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# The Elizabethan Succession Crisis 1558-1600: Dynastic Conflict and Parliamentary Power

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Elizabeth and the Succession

A thesis submitted for honors in Medieval and Renaissance Studies

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## Introduction

It is not generally known that a crisis surrounding the succession to the English throne occurred during Elizabeth I's reign (1558-1603). The overwhelming majority of historians of the Elizabethan period, in fact, do not indicate that a succession debate existed at all. The few who do conclude far too easily that although Englishmen worried about the identity of Elizabeth I's successor, James I (1603-1625) was the only plausible candidate for the crown. Contemporary concerns are dismissed as having been unwarranted, and Elizabeth I is often vaguely assumed to have had matters fully under control. A retrospective view of history, which shows that James VI did in fact succeed, as well as a habitual deference to Elizabeth's greatness, has thus obscured the succession issue for a long time. A striking example of this perfunctory obeisance to Elizabeth's political skill is D.M. Loades's characterization of the matter of the succession as "the last thing that the old queen got right."<sup>1</sup> In assuming that Elizabeth I, like all other monarchs, would exhibit eagerness and care in the determination of her successor, historians err. Elizabeth I's personal experiences were like those of no other royal figure of her age and her actions as ruler were often equally idiosyncratic. In a period preceded by Henry VIII's domestic marriages and the minority rule of Edward VI's reign, the line between royalty and the nobility had grown increasingly thin. James VI was not Elizabeth's only likely successor and the chief domestic contenders for Elizabeth's position seem, in fact, to have ignited the queen's deepest insecurities and personal fears. Consequently, Elizabeth resisted settling the succession question

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<sup>1</sup> D.M. Loades, *Chronicles of the Tudor Queens* (Phoenix Mill, Gloucestershire: Sutton Publishing, 2002), 291.

at every turn and her actions resulted in a widely felt crisis that fundamentally influenced many aspects of the age that bears her name. Perhaps Elizabeth was not as entirely successful a ruler as historians have so often thought.

Every aspect of my research into this long neglected succession struggle reveals how deeply it was embedded in the political, diplomatic, ideological, and social fabric of the Elizabethan age. Rooted in the division of religious and foreign allegiances in sixteenth-century England, the divergence of English opinion on the identity of Elizabeth's legitimate successor fundamentally affected politics at the highest levels. No foreign or domestic faction was ignorant of the sweeping influence this determination would have upon England's future and each tried to arrange a settlement to suit its own self-interested ends. Elizabeth herself was heavily affected by the subject and it greatly influenced her often tenuous regime. Parliament was brought into play because of the great public consternation resulting from the queen's adamant refusal to name a successor. Radical ideologies were developed as a result, in order to support Parliamentary power to resolve this pressing matter, which ultimately challenged the supremacy of the crown in English political life. Nor was the influence of the succession limited to the inspiration of new ideas in the political sphere. It also had a distinct impact on literary and theatrical works often associated with the Inns of Court. No complete understanding of the Elizabethan era, or of the later difficulties of Stuart rule, is possible without recognizing the foundational importance of the conflict over who would succeed Elizabeth I on England's throne.

To the best of my knowledge Mortimer Levine's *The Early Elizabethan Succession Crisis 1558-1568* is the only book ever printed devoted solely to the Elizabethan succession

dilemma.<sup>2</sup> Thus, it seems to be the sole authoritative text on this subject and serves as an invaluable guide to a generally unrecognized field of study. It is my view that one cannot understand Elizabeth's handling of the succession, and thus why such devastating consequences eventually occurred for the English monarchy, without delving fully into Elizabeth's personal history and relations with her Tudor kin. While Professor Levine's work is dedicated almost solely to the primary claims of the Greys and Stuarts, I have chosen to address in more detail the claims of the Douglas and Hastings families as well. Noting Elizabeth's trenchant resistance to any settlement of the succession, I have also gone back to earlier periods of her life and elucidated little touched upon facts concerning her relationship with the Greys in order to explain better why the matter of the succession proved so difficult for her. Consequently, Elizabeth's much more favorable relationship with her Stuart cousins is examined in order to determine generally how and why James VI eventually succeeded to her throne. Professor Levine does a very thorough job explicating Elizabeth's dealings with Parliament over the succession. I have attempted to explore more fully the prevailing sense of fear and uncertainty that drove members of Parliament to push the issue in increasingly radical directions, as well as to illuminate why further examples of this kind of bold action did not occur.

Building upon the many succession treaties mentioned by Professor Levine, I have expanded my consideration to additional genres of writings and attempted to elucidate more clearly the ideological basis of this subject matter and its implications for England's future. In so doing, I have considered additional works of poetry and drama that apply directly to aspects of the succession debate, which were brought to my attention by the work of Marie Axton, as well as the personal political writings of James VI of Scotland. Fundamentally, whereas Professor

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<sup>2</sup> Mortimer Levine, *The Early Elizabethan Succession Crisis 1558-1568* (Stanford: Stanford University Press, 1966).

Levine believed that the succession question was essentially settled by 1568, the year in which Catherine Grey died and Mary Stuart came to England, I believe the issue of Elizabeth I's successor remained much longer in doubt. The succession does not appear to have been certain, from a contemporary perspective, until Essex's downfall and Robert Cecil's adoption of the Stuart cause around 1600. Thus, I contend that the succession remained unsettled and unsettling throughout practically all of Elizabeth I's long reign, advancing the development of Parliamentary claims to power in a struggle with the crown that persisted until the end of the seventeenth-century.

Primary sources bearing on the Elizabethan succession are for the most part very rare. The correspondence between Elizabeth I and James VI is well organized and readily available. Unfortunately, many contemporary records, found in state calendars and ambassadorial reports are only available in the United States through secondary sources. Records of Parliamentary debates for this period are sparse and not very detailed, and reference to the personal papers of William Cecil and other interested parties, housed in private collections in England and other countries, is often necessary to establish any meaningful picture of events. Fortunately, the poetic and dramatic works that were informed by the succession have been limitedly recognized for their artistic merit and were relatively easy to find. Many of the tracts that address the succession debate, on the other hand, appear to have rarely, if ever, appeared in print and often survive only in manuscript form. Recently some of these have become available through the English Books Online database, which provides scanned images of the original texts. When possible this excellent resource has been utilized. All succession literature that I encountered before James VI's own venture into the succession debate around 1598 is examined. This is utilized as a convenient terminus, for I consider James VI best equipped to advocate his own

cause, and no new ideas seem to have emerged after this point. All subsequent works on the Elizabethan succession seem to have agreed in their support of James VI's claim, effectively ending any significant debate. They focus primarily on disparaging the rival claim of the Spanish Infanta, who was only supported by a very small number of radical Catholics. A full finding list is available in Appendix C.

The Elizabethan succession crisis is an endlessly fascinating and surprisingly overlooked historical problem that offers ample insight into the Elizabethan age to those fascinated enough to probe its depths. Unfortunately, the history of the 'losers' rarely attracts much scholarly attention, even though these individuals and their struggles inevitably influence the outlook, happenings, and legacy of every age. In my case an interest in a fairly obscure historical figure, Lady Jane Grey, led to a personal fascination with many overlooked Tudor relatives. Their contemporary significance, stemming from the Tudor's prolonged dynastic difficulties, has never been fully appreciated by historians. Cognizant of the Act of Succession of 1544 and the importance of Henry VIII's will in establishing a line of succession that left out the heirs of his elder sister Margaret, I always wondered why her Stuart descendants followed Elizabeth I on England's throne. Central to this question was the fate of the heirs of Henry VIII's younger sister Mary, who after the death of Lady Jane Grey were represented by her rather obscure sister Katherine. Recent scholarship on Lady Katherine Grey brought to my attention other unrecognized rivals for the throne, including Lady Margaret Lennox and Lord Henry Hastings, and a perilous succession struggle, which few seem to know existed, materialized before my eyes. Intuitively, I realized that the existence of such unprecedented dynastic uncertainty and an extraordinary range of candidates for the throne must have had serious historical consequences that simply had to be explored. I hope that all true lovers of history will be encouraged by this



effort to elucidate a topic that the vast majority of historians seem to have missed, which I hope proves that even in an age as heavily studied as sixteenth-century Elizabethan England exciting new discoveries are always possible.

## Chapter 1: Rivals for the Crown

Elizabeth I's failure to marry and produce heirs caused the failure of the Tudor Dynasty, instigating a succession crisis that exercised a profound influence on English affairs for over forty years. Divided in the aftermath of the ex-cathartic English Reformation and consequent political turmoil, the remaining descendants of Henry VII, from the very day of Elizabeth's accession, were set at odds in a fierce battle to succeed to St. Edward's throne. England's sovereignty and official faith hung in the balance. The absence of an established mode of legitimate succession, stemming from the crown's turbulent past and recent parliamentary innovations, put the kingdom in collective doubt as to who the next monarch should be. In this disturbing and potentially explosive situation, which invited significant historical and legal interpretation, a new freedom of choice was offered Englishmen in supporting a variety of legitimate claimants for the crown. Driven by personal, political, and religious predilections, those in power thus shuffled their support among the houses of Stuart, Grey, and Hastings, the last great repositories of English royal blood.

From the standpoint of lineage the Stuart descendants of Henry VIII's sister Margaret, Queen of Scotland, had the strongest hereditary claim to follow Elizabeth I on England's throne, albeit with the traditional aura of divine selection this entailed. Henry VII, the first Tudor king, had one son, Henry VIII, and two daughters, Margaret and Mary, who lived long enough to marry (and produce heirs). Upon the failure of Henry VIII's line, the primogeniture of his eldest sister

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Margaret were undoubtedly closest to the throne.<sup>1</sup> While not many in England ascribed to Divine Right theory in its high absolutist form, general opinion held that only God could create a true heir.<sup>2</sup> This gave the Stuarts a claim to an indefeasible right that could not be altered by mere human volition.<sup>3</sup> Certainly, this must have held some attraction for many in the upper-classes, who had the protection of their dynastic successors to their own extensive familial holdings to consider. At the same time, divine election could be recognized in various forms, including not only birth, but spontaneous popular election and victory on the field of battle.<sup>4</sup> Many significant aberrations of lineal descent, including the foundation of the Tudor dynasty itself, moreover, peppered the monarchy's past, making appeals to hereditary right potent but far from absolute.<sup>5</sup>

Primogeniture, at this point, was not a firmly established principle in regard to the crown, there being a more nuanced concept of election associated with the right to occupy England's throne. Though limited to choosing among candidates from the royal family, the Anglo-Saxon Witan nevertheless selected kings, including Alfred the Great, who were not the previous monarch's closest heirs.<sup>6</sup> The conflict that erupted after many English barons supported one of Henry I's younger nephews, Stephen, as king in 1135, instead of his daughter Matilda, who he had explicitly designated as his heir, shows that while the principle of hereditary succession had gained ground after the Norman Conquest it was still not indisputably established.<sup>7</sup> King John succeeded his brother Richard I by election in 1199, despite the senior claim of his elder brother's posthumous son, Arthur.<sup>8</sup> During the Wars of the Roses, the forcible usurpations of

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<sup>1</sup> Mortimer Levine, *The Early Elizabethan Succession Question 1558-1568*, (Stanford: Stanford University Press, 1966), 32.

<sup>2</sup> Howard Nenner, *The Right to be King* (Chapel Hill: University of North Carolina Press, 1995), 46.

<sup>3</sup> Levine, 30-31.

<sup>4</sup> Nenner, 7.

<sup>5</sup> Nenner, 2.

<sup>6</sup> John Neville Figgis, *The Divine Right of Kings* (New York: Harper Torch Books, 1965), 20.

<sup>7</sup> Figgis, 21.

<sup>8</sup> Figgis, 24-25.

Henry IV in 1399, Edward IV in 1471, Richard III in 1483, and Henry VII in 1485 severely comprised any theory of strict succession. Their reigns were all legitimized, in varying forms, by parliamentary statute.<sup>9</sup> Force, rather unscrupulously, established right in this period, which saw legitimacy largely defined by possession of the crown.<sup>10</sup> The strength of Tudor monarchy gave lineal succession new strength, as evidenced by the popular elevation of Henry VIII's daughter Mary I to the throne after her half-brother Edward VI's attempt to place their Protestant cousin, Lady Jane Grey, in her stead.<sup>11</sup> Supporting the Stuart's relatively distant, foreign Catholic hereditary claim to the English throne, however, was an entirely different matter.

While the Stuarts' genealogical strengths were never forgotten, their distinctly foreign associations gave many concerned Englishmen serious pause about blithely accepting them on England's throne. From the year of her birth in 1542 until her execution in 1587, Mary Queen of Scots, and for a time Queen consort of France, represented the senior Stuart claimant to the Tudor throne. Both of these national associations aligned the young queen with England's traditional enemies, engendering fear as to the political consequences of her reign.<sup>12</sup> Upon the ascension of Elizabeth, Mary, as Queen of France, assumed the coat of arms of England, effectively asserting her status as England's rightful queen, raising public fears of invasion in a pointed suggestion of Elizabeth's illegitimacy.<sup>13</sup> Although Mary's assertion of her right to the English throne eventually lowered in tenor, at least in public, any strenuous support of her claim

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<sup>9</sup> Nenner, 4; Figgis, 83. Henry IV based his claim to the throne on descent and parliamentary election. Edward IV, Richard III, and Henry VII each had Parliament recognize their right to the throne, with varying justifications, in legally binding statutes.

<sup>10</sup> Nenner, 54. This is particularly evident during the conflict between Henry VI and Edward IV. Ruling from 1522-1461 Henry VI was deposed and then restored from 1470-1471, when he was again deposed. Edward IV's official reign thus extends from 1461-1470 and again from 1471-1483.

<sup>11</sup> Alison Plowden, *Lady Jane Grey: Nine Days Queen* (Phoenix Mill, Gloucestershire: Sutton, 2003), 114; Levine, 12.

<sup>12</sup> Levine, 61.

<sup>13</sup> Levine, 31-32. Henry's marriage to Anne Boleyn was unrecognized by Catholic Europe.

could easily be construed as treason.<sup>14</sup> After the death of her short-lived husband Francis II and her return to Scotland, Mary had her choice of every available prince in Europe, all of whom would have entangled England unwillingly in continental affairs.<sup>15</sup> Most Englishmen, however, had no interest in becoming part of a dynastic empire governed from Paris, Vienna, or Madrid.<sup>16</sup> When Mary wed the male representative of Margaret Tudor's English descendants, Henry Stuart, Lord Darnley, the intensity of her designs on Elizabeth's crown became strikingly clear.<sup>17</sup> Despite her bloodline and strategic marriage alliance, Mary's Stuart's continental Catholicism raised serious obstacles to her gaining England's throne.

Inextricably linked to England's succession problem was the matter of religion. England, under Elizabeth I, was a Protestant island in a seemingly overwhelming sea of major continental Catholic powers. For many English subjects, of whatever religious persuasion, the recent Catholic reign of Mary I and her Spanish husband Philip conjured images of domestic turmoil, invasive foreign influence, and military catastrophes.<sup>18</sup> England's advanced sense of national identity and pervasive xenophobia put any foreign claimant to the crown at an immediate disadvantage.<sup>19</sup> In an age when political and religious concerns were inexorably joined, Mary Stuart's powerful French Catholic relations, including the Grand Prior of the Order of Malta and the Cardinal of Lorraine, were a serious concern.<sup>20</sup> Neither Protestant nor Catholic landowners could easily stomach the thought of a militant Catholic monarch, who might mandate the return of their vast swathes of ecclesiastical land, which so recently had been appropriated from the

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<sup>14</sup> Marie Axton, *The Queen's Two Bodies: Drama and the Elizabethan Succession* (London: Royal Historical Society, 1977), 22; Figgis, 101.

<sup>15</sup> Levine, 59.

<sup>16</sup> Wallace MacCaffrey, "The Anjou Match and the Making of Elizabethan Foreign Policy," In *The English Commonwealth 1547-1640*, ed. P. Clark (Leicester: Leicester University Press, 1979), 67.

<sup>17</sup> Dulcie Ashdown, *Tudor Cousins: Rivals for the Throne* (Phoenix Mill, Gloucestershire: Sutton, 2000), 138-139.

<sup>18</sup> David Loades, *Mary Tudor: A Life* (London: Blackwell, 1989), 74, 165, 175, 205.

<sup>19</sup> Alison Plowden, 133.

<sup>20</sup> Maria Perry, *The Word of a Prince: A Life of Elizabeth I from Contemporary Documents* (Rochester, NY: Boydell, 1990), 169. Three of Mary's Guise uncles initially returned with her to Scotland in 1561.

church.<sup>21</sup> England's Reformation, throughout much of Elizabeth's reign, was tenuous because of external threats and the strength of the disproportionately influential Protestant courtly elite, led by William Cecil, aimed at ensuring it did not fail.<sup>22</sup> For many of them, including the Earl of Essex late in Elizabeth's reign, maintaining England's divinely charted Protestant course was a personal crusade.<sup>23</sup> Even at the height of Mary's political importance in England, religious conservatives joined with their reformist fellows in a Bond of Association, consisting of thousands of gentlemen, which was dedicated to protecting Elizabeth I from plots to overthrow her. This successfully quelled the Stuart's immediate political ambitions.<sup>24</sup> Guilty by association and with other Catholic claimants waiting in the wings, Mary Queen of Scots could not engender the trust and popular following necessary to overcome this virulent opposition. In fact, it was not clear if the senior Stuart line was capable of inheriting anything in England at all.

