churches contained seats reserved for local dignitaries according to their function. Often, a particular pew was attached to a specific house, irrespective of the rank of its occupant.[64] On

[59] Sir Thomas Smith, *De Republica Anglorum* (London 1583), pp. 26-8; W. Segar, *Book of Honour*, pp. 225-8; W. Harrison, *An Historicall Description of the Islande of Britayne*, in Holinshed, *Chronicles* i (London 1577), pp. 113f.; Ferne, *Blazon of Gentry*, pp. 99-101.

[60] K. Wrightson, *English Society 1580-1680* (London 1982), pp. 18-22; P. Laslett, *The World We Have Lost* (London 1965), pp. 41f.

[61] A. R. Wagner, *Heralds and Heraldry in the Middle Ages* (Oxford 1956), pp. 3-8; Bod Ms Ashmole 857, p. 322.

[62] Stone, *Crisis of the Aristocracy*, pp. 67-9.

[63] BL Ms Harl. 2180, fo. 139; CA record Ms I.25/35.

[64] *Churchwardens' Accounts of Pittington and other Parishes in the Diocese of Durham* (Durham 1888), pp. 3-4; H. Robson, 'The Cosin Furniture in Durham Churches', *Antiquities of Sunderland* 24 (1969), pp. 4-5; Addleshaw and Etchells, *Architectural Setting*, pp. 90-5.

the judicial bench, precedence was taken strictly in accordance with the order in which magistrates were named in the commission. Although peers, knights and their sons were invariably placed in sequence of rank and date of creation (when known), among untitled JPs, the order was determined entirely at the government's discretion. Consequently, it was common for gentlemen to exploit court connections to obtain a higher ranking in the commission.[65] A respectable place in the commission was particularly prized because, in the absence of any formal mechanism for determining the precedence of gentlemen and esquires *inter se*, it was as close to an official endorsement of a person's standing as was available.

Amid the medley of provincial and peculiar conventions in matters of precedency, it is unsurprising that no centralised body proved capable of establishing dominion over all such questions. Unless aggravated by an accompanying offence, there were no provisions at common law for trying contentions over precedency. Consequently, the settling of conflicts in provincial settings came often to depend on more informal methods of arbitration, conducted by mayors, justices, churchwardens and others of local repute.[66] Within individual corporations and departments, controversies might be adjudicated internally. A contest between certain aldermen of Oxford in 1621, for example, was referred to Viscount Wallingford, Lord Lieutenant and Custos Rotulorum of Oxfordshire to mediate. Similarly, a series of disputes between officers of the army and navy ahead of the campaign of 1624 were adjudged by the Council of War.[67]

The Court of the Earl Marshal (or Court of Chivalry, as it was also known) came closest to establishing a general jurisdiction over questions of precedence. Certainly, it proved the most consistently popular place for pursuing claims of precedency during the early-Stuart period. In some cases, disputes were referred to the Court of Chivalry upon the King's recommendation. In others, one or other of the antagonists sued directly to the Earl Marshal or the Commissioners for that office for redress. Along with questions between individual ladies and gentlemen, the Court of Chivalry also arbitrated disputes between knights and aldermen of London in 1608, sergeants-at-law and masters of Chancery in 1611 and town councillors of Gloucester in 1623.[68] Such hearings were *ad hoc* in nature, and did not follow ordinary legal conventions. Indeed, it is debatable whether the Court of Chivalry enjoyed any more legitimacy to try such disputes than other tribunals. Nor is it clear if its verdicts were legally binding. The historian of the Court of Chivalry for one has denied that it enjoyed any proper authority to determine precedency matters.[69]

[65] A. Wall, 'Faction in local politics 1580-1620: struggles for supremacy in Wiltshire', *Wiltshire Archaeological Magazine* 72/73 (1980), p. 119; Fletcher, 'Honour, reputation and local office-holding' (note 21 above), pp. 97-102.

[66] Hassell Smith, *County and Court* (note 5 above); *Churchwardens' Presentments in the Oxfordshire Peculiars of Dorchester, Thame and Banbury*, ed. S. A. Peyton (Oxfordshire Record Soc. pubns. vol 10, 1928), pp. 199-205; Bod Ms Ashmole 857, p. 159.

[67] NA (PRO) SP 14/164/71; *Oxford Council Acts 1583-1626*, ed. J. Carter ([Oxford] 1928), pp. 297f.

[68] CA Ms R 21, f. 51; CA Ms I 25, 31, 35, 57; NA (PRO) SP 14/66/86; Lambeth Palace Ms 3472, 187.

[69] Squibb, *High Court of Chivalry*, pp. 141-3.

Such doubts overshadowed the Court of Chivalry's activities in its own time as well. Although in specific cases, the King might appoint the Court of the Earl Marshal to consider a dispute, its broader oversight of such questions derived more from assumption than explicit empowerment. As much was admitted in a judgment given for Sir Thomas Smith in 1609 by the Commissioners for the office of Earl Marshal, who declared their will 'by virtue of that power and authority which we have from His Majesty by the strength of his care to decide doubts and questions of *like* nature'.[70] These misgivings found public expression in 1624, when a bill was read in Parliament for preventing the Earl Marshal from intervening in disputes over precedence in local corporations. The champions of this measure insisted that precedence in civic bodies was properly regulated by their charters, customs and ordinances, and that the Earl Marshal's attempts to overrule such instruments were grossly to the prejudice of their privileges.[71] Although this bill was read only once in the Commons, it appears to have had a chastening effect, for no more precedency disputes within corporations were brought before the Earl Marshal. As with many of its other activities in the early-Stuart period, the legality of the Court of Chivalry's jurisdiction in matters of precedence remains controversial.

Although most precedence conflicts concerning gentlemen during the early-Stuart period were resolved without reference to the King, two were of such severity that they required the crown's personal intercession.[72] Of these, the dispute between the viscounts' and barons' younger sons and the baronets, beginning in December 1611, was the most momentous.