Catholics, perhaps, had a more viable candidate in Lady Margaret Douglas, the daughter of Margaret Tudor and her second husband, who as an Englishwoman was not subject to an important Common Law prohibition against aliens inheriting English land. Detractors of the Stuart cause resurrected a statute passed in 1351, during the reign of Edward III, which limited the inheritance of property in the kingdom to English subjects, in order to show that Mary Stuart and her line, as Scots, were legally incapable of ascending the throne.<sup>25</sup> It was an argument that had great appeal to conventional English sensibilities, which both discriminated against foreigners and revered the law. The law did not apply to the "children of the Kings of

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<sup>21</sup> Paul Hammer, *The Polarization of Elizabethan Politics: The Political Career of Robert Devereux, 2<sup>nd</sup> Earl of Essex 1585-1597* (Cambridge: Cambridge University Press, 1999), 42. When the succession question was raised in 1562 during Elizabeth's serious illness, Mary's name was not mentioned even by Catholics. (Levine, 47.)

<sup>22</sup> Stephen Alford, *The Early Elizabethan Polity: William Cecil and the British Succession Crisis 1558-1569* (Cambridge: Cambridge University Press, 1998), 59.

<sup>23</sup> Nenner, 393.

<sup>24</sup> Perry, 260. The association was formed as an open threat to anyone who might attempt to assassinate the queen. Members were pledged to exact vengeance by killing any person involved in a plot against Elizabeth.

<sup>25</sup> Levine, 99, 119.

England”, so the crux of the issue centered upon the determination of exactly what this meant.<sup>26</sup> The applicability of this rule was publicly debated at Lincoln’s Inn, one of the Inns of Court, in 1566, where the law students concluded that “by all the laws and customs of England..., as a foreigner, born outside the realm, Mary Queen of Scots could not succeed to the crown, even if she were the nearest in birth and the ablest.”<sup>27</sup> Mary’s supporters countered that as a great-granddaughter of an English sovereign she was clearly excepted. Although this law had never been directly applied to the crown, one of the few precedents involved an appendage to the act specifically allowing a great-great-grandson of Henry II to inherit his ancestor’s English lands. This would seem to indicate that the ban applied to Mary as well, but the matter was unclear and personal preference and practical considerations were poised to prevail.<sup>28</sup> In the 1560s a legal ban on a Stuart succession was a popular option that made Lady Margaret and her English sons Henry, Lord Darnley, and Charles alternatives for the throne.<sup>29</sup> Their candidacy was weakened by a possible taint of illegitimacy, however, as Margaret Tudor had divorced Margaret’s father after she was born.<sup>30</sup> Henry Stuart, representing the senior branch of this line, married Mary Queen of Scots, became King of Scotland, and was murdered shortly thereafter. The remaining English branch of the Stuart family was represented by Charles, a Protestant, who did not live long. He left an infant daughter, Arbella, with his significantly weakened claim to the throne.<sup>31</sup>

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<sup>26</sup> Levine, 119.

<sup>27</sup> Levine, 170.

<sup>28</sup> Levine, 116, 118-119. This great-great-grandson was the French Henry Beaumont, who was descended from Edmund ‘Crouchback’, Earl of Lancaster, a son of Henry III.

<sup>29</sup> Ashdown, 5; Alford, 121.

<sup>30</sup> Levine, 129.

<sup>31</sup> David Loades, *Chronicles of the Tudor Queens* (Phoenix Mill, Gloucestershire: Sutton, 2002), 173. Some rumors would circulate about putting Arbella forward as Elizabeth’s heir in the 1590s, but predominately on the condition that she marry one of Catherine Grey’s descendants. In 1610 Arbella did clandestinely marry William Seymour, grandson of the Earl of Hertford, but she was captured while trying to flee to France. She died a prisoner in the Tower of London in 1615. William Seymour escaped to Europe, returned to England years later, and was made Duke of Somerset in 1660, the year of his death.

Of the domestic contenders, the descendants of Henry VIII's younger sister Mary now had by far the strongest claim.

The semi-royal house founded by Henry VIII's favorite sister Mary, one-time Queen consort of France, and his best friend, Charles Brandon, was distinctly English and particularly favored by both Henry VIII and Edward VI, which greatly increased their prospects for the throne.<sup>32</sup> From a minor gentry family that had experienced a rapid rise in fortune, Brandon, whom Henry VIII created Duke of Suffolk, solidified his place in the nobility by marrying his eldest daughter Frances to the heir of Henry's maternal first cousin, the Marquis of Dorset. Uniting the Brandon's exalted status with the Greys' ancient lineage, Henry and Francis Grey passed on a remarkable, firmly Protestant legacy to their daughters Jane, Catherine, and Mary.<sup>33</sup> By the reign of Elizabeth, Lady Jane Grey had already reigned for nine days in 1553 as England's first regnant Queen on the authority of Edward VI's Device for the Succession, which had proclaimed both Mary I and Elizabeth I illegitimate and left the throne to her.<sup>34</sup> She was executed as a result by Mary I, becoming popularly viewed as a Protestant martyr and leaving her sister Catherine a compelling reformist claim to the throne.<sup>35</sup> The strength of the Grey claim during the reign of Elizabeth I, however, lay not on the questionable legality of Edward VI's device but on the last will and testament of his father, Henry VIII, which was grounded in parliamentary statute.

Parliament acquired unprecedented powers not only in establishing the Reformation during Henry VIII's reign, but also in settling the royal succession after Henry's convoluted

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<sup>32</sup> The Greys were relatives of William the Conqueror and accompanied him during his conquest of England in 1066, receiving extensive lands as a reward. Both Henry VIII and Edward VI favored their Protestant Grey relations' claim to the throne, Henry through his will and Edward in his Device for the Succession.

<sup>33</sup> Ashdown, 25, 101.

<sup>34</sup> Loades *Chronicles*, v; Alison Plowden, 112-114; Ashdown, 86.

<sup>35</sup> David Starkey, *Elizabeth: The Struggle For the Throne* (New York: HarperCollins, 2001), 136; Levine, 17



marital affairs, passing three acts of succession that ultimately favored the Grey over the Stuart claim to England's throne. Never before had Parliament directly touched the royal prerogative in regard to the succession as it did under the Tudors.<sup>36</sup> In response to Henry's marriage to Anne Boleyn, Parliament passed the Act of Succession of 1534, annulling his previous union to Catherine of Aragon and illegitimizing his daughter Mary.<sup>37</sup> Similarly, the Act of Succession of 1536 invalidated the marriage to Anne, making Elizabeth illegitimate, and settling the crown on the issue of Henry's third wife, Jane Seymour.<sup>38</sup> This act contained a provision allowing Henry VIII to establish the succession himself, either by letters patent or in his last will.<sup>39</sup> The third Succession Act of 1544 reestablished Mary and Elizabeth in the line of succession, after their brother Edward, without rescinding their illegitimacy, and reaffirmed Henry's right to "give and dispose the said imperial Crown and other the premises by his letters patents under his great seal, or by his last will in writing signed with his most gracious hand, to any person or persons of such estate therein as should please his Highness to limit and appoint."<sup>40</sup> Henry's last will, which also created the Protestant dominated council of regency for his son Edward, left the throne, after his own children, to the descendants of his younger sister Mary and then to the "next rightful heirs."<sup>41</sup> This will was the key to any legal right to the throne, which explicitly favored the Grey claim, if it did not exclude the Stuart offspring of Henry's sister Margaret altogether.<sup>42</sup>

Naturally, supporters of the Catholic claimants attempted to prove the will was invalid, not by attacking Parliament's right to alter the succession but by suggesting that the provisions of

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<sup>36</sup> Figgis, 83. When judges had been asked to render an opinion on the validity of Edward IV's claim to the throne, in the not so distant past, they had replied that the "matter was so high and touched the king's high estate and regality, which is above the law, and passed their learning, wherefore they durst not enter into any communication thereof."

<sup>37</sup> Paul Hughes, ed., *Crown and Parliament in Tudor-Stuart England* (New York: G.P. Putnam's Sons, 1959), 40.

<sup>38</sup> Hughes, 51.

<sup>39</sup> Hughes, 53.

<sup>40</sup> Hughes, 66-67. Some sources date this last succession statute to 1543.

<sup>41</sup> Levine, 147-148; Ashdown, 63.

<sup>42</sup> Levine, 12.

the Succession Act of 1543 were unfulfilled.<sup>43</sup> It is significant that the will went unquestioned for over fifteen years, until its true ramifications were finally realized.<sup>44</sup> That a will existed was beyond question: detractors were thus compelled to focus on the only other statutory provision of the 1543 act, which stated that it must be signed by the king's own hand.<sup>45</sup> Stuart supporters claimed that it had, in fact, not been signed but was stamped with the king's sign manual, and there is evidence that a will was stamped in 1546.<sup>46</sup> Unfortunately, Mary I destroyed the will's enrollment records in Chancery around 1553, but fortunately there is significant evidence that the testament, which has survived to this day, was genuinely signed by Henry VIII's hand.<sup>47</sup> The document itself appears hastily written, while its contents, in sharp contrast, are noticeably studied and prepared. It is likely that a will was drawn up and stamped, and when this error was detected during Henry's last days the existing testament was quickly copied and signed, ensuring its validity.<sup>48</sup> Both of Henry's daughters treated the will as if it were genuine, Mary I citing it as one of the "circumstances advancing our right" and preserving the original, although she had official records pertaining to it destroyed.<sup>49</sup> Similarly, Elizabeth, known for her parsimonious nature, provided six hundred pounds a year to maintain thirteen poor knights at Windsor, in order to fulfill one of the provisions of the will.<sup>50</sup> In combination with the Common Law rule against alien inheritance, Henry VIII's will made Lady Catherine Grey Elizabeth I's apparent heir.

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<sup>43</sup> Levine, 150-151.

<sup>44</sup> Levine, 37.

<sup>45</sup> Hughes, 66-67.

<sup>46</sup> Levine, 152, 157. The only person with the clout to manufacture a forged will stamped with Henry VIII's sign manual would have been Edward Seymour, yet the will's provision for a regency council stood in the way of his ambition to become the kingdom's Lord Protector.

<sup>47</sup> Levine, 153. Destroying the enrollment records and copy of the will in chancery limited access to information about this important document, which made substantial provisos that governed how Henry VIII's daughters might marry and still wear the crown. This included the support of the Privy Council, which Mary was unsure of receiving in her bid to wed Philip II of Spain.

<sup>48</sup> Levine, 157.

<sup>49</sup> Levine, 159-160.

<sup>50</sup> Levine, 160. Levine also identifies this provision in the will as distinctly Catholic and not something the Protestant Elizabeth would have done unless it was actually her father's express wish.

Catherine Grey's disastrous secret marriage and early death raised serious problems concerning her sons' ability to claim their mother's legacy, thus jeopardizing the viability of the Grey claim. Elizabeth I's own matrimonial difficulties prejudiced her judgment, making it practically impossible for her courtiers to obtain permission to marry. This resistance was even more extreme towards relations who carried the royal blood and for whom having children was an obvious asset in any future bid for the throne.<sup>51</sup> Thus, when Catherine Grey wished to wed Edward Seymour, Earl of Hertford, in 1561 it was necessarily done in secret, with only Edward's sister, Lady Jane Seymour, and a hastily found clergyman in attendance. The marriage was consummated shortly thereafter and the queen learned of the whole affair only when the bride became unmistakably pregnant.<sup>52</sup> Elizabeth, who had not favored Catherine to begin with, was irate, and quickly sent both offenders to the Tower of London, where their first child, Edward, Lord Beauchamp, was born.<sup>53</sup> During the over two year period they were kept in the tower, Edward and Catherine had yet another son, Thomas, in 1563. This time Elizabeth was livid.<sup>54</sup> The Earl and Countess of Hertford were separately imprisoned for the next five years in various locations throughout the country, when Catherine unexpectedly died in 1568.<sup>55</sup> Henceforth, the validity of the Grey claim rested on the legitimacy of Catherine's two young sons.

Fearing some kind of plot, Elizabeth had the Hertford's marriage investigated in excruciating detail, referring their case to a special Commission of Inquiry, comprised of compliant royal servants, in which they had no chance of victory.<sup>56</sup> The union of the heir of the

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<sup>51</sup> Axton, 66.

<sup>52</sup> Levine, 16, 23.

<sup>53</sup> C.J. Kitching, *Tudor Royal Letters* (London: Her Majesty's Stationery Office, 1972), 2. Elizabeth's distaste for Catherine was widely known at court, and Catherine spoke openly to the Spanish ambassador about being slighted by the queen. (Levine, 13.)

<sup>54</sup> Sir Edward Warner, Lieutenant of the Tower, was deprived of his position and imprisoned in his own jail for allowing Edward and Catherine to visit each other during their extended imprisonment. Alison Plowden, 159.

<sup>55</sup> Kitching, 2-4.

<sup>56</sup> Levine, 17, 161-162.

Good Duke of Somerset, who was popularly fabled for his egalitarian policies, and the sister of the celebrated Lady Jane Grey held a great deal of public appeal. This worried the queen, especially since her relationship at the time with Robert Dudley, Earl of Leicester, was so extremely unpopular.<sup>57</sup> Widespread sympathy for the young couple exacerbated Elizabeth's fears, but it could not deter her from her purpose.<sup>58</sup> Catherine's marriage threatened her popularity, the lifeblood of her reign; therefore it had to be made null and Catherine's sons painted as grossly illegitimate.<sup>59</sup> Although Elizabeth maintained that her will was "to have justice," in the same letter to Sir Edward Warner, the Lieutenant of the Tower of London, she characterizes the tribunal's mission as judging "the infamous conversation and pretended marriage betwixt the Lady Catherine Grey and the Earl of Hertford."<sup>60</sup> In fact, she was so vehemently dedicated to the prosecution that Warner was given instructions to threaten Lady Saintlow, Catherine's attempted confidant, with torture in order to ensure she revealed her complete knowledge of the matter.<sup>61</sup> The queen thus patently prejudiced the case, and because her general dislike of Catherine and fury at her actions was well known, the tribunal's finding that the marriage was invalid was merely a matter of course.<sup>62</sup> Ironically, the records of Elizabeth's own inquiry provide the most compelling evidence that the marriage took place.

Testimony given by the two lovers and their servants, though lacking in standard eyewitness accounts, is convincing evidence that the Hertfords were, in fact, legally married. When Catherine and Edward's marriage was discovered, the bride was still at court, while her new

<sup>57</sup> Elizabeth gave specific orders to the Lieutenant of the Tower that the couple not be allowed to see each other before they could be questioned separately. (Levine, 22)

<sup>58</sup> Levine, 22.

<sup>57</sup> Levine, 17. This occurred at a point when Elizabeth and the Earl of Leicester's relationship was serious and could conceivably have led to a marriage that the majority of the kingdom would have clearly abhorred.

<sup>58</sup> Alison Plowden, 158.

<sup>59</sup> Ashdown, 119.

<sup>60</sup> Levine, 22.

<sup>61</sup> Perry, 166. Lady Saintlow was no less a personage than the notorious Bess of Hardwick.

<sup>62</sup> Levine; 22, 47, 28-29; Perry, 166; Alison Plowden, 158; Axton, 39.

husband had been sent off on a trip to the continent.<sup>63</sup> They did not meet before being questioned by authorities and the striking uniformity of their testimonies gives their tale a strong suggestion of truth.<sup>64</sup> Their recitation of the circumstances matched almost perfectly, even to the details of the priest's attire, which at this date was far from uniform.<sup>65</sup> The ceremony was performed at Hertford's town house, in the presence of an anonymous clergyman and Edward's sister Lady Jane Seymour, who unfortunately died unexpectedly before she could verify the match.<sup>66</sup> Many exiled clergy moved through London upon England's return to the Protestant faith and it is not hard to understand with all this traffic, not to mention the dangers of royal displeasure, why the cleric who performed the ceremony could not be found.<sup>67</sup> Footmen testified, however, that they saw Catherine and Jane Seymour enter the house at the time posited and Catherine was able to produce a complex wedding ring, with five pieces and four verses, which Edward accurately described as his own.<sup>68</sup> Legally, marriage in England, until 1753, consisted of the exchange of vows in the presence of witnesses.<sup>69</sup> These star-crossed lovers' tale, however irregular, fully met these requirements, including the act of consummation, and ecclesiastical policy had always defaulted in cases of doubt to confirming the existence of a union.<sup>70</sup> In fact, Catherine and Edward's mutual confession before Elizabeth's tribunal and the subsequent birth of their second son, proving consummation, constituted a legally binding union in and of itself.<sup>71</sup> Elizabeth's passion, however, overran the rule of law, which she so often

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<sup>63</sup> Elizabeth I gave specific orders to the Lieutenant of the Tower that the couple not be allowed to see each other before they could be questioned separately. (Levine, 22.)

<sup>64</sup> Levine, 23.

<sup>65</sup> Levine, 24.

<sup>66</sup> Levine, 26.

<sup>67</sup> Levine, 25.

<sup>68</sup> Levine, 26.

<sup>69</sup> Levine, 27.

<sup>70</sup> Levine, 28.

<sup>71</sup> Levine, 68. Testifying in front of the commission that they were married provided a body of unimpeachable witnesses to a declaration of their union.

touted, as in this case, impressing a blemish on Catherine's sons that the Seymours would find difficult to erase.<sup>72</sup>

Confused by the intricate strengths and difficulties of Henry VII's remaining progeny and frustrated by a lack of male candidates, some nobles considered abandoning the Tudor line altogether and elevating one of their own with more distant royal lineage to the throne.