For Sir Edward Walker, Garter King of Arms, writing in 1653 with the distanced detachment that exile could afford, the proliferation of titles under the first two Stuart Kings and the consequent striving for place was 'one of the beginnings of general discontents, especially amongst persons of great extraction'. Of all the honours that James I and Charles I dispensed so open-handedly, Walker asserted, none had contributed more to the 'inconveniences' of these Kings than the baronets. This title had been 'a greater cause of debasing nobility and undervaluing gentry' and 'given more offence and scandal to all degrees than any dignity that was ever devised'. Among themselves, the baronets had contested fiercely for place within the new order. Among the wider gentry, the fact that 'for no merit and a little money, mean persons had the appellation of "Sir", with place and precedency given them for ever, before them and their descendants' provoked envious neighbours either to vie for yet higher titles of honours or else to renounce altogether their 'duty and reverence' to the crown, which was the source of such debasement. The best thing, Walker counselled, that Charles II might do if he ever ascended St Edward's throne was to abolish altogether this invidious rank.[73]

[70] Bod Ms Ashmole 862, p. 67.
[71] Parliamentary Archives HL/PO/JO/10/1/22; CA Ms 'Ceremonie' WB 2, fos. 215f.
[72] The crown did, however, become entangled in a number of disputes among and between English and Irish peers.
[73] E. Walker, *Historical Discourses upon Several Occasions* (London 1705), pp. 300-9.

Although Walker, perhaps out of an inflated sense of his own professional importance, might have exaggerated the political consequences of the rapid increase of honours, he was not amiss in identifying the new rank of baronet as the most persistent cause of conflict over precedence in the early Stuart age. Instituted in 1611 as a title quite explicitly to be sold, the new dignity sought to harness for the financial advantage of the crown the concern among the gentry for social standing.[74] Several similar projects had been presented to the Privy Council in preceding years, proposing enhanced precedence for cash payments, but had not been adopted.[75] Nonetheless, the authors of the official scheme for the new title were in no doubt what instincts they expected to exploit to attract subscribers when they included a clause requiring new baronets to profess under oath that they had offered no favours or gratuities to improve their position on the roster.[76] Writing later in the century, Francis Osborne alleged that the rank of baronetcy was advertised particularly at such of the untitled gentry who begrudged their more determined neighbours the local advantage they had won by obtaining knighthood in the first years of James's reign.[77]

An order erected to gratify such ignoble urges could only augur future indignities, and thus did it transpire. The instructions given to the commissioners appointed to treat with potential candidates for new baronetcies allowed them considerable discretion in ranking purchasers *inter se*. Instead of allocating places within the order strictly in accordance with existing status, the commissioners were instructed to consider each applicant's means and pedigree, so that a gentleman of broader acres and longer lineage might be preferred before a knight poorer in hectares and heredity.[78] Since such endowments might only be imperfectly extrapolated, it was thus to be expected that gentlemen of obscure account would seek by intrigue to better acquaint the commissioners with their merits. A Hertfordshire squire called Thomas Puckering prevailed on Sir Henry Clifford to urge his father-in-law Lord Salisbury to procure for him such precedency among the baronets as 'his means and birth shall require and deserve'. Anxious to 'raise his reputation', a Berkshire gentleman named William Essex lobbied the commissioners impatiently to be the first gentleman of that county to receive the honour.[79] The King was happy to indulge such practices. On 2 July 1611, he even ordered the Lord Chancellor (in contravention of a statute of 1439) to backdate warrants of creation so that importunate latecomers might have a higher precedence.[80]

It was in December 1611, by which time some ninety-two gentlemen had contracted for the honour, that the first serious ructions were heard. As John Chamberlain reported to Sir Dudley Carleton, 'the new baronets have a question for

[74] Each recipient of a baronetcy was to underwrite the expense of hiring thirty infantry a day for three years for the plantation of Ulster. The cost of this was reckoned at £1095 per supplicant.
[75] NA (PRO) SP 14/63/61; Bod Ms Ashmole 862, pp. 101-4.
[76] Somers, *Tracts*, vol. 2, p. 256.
[77] F. Osborne, *Traditional Memories on the Reign of King James* (1658), pp. 109-13.
[78] Somers, *Tracts*, ibid.
[79] NA (PRO) SP 14/64/32; BL Ms Cotton Julius C.iii, fo. 42.
[80] *CSPDom 1611-1618*, p. 53.

place with barons' younger sons, which is hotly followed by Sir Moyle Finch, Sir William Twisden, Sir John Wentworth and Sir Robert Cotton'.[81] These seem to have been the main champions of the baronets' cause, but at least half a dozen others lent them their support.[82] The occasion for the dispute is not related, but its embryo is to be found in the baronets' letters patent, which granted them precedence before all Knights of the Bath, knights bachelor and knights banneret, except such of the last that had been or might in the future be created by the King himself under his banner displayed in open war.[83] Taken in its own terms, this last clause was a dead letter, for no English sovereign had led his subjects onto the battlefield for upward of fifty years, and the irenic James could scarcely have been intending to reverse this trend. In the order of precedence set down by the Commissioners for the office of Earl Marshal in 1595, bannerets (with no distinction made between those created by the King in open war or otherwise) took precedence directly before the younger sons of viscounts and barons.[84] Yet no mention of these last two ranks was contained in the baronets' letters patent. Unsurprisingly, the baronets interfered from the provision that, since they were to take precedence over bannerets not made by the King, they were also to precede the younger sons of viscounts and barons. Equally predictably, the cadets of viscounts and barons were in no mind to be disturbed in their time-honoured precedence without explicit sanction.