Descended from the Duke of Clarence, Edward IV's troublesome brother, through his mother, Catherine Pole, and from Edward III through his grandmother, Anne Stafford, Henry Hastings legitimately claimed substantial Plantagenet lineage.<sup>73</sup> The only compelling factor in the Earl of Huntingdon's favor, however, was that he represented the only prominent adult male claimant, early in Elizabeth's reign, even loosely connected to the throne.<sup>74</sup> When the succession first became a major issue after the queen's sudden sickness in 1562, Huntingdon's sex and Protestant faith made him immediately popular with much of the nobility and even some of the gentry.<sup>75</sup> The nobility must have viewed the Earl of Huntingdon, who was not a major figure in domestic politics, as a somewhat easier prospect to control, compared to his cousins who had been exalted since birth as Tudor kin. As the legal strength of the Grey claim was fleshed out, however, many leading individuals switched their allegiance.<sup>76</sup> While Catherine's sons remained the principal domestic Protestant contenders up to Elizabeth's death, Huntingdon, even in 1598,

Elizabeth, however, refused to name a successor, reserving for herself a solitary and heavily dependent place within the nation's heart.

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<sup>72</sup> Catherine's dwarfish younger sibling, Lady Mary Grey, was the legal heiress of the Grey claim to the throne in default of legitimate heirs of her sister. Mary was incapable of commanding a substantial following. Nonetheless, in 1565 when she made a secret marriage that proved insoluble to Thomas Keyes, the queen's sergeant porter, they were both arrested. The couple was kept under various forms of confinement until Thomas Keyes's death in 1571. Lady Mary Grey was released in 1572 and died isolated and impoverished in 1578, ten years after her sister Catherine's demise in very similar circumstances. (Alison Plowden, 161-164.)

<sup>73</sup> Ashdown, 127. This Henry Hastings was the 3<sup>rd</sup> Earl of Huntingdon.

<sup>74</sup> Levine, 28.

<sup>75</sup> Perry, 174; Loades *Chronicles*, 126.

<sup>76</sup> Levine, 173.

was still favored by a few, although he seems to have done little to cultivate their allegiance.<sup>77</sup>

His candidacy reveals significant frustration with the Tudor's dynastic woes and the increasing pragmatism of the Elizabethan age, in which some could consider abandoning substantive hereditary claims to the crown altogether in order to promote national stability. Although Huntingdon would never be a major contender for the succession, his supporters were representative of a wide group of Englishmen disaffected with the uncertainty perpetuated by the Tudors in regards to the succession.

The identity of Elizabeth I's successor was not a problem relegated to the abstruse dynastic speculations of a leisure class but a pressing national issue upon which depended the political and religious future of the kingdom as a whole. Behind the combative claims of the Stuarts, Greys, and Hastings lay the practical reality that at any time one of these families could be called upon to occupy the throne. Without any clearly established mode of legitimate succession, practical considerations, and personal beliefs and interests were poised to prevail. There was certainly no guarantee that a royal successor could be agreed upon by peaceable means. England's stability consequently lay in the thread of one queen's fragile life. Accordingly, it is hardly surprising that the English people made Elizabeth I such obsequious shows of love and devotion. At any time all this pressure and uncertainty could have been lifted. Elizabeth, however, refused to name a successor, reserving for herself a solitary and heavily dependent place within the nation's heart.

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<sup>77</sup> G.B. Harrison, ed., *The Elizabethan Journals: Being a Record of Those Things Most Talked of During the Years 1591-1603* (London: George Routledge and Sons, 1938), i, 340-341. This information comes from Doleman's *Conference on the Succession to the Crown of England*, which is fully discussed in chapter four.

## Chapter II: Elizabeth and the Succession

The succession crisis of the Elizabethan age was grounded in the uncertainty, plotting, and turmoil of the reigns of Edward VI and Mary I, in which the line of succession had also been unsure. Plagued by the illegitimacy imputed to them by the Succession Acts of 1534 and 1536, both Mary I and Elizabeth I struggled to establish their right to occupy England's throne. Faced by Lady Jane Grey's brief succession as queen and Wyatt's Rebellion in 1554, a rising led by a small number of nobility and gentry aimed at preventing Mary's imminent union with Philip II of Spain and placing Elizabeth on the throne in her stead, Mary I was certainly faced with several serious movements to supplant her. After Jane's death Elizabeth, as the next in line, reaped the fruits of her increasing suspicion. Her experience as an often unwilling figurehead for Mary I's enemies, and consequently as a prisoner accused of treason, left an indelible mark upon Elizabeth, making the succession a particularly sensitive issue. For Elizabeth, to name a successor publicly was to set ticking a time bomb that she would avoid at any cost. Driven by anxiety over her own illegitimate status and personal history with the Grey sisters, Elizabeth quietly furthered their Stuart rivals behind the scenes. Margaret Tudor's progeny ultimately triumphed not because of the hereditary basis of their claim, widespread popular support, or any singular expertise but because Elizabeth, in progressively silencing and degrading the domestic opposition, eventually made it practically impossible for the succession to be settled any other way.



Withstanding the desperate pleadings of Parliament and her own ministers, Elizabeth I steadfastly refused to name a successor who might serve as a focal point of political opposition. Remembering clearly the years of her sister's reign, when those disaffected with Mary I's government had congregated around her at Hatfield and plotted schemes to dethrone her sister, Elizabeth believed an heir would merely provide a figurehead for rebellious activity.<sup>1</sup> She refused to be relegated to the background, as her sister had been in the last years of her reign, while ambitious individuals strove to ingratiate themselves with the anticipated beneficiary of her death.<sup>2</sup> As she put it in her rebuttal of the Commons' Petition begging her to name an heir, she had "tasted of the practices against" her sister, following with the veiled threat that if it were not for her personal honor the "knavery" of certain members of the Commons, who were among the former conspirators, "should be known."<sup>3</sup> As far as Elizabeth was concerned, the succession was a prerogative matter that she would deal with personally when and if she saw fit, and she prohibited discussion of the subject.<sup>4</sup> Since Elizabeth compared the naming of a successor to digging her grave before her death everyone knew that left on her own Elizabeth would never settle the succession issue.<sup>5</sup> Her most definitive statement on the matter came in a discussion with the Scottish ambassador Maitland, wherein Elizabeth merely suggested that upon her death "they shall succeed that have most right."<sup>6</sup> The queen's anxiety and consequent implacability regarding the succession were not entirely unfounded, as the candidates to succeed her exhibited

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<sup>1</sup> Alison Plowden, *Lady Jane Grey: Nine Days Queen* (Phoenix Mill, Gloucestershire: Sutton, 2003), 157.

<sup>2</sup> Marie Axton, *The Queen's Two Bodies: Drama and the Elizabethan Succession* (London: Royal Historical Society, 1977), 11.

<sup>3</sup> Maria Perry, *The Word of a Prince: A Life of Elizabeth I from Contemporary Documents* (Rochester, NY: Boydell, 1990), 197.

<sup>4</sup> Stephen Alford, *The Early Elizabethan Polity: William Cecil and the British Succession Crisis 1558-1569* (Cambridge: Cambridge University Press, 1998), 157. Henry VIII's use of Parliament in establishing the succession in three separate acts made this position ultimately untenable.

<sup>5</sup> Mortimer Levine, *The Early Elizabethan Succession Question 1558-1568*, (Stanford: Stanford University Press, 1966), 177.

<sup>6</sup> Levine, 32. Even this ambiguous statement Elizabeth qualified by saying, "I have always abhorred to draw in question the title of the crown, so many disputes have been already touching it in the mouths of men."

much stronger alternative claims to the throne than she herself had embodied during her sister's reign.

Elizabeth's personal battles and uncertain legitimacy made her extremely suspicious of a possible successor that could compromise her social and political status and thereby undermine her rule. The product of Henry VIII's union with Anne Boleyn, while Henry's first wife Catherine of Aragon still lived, the legitimacy of Elizabeth's birth was certainly open to interpretation. Her mother's execution for ostensible treasonable sexual relations with a number of men also put her paternity in doubt.<sup>7</sup> Although the Succession Act of 1543 reinstated her in the line of succession, Elizabeth's bastardy was never overturned and unlike her sister she did not have Parliament absolve her from this fundamental stain.<sup>8</sup> Made the heir of her father, then disinherited and left in neglect, without suitable clothing or other provisions, after her mother's execution, Elizabeth had good reason to doubt the permanency of her position.<sup>9</sup> She had also been given rich estates at her father's death, showered with favor during her brother Edward VI's reign, and then suddenly excluded from the succession by his will. Elizabeth certainly had grounds to abhor the machinations surrounding members of the royal family for others' self-interested political and religious ends.<sup>10</sup> Previously, Wyatt's Rebellion had been rallied in her name, making Elizabeth the unwilling figurehead of treasonable activity. She had consequently feared for her life, asking "whether the Lady Jane [Grey's] scaffold were taken away or no" as an indication of her impending fate.<sup>11</sup> Thus, Elizabeth's justifiable anxiety over her status hardened

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<sup>7</sup> Levine, 147-148. The trumped up charges brought against Ann Boleyn primarily consisted of charges of treasonable sexual relations with several men during her relationship with Henry VIII, including a court musician named Mark Smeaton and her own brother.

<sup>8</sup> Levine, 33.

<sup>9</sup> Dulcie Ashdown, *Tudor Cousins: Rivals for the Throne* (Phoenix Mill, Gloucestershire: Sutton, 2000), 46.

<sup>10</sup> David Starkey, *Elizabeth: The Struggle For the Throne* (New York: HarperCollins, 2001), ix, 110.

<sup>11</sup> Starkey, 136, 145-146; Ashdown, 186. Another possible cause of Elizabeth's dislike of the Grey-Seymour family stems from her relationship with her stepmother Catherine Parr, the only real mother figure she ever knew. Jane Grey was Catherine's favorite and served as the chief mourner at her funeral, whereas Elizabeth, who had been

into fear and resentment when Mary I occasionally demoted her precedence at court, making her give way to Lady Margaret Lennox or Lady Frances Grey.<sup>12</sup> In fact, there was serious talk during Mary's reign of legally removing Elizabeth from the line of succession altogether.<sup>13</sup> As the heir of her mother, with an influential Protestant following, and wealthy popular husband, Catherine Grey proved also the heir of Elizabeth's long-felt frustration and insecurity.

Status mattered in sixteenth-century England and Catherine Grey was the only domestic candidate whose standing among the nobility could have easily eclipsed Elizabeth's own. In contrast to the tumultuous history surrounding Anne Boleyn and Elizabeth's own personal decline and rise in fortune, Lady Frances Grey and her daughters had never been recognized as anything less than princesses of the blood.<sup>14</sup> The legitimacy of Mary Tudor's children, thanks to a papal bull issued before the split with Rome, was unquestionable and the marriage of Catherine's parents, which occurred in the presence of Henry VIII, had never been a matter of doubt.<sup>15</sup> Catherine's bloodlines among the nobility were also more prestigious than those of Anne Boleyn's daughter. Although Anne's mother was one of the many scions of the prolific and prominent Howard family, her father's relations were largely country squires.<sup>16</sup> This, rather ironically, made the notoriously proud Queen Elizabeth the cousin of individuals at court who were little more than servants, including the sergent porter.<sup>17</sup> Peers for centuries, Catherine's

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involved in a scandal with Catherine's husband Thomas Seymour, the uncle of the Earl of Hertford, had been sent away.

<sup>12</sup> Starkey, 121-122; Alison Plowden, 128. Lady Frances Grey, Duchess of Suffolk, was the daughter of Henry's VIII's sister Mary and the mother of Lady Jane, Lady Catherine, and Lady Mary Grey.

<sup>13</sup> Starkey, 121-122.

<sup>14</sup> Levine, 80-81, 136; Ashdown, 116.

<sup>15</sup> Levine, 134, 137. Arguments in favor of Jane Grey's ascension upon the death of Edward VI had posited that neither Mary nor Elizabeth could inherit because they were both illegitimate, while the legitimacy of the Grey girls was beyond question, and sermons by popular prelates publicly affirmed this view. (Starkey, 114.)

<sup>16</sup> Originally, the Boleyn family name was Bullen. The spelling was later changed to look and sound more elegant when Anne Boleyn's father Thomas served as the English ambassador to the French court.

<sup>17</sup> Ashdown, 159.

non-royal Grey line, in contrast, had accumulated a duchy, marquissate, and five baronies.<sup>18</sup>

While today such tabulations might seem inane, in this period ancestry was widely considered and largely determined one's right to rule. William Cecil, Elizabeth's great minister, tellingly had the family trees of England's prominent houses painted on his wall.<sup>19</sup>

Leading members of the religious reform movement in England, the Grey family's Protestant credentials were unimpeachable at a time in which Elizabeth's moderate religious settlement had alienated many influential puritans.<sup>20</sup> Most importantly, the fact remained that after the death of Edward VI a Protestant Grey had already been favored for the crown over Elizabeth, and this was something she would never forget nor forgive. The queen's bitterness towards the ecclesiastical lords who had promoted Lady Jane Grey's reign spilled out during her wrangling with the House of Lords over the succession when she uttered the stinging retort to her bishops, "I do not marvel, though *Domini Doctores*, with you my Lords, did so use themselves therein, since after my brother's death they openly preached and set forth that my sister and I were bastards."<sup>21</sup> Ever mindful of individual status and threats to her personal ascendancy, Elizabeth could not countenance the potential danger of a Grey heir to England's throne.

Plagued by political insecurity and personal enmity, Elizabeth did everything possible to ensure that a Grey-Seymour would never be recognized as her successor. Actively fearing a coup in Catherine Grey's favor, Elizabeth I's efforts to dismantle any support for the Grey-Seymour claim went far beyond voiding her cousin's marriage and illegitimizing her children.<sup>22</sup>

When the queen heard about a meeting held by the Catholic Earl of Arundel and Duke of

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<sup>18</sup> Catherine's father Henry Grey was Duke of Suffolk, Marquis of Dorset, and Baron Grey, Ferrers, Astley, Bonville, and Harrington. The Greys were descended from Edward IV's wife Elizabeth Woodville, by her first marriage, making them maternal first cousins of Elizabeth of York's Tudor descendants.

<sup>19</sup> B.W. Beckingsale, *Burghley Tudor Statesman 1520-1598* (New York: St. Martin's Press, 1967), 223.

<sup>20</sup> Starkey, 114; Levine, 195; Axton, 23.

<sup>21</sup> Starkey, 117. On July 9 and 16, 1553 Nicholas Ridley, Bishop of London, gave successive sermons emphasizing both Mary's and Elizabeth's illegitimacy.

<sup>22</sup> Levine, 17; Alison Plowden, 157-158; Beckingsale, 118.

Norfolk, as well as other high ranking Protestant peers, in favor of naming Catherine her successor, the Spanish ambassador reported that Elizabeth actually “wept with rage.”<sup>23</sup> For her this was a highly personal matter. This explains her rancorous treatment of Catherine in providing furniture for her cousin’s Tower prison that was judged by her gaoler so “torn and tattered with her monkeys and dogs as it [would] serve to small purpose.”<sup>24</sup> She withheld Henry VIII’s original will from public scrutiny and trampled any movement to investigate and prove the validity of the Grey-Seymour claim.<sup>25</sup> John Hales, a member of Parliament who compiled a heavily researched, well argued, and widely distributed manuscript piece on the succession that supported Catherine Grey’s right to succeed Elizabeth, was clapped in irons for his initiative.<sup>26</sup> Even after Catherine’s early death at the age of twenty-seven, after being subject to continual arrest for almost seven years, Elizabeth’s hostility was not lessened.<sup>27</sup> The Earl of Hertford’s attempts to have his children found legitimate, and thus able to inherit his vast wealth, resulted in Elizabeth’s imprisonment of the earl and his sons for three months in 1595-1596.<sup>28</sup> Not only did Elizabeth halt the earl’s legal activity, but she also ordered that his eldest son, Edward, should no longer be known by the courtesy title of Lord Beauchamp, but merely as Master Seymour in order to accentuate his illegitimate status.<sup>29</sup> The discovery in 1595, near the end of Elizabeth’s

Philip II's Spanish Armada in 1588. With extensive Catholic family connections and a

<sup>23</sup> Levine, 47. Catholic nobles’ support of Catherine Grey, a Protestant candidate, like earlier Protestant support for Mary I, shows that while religion was important it was not a decisive factor in Englishmen’s consideration of the succession.

<sup>24</sup> Ashdown, 128-129. Catholics greater religious toleration. Dynamically, by the later part of

<sup>25</sup> Levine, 160.

<sup>26</sup> Alison Plowden, 161.

<sup>27</sup> Alison Plowden, 163. On her deathbed, Catherine commended her sons to the queen, begging her to be good to her children and “not impute my fault unto them, whom I give wholly unto her majesty.”

<sup>28</sup> G.B. Harrison, ed., *The Elizabethan Journals: Being a Record of Those Things Most Talked of During the Years 1591-1603* (London: George Routledge and Sons, 1938), ii, 59; Alison Plowden, 164; Axton, 56-57. This occurred after the queen had stayed at the Earl of Hertford’s house at Elvetham in Hampshire in 1591 and been so pleased with the extravagant accommodations and entertainment he provided that she promised “hereafter he should find reward in her especial favor.” Hertford had this occurrence printed in a summary he published describing her stay, but apparently Elizabeth still ignored her promise. The earl only succeeded in establishing his sons’ legitimacy in 1606, three years after Elizabeth’s death. (Harrison, i, 58.)

<sup>29</sup> Harrison, ii, 59. This entry is found in the papers of the Sidney family. (Harrison, 1938, ed.)

life, of an offer by the Lieutenant of the Tower, Sir Michael Blount, to secure the Tower of London's arsenal upon the queen's death on Hertford's behalf resulted in Blount's dismissal from his post.<sup>30</sup> Effective advancement of the Grey-Seymour parliamentary title, the only substantial domestic claim, required public exposure, discussion, and the accumulation of allies, all of which Elizabeth would simply never allow.<sup>31</sup> England would have to look abroad to find a viable heir.