The question between the baronets and the younger sons of viscounts and barons was first heard by the Privy Council in December 1611. Given the healthy representation of the English baronage on the Council board, there could be no doubt about the outcome, and the baronets duly discovered that, while easily bought, hereditary honour would not be so hastily surrendered.[85] The baronets appealed to the King, who breezily instructed the Privy Council to give them a second hearing. On 8 January 1612, the Council met once again to hear the baronets' claims, which were dismissed with no less dispatch than before. The baronets appreciated, however, that while their arguments would never deflect the lords of the Council from defending the privileges of their blood and brood, the King's motives were not so high-minded. At the second hearing before the Privy Council, the baronets warned darkly that they expected a satisfactory return for their investments, to which the Earl of Salisbury rashly answered that if any 'misliked his bargain he should have his money again'.[86]

When in early February the baronets presented a formal petition setting out their grievances, the impecunious King was sufficiently chastened to allow the appellants a personal audience. After a tart exchange, the King acquiesced to a full

[81] NA (PRO) SP 14/67/117.

[82] BL Ms Cotton Julius C.iii, fo. 7; NA (PRO) SP 14/68/60. Among other baronets associated at various points with the campaign were Sir William Aston, Sir Thomas Brudenell, Sir Gervase Clifton, Sir George Gresly, Sir Henry Savile and Sir Philip Tyrwhitt.

[83] *Three Patents Concerning the Honourable Degree and Dignitie of Baronets* (London 1617), p. 9.

[84] BL Ms Stowe 1047, fo. 243. Royal plenipotentiaries and military commanders traditionally enjoyed the liberty to dub knights bachelor and banneret. In addition, it was not unknown for the sovereign to grant the same right by special commission to others.

[85] NA (PRO) SP 14/67/117.

[86] NA (PRO) SP 14/68/18.

and open hearing of the dispute before him, at which both sides could make their cases. Notwithstanding this apparent concession, there was little prospect that the King would allow an impartial verdict based on the deserts of the rival arguments, for shortly after the representatives of the baronets had departed the royal presence, he authorised Salisbury to draft a proclamation in favour of the younger sons of viscounts and barons.[87] No doubt his resolution was steeled by a counter-petition from the barons on behalf of their offspring, warning of the grave dishonour that the whole corpus of the nobility would suffer if the baronets' claim was admitted.[88] Yet while James was loath to alienate the peerage over an issue of so little practical consequence to him, a parody of justice was the very least that was required to ensure that the baronets would not requite their injury on him financially. Besides, an open trial of the question would provide the King with an opportunity to enhance his image as the English Solomon.

Although naked advancement was the baronets' only end, they could not hope to impress the righteousness of their cause on a King who had adopted a pose of indifference without assuming the cloak of justice. In their petition, the baronets had emphasised the equity of their cause, praying that the King might make public recognition of the virtuous cause they had underwritten by declaring in their favour. Their appeal to the King's grace had at least won them a hearing. But they required more robust arguments if the royal wisdom was to prove as yielding.

The arguments that the baronets presented to James were, however, anything but compelling, and in time were to stir in the King, not the equanimity of Solomon, but the ire of Herod. Initially, however, the baronets were confident of obtaining victory. In a letter written to the famous antiquary Sir Robert Cotton after the first day of the trial on 25 March, Sir Moyle Finch, Sir Henry Savile, Sir William Twisden and others reported that they had been 'heard very graciously and at large by the King, with so much judgement and indifference as we did all admire, His Majesty being pleased to utter many gracious speeches that gave us great cause of comfort' (Cotton's 'presence and advice' had been urged by the other baronets at their opening exchange with the barons, as the man best qualified to 'give them satisfaction', yet he had excused himself on account of pressing 'country affairs').[89]

The baronets constructed their arguments around a brazen piece of sophistry. Theirs, they sought to prove, was not a new and distinct dignity, but a revival of the ancient rank of banneret, the precedence of which they claimed by right.[90] Such an argument was so astoundingly contrary to fact that it can well be imagined why a self-respecting scholar like Cotton might have tarried to associate himself publicly with it. The original schema for the project referred explicitly to the baronets as a 'new dignity', and by claiming the contrary, the baronets tasked themselves with the improbable objective of convincing the King that his intent had been other than that expressed.[91] Nonetheless, they were confident in their ability to show that these words were 'equally sufficient either to erect a new degree … or to renew' an old one.[92]

[87] NA (PRO) SP 14/68/60.
[88] NA (PRO) SP 14/67/119.
[89] BL Ms Cotton Julius C.iii, fos. 7, 177.
[90] NA (PRO) SP 14/67/119.
[91] NA (PRO) SP 14/63/64.
[92] CA Ms JP 220, fos. 124-32.

Their argument hinged on the fact that, in medieval times, the words 'baronet' and 'banneret' had been used indiscriminately. From this, it was to be inferred, these were but two names for one thing. That the word 'baronet' was sometimes to be found as an alternative spelling of 'banneret' could not be doubted. Beyond orthographical coincidence, however, there was little in the way of proof that the baronets could offer to demonstrate that the two dignities were substantially the same. They produced a handful of precedents purporting to show that the rank of banneret had in the past been hereditary and conferred by letters patent, but the specificity of such examples served more to accentuate their exceptional nature than to prove a general point. For the rest, the baronets' argument consisted largely of a rehearsal of the various occasions when bannerets had taken precedence of viscounts' and barons' younger sons.[93]

A mixture of avarice and historical example would appear to have impelled the baronets along this course. At least some of that number were motivated by the prospect that, if the King declared baronets and bannerets to be one and the same, they might then add heraldic supporters to their coats of arms – a privilege which bannerets along with peers and Knights of the Garter enjoyed.[94] Perhaps more influential were prior instances of contentions over precedency. Although there was no occasion within memory of the monarch adjudicating the rival claims to pre-eminence of whole ranks of men, recent history could supply sufficient precedents of quarrels between peers to show how precedence disputes were ordinarily resolved. As recently as 1610, a question had arisen in Parliament concerning the relative precedence of the Baronies of Le Despencer and Abergavenny. In this case and in like controversies, victory belonged to the party that could demonstrate earliest usage.[95] In a country where law was custom petrified, it was imperative for the baronets – as they declared in their petition – to escape any 'imputation of novelty' and to incite 'no colour of just grievance … by interposition of new degrees'.[96] Cotton himself was insistent on this approach. In a minute of the arguments for the baronets prepared at some point during the controversy, he observed that if the baronets were not the same as bannerets 'then must follow the inconvenience of novelty, which in no state is easy to be admitted'.[97] By masquerading as a contemporary reincarnation of the time-honoured cohort of knights banneret, the baronets might at least therefore offer reassuring historical antecedents for their claims.