James VI of Scotland, raised a strict Protestant, brought new life to the claims of Margaret Tudor's descendants to succeed Elizabeth, at a time following Lady Catherine's death when the Grey-Seymour's domestic prominence had considerably faded. The fact that James Stuart had been brought up devoid of his mother's continental influence as a Scottish Presbyterian changed everything. The powerful Protestant figures that dominated the court, searching for a legitimate candidate to put forward, were increasingly willing to favor him as the only remaining legitimate male candidate who shared their religious beliefs, regardless of his alien status.<sup>32</sup> Mary Stuart's execution in 1587 left his candidacy free of complications.<sup>33</sup> England and Scotland had grown closer together religiously and diplomatically during Elizabeth I's reign, especially in putting up a united front, at least in a nominal sense, against Catholic Philip II's Spanish Armada in 1588.<sup>34</sup> With extensive Catholic family connections and a moderate stance on religion, however, James was able to attract a wide base of support by promising English Catholics greater religious toleration.<sup>35</sup> Dynastically, by the latter part of

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<sup>30</sup> Paul Hammer, *The Polarization of Elizabethan Politics: The Political Career of Robert Devereux, 2<sup>nd</sup> Earl of Essex 1585-1597* (Cambridge: Cambridge University Press, 1999), 355. The Tower was the primary bastion of strength in the city, holding a significant amount of ordinance and other arms.

<sup>31</sup> Ashdown, 219.

<sup>32</sup> Levine, 205-206.

<sup>33</sup> Howard Nenner, *The Right to be King* (Chapel Hill: University of North Carolina Press, 1995), 13.

<sup>34</sup> Axton, 76-77. Elizabeth made James promises of an English duchy, large pension, and royal bodyguard to entice him to make a last minute declaration of hostilities against Spain in 1588.

<sup>35</sup> Alan Haynes, *Robert Cecil Earl of Salisbury 1563-1612*, (London: Peter Owen, 1989), 66.

Elizabeth's reign the Scottish king was also an attractive prospect with two legitimate sons.<sup>36</sup> As King of Scotland, James was insulated from Elizabeth's direct influence, possessing a freedom of maneuver that allowed him to garner support among the English nobility, including principally the Earl of Essex and later Robert Cecil.<sup>37</sup> That Elizabeth did not stand in the way of James's machinations was due in large part to the special relationship she had formed with her Scottish cousin.

Elizabeth consistently favored her Scottish Stuart relations throughout her reign, lending them an air of legitimacy and trust that would be indispensable in attaining the crown. Mary Stuart's open challenge of Elizabeth's right to the throne prejudiced many against her, but Elizabeth was not moved, saying of this blatant slight "yet could I never find it in my heart to hate her, imputing rather the fault to others than to herself."<sup>38</sup> She would show the same leniency during Mary's captivity in England, in sharp contrast to her treatment of Lady Catherine Grey, maintaining her co-monarch in royal style and remaining reluctant to execute her even after it was apparent the Scottish queen had sanctioned her death.<sup>39</sup> Barring the attempts of many of her courtiers to marry and permanently tearing the Hertfords apart, Elizabeth yet allowed Henry, Lord Darnley, to accompany his father to Scotland where he quickly married Mary Stuart, although the Queen of Scots for some time had been openly considering him as a potential spouse.<sup>40</sup> Although Elizabeth was apparently devastated by her cousins' dynastically

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<sup>36</sup> Nenner, 57; Haynes, 96. James's first son Henry was born in 1594 but died in 1612. He was eventually succeeded by his second son Charles I, who was born in 1600 and executed in 1649.

<sup>37</sup> C.J. Kitching, *Tudor Royal Letters* (London: Her Majesty's Stationery Office, 1972), 8; Haynes, 89, 189; Axton, 82; Beckingsale, 291.

<sup>38</sup> Levine, 31-32.

<sup>39</sup> Christopher Haigh, *Elizabeth I*, (London: Longman Group, 1988), 71-72. Executing an anointed monarch was also a dangerous precedent for Europe's crowned heads that Elizabeth was loath to create.

<sup>40</sup> Levine, 59; Ashdown, 139; Alford, 121.

advantageous marriage, she then agreed to be godmother to their son James.<sup>41</sup> Through the latter part of Elizabeth's reign, her regular friendly correspondence with the Scots king further suggests that she was firmly on his side. In fact, she personally expressed their bond by telling James in 1585, "never doubt my entire goodwill in your behalf."<sup>42</sup> Based on the surrounding evidence there is little doubt that Elizabeth did wish for James to succeed her, although the veracity of the well-known tale that on her deathbed she made a crown with her fingers when his name was put forward as her nominated successor is open to speculation.<sup>43</sup> It is apparent that, at the very least, the queen made a promise to James, as he put it in one of their many letters, "never to hurt [his] title notwithstanding of the many assaults given you therein."<sup>44</sup> Given her personal prejudices and political circumstances, Elizabeth, rather than let the succession become an entirely awkward issue, chose to make the most of her relationship with the Scottish king.

England's domestic security depended upon a strong and friendly ruler in the north and Elizabeth's relationship to James, as his elder cousin and co-ruler, put her in a unique position to attempt to guide him as a political mentor and protector. Elizabeth actually sent English forces to Scotland in the spring of 1573 to overthrow rebels opposed to James's rule.<sup>45</sup> She expressed her care of her "dear Brother" from his "infancy" in their correspondence, mentioning that she could not contemplate "traitorous attempts" against him "without unspeakable dolor and

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<sup>41</sup> James I King of England, *Letters of King James VI & I*, ed. G.P.V. Akrigg (Berkeley, CA: University of California Press, 1984), 136. Elizabeth also later agreed to be godmother to James's son.

<sup>42</sup> Elizabeth I Queen of England, *The Letters of Queen Elizabeth I*, ed. G.B. Harrison (Westport, CT: Greenwood Press, 1968), 184.

<sup>43</sup> Nenner, 20-21; Harrison, iii, 327. This pantomiming incident is recorded in the memoirs of Sir Robert Carey, who rode to Scotland to be the first to inform James VI of Elizabeth's death.

<sup>44</sup> James VI, 123. Elizabeth had given essentially the same promise to Mary Queen of Scots when she told her envoy Maitland that "if her right be good she may be sure I will never hurt her, and I here protest to you...I for my part know none better nor that myself would prefer to her, or yet, to be plain with you, that case occurring might debar her from it." (Levine, 31-32.)

<sup>45</sup> Beckingsale, 145.



unexpressful woe.”<sup>46</sup> Ever mindful of ingratiating himself with Elizabeth in order to increase his chances of gaining her throne, James habitually consulted Elizabeth on matters of state. His marriage to Anne of Denmark, for example, followed Elizabeth’s approval of the match.<sup>47</sup> Elizabeth, England’s queen reciprocated not only with covert promises but also with monetary gifts and an increasingly munificent yearly pension.<sup>48</sup> While the queen strove for a close relationship with her Scottish cousin, she refused to make any overt move that would guarantee him a place as her successor. Elizabeth steadfastly refused to allow James to inherit his Lennox grandparents’ English estates, which would have decided the Common Law issue against alien inheritance in his favor.<sup>49</sup> Instead, England’s queen left James in doubt and used the uncertain nature of his succession as leverage that allowed her to exercise influence over his realm.<sup>50</sup> At the same time, Elizabeth intervened domestically to maintain the Stuart claim to England’s throne.

Although Elizabeth made a passive pledge merely not to injure James’s claim, in reality she did far more, quelling movements against him and setting up the Scotch king as the only compelling candidate for the crown. Elizabeth’s longstanding official silence on the succession served not only to secure and preserve her rule, but also to promote the Stuart claim. While the Grey-Seymour family was habitually imprisoned with their most vocal parliamentary supporters, the advocates of Scotland’s monarch were left to operate in relative freedom as proponents of a traditionalist hereditary right.<sup>51</sup> Efforts by parliamentarians to exclude the Stuarts from

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<sup>46</sup> Elizabeth I, 221. Elizabeth had good reason to promote James’s financial and military security for in suppressing all other claims she would have created even greater uncertainty over the succession if, for some reason, James had been unable to succeed her.

<sup>47</sup> Beckingsale, 172.

<sup>48</sup> Harrison, iii, 319-320; Axton, 76-77. It is recorded in a collection of English State Papers that in 1603, the year of her death, Elizabeth increased James’s pension by 2,000 pounds a year.

<sup>49</sup> Nenner, 58. Through his father, Henry Darnley, James was the primary heir of the meager English estates of Lady Margaret Douglas and her husband the Earl of Lennox.

<sup>50</sup> Nenner, 29.

<sup>51</sup> Levine, 32. James’s involvement with the Earl of Essex and Sir Robert Cecil, among others, will be discussed in the next section.

consideration for the crown, even in efforts to promote Elizabeth's personal security, were instantaneously rebuffed by the queen.<sup>52</sup> While she might complain about James's occasional misbehavior, Elizabeth made her plans for him clear by telling him in a letter of 1585, "I might condemn you as unworthy of such as I mind to show myself toward you, and therefore I am well pleased to take any color to defend your honor."<sup>53</sup> The queen kept her promise, taking an active role in playing down public suspicions surrounding James. When a conspiracy theory involving a supposed plot in which the Scottish king would attempt to usurp Elizabeth's throne was publicly raised by a man named Valentine Thomas in 1598, near the end of her long life, Elizabeth went so far in her reassurance of James as to issue a rare royal declaration stating, "We do give no credit to such things as the said Valentyne Thomas has affirmed against our good brother."<sup>54</sup> Elizabeth had made absolutely certain that nothing could irreparably damage James's public standing. The succession of her Scottish cousin thus gratified not only her exalted sense of royal status but served as a final triumph against Elizabeth's Grey-Seymour relations, who had ever been a pointed thorn in her side.

Elevating an anointed king to her place, Elizabeth and members of the old nobility both eventually favored avoiding the elevation of a domestic peer based, at least partly, on pride. When everything else slipped away, Elizabeth had always been able to fall back on her position as the daughter of a revered king, often underscoring her physical resemblance to Henry VIII.<sup>55</sup> The pomp and circumstance of monarchy had readily covered the blemishes that had surfaced in Elizabeth's bloodline and character before her ascension to the throne and she propagated her

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<sup>52</sup> Levine, 39. This will be discussed thoroughly in chapter three.

<sup>53</sup> Elizabeth I, 163.

<sup>54</sup> James VI, 159.

<sup>55</sup> Starkey, 165. Even under arrest for suspicion of treason, Elizabeth's keeper addressed her on his knees.

singular Tudor royal standing to generate much of her prestige.<sup>56</sup> Elizabeth's exalted understanding of her own self-importance was thus a means of compensating for her previously ambiguous royal status. When considering the most fitting candidate to succeed her, the fact that the Stuart family already possessed an ancient crown must have disposed Elizabeth rather approvingly in their favor.<sup>57</sup> The queen, the consummate player of power politics, could not help but scorn the vulnerability and dependent position of her domestic cousins, who could be so easily subjugated to her will. This disdain is evident in a comment she made to Maitland, Mary Stuart's envoy, concerning her other possible successors: "Alas! What power or force have any of them, poor souls?"<sup>58</sup> Consistent with her lofty view of her own magnificence, the greatest detractors of which she had neutralized in her handling of the Grey-Seymour family, Elizabeth is reputed to have exclaimed on her deathbed, "I told you my seat hath been the seat of Kings, and I will have no rascal to succeed me; and who should succeed me but a King."<sup>59</sup> While it is questionable whether Elizabeth uttered these exact words, it is likely that they reflected her sentiments on the matter fairly accurately. At a time in which many of the ancient English noble families were fading, the sentiments of the remaining senior peers of the realm probably corresponded with the queen's in this instance. Proud of their own prominence and stature, it would be much easier for noblemen like the Earl of Essex to accept the pre-eminence of a foreign prince than one of their own kinsmen suddenly elevated from the pit of illegitimacy.<sup>60</sup> Elizabeth's predisposition cleared the way for James's succession, and she made certain nothing

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<sup>56</sup> Perry, 165. Elizabeth was conceived before her parents were married and her father's divorce from his living first wife was not recognized by Catholics. In her teens Elizabeth was involved in a highly publicized scandal with Lord Thomas Seymour, the new husband of her stepmother Queen Catherine Parr.

<sup>57</sup> Alford, 122. Divine Right theory also seems to have appealed to Elizabeth ideologically, which probably explains some of her substantial support of Mary Queen of Scots.

<sup>58</sup> Levine, 31-32.

<sup>59</sup> Harrison, iii, 325. This episode was reported later by Sir Robert Carey, a relative of the queen, who rode to Scotland in order to inform James of his ascension. Needless to say he was handsomely rewarded. The 'rascal' alluded to would be Catherine Grey's eldest son Edward.

<sup>60</sup> Hammer, 169.

would compromise the Scottish Stuart claim in the full knowledge that after her death both ministers and peers would be overwhelmingly disposed to affirm her choice.

James ascended the throne not because of the persuasive nature of his claim or any individual subtlety or strength on his part, but because Elizabeth, out of the two primary claimants to succeed her, left him alone unscathed. Mindful of intrigues surrounding royal heirs in the recent past that at several points had seriously threatened civil war, Elizabeth would not firmly settle the succession on any candidate for fear of compromising her own ability to rule. Consumed by the personal injustices and jealousies of her personal history, Elizabeth Tudor could not tolerate a Grey as her successor. Brought up in relative obscurity and of questionable status, Catherine Grey's sons Edward and Thomas Seymour had little chance of attracting a sizable following. It is a testament to the strength of the Grey claim that as late as the 1590s they found any supporters at all, and these followers Elizabeth doggedly suppressed. Guided by her own personal resentments, political strategies, and sense of status, Elizabeth overtly favored the Stuart claim and took unmistakable steps to ensure and promote its continued viability. It is impossible to say that the last Tudor monarch put James I directly on the English throne, for Elizabeth had no way of controlling the actions of her ministers and peers after her death. The queen did, however, consistently undercut the parliamentary claim of her Grey-Seymour relations during her lifetime and tolerated the unabashed pretensions of her Stuart cousins to her crown. In so doing, Elizabeth effectively made the ascension of James VI of Scotland the only means of maintaining a widespread consensus on the succession and consequently avoiding the devastating civil conflict over the succession that Englishmen had feared for so long.

### Chapter III: Public Anxiety and Parliamentary Action

Uncertainty concerning the settlement of the royal succession, while most acutely apparent at certain points in Elizabeth's reign, was at all times an underlying concern that inevitably colored every facet of the last Tudor queen's reign. Contrary to mainstream historical interpretation, characterized by views similar to D.M. Loades's that prematurely assert James's success was a "foregone conclusion," up to the last years of her life Elizabeth I never had a definite successor.<sup>1</sup> This is perhaps best illustrated by the charade played out over her nomination of a successor that transpired just before her death. James VI of Scotland, while groomed by Elizabeth to succeed her, had no certain right to England's crown. Divisions within the royal family had dangerously entwined dynastic loyalties with religious beliefs and a burgeoning nationalistic fervor, making the future of the English monarchy an imperative question that periodically threatened to rend England apart.<sup>2</sup> Any overt attempt to settle this question had the potential to spark a disastrous civil conflict similar to the Wars of the Roses. Even worse, it might provide the pretext for an external invasion by an interested foreign power. Buoyed by the new authority extended to them by the English Reformation wrought by Henry VIII, and goaded by Elizabeth's inactivity and efforts to suppress the issue, members of Parliament began to feel increasingly competent to handle this important matter themselves. The queen's refusal to establish a successor ultimately inspired virulent popular anxiety that moved

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<sup>1</sup> David Loades, *Chronicles of the Tudor Queens* (Phoenix Mill, Gloucestershire: Sutton, 2002), 291.

<sup>2</sup> David Starkey, *Elizabeth: The Struggle For the Throne* (New York: Harper Collins, 2001), 110.

Parliament in unprecedented directions, pushing its members to question their monarch's judgment on a central aspect of national policy and leading them into a direct conflict with their anointed queen.

Lulled by the persuasive power of hindsight into accepting the inevitability of James's ascension, many historians have overlooked the importance of the succession crisis in Elizabethan affairs. Contemporaries, in contrast, were highly conscious of the dangers of an indefinite succession and the hazard it posed to the safety and stability of the realm.<sup>3</sup> As long as the rightful mode of inheriting the throne was unclear, individuals could legitimately support a variety of candidates of royal blood, which served as the only universally recognized qualification to rule. As long as Elizabeth I refused to establish a successor and the Grey and Stuart branches of the Tudor family espoused varying faiths and foreign allegiances, orthodoxy in regard to the succession could not be established. While this prevented the formation of a single potent group of opposition, it left the way open for an infinite number of internal factions, which were potentially even more dangerous, to form and contend for control.<sup>4</sup> This not only gave room for extremists to gain ground, but made the neutralization of forces opposing the Elizabethan regime practically impossible, as members of suppressed groups quickly joined others. The balance of power both within the kingdom and throughout Europe as a whole hung in the balance. At any time the crown could have passed to any of a number of Tudor cousins, about whom many knew little and from whom the kingdom had no idea what to expect.<sup>5</sup> Popular fears of a civil insurrection or active intervention by a foreign power to place an amicable

<sup>3</sup> Howard Nenner, *The Right to be King* (Chapel Hill: University of North Carolina Press, 1995), 17.

<sup>4</sup> Starkey, 319.