When, a week after the King had heard the arguments of the baronets, it was the turn of the barons to make the case for their younger sons, they had little difficulty in making light of their opponents' arguments. Their counsel, William Hakewill of Lincoln's Inn, deployed the historical and etymological finesse he had honed as a member of the Society of Antiquaries to ruinous effect (in vain had the baronets called once more for Cotton so that he might answer point for point the thrusts of his erstwhile colleague in that assembly).[98] Hakewill offered a sophisticated philological history of the words 'baronet' and 'banneret' and produced a battery of

[93] NA (PRO) SP 14/67/119.
[94] BL Add Ms 34712, fo. 216.
[95] *Journal of the House of Lords 1578-1614*, 613, 615, 622f., 628.
[96] NA (PRO) SP 14/67/119.
[97] BL Ms Cotton Vespasian F.ix, fo. 68.
[98] BL Ms Cotton Julius C.iii, fos. 7, 373.

counter-examples to demonstrate that the second degree had only ever been a rank created for life alone and conferred on the battlefield. He also certified that, for each document showing that bannerets had historically taken precedence over viscounts' and barons' younger sons, another might be found showing the reverse. Thus, none might with any certitude say which of these ranks were favoured by the weight of past precedent.[99]

Hakewill combined a scholar's rigour with a barrister's taste for scruple. Having exposed with such efficiency the baselessness of the baronets' claims, he then turned to the legal implications of their arguments. The kernel out of which the present discord had grown, he claimed, was the clause in the King's letters patent assigning to the baronets a place of precedence below knights banneret made by the King but above bannerets made by a lieutenant. To create two ranks of knights banneret was entirely contrary to custom, for bannerets had always taken precedence among themselves according to the order in which they were created, with no significance attached to the manner thereof. Although Hakewill naturally absolved James of all error, he accused those who sought to expound the offending clause 'to make a difference in precedency between bannerets amongst themselves' of violating a fundamental principle of the law: that the King's letters patent should never be construed to the prejudice of a third party. 'If', he enquired by way of comparison, 'the King should by his letters patent give the Chancellor of the Exchequer for the time being place above all barons called by writ, and beneath all barons created by patent, shall this by implication be expounded to take away the right of precedency from barons called by writ, some of which by their ancientcy have place before some others of the barons that are created by patent?' The answer indubitably was no. By the same token, he argued, this article in the baronets' letters patent should not be turned to deprive such bannerets dubbed at an earlier point by the King's deputy of their rightful precedence before those made by the King himself at a later time. Nor, by extension, should the younger sons of viscounts and barons be put from their accustomed precedence directly after knights bannerets without 'express words to that purpose'.[100]

It was of course a moot point whether, as Hakewill claimed, the bannerets had misinterpreted James's letters patent, or whether it had in fact been the royal intention to create a distinction between bannerets made by the King and those created by lieutenants. In any case, the lawyer was wise to probe the matter no further given James's high view of the prerogative.

In their counter-petition to the King, the barons had warned of the deep distress to the fortunes of their entire dynasties that would result from the relegation of their younger sons behind the baronets. 'The wisdom and respect of former ages', they claimed, had bequeathed to their younger sons their present place of precedency 'as a likely motive to recommend them either to rich marriages or honourable employments, especially concerning the small means they can expect for maintenance without the utter ruin of the chief house, as we see that the greatest rivers weaken and in time utterly dry up by the vast arms and branches that are cut out of them'.[101] Concluding

[99] NA (PRO) SP 14/67/119. [100] Ibid. [101] NA (PRO) SP 14/67/119.

his pleading, Hakewill took the opposite tack, but to no less effect. If it was their younger sons' remoteness from any prospect of a financial inheritance that the barons had elected initially to emphasise, it was now their proximity to a potential peerage inheritance that their counsel underlined. Although by the rigours of the common law, the younger sons of peers enjoyed no special privileges, by reason of 'the dignity of their blood and the near possibility to inherit their father's honour' the 'law of courtesy' afforded them a special precedency. With a view to indulging James's well-known weakness for civil law precepts, Hakewill developed this line of argument, alleging that in all societies from ancient Rome onwards, there existed three distinct orders of men: the *nobilitas major*, the *nobilitas minor* and the plebeians. In England, these three categories corresponded to the peerage, the gentry (including all baronets and knights) and the commonalty. Since nobility was a condition of blood, the sons of peers belonged no less to the *nobilitas major* than their fathers. For any to 'intermix and confound two distinct bodies of orders' was contrary to the Roman code. Consequently, the lower reaches of the greater nobility should always precede the highest ranks of the lesser.[102]

Notwithstanding the comprehensiveness of the arguments for the barons' younger sons, after two hearings the question was still not settled. Writing to Cotton on 2 April, Nicholas Charles, Lancaster Herald suggested that a compromise was in the offing. Although the baronets' proofs had been 'held for little' and 'accounted monkish stories', it was bruited that the King would nonetheless allow them the name and privileges of the ancient rank, with the proviso that the younger sons of viscounts and barons should take precedence over them. Talk of such an unedifying bargain was further proof that this was anything but a disinterested disputation. In anticipation of such a dishonest outcome, Charles confided to Cotton that he was 'glad that you are not seen in it at this time'.[103]