<sup>5</sup> Dulcie Ashdown, *Tudor Cousins: Rivals for the Throne* (Phoenix Mill, Gloucestershire: Sutton, 2000), xiii. Limited knowledge about Elizabeth's carefully isolated English relations, including Catherine Grey's sons Edward and Thomas and Arbella Stuart, created anxiety among the upper classes who had little knowledge of their political and religious ideals and how they could be expected to rule.

candidate on the throne set many teeth on edge, including those of William Cecil, the queen's first minister.<sup>6</sup> The fate of England's crown was of international concern and was a frequent subject of speculation in the courts of Edinburgh, Paris, Madrid, Venice, and the Vatican.<sup>7</sup> Battles over thrones always sparked widespread interest, but the combined nature of England's crown and the leadership of the kingdom's official religious faith made the matter even more crucial.

Despite the common assumption that England upon the last Tudor's death was a firmly Protestant nation, Elizabethans of both Protestant and Catholic persuasions were convinced that England's religious status was still open to change, making the succession a decisive factor that tinted every aspect of English affairs.<sup>8</sup> With Henry VIII's Act of Supremacy of 1534 came a sweeping revolution that established the King-in-Parliament as the pinnacle of royal power and the supreme arbiter of political and religious life within the kingdom.<sup>9</sup> The establishment of the Elizabethan religious settlement by another Act of Supremacy and Act of Uniformity, both passed at the beginning of Elizabeth's reign in 1559, ensured Parliament's position at the forefront of religious affairs. Those who would harness Parliament to enact increasing reform and those who would utilize it to realign England with Rome, as Mary I had recently done, thus became interested and active in politics in an entirely new way.<sup>10</sup> English military aid to Protestant forces in Scotland and the Netherlands charged internal and external religious divisions further and kept the importance of England's religious status at the forefront of public

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<sup>6</sup> Stephen Alford, *The Early Elizabethan Polity: William Cecil and the British Succession Crisis 1558-1569* (Cambridge: Cambridge University Press, 1998), 42; Ashdown, 217.

<sup>7</sup> Ashdown, 1, 208. Foreign ambassadors from France, Spain, Scotland, Venice, and informants for the Jesuit order regularly sent reports regarding the succession which were heavily scrutinized by foreign powers.

<sup>8</sup> John Neville Figgis, *The Divine Right of Kings* (New York: Harper Torch Books, 1965), 89.

<sup>9</sup> Sir Charles Ogilvie, *The King's Government and the Common Law 1471-1641* (Oxford: Basil Blackwell, 1958), 134. Parliament hereby asserted in the Act of Restraint of appeals of 1533 that "England is an empire unto itself" and prohibited all outside influence in England's political and religious affairs. (Figgis, 25-26.)

<sup>10</sup> Ogilvie, 134.

affairs.<sup>11</sup> Immense pressure was building in both Catholic and Protestant camps for change and the hopes of each, due to Elizabeth's intransigence, lay almost completely in the choice of a successor to Elizabeth's throne.<sup>12</sup> Often masked behind abstruse historical and legal arguments or nationalistic fervor, religious preference often played the primary role in individuals' judgment of who was the 'rightful heir'.<sup>13</sup> Ideological fervor was a constant undercurrent of the succession crisis during Elizabeth's reign that charged opinions at all levels of society and prejudiced governmental policy and decisions at the highest levels.

In addition to religious rivalries, disagreement over the succession extended to factions among Elizabeth's top court officials, adding to preexisting animosity between the Cecils, who were believed to favor the Grey-Seymour claim, and the followers of the Earl of Leicester and his step-son the Earl of Essex, who formed an alliance with James Stuart of Scotland. William Cecil, the Lord Treasurer, and his brother-in-law Sir Nicholas Bacon, the Lord Keeper of the Great Seal, were known to be staunch Cambridge educated Protestants with connections to the Grey and Seymour families.<sup>14</sup> Cecil had begun his political life in the service of the Earl of Hertford's father Edward Seymour, Duke of Somerset, and his association with his family seems to have extended beyond the point at which it was politically advantageous to do so. The duke's widow solicited William Cecil's help in managing her troublesome son and Hertford had been traveling with Thomas Cecil, the Lord Treasurer's heir, in Europe when his secret marriage to

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<sup>11</sup> Paul Hammer, *The Polarization of Elizabethan Politics: The Political Career of Robert Devereux, 2<sup>nd</sup> Earl of Essex 1585-1597* (Cambridge: Cambridge University Press, 1999), 393.

<sup>12</sup> Marie Axton, *The Queen's Two Bodies: Drama and the Elizabethan Succession* (London: Royal Historical Society, 1977), 23.

<sup>13</sup> Mortimer Levine, *The Early Elizabethan Succession Question 1558-1568*, (Stanford: Stanford University Press, 1966), 92.

<sup>14</sup> Alford, 24. Cambridge was known in this period for disseminating reformist religious views. Leicester was also Protestant but his negotiations with Spain during his campaign to marry Elizabeth I suggest that he was less committed than Cecil.



Lady Catherine Grey became public knowledge.<sup>15</sup> William Cecil and Nicholas Bacon's wives were sisters distantly related to the Greys through marriage and both families capitalized upon this connection by referring to each other as "cousin."<sup>16</sup> The drive to put even a distant relative on England's throne seemed strong and Lord Keeper Bacon fell into disgrace for a time after he reviewed the opinions gathered in Europe for John Hales on the validity of Catherine Grey and the Earl of Hertford's union. Bacon was also implicated in helping to write Hales's pamphlet on the succession, which sought to legitimize the Grey claim to the throne.<sup>17</sup> Mary Queen of Scots accused William Cecil of attempting to marry one of his own daughters to the Earl of Hertford and catapult him to power in right of one of his sons.<sup>18</sup> James VI and Essex thus both inherited frustration with the power and influence of the Cecil faction. William Cecil and his allies had pushed for the execution of James's mother Mary in 1587, and Essex maintained an increasingly futile battle to win patronage in order to maintain a rival faction at the Elizabeth's court created by the Earl of Leicester.<sup>19</sup> These mutual grievances resulted in a collaboration to work actively against the Cecils that lasted until Essex's disgrace and execution in 1601, and the eventual decision of Robert Cecil, the Lord Treasurer's younger son and political heir, to support James's candidacy for the throne.<sup>20</sup> The apparent amalgamation of views on the succession with political faction before Essex's unexpected demise thus seemed to leave little hope of a peaceful establishment of Elizabeth's heir.

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<sup>15</sup> Levine, 80.

<sup>16</sup> Levine, 80-81. Historians have suggested that sending Hertford on a European tour with Cecil's heir was part of a strategy to keep him from getting into trouble. Little did Cecil and Hertford's mother know that their efforts came too late.

<sup>17</sup> B.W. Beckingsale, *Burghley Tudor Statesman 1520-1598* (New York: St. Martin's Press, 1967), 102; Levin, 76-77.

<sup>18</sup> Beckingsale, 118.

<sup>19</sup> Hammer, 393. As Elizabeth's favorite, the Earl of Leicester had been able to maintain a significant political faction that was often in direct opposition to the Cecils. The Earl of Essex was highly favored by Elizabeth, largely because of his connection to the deceased Leicester, but he was markedly less successful at obtaining favors from the aging queen. Elizabeth clung resolutely to the past and the few loyal followers who had helped establish her reign, especially William Cecil whom she created Lord Burghley in 1571. (Haigh, 42-44, 61-62, 102.)

<sup>20</sup> Alan Haynes, *Robert Cecil Earl of Salisbury 1563-1612*, (London: Peter Owen, 1989), 88-89.

Perhaps the best indication of the continued volatility of the succession question throughout Elizabeth's lifetime is the fear that haunted her eventual successor, James VI, that he would be passed over in favor of another Tudor relation, despite Elizabeth's considerable strengthening of his claim. In order to ensure his own succession to the English throne James needed strict hereditary right to be recognized as the only legitimate means of determining Elizabeth's heir.<sup>21</sup> To promote this ideology, the Scottish king waged a personal propaganda campaign through published treatises, including *The Trew Law* and *Basilikon Doron*, both of which were produced around 1598, in which he persistently asserted that the rights conferred by primogeniture are indefeasible.<sup>22</sup> Until his ascension was officially established James had cause to be defensive and he prepared measures to counteract potential assaults upon his claim to inherit England's throne. The most important of these was a bill he passed through the Scottish Parliament making it treasonous to slander his parents and thus put his legitimacy into question.<sup>23</sup> James lived in perpetual fear that a party in opposition to his rule would somehow debar him and engineer the marriage of one of Lady Catherine Grey's sons to Lady Arbella Stuart, an English-born grandchild of Lady Margaret Douglas.<sup>24</sup> If this occurred, England would most likely fall into a bloody conflict over the succession that the Scottish king was not certain he would win.<sup>25</sup>

James established a secret body of followers in England, through his association with Essex and eventual understanding with Robert Cecil, who kept him in constant touch with affairs

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<sup>21</sup> Nenner, 31.

<sup>22</sup> James I King of England, *Political Writings*, ed. Johann Somerville (Cambridge: Cambridge University Press, 1994), 31, 42, 59, 68; Nenner, 28. These political treatises will be addressed more fully in chapter four.

<sup>23</sup> Nenner, 22, 59. Mary Stuart's affair with and hurried marriage to the Earl of Bothwell, after the murder of her husband Henry Stuart, Lord Darnley, came shortly after James's birth and raised suspicion about the Scottish king's paternity. Mary gave birth to Bothwell's twins after their marriage, but they died soon after birth. (Levine, 210.)

<sup>24</sup> Haynes, 94; James VI, 320. Lady Arbella Stuart was the daughter of Charles Stuart and Elizabeth Cavendish, a daughter of the Earl of Shrewsbury.

<sup>25</sup> James VI of Scotland was too poor to afford a royal bodyguard. Marshalling a sizable army would prove far more difficult. (James VI, 88.)

at the English court and stood ready to alert him to the need for force to effectively secure England's throne.<sup>26</sup> He and a number of influential followers utilized a code system in their frequent correspondence whereby each individual was only referred to as a numeral and never by name. Robert Cecil, for example, was number ten.<sup>27</sup> Secret associations and constant intriguing reveal not only the extent of James's ambition but the dangerous air of uncertainty that pervaded England in Elizabeth's twilight years.<sup>28</sup> While the old queen was quickly fading away, Robert Cecil had eight galleons manned and waiting in the river Thames to sail to any point of the country that showed signs of resistance to James's rule.<sup>29</sup> Fortunately for the Scottish king, no such opposition manifested itself and even the Earl of Hertford, England's wealthiest peer in terms of ready funds and the individual with the most reason to oppose Stuart rule, seems to have quickly pledged him allegiance.<sup>30</sup> James was so exhilarated by the easy nature of his victory that on his way down to England this habitually timid man stopped at Berwick to fire a cannon off personally in celebration.<sup>31</sup> The will of Henry VIII, enshrined in the Acts of Succession of 1536 and 1542, was disregarded and James moved quickly to consolidate his legal position by having his first Parliament officially lay Henry's final testament aside.<sup>32</sup> James's gratitude to Robert Cecil for the astounding ease of his ascension was practically inexhaustible. Cecil continued to serve as first minister and was made Baron Cecil of Essendon in 1603, the first year of James's

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<sup>26</sup> Hammer, 164.

<sup>27</sup> James VI, 184; Haynes, 90. There seem to have been at least forty individuals with specific numbers assigned to identify them. Number forty is thought to represent the Earl of Nottingham who was Lord High Admiral. (James, 192.)

<sup>28</sup> Nenner, 24.

<sup>29</sup> Ashdown, 213.

<sup>30</sup> Ashdown, 178.

<sup>31</sup> Beckingsale, 102. James was not a particularly brave man. As king of England he was known to be terrified by nightmares concerning a rather harsh and long-dead tutor he had had as a boy, named Buchanan, rebuking him. (James VI, 42.)

<sup>32</sup> Ashdown, 220.

reign, Viscount Cranborne in 1604, and Earl of Salisbury a year later.<sup>33</sup> While James and Cecil eventually succeeded peaceably in their aims, they were not alone in their fear of a catastrophic outbreak of violence upon Elizabeth's death.

The problem of the succession gripped the nation as a whole, causing widespread anxiety among all social classes over the continued order and security of the state, foundational governmental concerns that necessitated some kind of official attention. Shortly after the birth of Lady Catherine Grey's first son, the bishop of Salisbury bemoaned the effects of a confused succession on the people at large, stating "O how wretched are we, who cannot tell under what sovereign we are to live!"<sup>34</sup> This wretchedness continued for over forty years, breeding many nightmares in the public mind. After James VI of Scotland was successfully elevated to England's throne as James I, the French ambassador to the English court noted the general amazement that the transfer of power after Elizabeth's death had happened so smoothly, exclaiming "all Christendom held for certain that it must be attended with trouble and confusion."<sup>35</sup> An English author's opinion in a pamphlet on the succession published in 1594, who noted that it is "likely that the affair cannot be ended without war at the first," suggests that Englishmen were apt to agree with international opinion on this issue.<sup>36</sup> Both Englishmen and foreigners appear to have widely expected the outbreak of hostilities upon Elizabeth's death.

Contrary to what many historians see as an early acceptance of the inevitability of James's reign, widespread fear of civil conflict over the succession lingered until the last possible moment for some type of contention to emerge. Up until July of 1602 the intelligence

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<sup>33</sup> Haynes, 95. The speed of Robert Cecil's elevation through the ranks of the peerage is astounding when compared to other royal servants of the age.

<sup>34</sup> Levine, 19.

<sup>35</sup> Nenner, 17.

<sup>36</sup> G.B. Harrison, ed., *The Elizabethan Journals: Being a Record of Those Things Most Talked of During the Years 1591-1603* (London: George Routledge and Sons, 1938), i, 340-341. The pamphlet referred to is Robert Doleman's *Conference About the Next Succession to the Crown of England*, which will be discussed more fully in chapter four.

gathered by the Jesuits, whose sources were normally remarkably accurate, suggested that upon Elizabeth's death some prominent members of English communities intended to rise for James, while others planned to marry Lady Arbella Stuart to the Earl of Hertford's younger son and place them on the throne.<sup>37</sup> The Venetian ambassador's reports reflect that he believed as late as April of 1603 that Arbella had secretly married one of Catherine Grey's heirs, who he thought were currently raising forces to seize the crown.<sup>38</sup> Rumors ran rampant, and if those intimately associated with the court could take such tales seriously it can only be imagined what was being passed along the streets of London at this time. When the guard at the palace was doubled and the queen's jewels were moved to the Tower of London, the Venetian ambassador recorded a general pandemonium during which private citizens hid their valuables, themselves, and "stirrings and alarms" occurred in every house.<sup>39</sup> What had begun at the beginning of Elizabeth's reign as intuitive anxiety about a generally unsound state of affairs had degenerated, for a time, into widespread panic. Concern over the succession was evidently no trivial matter to the Englishmen and women of the age, and public interest in this matter was not limited merely to the last days of Elizabeth's reign. Public figures as early as 1563, including the Dean of St. Paul's Cathedral, publicly spoke of the dire need for the queen and Parliament to establish a royal heir.<sup>40</sup> Indeed, it would seem that an issue that attracted this level of attention, causing such a high degree of widespread tension, would be impossible for Parliament to ignore.

Parliament's rightful role in settling the succession in conjunction with the monarch was not a matter of tangential conjecture but a recognized aspect of statutory law that during

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<sup>37</sup> Harrison, iii, 290. This entry is from the records of the English Province of the Society of Jesus. Presumably Thomas Seymour would have been preferable to his older brother because he had never been married and his legitimacy, thanks to his parents' testimony to Elizabeth's board of inquiry, was incontestable according to English law if not compatible with the commission's official finding.

<sup>38</sup> Ashdown, 218-219. There is no surviving evidence that the Earl of Hertford or his sons attempted to assemble a force of any kind.

<sup>39</sup> Harrison, iii, 326. This information is found in a Venetian Calendar of State Papers.

<sup>40</sup> Alford, 105.

Elizabeth's reign remained theoretically potent, although the queen never allowed this authority actually to be used. While proponents of the Stuart's claim to England's throne might claim that hereditary right was unquestionable, Elizabeth and Parliament clearly had other ideas. In the second Treasons Act of 1571 Parliament, with Elizabeth's willing consent, made it treasonable to deny that the Queen-in-Parliament had the right to "limit and bind the crown of this realm and the descent, limitation, inheritance, and government thereof".<sup>41</sup> When it came to the disposal of England's throne, there was no universal law and Parliament's central role in determining each individual case of doubt was thus publicly proclaimed. Elizabeth I's perpetual fear that to make such a settlement of the succession would fundamentally undermine her rule, however, ensured that this overt determination would never be applied, and Parliament's role in establishing the next sovereign thus remained unclear.<sup>42</sup> At heart, Elizabeth was a firm believer in and jealous guardian of the broad discretionary powers of the monarchy. She deemed the succession, along with the issue of her marriage, prerogative matters that she alone as sovereign had the right to determine when she saw fit.<sup>43</sup> The queen clearly asserted this authority when Parliament pressed her to settle the succession in 1563, remarking to the members of the Commons that "it is monstrous that the feet" of the body politic "should direct the head."<sup>44</sup> In her view, Parliament's responsibility in settling the succession extended merely to rubber stamping and thus giving public recognition to her sovereign will.<sup>45</sup> As she told members of the lower house, "I will deal therein for your safety and offer it unto you as your prince and head without request."<sup>46</sup>

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<sup>41</sup> Nenner, 13-14.

<sup>42</sup> Nenner, 14.

<sup>43</sup> Beckingsale, 111; Axton 1; Nenner, 20.

<sup>44</sup> Maria Perry, *The Word of a Prince: A Life of Elizabeth I from Contemporary Documents* (Rochester, NY: Boydell, 1990), 199.