On 6 April, James convened both sides before him and his Council to make their final representations. The baronets began by entering a paper exhibiting further proofs that they and bannerets were one and the same. Such a device aroused the immediate irritation of the King, who 'thought the business had been brought to some issue, but now found it should never have end'. In answer to the King's protestations, the baronets' advocate, Heneage Finch of the Inner Temple (son of Sir Moyle Finch) rose and began with a 'philosophical preamble', which James cut short, avowing 'though I am a King of men, yet I am no King of time, for I grow old with this'. With this interjection, all pretence of orderly process dissolved and proceedings slid into a rambunctious row. The Earl of Northampton enquired mockingly of Finch how 'an honour reserved only for the best deserving gentlemen in the field should be inherited by a child in the cradle'. James joined in the derision, whereupon 'the baronets descended from discourse by their counsel to a dialogue both with the King and the lords'.[104]

Eventually, the King called on the barons' counsel to respond to the baronets, but it was not long before his address was also disrupted, first by Sir William Twisden

[102] NA (PRO) SP 14/67/119. [103] BL Ms Cotton Julius C.iii, fo. 86.
[104] BL Add Ms 34218, fos. 121-3.

and then by Sir Moyle Finch. The latter impetuously declared that the King had come to the business prejudiced in favour of the barons' younger sons, for which he was severely chid. Unchastened by the censure of his ally, Sir William Twisden turned on the Earl of Northampton, insinuating that he had ordered Cotton (whose principal patron he was) to rusticate himself until the business was over in order to stifle the baronets' cause. At this, Northampton threatened to uphold his honour by the sword, and the King was forced to intervene to pacify the situation, but not before Lord Wotton had denounced the baronets for showing 'such audacious and unmannerly boldness' as ever he had seen at the Council board. All were then put from the King's presence and told to await the outcome of his deliberations with the heralds.[105]

When this came, it was in favour of the viscounts' and barons' younger sons, whose precedence above baronets was finally confirmed. James's decision was set out in full in an orotund *Decree and Establishment of the King's Majestie, upon a Controversie of Precedence, betweene the yonger sonnes of Viscounts and Barons, and the Baronets* (which was in due course published for circulation). The contention, this document declared, arose 'upon an inference only out of some dark words contained in the letters patent of the said baronets'. Having heard both sides 'three several days at large' and taken the opinions of the officers of arms and his Privy Council, the King 'hath finally sentenced, adjudged and established that the younger sons of viscounts and barons shall take place and precedence before all baronets'. His 'princely meaning', he explained, had ever been 'to grace and advance this new dignity', but 'not therewithal any ways to wrong tacitly and obscurely a third party, such as the younger sons of viscounts and barons'. Since historical records regarding the precedence of bannerets vis-à-vis viscounts' and barons' younger sons were 'full of confusion and variety', the baronets could not justifiably claim superiority over the latter on the basis that their patents gave them pre-eminence before some of the former.[106]

Lest there might in future be any cause for further uncertainty, the 'Decree and Establishment' set out explicitly the order of precedence that was henceforth to be observed. Bannerets made by the King or the Prince of Wales under either of their standards in open war were to take precedence over viscounts' and barons' younger sons. They in turn were to precede baronets. Baronets were to have ascendancy over 'all other bannerets whatsoever, no respect being had to the time, and priority of their creation'.[107] James's insistence on the division of the bannerets (unprecedented in previous eras) into two classes might initially appear puzzling, since this provision was in no small portion responsible for the original confusion.

However, a reason for James's persistence is suggested by a clause (discussed above) giving precedence to Knights of the Garter, knights of the Privy Council and other government officials before viscounts' and barons' younger sons, baronets, bannerets not made by the King and all other knights.[108] Both provisions endeavoured to burnish the crown's credentials as the touchstone of honour. In the case of knights

[105] Ibid. [106] *Decree and Establishment*, pp. 2-4. [107] Ibid., pp. 4-6.
[108] Ibid., pp. 6-9. Among themselves, they were to take precedence in the order listed, unless they were otherwise able to claim a higher position.

banneret, it sought to establish the doctrine that the same dignity when bestowed by the royal hand imparted more honour than when conferred by an ordinary mortal (the elevation of Knights of the Garter is also to be explained by the fact that his degree was only ever conferred by the sovereign himself). In the case of Privy Councillors and the other positions named in the *Decree and Establishment*, it emphasised the especial honour that royal employment vouchsafed (the inclusion in this company of the Chancellor of the Duchy of Lancaster was particularly significant, since this officer served the King in his personal capacity as sovereign within the county palatine and not as a servant of state).[109]

The apparent desire to turn what ought to have been an acknowledgment of royal oversight into an occasion for embellishing the crown's honour was further evident in the reparatory appurtenances that the baronets received. 'This dignity being of his Majesty's own erection and the work of his own hand', the King was pleased further to allow that all baronets and their heirs male might thenceforth (upon reaching the age of twenty-one) receive the honour of knighthood; that in armies royal, baronets were to have place 'near about the royal standard of the King … for the defence of the same'; that at their funerals, baronets might employ five official mourners to follow the cortege, 'being the mean betwixt a baron and a knight'. In addition, all baronets were given the right to bear in their arms a canton or inescutcheon containing the red hand of Ulster, although as John Chamberlain noted caustically 'many think this so far from honour that it may rather be taken for a note of disgrace to show how they came by it'.[110] In complaisance to a specific request from the baronets, the King undertook to erect no new degree between them and the barons that might result in their further demotion. Yet in this, the baronets had to trust James's word, for at the same time the King reserved to himself and his heirs 'full and absolute power and authority to continue or restore to any person … such place and precedency as at any time hereafter shall be due unto them'.[111]

Notwithstanding the peremptory accent and highfalutin reaffirmations of the crown's authority in the *Decree and Establishment*, it is difficult to conclude other than that this episode visited severe disrepute, not just on the new baronets, but on the crown as well. The concession to the baronets of an automatic right to dubbing represented an admission of the insufficiency of their own title, and at the same time did little to enhance the reputation of knighthood. The King thereby cheapened at a stroke the two mainstream honours designed to reverence the gentry.