<sup>45</sup> Alford, 157.

<sup>46</sup> Perry, 199.

Parliament, however, knowing that Elizabeth would never chose to settle the succession on her own, saw things in a very different light.

Packed with individuals familiar with the common law and thus ever mindful of the vital nature of precedence, Parliament saw its necessary involvement in matters of the succession established and indeed necessitated by the historical experience of the previous three Tudor reigns. In the aftermath of a number of disastrous marriages at the height of his monarchical power, Henry VIII had chosen to utilize Parliament to both disinherit his daughters and then to reinstate them in the line of succession by the order of their births.<sup>47</sup> While Henry could never have foreseen that none of his offspring would have children of their own, leaving the succession in a prolonged state of doubt, his political maneuvering would have significant consequences for the English monarchy.<sup>48</sup> The widespread opposition to Edward VI's Device for the Succession, which made Lady Jane Grey his successor, must have stemmed, at least in part, from the fact that it was a radical change that left Parliament completely out of the picture. Introduced to the vital importance and intricate subtleties of their sovereign's private life during the reign of Henry VIII, members of Parliament during the rule of his daughter Mary offered their opinion, unsolicited, on the queen's impending marriage.<sup>49</sup> Strengthened by her recent victory over forces attempting to place Lady Jane Grey on the throne, however, Mary was quickly able to ignore the people's desire that she marry within the realm.<sup>50</sup> What were seen as the disastrous consequences of her reign with Philip of Spain, however, must have resolved many leading parliamentary families to ensure that their concerns were never handled so flippantly again.

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<sup>47</sup> Sergio Bertelli, *The King's Body*, Trans. R. Burr Litchfield (University Park, PA: Pennsylvania State University Press, 2001), 255; Hughes, 40, 51, 53, 66-67; Figgis, 85-86.

<sup>48</sup> Levine, 148.

<sup>49</sup> Parliament was heavily exposed to arguments pertaining to Henry VIII's divorce of his first wife Catherine of Aragon, as well as the 'treasonable' activity of his second and fifth wives, Anne Boleyn and Catherine Howard.

<sup>50</sup> Starkey, 126. The prime candidate to serve as Mary's consort was her English cousin Edward Courtenay, Earl of Devon, who had spent most of his life a prisoner in the Tower of London. Mary's response to the Common's petition was to say, "We shall marry as God direct our choice, to His honor and to our country's good."

Galvanized by the lurking fear and insecurity among the population at large, Parliament simply could not lie down and accept that the question of Elizabeth's successor was purely the monarch's own affair.<sup>51</sup>

Elizabeth shocked the kingdom in late 1562 by succumbing to a sudden illness that clearly threatened her life and England's national security, thus making the unsettled nature of the succession a visible threat that those in power could no longer afford to tolerate or ignore. The Privy Council was taken aback and divided by the realization that the young queen was stricken with smallpox and, for a time, seemed likely to die. A hurried discussion ensued in which it emerged that substantial support existed for three courses of action. Most Protestants favored crowning Lady Catherine Grey but some supported the Earl of Huntingdon, while the few remaining Catholics, dismayed by both candidates, attempted to put off any decision until a body of leading jurists, most of whom seem to have been Catholic at the time, could be assembled to render an opinion on the strength of each candidate's claim.<sup>52</sup> While Mary Queen of Scots was not mentioned, she probably had more secret supporters than would at first appear. At this point, however, few were willing to voice support for the Scottish queen. Sir Ralph Sadler's sentiments, expressed in Parliament around this time, were highly antithetical to the Stuart claim, and probably reflected those of many members of the lower house. He labeled himself "a mere natural Englishman" who did not like the thought of being "subject to a foreign prince, a prince of a strange nation."<sup>53</sup> If Elizabeth had allowed a determination of the succession by Parliament, whose Protestant nature was assured by Cecil's leadership in the lords and an oath of supremacy that was mandatory for membership in the Commons, it would have

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<sup>51</sup> Levine, 174.

<sup>52</sup> Perry, 174-175; Levine, 45-46, 56.

<sup>53</sup> Perry, 176.



almost certainly secured a Protestant heir.<sup>54</sup> Even if Elizabeth had not personally objected to the Protestant Grey claim, this action would have ensured a foreign relations disaster. Mary Stuart's position at England's northern border made any offense towards her, and thus leading Catholic powers that might decide to intervene on her behalf, extremely dangerous. For the Privy Council and Parliament, however, the pressing likelihood of domestic turmoil upon Elizabeth's death, which they now saw as a constant possibility, offset any possible benefit of leaving the queen's successor unnamed.

The House of Commons took up the matter of the royal succession in 1563 with a will and quickly showed that they would no longer quietly sit by and put up with the queen's avoidance of this essential issue. Parliament's concern over the succession had been voiced at its first meeting of Elizabeth's reign in 1559, when the speaker of the Commons reminded the new queen that "the Kings of England have never been more careful of any thing, than that the Royal Family might not fail of issue."<sup>55</sup> Clearly unsettled by the queen's illness, Parliament immediately focused in 1563 on the question of her successor. The Commons presented the queen with a petition crafted to express the deep-seated fear of the English people, stemming from the precarious condition in which the queen had placed her kingdom by refusing to designate a successor:

Your Majesty hath most graciously considered the great dangers and the unspeakable miseries of civil wars; the perilous intermeddlings of foreign princes with seditious, ambitious, and factious subjects at home; the waste of noble houses; the slaughter of people, subversion of towns, intermission of all things pertaining to the maintenance of

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<sup>54</sup> Levine, 57, 198. The oath of supremacy affirmed the monarch's position as the head of the church. Catholics who would not take the oath were thereby excluded from office. Importantly, peers of the realm were exempt from this requirement.

<sup>55</sup> Nenner, 18. Initially the succession question revolved around the queen's marriage and production of heirs, but many seem to have given up hope of this actually taking place fairly in Elizabeth's long reign.

the realm, unsurity of all men's possessions, lives, and estates, and the daily interchanging of attainders and treasons...All would occur if your majesty is taken from us without a known heir.<sup>56</sup> The petition consequently asked the queen to marry or "provide a most gracious remedy in this great necessity" and the House of Lords chimed in with a concurrent petition of their own urging the same action in less forceful terms.<sup>57</sup> Elizabeth's response was far from sympathetic. She railed against the Commons and accused them of narrow self-interested motives, claiming that "nothing" was "said for my safety, but only for themselves."<sup>58</sup> In an attempt to shroud the issue with the majestic mantle of kingship, Elizabeth summoned up the precedent of her commanding father's reign and declared "I am your anointed Queen. I will never be by violence constrained to do anything."<sup>59</sup> The queen's rage did not stop there, for the Lords' petition evoked an even stronger response. Elizabeth labeled the spokesman, the Duke of Norfolk, a traitor, and aimed acrid verbal abuse at his fellow peers when they attempted to justify his position.<sup>60</sup> Desperate to put Parliament's discussion at an end, Elizabeth sent out an order forbidding further debate of the succession.<sup>61</sup> Appealing to their ancient rights of free speech, the highly motivated members of Elizabeth's Parliament refused to be silenced so easily.

Questioning what appeared to be an attack on traditional Parliamentary liberties, the Parliament of 1563 took increasingly aggressive steps to avert any monarchical diminution of its powers. Shortly after the queen's command was communicated to the commons, a member of Parliament named Peter Wentworth raised the concern that Elizabeth's order impugned

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<sup>56</sup> Levine, 49.

<sup>57</sup> Levine, 50, 51-52.

<sup>58</sup> Perry, 197.

<sup>59</sup> Beckingsale, 111.

<sup>60</sup> Levine, 179.

<sup>61</sup> Levine, 186.

Parliament's traditional right of free speech. Contrary to the servile Parliaments of the past, this body was troubled enough by the state of the succession not only to question a sovereign's direct command but to answer back with a challenge of its own.<sup>62</sup> A passionate five-hour discussion of the issue ensued, which the queen answered the next day by adamantly repeating her former prohibition.<sup>63</sup> Rather than backing down in the face of such staunch royal hostility, Parliament created a commission with thirty members to consider what should be done. Exhibiting a willingness to use the full extent of its powers to force some kind of settlement concerning Elizabeth's heir, Parliament was clearly readying itself for a fight. If the queen was going to put on autocratic airs, members of Parliament were confident enough in the necessity of action to threaten sanctions in order to force her to declare a successor. To these men, nothing was more important than ensuring that a return to Catholicism, like the one that occurred upon the ascension of Mary I, would never happen again. They were prepared to put up a surprising amount of resistance to ensure that a Protestant wore England's crown.<sup>64</sup> Claiming that their constituents had charged them not to vote for the queen's subsidy until their concerns about the succession had been addressed, members of Parliament actually threatened to withhold supplies from Elizabeth until some sort of understanding concerning the succession had been reached.<sup>65</sup> The power of the purse was thus realized as a central means of bringing pressure to bear on an increasingly dependent sovereign.<sup>66</sup> There is no question that Parliament's sense of its own power and responsibilities had expanded dramatically.<sup>67</sup> Eventually, however, members of Parliament seem to have realized that they would never be able to force Elizabeth's hand and

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<sup>62</sup> Levine, 177.

<sup>63</sup> Levine, 186..

<sup>64</sup> Levine, 174, 195.

<sup>65</sup> Levine, 175.

<sup>66</sup> Ogilvie, 131.

<sup>67</sup> Levine, 177.

they were compelled to settle, at least ostensibly, with the queen for recognition of their freedom of speech.

A final petition was produced by the committee of thirty that apologized to the queen for any misunderstanding and expressed the Commons's satisfaction with a promise to marry that Elizabeth had frantically thrown on the table. It qualified this capitulation, however, by expressing that Parliament was sure that Elizabeth had never meant to compromise its liberties or place them under "any unnecessary, unaccustomed, or undeserved yoke of commandment."<sup>68</sup>

Elizabeth was adept enough to realize the danger of stirring up a public conflict over parliamentary freedoms and backed down once this moderated compromise had been presented, revoking her command for silence and dramatically decreasing the total subsidy requested of Parliament by one third.<sup>69</sup> Thus, Parliament's stand against Elizabeth ended prematurely in the face of her unrelenting stance and personal acrimony, which revealed the queen's deep-seated bitterness and suspicion concerning the succession. Continually worried by the proven vulnerability of the queen's life, which had been engraved into her people's minds by her early sickness, however, Parliament simply could not let the issue of the succession go entirely.

Some members of Parliament, mindful of pressing Catholic threats to Elizabeth's Protestant rule, did everything in their power to establish some kind of legal guidelines for settling the succession, with or without Elizabeth's willing collaboration. A minor plot discovered during the queen's illness placed Elizabeth's second Parliament of 1563 particularly on edge. Lord Arthur Pole, another one of the few remaining English males of royal blood, apparently planned to secure the throne for Mary Stuart, ceding his supposed right to the throne

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<sup>68</sup> Levine, 187.

<sup>69</sup> Levine, 192. This was a substantial remittance meant to ensure Parliament's cooperation and voluntarily abandonment of the succession issue.

to the Scottish queen on the condition that she marry one of his brothers.<sup>70</sup> While nothing came of the plot, it became a case in point for why an official determination of the succession was necessary. Just two years after Elizabeth's second Parliament finally adjourned in 1567, the Revolt of the Northern Earls in 1569 continued to inculcate fear among the influential Protestant population. During the insurrection, the Catholic Earls of Northumberland and Westmorland attempted to seize Mary Queen of Scots from her English prison, marry her to the Catholic Duke of Norfolk, and then supplant Elizabeth or at least establish the couple as her heirs.<sup>71</sup> Leading proponents of settling the succession in 1563 served as the rebels' harshest persecutors after the uprising failed. Thomas Norton, who had helped write and read to the house the finished petition to the queen in 1563, attempted to add a measure onto a government sponsored bill in 1571 that would have effectively barred Mary Queen of Scots and her son from the English throne. A year later he pushed for Norfolk and Mary's execution.<sup>72</sup> By 1585 the whole of Parliament was troubled enough by the threat represented by Mary Stuart that it passed an Act of Association that formalized a promise to protect Elizabeth from assault and banned any person intending harm to the queen from inheriting the throne.<sup>73</sup> This common danger drew Elizabeth and her people closer together. With no suitable claimant to advance in the Stuart's place, Parliament, for the most part, after this period of independence officially rallied around the queen.<sup>74</sup> Despite this cooperation and deeply felt national anxiety over her safety, Elizabeth still would not tolerate any move to designate a successor. A Member of Parliament named Peter Wentworth who refused to stop meddling in the succession, for example, was imprisoned three separate

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<sup>70</sup> Levine, 146.

<sup>71</sup> Starkey, 320.

<sup>72</sup> Levine, 39, 49.

<sup>73</sup> Perry, 260.

<sup>74</sup> By this time, Lady Catherine Grey had been deceased for quite some time and her sons had lived under the taint of bastardy for over twenty years.

times, the last for almost four years from 1593 to 1597.<sup>75</sup> Concerned Englishman of every station thus gradually came to the harsh realization that the burning issue of the queen's heir could only be satisfactorily settled by a Parliamentary authority working independently of the queen.

England's succession crisis was not merely one of Elizabeth's private worries but an ever-present national concern that spurred increasingly bold action from a Parliament newly conscious of its growing authority and strength. Wielding enormous political and religious authority, the monarchy had never before assumed such great importance or exercised as much direct influence in the everyday lives of the English people. Constant reminders that the welfare of the kingdom hung by the thread of one woman's fragile life marked the future of the crown as a constant concern for the Virgin Queen's subjects, demanding some type of official attention. Elizabeth's obstinate refusal to touch the succession question at all left Parliament as England's only bulwark against a looming catastrophic turmoil not unlike the Wars of the Roses. This breach of trust between monarch and people fundamentally weakened the Tudor monarchy, which had been founded in the promise of a restoration of order and the careful maintenance of English prosperity and peace. Carelessly swept into the center of political, religious, and private life of the monarch during the reign of Henry VIII, Parliament would never again be relegated to the sidelines, even by a queen as politically adept as Elizabeth I. On the contrary, Parliamentarians were ready to begin playing a more concerted role in national life and Elizabeth's neglect of the succession gave them the perfect opportunity to formulate the justification and ideology to do so.

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<sup>75</sup> Nenner, 20.

## Chapter IV: A War of Words

The Elizabethan succession crisis did not result in an open struggle between Elizabeth and her Parliament but in a relatively covert, and perhaps more insidious, war of words and political ideology. Confounded by the continuing threat of internal and external Catholic forces beyond their control, members of Parliament were forced to back down from the succession question for the sake of national stability and form a united front around Elizabeth's oft beleaguered throne. Beneath the surface, however, the issue of Elizabeth's successor continued to loom, raising popular fears and demanding some kind of action. Eventually most politicians and thinkers came to the realization that only by somehow removing Elizabeth from the process could the succession be settled and the security of the kingdom assured. A string of combative succession writings was thus produced, which will be examined roughly in chronological order, aimed primarily at influencing members of Parliament. The one thing that both sides agreed upon was that Parliament *de facto* had the authority to alter the succession and thus it became crucial to convince its members to accept the claimant and ideology associated with either the Grey or Stuart claim. The ideological if not the actual victors of this textual struggle were those advocating Lady Catherine Grey's claim to the throne. Utilizing legal and nationalistic arguments, they developed an expedient and revolutionary ideology that subjected the crown to English law and promoted Parliament's independence by locating the foundations of governmental authority in the English people rather than the crown.

Interest in the succession was not limited to a knowledgeable few but was widespread, stirring concerned individuals affiliated with the Inns of Court to produce poetic and theatrical works intended to move Elizabeth to action and to mitigate her castigation of the early leading candidate to succeed her, Lady Catherine Grey. An important work of poetry, *The Tragicall Historye of Romeus and Juliet*, was produced by a member of the Inner Temple, Arthur Brooke (or Broke), based upon a translation of a novella by the Frenchman Pierre Boaistuau and printed in 1562, 1567, and again in 1587.<sup>1</sup> Brooke was a protégé of Thomas Norton, also a member of the Inner Temple, and one of the leading figures in the Common's confrontation with Elizabeth over the succession.<sup>2</sup> Norton was a virulent Protestant instrumental not only in producing the Common's petition to the queen in 1563, but also later in prosecuting Mary Queen of Scots and attempting to have her and her son debarred from the throne.<sup>3</sup> Notably Brooke's story of two high-profile, star-crossed lovers appeared in 1562, right in the midst of the contemporary controversy surrounding the validity of the secret marriage of the Earl of Hertford and Lady Catherine Grey. It was then printed again in the year before Catherine's death. Although Brooke attempts to gain acceptability for his work by ascribing to it a moral focus aimed to encourage readers to "restrain...wild affections," in reality the poem itself is blatantly sympathetic to the lovers' plight.<sup>4</sup> Cupid is imagined as driving Romeo on with his "smarting whip" and the lovers' failure to heed cautionary counsel is attributed to "Affections foggy mist"

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<sup>1</sup> Arthur Brooke, "Excerpts from Arthur Brooke's *The Tragicall Historye of Romeus and Juliet*," in *Romeo and Juliet*, ed. G. Blakemore Evans (Cambridge: Cambridge University Press, 2003), 229. It is widely acknowledged that Brooke's poem served as the primary source material for Shakespeare's famous work *Romeo and Juliet*, produced approximately seven years after his *Tragicall Historye of Romeus and Juliet* was printed for the third time in 1587.

<sup>2</sup> Marie Axton, *The Queen's Two Bodies: Drama and the Elizabethan Succession* (London: Royal Historical Society, 1977), 55.

<sup>3</sup> Levine, 39.