More injurious for the future, however, was the damage inflicted by this affair on the notion that honour was a mystery of monarchy, percolating down from the King. Instead of ending the controversy with an abrupt and instantaneous edict (which even the likes of Coke would have admitted was within his rights), James allowed the question – and hence his prerogative – to become a matter of open debate.

[109] G. Aylmer, *The King's Servants: the civil service of Charles I 1625-1642* (London 1961), pp. 33f.
[110] *Decree and Establishment*, pp. 11-13; NA (PRO) SP 14/68/104.
[111] BL Ms Cotton Faustina C.viii, fo. 28; *Decree and Establishment*, pp. 9-11.

The contention between the baronets and the younger sons of viscounts and barons originated in the exercise of the King's prerogative and could only be resolved by the same means. It was pointless bringing the issue to trial, since neither side possessed any right that could be discovered by judicial enquiry. The baronets' reliance on the fiction of their equivalence to knights banneret is testimony to the absence of positive proofs for their entitlement to the superior precedency. Nor could the barons produce anything to show that their sons enjoyed an intrinsic right to pre-eminence over baronets. It was a vexed question, arising solely from an inconsistency in the King's letters patent and which only James could resolve by elucidating his intent. None was more aware of this than James himself. Even before the first session of the hearing proper on 25 March 1612, he had determined upon the outcome. Yet for reasons of expediency, he persevered with the artifice of a trial in the hope that the spectacle of a fair hearing would allay the threats of the baronets to renounce their titles and recover their outlay. The *Decree and Establishment* that resulted struck a commensurately uncertain tone. Though it might reverberate with protestations of the King's 'absolute power and authority' in questions of honour, the decision to try the difference in a quasi-judicial fashion, with the King (advised by his Privy Council and officers of arms) acting as a supposedly impartial examiner of the evidence, belied such assertions.

As a defence of the royal prerogative in questions of honour, the *Decree and Establishment* compares unfavourably with an earlier draft declaration drawn up by the Attorney General, Sir Henry Hobart (this is possibly the proclamation which James instructed Salisbury to prepare in February 1612). The difference between the two documents is not so much one of outcome – in substance, both gave the same verdict – as temper. In the earlier version, there was no implication that it belonged other than to James's 'supreme power and prerogative royal' to 'interpret our own meaning in an act of our own', 'with the testimony of our conscience and honour'. After the travesty of a trial, a consistently juristic resolution was required. Out, therefore, went the words 'ordain' and 'appoint', by which the King in Hobart's draft was to pronounce his will, to be replaced in the *Decree and Establishment* by the terms 'sentence' and 'adjudge'.[112] Such an alteration, conciliatory in style yet no less imperious in intent, nourished the impression that the King's prerogative powers might be negotiated.

James's failure to act decisively in the dispute between the baronets and the barons' younger sons offered general encouragement to those dissatisfied with his honours policy and emboldened those who were prepared to question the crown's monopoly in these matters. In the Parliament of 1614, a petition was presented to the Commons calling upon members of that body to lobby the King 'for the revoking and abolishing of the degree of baronets lately erected'. The petition presented an open and audacious challenge to the King's sovereignty in affairs of honour: 'his Majesty by his prerogative royal may create barons, viscounts, earls and any other degree of nobility as other his ancestors and progenitors have done. But the erection

[112] CA Ms JP 220, fos. 117-119.

of this or any other in the commonalty is not warranted by any former precedent, usage or custom'.[113] The presumptuousness of this claim for common law limitations on the King's power to grant honours was recognised even by those who shared its sentiments. Sir Edwin Sandys, to whom fell the task of delivering the supplication to the house from the Committee for Petitions, effaced the name of the author to protect him from retribution.[114]

Inevitably, the petition provoked a furious debate on the floor of the Commons. Sandys, along with Sir Thomas Hoby, Sir Henry Poole and others, called for it to be read in full session of the house. This was strenuously opposed by Sir Ralph Winwood, the King's Secretary, who objected that 'it was not for the honour or liberty of this House to read it at this time, for thereby we questioned the King's prerogative'. The business, he insisted concerned 'only a point of honour, which [is] freely in the King's power'. He was supported by Sir Thomas Lake, who warned that 'this trencheth high, to impeach the King's prerogative and discretion'. It was eventually agreed to establish a select committee to give further consideration to the petition, but Parliament was dissolved before it could meet.[115]

The petition was aflush with bile but pale in substance. In vehement terms, it denounced the disgrace done to the knighthood and ancient gentry of England by promoting men 'of no worth, either in estate or desert' ahead of them. Forecasting eternal 'dislike, envy and hate burning between the gentry of the kingdom and the baronets', the petition declared that knights, esquires and scions of venerable dynasties would sooner abstain from serving in public assemblies than give way in these places to such of the baronets as they 'accounted their inferiors'. Yet nothing in the way of justification was produced to qualify the lofty claim that the King possessed no constitutional right to erect new dignities among the gentry. In refutation of the assertion that the 'commonalty of the kingdom, ever since the first institution thereof, hath consisted of certain degrees known by legal additions without change or alteration by any of his Majesty's predecessors', Winwood could easily instance the Order of the Garter as an exception.[116]