<sup>4</sup> Brooke "Excerpts," 229. Quotes from all primary sources are my own transliteration of the Elizabethan texts.



that renders the lovers' "blind."<sup>5</sup> It is not hard to see the apologetics offered for both transgressing youths, who are described as naive innocents with "honest hearts," as applying to Catherine Grey and Edward Seymour as well.<sup>6</sup> Even the Catholic friar that marries the pair, in contrast to the characterization of Catholics in general in Brooke's work, is portrayed in a sympathetic light as an educated man who serves as a valued counselor to his prince.<sup>7</sup> This wise advisor defends the match as a "lawful, honest" agreement between two young people of equal "nobleness, age, riches, and degree," the same general arguments used to justify the fittingness of the Hertford's secret marriage, which Elizabeth would never have voluntarily allowed.<sup>8</sup> Vivid expressions of grief, such as "Thy absence is my death, thy sight shall give me life," coupled with the hope offered to Romeus that "Yet may thy married state, be mended in a while" seem calculated to induce pity for the Hertfords and suggest that their tragic situation could still be rectified.<sup>9</sup> Elizabeth I's love of poetry and drama is legendary and it is not difficult to see Brooke's work as an attempt to soften her towards her besotted cousin. Members of the Inner Temple later perpetuated Brooke's theme of consuming love in the form of a play that was similarly intended to influence the queen.

Written by five members of the Inner Temple, including Christopher Hatton who eventually became Elizabeth's famous dancing Lord Chancellor, *Gismond of Salerne* portrays the inexorable power of love and the general tragedy that results when Cupid's will is hindered.<sup>10</sup>

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<sup>5</sup> Brooke "Excerpts," lines 606, 1419.

<sup>6</sup> Brooke "Excerpts," 596. This was right around the period when Elizabeth's special commission was investigating the legality of the Hertfords' marriage.

<sup>7</sup> Brooke, Arthur. *Romeus and Juliet: Being the Original of Shakespeare's Romeo and Juliet*. Edited by J.J. Munro. (London: Chatto & Windus, 1908), lines 568, 580; Axton, 56.

<sup>8</sup> Brooke *Romeus*, 2926, 2928.

<sup>9</sup> Brooke "Excerpts," 1617, 1409.

<sup>10</sup> Rod Stafford et al., *Gismond of Salerne*, In *Early English Classical Tragedies*, ed. John W. Cunliffe. (Oxford: Clarendon Press, 1912), lxxxvi. This play appears out of chronological order because its mode of thought and argumentation is commensurate with that of *Romeus and Juliet* in an earlier and less combative stage of the succession debate.

Taken from the first tale of the fourth day of Boccaccio's *Decameron*, the characters in the story are imputed significant rank to make the story applicable to the Hertford's ongoing ordeal.<sup>11</sup> The sonnet to the "Queen's maids" at the beginning of the work suggests that the play was performed for the court soon after its initial appearance at the inn around 1567.<sup>12</sup> This would not have been unusual, for judges and members of the Privy Council were frequent guests at the Inns' revels and often brought performances to court.<sup>13</sup> The story revolves around a king who will not allow his daughter Gismond to marry an earl, her love, whom he has killed. Although formulated in extreme terms this situation generally reflects Elizabeth's virulent opposition to the Hertford's union. Consequently, both Gismond and her repentant father commit suicide and a final mass burial of all the slain gives a tragic ending to the play.<sup>14</sup> Centered on the disastrous consequences of hindering true love, which is exactly what many believed Elizabeth was doing in the Hertford's case, the play is constructed on the maxim that "Love rules the world, Love only is the Lord."<sup>15</sup> Love, in the form of Cupid, is portrayed as a jealous deity, and the play treats Gismond and her lover's predicament as a means of displaying the winged god's power.<sup>16</sup> This hold is described by the suitor earl to the king as greater "than you upon your subjects have, or I upon myself".<sup>17</sup> Deflecting blame from Lady Catherine Grey and her husband, the play suggests that, if love had been shown proper respect in the royal palace, this disaster could have been averted.<sup>18</sup> It was later rewritten and reprinted, cunningly between 1591 and 1592 when the

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<sup>11</sup> Axton, 56-57.

<sup>12</sup> Stafford, Rod., 163; Axton, 56-57. This sonnet is found in both of the primary manuscript copies of the play. (Stafford, 162.)

<sup>13</sup> Axton, 2.

<sup>14</sup> Stafford, 165-166.

<sup>15</sup> Stafford, I.i.68.

<sup>16</sup> Stafford, II.iii.44-46.

<sup>17</sup> Stafford, III.i.21-24, IV.iv.36-39.

<sup>18</sup> Axton, 57.

Earl of Hertford was secretly campaigning to have his two sons legitimized.<sup>19</sup> While neither *Romeus and Juliet* nor *Gismond of Salerne* seem to have altered Elizabeth's view of the Hertford's situation, their sympathetic treatment of the couple seems to have fit perfectly with popular sentiment concerning the Grey-Seymour match. Sir John Mason, who was not a proponent of the Hertfords' cause, wrote a letter to William Cecil, reporting that "some of ignorance make such talks thereof as liketh them, not letting [scrupling] to say that they be man and wife. And why should man and wife be let [hindered] from coming together? These speeches and others are very common."<sup>20</sup> Surely Brooke, Hatton, and company must have realized that the provocation of public sympathies would move some members of Parliament in Catherine's favor. Other members of the Inns of Court went even further in their artistic support of the Grey cause.

*Gorboduc*, a play written around 1562 by Thomas Norton and his friend and fellow parliamentarian Thomas Sackville, has accurately been characterized as the first Elizabethan succession tract.<sup>21</sup> It vividly portrays the possible consequences of a doubtful succession and points out the efficacy of Parliament in ensuring the peace and prosperity of the realm.<sup>22</sup> Not only was the play written by a member of the Inner Temple, Norton, but it was performed by his fellow members during the Christmas festivities of 1562 and two weeks later for the queen at Whitehall Palace.<sup>23</sup> The tragedy recounts the mythical story of King Gorboduc of Britain, who divides his kingdom between his two sons against the advice of his councilors. Both of them are tragically murdered by the faction of the other and the kingdom is consequently thrown into

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<sup>19</sup> Stafford, lxxxvi; Axton, 56.

<sup>20</sup> Mortimer Levine, *The Early Elizabethan Succession Question 1558-1568*, (Stanford: Stanford University Press, 1966), 28.

<sup>21</sup> Levine, 30-31.

<sup>22</sup> Levine, 30. *Gorboduc* also has distinctive literary merits, as it is considered by many to be the first truly English tragedy, as well as the first English drama to utilize blank verse. (Sackville, xiii.)

<sup>23</sup> Sackville, Thomas and Thomas Norton. *Gorboduc or Ferrex & Porrex*. ed. Irby B. Cauthen. (Lincoln, NE: University of Nebraska Press, 1970), xii.

turmoil. The “Argument” at the beginning of the piece alludes explicitly to the dangers of the contemporary succession uncertainty, explaining that “for want of issue of the Prince, whereby the succession of the crown became uncertain, they fell to civil war, in which both they and many of their issues were slain, and the land for a long time almost desolate and miserably wasted.”<sup>24</sup> A Scottish peer, the Duke of Albany, in a blatant reference to the Stuarts, takes advantage of the chaos and attempts to usurp the throne.<sup>25</sup> He is resisted, however, by a group of nobles who assert that Parliament should establish the identity of the next monarch from a “native line, / Or by the virtue of some former law” and thus avoid this attempted imposition of the “heavy yoke of foreign governance.”<sup>26</sup> While *Gorboduc* overtly makes a case for Parliament deciding in Lady Catherine Grey’s favor, based on her domestic status and the will of Henry VIII, it does not shy away from the problems associated with trying to accomplish this belatedly after the previous monarch’s death.

Urgency was imputed to the settlement of the succession in the years 1562 and 1563 by Elizabeth I’s sudden illness, forcing her council to contemplate the possibility of making a determination of the succession in Parliament on its authority alone. *Gorboduc* clearly addresses the extensive legal problems this would cause. Eubulus, the wise royal counselor of King Gorboduc, makes a speech that highlights the legal difficulties surrounding the settlement of the succession without the presence of a ruling king or queen. The power of the royal council and “lawful summons” necessary to establish a true Parliament were directly founded upon the monarch’s personal authority. In other words, only the sovereign could make Parliament “be of

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<sup>24</sup> Sackville, lines 8-11. This disarray is tortuously described as “the wives shall suffer rape, the maids deflowered; / And children fatherless shall weep and wail;/With fire and word thy native folk shall perish; / One kinsman shall bereave another’s life... (Sackville, V. ii. 209-212)

<sup>25</sup> The Duchy of Albany was closely associated with the Scottish throne. Mary Queen of Scots created her eventual spouse Henry Stuart, Lord Darnley, Duke of Albany in 1565.

<sup>26</sup> Sackville, V. ii. 165-172.

force” and only with the royal assent would its determinations be legally binding and capable of inspiring Englishmen’s “obedience”.<sup>27</sup> It is indicative of William Cecil’s anxiety, and his early realization that the queen would never settle the succession matter, that he developed a radical alternative strategy to select England’s next monarch. In both 1563, when Elizabeth was ill, and again in 1585, when assassination attempts on her life seemed increasingly imminent, Cecil drafted plans to run the government in the queen’s absence.<sup>28</sup> Reports by the Spanish ambassador and another Spanish government agent, along with a document found among Cecil’s papers entitled “A Clause To Have Been Inserted In An Act Meant For The Succession But Not Passed,” confirm that Cecil planned to establish a ruling council of twenty-five upon Elizabeth’s death. The council would summon the members of the previous Parliament to meet in no more than thirty days to choose a successor to the crown.<sup>29</sup> The conception of an interregnum was itself revolutionary, and Cecil paired it with a strategy for temporary counciliar rule and Parliamentary election of a monarch to an empty throne that was unprecedented. Although Cecil’s mechanism was of extremely dubious legality because of the absence of a sovereign to give force to the interregnum council and provide the prerogative force to summon a Parliament, desperate times called for desperate measures. Perhaps not yet fully realizing the extent of Elizabeth’s opposition to establishing an heir, Cecil’s fellow Protestants initially simply resorted to pushing Parliament to force some kind of determination upon the queen.

Hales’s *Declaration of the Succession of the Crown Imperial of England* represents the most comprehensive and widely circulated exposition of the importance of Lady Catherine Grey’s legal status and superior claim to England’s throne according to the will of Henry VIII

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<sup>27</sup> Sackville, V. iv. 264-271.

<sup>28</sup> Stephen Alford, *The Early Elizabethan Polity: William Cecil and the British Succession Crisis 1558-1569* (Cambridge: Cambridge University Press, 1998), 36, 111.

<sup>29</sup> Howard Nenner, *The Right to be King* (Chapel Hill: University of North Carolina Press, 1995), 42; Levine, 53-54; Alford, 36, 179.

and existing statute law. As the protégé of his uncle Sir Christopher Hales, Master of the Rolls, Solicitor General, and eventually Attorney General under Henry VIII, John Hales was no stranger to English law. In fact, before acting as Keeper of the First Fruits and Tenths and Clerk of the Hanaper in Chancery, he had served as the keeper of the king's Writs in the Court of King's Bench.<sup>30</sup> His legal knowledge was thus heavily complemented by his extensive political connections within the royal administration, which had allowed him to accumulate large holdings of former abbey lands.<sup>31</sup> Using every resource at his disposal, Hales attempted to prove the strength of Catherine Grey's claim to the throne by presenting to his parliamentary peers extensive legal argumentation that unmistakably supported her right.<sup>32</sup> Hales obtained through an intermediary three discourses from German canonists on Catherine's prepubescent marriage to Lord Henry Herbert, which had been annulled, as well as two from the Chamber of Spires and the University of Paris concerning her union with the Earl of Hertford. In so doing he generated as much favorable intellectual support for the match as Cranmer had previously been able to find for the annulment of Henry VIII's marriage to Catherine of Aragon. The canonists all found the Grey-Seymour match valid and the couple's children legitimate.<sup>33</sup> Even more centrally important to the succession question, Hales examined the legality of Henry VIII's will and attempted to show it conformed to the terms of the Succession statute, having been actually signed by Henry VIII himself, and thus making it legally binding.<sup>34</sup> He concluded forcefully that if this was the case Catherine's status as Elizabeth's heir was undeniable according to English

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<sup>30</sup> Robert Tittler, *Nicholas Bacon: The Making of a Tudor Statesman*. (Athens, OH: Ohio University Press, 1976), 121-122. Unfortunately, there seems to be no information on whether John Hales was a member of an Inn of Court himself.

<sup>31</sup> Levine, 62-63.

<sup>32</sup> Levine, 64.

<sup>33</sup> Levine, 65.

<sup>34</sup> Hales's manuscript, as far as I can tell, appears nowhere in print or in online databases. My information on this treatise is thus from secondary sources.

law.<sup>35</sup> In this project he probably had the connivance of Nicholas Bacon, the Lord Keeper, and his cousin Edward Hales, who had been keeper of the records in the Tower of London since 1549.<sup>36</sup> Hales and his Protestant allies in the early fifteen-sixties were steadily moving Catherine Grey towards England's throne.<sup>37</sup>

Switching to the offensive, Hales also attempted to demolish Mary Stuart's opposing claim. Adding additional legislative arguments to his exposition of the importance of the Acts of Succession and Henry VIII's will, Hales attempted to prove definitively that the crown was subject to English Law. Central to Hales's view was a statute passed by Edward III's Parliament in 1351 that barred foreigners from inheriting English land. Hales knew that the fact that English monarchs still claimed suzerainty over Mary Stuart's Scottish kingdom could be used to assert the Scots Queen's domestic status, thus enabling her to inherit within the realm. In order to defuse this claim he pointedly compared English sovereigns' nominal claim to overlordship of Scotland with a similar claim to be the rightful monarch of France.<sup>38</sup> This put Mary Stuart's proponents in an awkward position, as no patriotic Englishman would assert that the French were not aliens. In fact, the statute against alien inheritance was primarily enacted to deprive French nobles of their English lands.<sup>39</sup> Hales went on to make a substantial statutory case that an exclusion of the children of the kings of England, within the act prohibiting alien inheritance of 1351, did not extend beyond the sons or daughters of the monarch. Towards the end of the act is a short list of nobles especially excluded from the statute's provisions, including the Frenchman Henry Beaumont, a great-great-grandson of Henry III. If a special exemption was necessary for

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<sup>35</sup> Levine, 63.

<sup>36</sup> B.W. Beckingsale, *Burghley Tudor Statesman 1520-1598* (New York: St. Martin's Press, 1967), 102; Tittler, 119, 121-122; Levine 77.

<sup>37</sup> Evidence from Hales's interrogation shows that he was associated with many prominent figures, including Lord John Grey, Catherine's uncle, Francis Newdigate, Hertford's step-father, Thomas Dannett, and David Whitehead. (Levine, 75.)

<sup>38</sup> Levine, 121.

<sup>39</sup> Levine, 99.

Henry Beaumont, Hales suggested the same would be necessary for Mary Stuart, a great-granddaughter of Henry VII.<sup>40</sup> Hales's message was furthered by the publication of copies of Henry's will by some of Lady Catherine Grey's supporters.<sup>41</sup> It is indicative of the wide dissemination and influence of the Hale's work that Mary Stuart's primary minister, leading bishop, and two of England's most prominent Catholic lawyers, Anthony Browne and Edmund Plowden, felt compelled to answer this persuasive and comprehensive exposition with pieces of their own.<sup>42</sup> Close on the heels of this piece came another treatise that attempted to block a Stuart succession by utilizing argumentation based upon an easily accessible form of xenophobic English nationalism, rather than Hale's sophisticated legal prose.

*Allegations Against the Surmised Title of the Queen of Scots and the Favorers of the Same* appeared in 1565, before Elizabeth's second Parliament had adjourned, adding to Hales's legal arguments popular public sentiment against foreign rule. The anonymous author of the tract presents himself as a private citizen grudgingly drawn to address the issue of the succession because its unsettled nature has provoked "great danger, doubt and trouble."<sup>43</sup> The tract (hereafter referred to as *Allegations Against Mary*), points out at the start the ancient enmity between England and Scotland and focuses on proving Mary Stuart's status as a foreigner.<sup>44</sup> Citing the "great dishonor and infamy" that will accrue to England by living in "service and bondage" to a foreign nation, the author of this piece appeals to the sentiments of patriotic Englishman to resist Stuart rule and thereby preserve both English sovereignty and dignity.<sup>45</sup> Recurrent wars and pointed references to the ransoms and deliveries of prisoners between the

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<sup>40</sup> Levine, 118-119.

<sup>41</sup> Levine, 199.

<sup>42</sup> Levine, 95.

<sup>43</sup> *Allegations Against the Surmised Title of the Queen of Scots and the Favorers of the Same*. (Excusum S A, 1565), 2. In the British Library. Available at <<http://eebo.chadwyck.com/home>>.

<sup>44</sup> *Allegations*, 4.

<sup>45</sup> *Allegations*, 5-6.



two countries are used as a common sense confirmation of Scotland's foreign status. The author is adamant that Mary cannot be considered domestically born. Thus, according to English law, the only way for her to occupy the throne, in the author's view, is through the rather disturbing possibility of conquest.<sup>46</sup> Trumpeting a love of "natural country" and briefly citing Henry VIII's will and Acts of Succession, *Allegations Against Mary* fundamentally appeals to the national pride and prejudices of the English in order to engineer the succession of Lady Catherine Grey. Englishmen, according to the author, are "bound to acknowledge no other law than their own," and Parliament is designated as the body to determine who is the "very true and legitimate successor."<sup>47</sup> The author of *Allegations Against Mary* advocates that the next monarch be chosen by "just and direct means," but crucially no mention is made of the queen.<sup>48</sup> Elizabeth's refusal to address the succession issue meant that the crown itself, traditionally the central institution in the realm, was increasingly left out of the succession debate altogether.