Although the author of the petition could offer no legal precedents or precepts in support of his contention, his arguments had both a moral and dynastic resonance. Rejecting any suggestion that the scale of precedence should ultimately be subject to royal will, he posited that it ought rather to reflect worthiness and descent. 'Nothing is more commendable that honour springing out of virtue and desert', he averred, 'but to purchase honour with money (as baronets have done) is a temporal simony and dishonourable to the state'. By the erection of this new dignity, individuals 'being meanly descended must have precedence before gentlemen of ancient families'.[117] In reality, it was of course inconceivable to suppose that men could ever be ranked

[113] Bod Ms Ashmole 842, fos. 34-6.
[114] *Proceedings in Parliament 1614 (House of Commons)* (1988), p. 326.
[115] Ibid., 325; *Journal of the House of Commons 1547-1628* (1802), p. 494.
[116] Bod Ashmole 842, 36; *Proceedings in Parliament 1614 (House of Commons)*, p. 321.
[117] Bod Ms Ashmole 842, fos. 34-6

according to such abstracts as virtue and quality of lineage. Even in theory – as those writers who esteemed virtue as a source of honour acknowledged – some form of royal agency was required to recognise and reward those deserving of preferment.[118] Nonetheless, the views propounded in the petition possessed a heady rhetorical allure.

The squall over the baronets in the Parliament of 1614 brought to bloom the seeds of incongruity between the crown's conception of honour and the gentry's. The divergence of these views had occurred over a longer period than James had reigned, but the controversy of two years earlier between the baronets and the barons' younger sons was the immediate inspiration for the assault of 1614. For however obstinately James might adhere to the theory of royal pre-eminence in matters of honour, he was politically too equivocating to realise this principle. The quarrel between the baronets and the barons' younger sons had shown that, when compelled, the King was liable, not only to allow debate, but also to yield to pressure.

From thenceforth until the personal rule of Charles I, the crown encountered continuous opposition to its policies in matters of honour. In the Parliament of 1621, the baronets encountered renewed opposition, with the Committee of Grievances proposing the addition of this new rank to the charter of complaints being prepared. James was forced to intervene to forestall any further discussion of this business, sending one of his Secretaries to the Commons to declare that 'he desires us to consider him to be the fountain of honour and to be only able to impart honour to whom he pleases, and no man to question him'.[119] More seriously still, the House of Lords for the first time lent its voices to the chorus of discontent, denouncing vehemently the claims of the noblemen of Ireland (whose number had swollen on account of James's sale of titles in that country) to parity with English peers of the same rank.[120]

During the 1620s, the House of Lords was to become the focus for disputes over precedence. Two issues in particular came to pre-occupy the Lords. The first was the question of their own precedence vis-à-vis the Irish nobility. The second was the matter of the King's right to settle the individual precedence of English peers in the Lords. These issues are beyond the scope of the present study. However, it cannot but be wondered whether the peers were stirred in these enterprises by a victory won in 1620 for the younger sons of earls over knights of the Privy Council, in the second major precedency contention heard by the King.

The occasion of this dispute was a royal procession through the City of London on 26 March 1620. Disliking the decision of the Commissioners for the office of Earl Marshal to order them below the younger sons of earls, the eight knights of the Privy Council appealed to the King for redress. With the cavalcade set to depart and certain 'gallants' among the earls' younger sons spoiling for a fight, the King had no

[118] F. Markham, *The Book of Honour, or, Five Decades of Epistles of Honour* (London 1625), p. 38.
[119] W. Notestein, F. Relf, H. Simpson (edd.), *Commons Debates 1621*, 7 vols. (New Haven 1935), pp. 111-13.
[120] Wilson, *Life and Reign of King James I*, p. 747.

choice but to postpone the resolution of the question to a later date. In the meantime, he commanded both parties to desist from proceeding (with the result that the parade was 'slenderly followed').[121]

The reasons why the knights of the Privy Council elected to press their claims at that moment are opaque, although they might have taken fright at the ever growing number of earls (of which there were 16 in the last Parliament of Elizabeth's reign, 27 in the Parliament of 1614 and 34 by the next meeting of that assembly in 1621). At the funeral of Prince Henry in December 1612, knights of the Privy Council had apparently given precedence without qualm to the younger sons of earls.[122] Moreover, the *Decree and Establishment* of the same year, to which knights of the Privy Council owed their place, was quite clear in awarding them precedence before the younger sons of viscounts and barons, with no mention made of any higher degree over which they could claim priority. Nor could they claim advantage of numbers, for the younger sons of earls had champions aplenty. On the Privy Council itself, there were five titular earls. In addition, two further Councillors, the Scottish Duke of Lennox and Marquess of Hamilton, held English earldoms. Moreover, the claims of the knights could also be expected to raise the opposition of the barons (of whom Lord Digby was the representative on the Privy Council), whose eldest sons would also suffer if their claims were admitted. The King could be in little doubt that these groups would answer the call of the earls' younger sons, for as the latter warned in a petition to the King, 'this dispute is of the more consequence because the desire of the knights Councillors is only for themselves in particular, and the offence thereof toucheth not only at us, but hereditarily at the whole blood of the nobility of England and their posterity'.[123]

As in the case of the baronets, the King agreed to hear the case himself. This decision was no doubt due partly to the knights' insistence that the Commissioners for the office of Earl Marshal, being earls to a man, would not permit a disinterested hearing of the matter. Yet it was also, as before, in keeping with James's high opinion of the crown's interest in all affairs of honour. The question was tried in a bad-tempered meeting on 2 May, at which accusations of perjury and intimidation abounded. The King opened proceedings by censuring the 'violent carriage' of both parties, but dismissed the accusations of Robert Treswell, Somerset Herald, that the Commissioners had threatened to break his neck unless he conform himself to the interests of their younger sons. There followed a long dispute as to which side should commence proceedings. Sir Edward Sackville for the earls' younger sons claimed that, since they were in possession of the precedence, the knights should open as

[121] NA (PRO) SP 14/113/59. There were eight Privy Councillors who ranked as knights: Sir Julius Caesar, Sir George Calvert, Sir Henry Carey, Sir Edward Coke, Sir Lionel Cranfield, Sir Thomas Edmondes, Sir Fulke Greville and Sir Robert Naunton (Sir Francis Bacon was entitled to a higher precedence as Lord Chancellor). Among the earls' younger sons, the principal agitators were identified as Sir Edward Sackville and Sir Edward Cecil (respectively, sons of the Earls of Dorset and Salisbury).

[122] NA (PRO) SP 14/71/57.

[123] Inner Temple Ms Petyt 538 44, fos. 59-60.

plaintiffs. In a sense, the debate never went beyond this question, for the remainder of the session was taken up with the efforts of both sides to demonstrate that past precedents were in their favour. Of these, the proofs of the earls' younger sons proved the stronger – the knights' case being compromised by suspicions that the two officers of arms who supported their arguments, Treswell and Ralph Brooke, York Herald, had forged their evidences.[124]

If Sir Henry Carey's notes on the question are indicative of the arguments which the knights hoped to propound, it would appear they intended to convince the King that the honour of the Privy Council – and therefore the crown – depended on their victory. 'The dignity of those who sit at the Council bar being drawn into contempt, the dignity of the authority of that board would abate by it', Carey observed, remarking further, 'the honour of Councillors is derived from the King. The honour of the earls' younger sons from their fathers only'.[125] Similar arguments were purposed by Sir Julius Caesar: 'the Privy Councillors are the representative body of the King, as the eyes and the ears whereof he is the head'. After listing the various privileges, titular and real, which Privy Councillors enjoyed over other subjects, he concluded, 'they are more near and private with the King than other persons, therefore they ought more to be honoured and respected than those who are not vouchsafed to be acquainted with princes' secrets'.[126]

As it transpired, the knights received no opportunity to deploy such arguments. After the Commissioners for the office of Earl Marshal were accused once again by the knights of coercion, the meeting descended into rancour and the King called a halt to proceedings, ordering the officers of arms to attend him privately with their rolls so that he might consider the proofs alone. At this point, the King's intention seems only to have been to resolve the matter with minimum upset, for he enquired with the knights whether they might agree to a compromise giving precedence over the earls' younger sons to the two Secretaries of State (Calvert and Naunton) and the Treasurer and Comptroller of the Household (Edmondes and Carey), but not the others.[127] The knights, however, declared their intention to prevail or fall together.

Recognising that the insult to the nobility was of more peril than the frustration of the Councillors, who might anyhow be compensated with peerage titles, James declared at the close of June in favour of the earls' younger sons.[128] As the petition submitted by the this group emphasised so heavily their hereditary claims to precedence, the nobility and gentry could have been forgiven for believing that its success represented a new commitment on the King's part to upholding the honour of ancient blood. This no doubt explains the confidence with which the Commons and Lords respectively attacked the baronets and Irish peers in 1621.

Yet while James was able to give ground when it was politic, neither he nor his son was prepared to tolerate attempts to derogate from the prerogative in matters

[124] Ibid., 61-75.
[125] Bod Ms Tanner 91, fo. 202.
[126] BL Ms Lansdowne 162, fos. 226-8.
[127] Inner Temple Ms Petyt 538 44, fos. 61-75.
[128] Bod Ms Ashmole 862, p. 70. Of the eight knights of the Privy Councillors who followed the cause, half (Calvert, Carey, Cranfield and Greville) were made peers before the King's death in March 1625.

of honour. The 1620s, therefore, witnessed an escalation of hostilities. Ample Parliamentary time and new organisational structures (particularly the Committee for Privileges) allowed the Lords to bring to a head the question of whether honour derived from crown or kin.[129] The efforts of the Lords during the 1620s to curtail the crown's oversight of precedence were undoubtedly provoked by the countless examples of James's meddling in matters of this sort, and encouraged by his vacillating and equivocal response to the disputes concerning the baronets and the knights of the Privy Council.

The societal and demographic transformations of the post-Reformation period fashioned a society in which the gentry was both more politically and numerically consequential than at any time heretofore. These developments provided the necessary conditions for the great escalation in precedency contests during the early seventeenth century. As outlined above, the rules of precedency imparted by previous ages were insufficient to new social realities. Nor did there exist suitable mechanisms for determining disputes when they arose. In many cases, resolutions might be improvised in a local setting without the need to refer the matter elsewhere. However, the policies of the early Stuart Kings increased both the desirability and demand for royal intervention.

The growing involvement of the crown in questions of precedency therefore had both deliberate and inadvertent origins. By instituting new dignities and altering the precedence of individuals within existing degrees, the crown took active steps to increase its oversight of these matters. Moreover, its claim to act as the 'fountain of all honour' meant that, when conflicts arose, disputants looked increasingly in its direction to provide some sort of arbitration. The crown, of course, had no scruples in taking upon itself the hearing of precedency cases (or otherwise referring them to the prerogative office of Earl Marshal), for such actions allowed it to parade its claims to ultimate authority in matters of honour.

However, reasons of necessity also required the crown's intervention to an extent hitherto unprecedented. The unchecked inflation of titles and careless distribution of honours fostered rivalries that, without the government's mediation, might have paralysed local and national instruments of administration. Moreover, the insistence of the early Stuart Kings that all honour derived from the crown aroused widespread dissent. Originally, hostility was directed only at neophytes promoted (in accordance with this doctrine) above gentlemen more tender of their lineage. But over time, opposition came also to comprise resistance to the crown itself. These embers of uproar were fanned by the crown's inept handling of controversies and its perseverance with a discredited dogma. Such problems had Shakespeare foreseen. Take away 'primogenitive and due of birth / Prerogative of age, crowns, sceptres, laurels', he had warned, 'and, hark, what discord follows'.

[129] McCoy, 'Old English honour restored' (note 21 above), pp. 140-5.