Focusing on the law and good of the commonwealth, *Allegations Against Mary* is aimed not only at placing the crown within the jurisdiction of English law but also at elevating and liberating Parliament, the source of law, and the commonwealth it represented to a preeminent ideological position within the realm. For the author this tract it is "not enough only to know that the crown does not belong to Mary Stuart by right."<sup>49</sup> In fact, there is a much more ground-breaking logic to *Allegations Against Mary*. Unsurprisingly, "corrupt religion" that "blinds the truth of the gospel" is the first reason listed to repudiate a successor. The second, however, is both revolutionary and highly pragmatic. Since the succession is already doubtful,

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<sup>46</sup> *Allegations*, 8-9.

<sup>47</sup> *Allegations*, 10, 28. This is perfectly consistent with the legislation passed by Cromwell during the English Reformation that declared England an empire unto itself, Elizabeth's second Treasons Act, and the three Acts of Succession, which ultimately favored the Grey claim.

<sup>48</sup> *Allegations*, 3.

<sup>49</sup> *Allegations*, 25.

the author argues, why not utilize this opportunity to establish the best candidate possible, both for the greater good of the princely estate and “the whole realm”?<sup>50</sup> England’s sovereign is thus beginning to be regarded as a public servant who should be elected by Parliament according to which royal candidate is “thought in every place for the country most meet, and for the government of the public weal always most fit and profitable.”<sup>51</sup> Concern over who has the best legal title or hereditary right is thus overshadowed both by religion and the practical necessities of the commonwealth. The author evinces a primary concern for the “public weal, tranquil peace, and common quietness” of the kingdom as a whole.<sup>52</sup> Choosing a foreign prince, such as Mary Queen of Scots, is rendered unacceptable because it would jeopardize domestic needs and priorities by exposing England to foreign influence and domination, including the exodus of wealth to Rome.<sup>53</sup> As innovative as the sentiments in *Allegations Against Mary* were, its arguments must have had a strong appeal to members of Parliament who had lived through Mary I’s reign and England’s involvement in Philip II’s foreign wars, and thus who knew how central the succession question really was.

Importantly, a pamphlet found among the papers of the MP Thomas Sampson, produced the same year, charges Parliament, if the queen is “unwilling to hear and help” settle the succession, to use its “power...and authority” to put the country “out of peril.”<sup>54</sup> This advocacy of such a hitherto unconscionable independent action by Parliament seems to match closely the sentiments expressed in *Allegations Against Mary*. In fact, *Allegations Against Mary* and the Sampson tract were likely part of a greater body of parliament-centered thought embodied in

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<sup>50</sup> *Allegations*, 26-27.

<sup>51</sup> *Allegations*, 22.

<sup>52</sup> *Allegations*, 25.

<sup>53</sup> *Allegations*, 26-27.

<sup>54</sup> Levine, 168. The pamphlet, entitled *The Common Cry of Englishmen Made to the Most Noble Lady Queen Elizabeth* is by an anonymous author.

manuscripts and short works circulated around the time of Elizabeth's second Parliament. Most of these secretive pieces of propaganda, necessarily hidden from Elizabeth's ever-probing eyes, have probably been lost.<sup>55</sup> Nevertheless, it is clear that unprecedented strains of English thought were developed in this period aimed at moving Parliament towards increasingly aggressive action. The marginalization of the monarchy had begun in order to advance notions of popular rights in an anxious bid to determine officially the identity of Elizabeth's heir and thus secure the stability of the realm.

Mary Stuart's foreign political entanglements and Catholic faith severely limited her supporters' ability to argue from the standpoint of the common good in establishing a convincing ideological basis for her right to England's throne. Works in her favor consequently seem to have been less successful in developing an ideology that could sway public opinion. Between 1565 and 1570 three minor treatises were published in an attempt to answer Hales's work and *Allegations Against Mary* and put a stop to the growing public support for Lady Catherine Grey. Sir Anthony Browne, a prominent Catholic jurist, produced a tract called *An Answer to Hales' Declaration* in 1565, about which little is noted except that it advocated Mary Stuart's claim and seems to have been used as a source by other Stuart supporters.<sup>56</sup> It was followed by a second tract in 1566 by an anonymous author, entitled *Allegations in Behalf of the High and Mighty Princess the Lady Mary*. Focused on undermining Lady Catherine Grey's claim, the tract did not actually present a case for Mary Stuart at all. The tract is unique among Marian propaganda in suggesting that Catherine's annulled marriage to Lord Henry Herbert was in fact binding, thus making the legitimacy of her union with the Earl of Hertford an impossibility. This line of attack

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<sup>55</sup> The queen had the ability to dissolve Parliament at any time and attempt to have a more complacent body elected. As we have seen previously with Hales and Wentworth the queen did not hesitate to imprison particularly troublesome individuals for years at a time, regardless of their positions or connections, when they attempted to force the issue of the succession.

<sup>56</sup> Levine, 94-95. Unfortunately, none of these three minor succession treatises seem to have ever appeared in print.

seems to have been adequately countered not solely by Hales's European legal opinions, but by the recognized fact that Catherine was at most thirteen-years-old at the time, which was below the legal age of consent, and the fact that the marriage had never been consummated.<sup>57</sup> The relative failure of *Allegations in Behalf of Mary* to effectively advance the Mary Stuart's cause is noted in the prologue to the next pro-Stuart propaganda piece, which appeared around 1567.<sup>58</sup>

*A Treatise Proving that If Our Sovereign Lady Queen Elizabeth...Should Die Without Issue...The Queen of Scots by Her Birth in Scotland Is Not Disabled by the Law of England to Receive the Crown* presents the first attack on the validity of Henry VIII's will. Although this would serve as a continued point of pro-Stuart contention in the future, the author of the manuscript makes clear his personal hesitancy to demean this hitherto unquestioned document. This tentativeness in questioning this rather sensitive testament was shared by Mary Stuart's chief representative in England, William Maitland of Lethington, probably for fear of offending Elizabeth I.<sup>59</sup> Elizabeth I's own claim to the throne was technically based upon the will because her official illegitimacy had never been overturned, and any move to compromise its authenticity was consequently hazardous.<sup>60</sup> The author claims that it took the pressure of others to make him do so and his awkward argument does not seem to have been widely influential.<sup>61</sup> Finally in 1570, Edmund Plowden, another prominent Catholic jurist, produced a tract that presented a more cogent rationale for denying English law's applicability to the crown.

Plowden, a member of the Middle Temple, in his *Treatise of the Two Bodies of the King* focuses not only upon proving that Scotland was allied with England but that there existed a

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<sup>57</sup> Levine, 139.

<sup>58</sup> Levine, 94.

<sup>59</sup> Levine, 37. This is a minor treatise that, as far as I know, does not appear anywhere in print. My information is thus based on secondary sources that mention it briefly.

<sup>60</sup> Dulcie Ashdown, *Tudor Cousins: Rivals for the Throne* (Phoenix Mill, Gloucestershire: Sutton, 2000), 39.

<sup>61</sup> Levine, 92, 94.

fundamental distinction between the monarch's personal body and the greater body politic, which he or she assumed upon coming to the throne. Comparing the validity of English monarchy's perpetual claim to the throne of France with Mary Stuart's equally inviolate claim to that of England, Plowden posited that neither was affected by where the current claimant was born. Foreign birth did not preclude succession to the throne, for Plowden, because he considered the crown to be the fundamental source of all law and therefore above all particular national laws or "private customs."<sup>62</sup> He affirms the rather conventional notion that a "general law" existed "for kings throughout the world," by which "kingdoms go by descent to the next of blood."<sup>63</sup> While this had a traditionalist appeal, it was in direct contradiction of English notions of uniqueness and nationhood that were prevalent at this time. Plowden's more compelling argument came in his distinction between monarchs' personal bodies, subject to legal strictures associated with youth and competency, and their body politic, which is perpetually free from all defects and always fully competent to govern.<sup>64</sup> According to this view, Mary would be "discharged ipso facto" of all legal impediments to her rule as soon as she "came to the crown," just as Henry VII's attainder had been wiped away when he assumed the body politic after the Battle of Bosworth in 1485.<sup>65</sup> Plowden supported his theory with previous court cases that he presented as establishing a clear legal difference between a king and his subjects, straightforwardly asserting that "the Common Law does not bind" the former.<sup>66</sup> Although some

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<sup>62</sup> Edmund Plowden, *An Exact Abridgement of The commentaries, or Reports of the Learned and Famous lawyer Edmond Plowden*. (London: J. Streater, 1659), section 243. In the Harvard Law School Library. Available at <<http://eebo.chadwyck.com/home>>.

<sup>63</sup> Axton, 32.

<sup>64</sup> Ernst Kantorowicz, *The King's Two Bodies* (Princeton, NJ: Princeton University Press, 1957), 7; Axton, 19.

<sup>65</sup> Edmund Plowden, 238. The body politic "alters the quality and the degree of the person natural in the estimation of the laws." (Edmund Plowden, 244-245.)

<sup>66</sup> Edmund Plowden, 243.

later editions of Plowden's famous *Reports* include the succession treatise at the end, only four manuscript copies are known and the tract does not seem to have been widely circulated.<sup>67</sup>

Plowden's argument concerning the two bodies of the sovereign, which he developed more fully in his *Reports*, seems ultimately to have done more damage than good to his cause, pointing out an unambiguous partition between the person of the monarch and the governmental authority of the realm. Plowden does not conceive of the monarch as the inherent personal embodiment of the state in whom all power is vested and from whom all authority descends. The body politic, in his view, descends upon each monarch upon their succession and has "preeminence of the natural body," thus existing in an abstract form that is, at least partially, distinct from the royal blood alone.<sup>68</sup> Although Plowden conceives of descent through blood as critically important, he recognizes the body politic as founded "for the necessity of the people" according to "common law only."<sup>69</sup> It is only for the "good direction" of the people "placed in someone" and made "descendible in his blood". Thus, it is not hard to imagine Plowden's ideology being used to support an interregnum very similar to the one Cecil had planned.<sup>70</sup> Since his emphasis is already on the English people, there seems to be no reason why a counciliar body representing them would not be able to receive back the body politic, at least for a short time, before reinvesting it in a monarch of popular choice. This view of effective popular sovereignty prohibited any absolute notion of divine right and fundamentally undermined the importance of heredity.<sup>71</sup> If government was for the people's good, why should they acquiesce to the rule of a certain individual's eldest descendants when there was a better candidate readily

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<sup>67</sup> Axton, 19.

<sup>68</sup> Edmund Plowden, 244-245

<sup>69</sup> Levine, 111-112.

<sup>70</sup> Levine, 111. Plowden's discussion of the legal status of the monarch in terms of "when both bodies remain in one person," seems to signal his recognition, at least in a theoretical sense, that there could be a period when the body politic is not invested in the natural body of the sovereign. (Edmund Plowden, 213-214.)

<sup>71</sup> Levine, 112.

available? Plowden's Catholic viewpoint, which emphasizes the English people over the crown in very similar terms to the Protestant author of *Allegations Against Mary*, proves that English views of government in this period had been irrevocably changed. Parliament's widely recognized power to divert the succession meant that thinkers from either side of the religious spectrum would find it increasingly difficult to subjugate the needs of the kingdom to any supranational notions of the inviolate prerogatives of the crown.

John Leslie, Bishop of Ross and one of Mary Stuart's primary advisors, wrote probably the most important exposition of the Stuarts' claim to the English crown by appealing to an anachronistic conception of the natural law of monarchy and the shared political principals of all Christendom that had been effectively undercut in England by the Protestant Reformation. Leslie's *Defence of the Honour of the Right Highe, Mightye and Noble Princesse Marie* was published in 1584, while Mary Queen of Scots was a prisoner in England and her son James held the Scottish throne. Foretelling "imminent, and almost inevitable perils" because of England's unnecessarily doubtful succession, Leslie offered a simple acceptance of his queen as heir as a means of avoiding "raging, and roaring waves, and storms of mutual discord, and...civil dissention."<sup>72</sup> Succession by strict lineal descent, for Leslie, establishes by birth a "kind of divine calling" that must be recognized by mankind.<sup>73</sup> Anyone who takes the crown in a manner that deviates from this rule, in his view, is by definition an "unlawful usurper" who will dangerously alienate other Christian kingdoms and inevitably rule tyrannically.<sup>74</sup> In fact, he even calls on other "Christian Kings" to defend Mary Stuart and aid her in the fight against her

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<sup>72</sup> John Leslie, *Defense of the Honor of the Right High, Mighty and Noble Princess Mary of Scotland and Dowager of France*. (Rouen: G. L'Oyselet, 1584), 11. In the Henry E. Huntington Library. Available at <<http://eebo.chadwyck.com/home>>.

<sup>73</sup> Leslie, 3-4.

<sup>74</sup> Leslie, 2-3.

enemies.”<sup>75</sup> This invocation would have likely resounded well with a few militant Catholics. Most Englishmen, however, saw the situation in regard to the succession in far more nuanced terms, and the idea of Christendom, to many, seemed effectively dead. The intervention of a foreign prince in English affairs certainly remained a common English terror. Leslie must have been cognizant of this weakness in his initial arguments because he quickly moves on in an attempt to establish an uneasy case for Mary Queen of Scots in reference to the commonwealth and English law.

Leslie’s argument is characterized by a fundamental tension between his view of the crown’s status above human laws and his knowledge that his English audience, in general, held a far different conception. Leslie claimed that the laws against foreign inheritance could not apply to Mary because by descent she was English and Englishmen famously claimed that Scotland was rightfully subject to the English crown, although this was of course something Scots would deny.<sup>76</sup> Furthermore, Mary was the descendant of an English king and Leslie points to the exception made in the statute against alien inheritance for the *enfantz* of the King, which in the Latin of the civil law translated to *liberi*, which connoted descendants beyond the first degree.<sup>77</sup> Civil law, however, had definite foreign connotations and had never predominated in England, where it was often viewed as being in contention with the common law. Even setting aside the irrelevance of the inheritance issue and accepting Parliamentary authority, Leslie claimed that Henry VIII never personally signed his will in the first place and that it was therefore invalid. While this argument seems promising for the Stuart cause, Leslie could not stop there. He declared that, even if Henry had made a lawful alteration to the succession due to “affection and displeasure,” it would not be binding because it would violate Parliament’s expectations for the

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<sup>75</sup> Leslie, 3-4.

<sup>76</sup> Leslie, 28.

<sup>77</sup> Leslie, 21, 23, 32.



power they had given him.<sup>78</sup> Although this is a brilliant move on Leslie's part to play to prevailing English prejudices, which in this period had a distinct populist bias, it remains evident that, for him, no human action can alter the Stuarts' divine right to the throne. At best, he suggested the rather untenable notion that an uneasy combination of the recognition of inherent right and "a zealous mind to the commonwealth" would lead Englishmen to select Mary Stuart, rather than the fruit of Catherine Grey's "pretended marriage," as heir to their kingdom's throne.<sup>79</sup>

Although Leslie recognized that Parliament and the public good had become undeniable factors in the succession debate, he remained stubbornly committed to the idea that nothing but the selection of Mary Stuart would constitute a valid choice. Since Leslie's arguments were contradictory, had been anticipatorily refuted by Hales and others years before, and Mary Queen of Scots remained to many Englishmen a public menace, it is not hard to see why his work failed to attract many new adherents to the Stuart cause. After Mary's execution, leaving her Protestant son James VI as the Stuart heir, Catholics grew increasingly desperate as candidates for the throne that shared their faith grew increasingly remote. This phenomenon seems to have radically effected not only some Catholics' ideal candidate for the succession but the underlying political ideology that they utilized to advance their ever more doubtful cause.

*A Conference About the Next Succession to the Crowne of England* appeared in 1595, consolidated many previous extemporized ideas utilized to support Parliament's potential choice of Elizabeth's successor, as well as providing more of the ideological groundwork needed to consolidate these revolutionary governmental suppositions. R. Doleman was almost certainly a pseudonym adopted by the English Jesuit Robert Parsons in the authorship of this work, in which

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<sup>78</sup> Leslie, 40, 55.

<sup>79</sup> Leslie, 55.

he seems to have favored the Catholic claim of the Spanish Infanta to the throne.<sup>80</sup> Doleman's work is therefore aimed at engineering the possibility of a distant claimant being called to assume England's crown. Doleman acknowledges that the question of the succession is undeniably "uncertain and disputable".<sup>81</sup> He resists any inevitability in regard to the succession in a manner consistent with the second Elizabethan Treason Act, which made it a crime to question Parliament's right to alter the passage of the crown. Rather, he asserted that government is fundamentally a human institution. In this case "no particular form of government is of nature" or divinely instituted.<sup>82</sup> Doleman sees governments as being established only by the internal laws of each particular nation, which serve as the peculiar judges of their own concerns, rendering primogeniture non-binding.<sup>83</sup> In fact, Doleman asserts that the commonwealth is free and able to elect as sovereign the member of the royal family who is most likely to benefit and defend the majority of the people of the kingdom.<sup>84</sup> This is viewed as a happy median. Succession through blood mitigates the problems of bare election, "strife, banding, ambition," while election remedies the troubles of lineal succession, the occasional appearance of an "unapt...or cruel prince."<sup>85</sup> The relationship between the royal heir and the commonwealth, for Doleman, is comparable to that of a "contract" between "parties in wedlock."<sup>86</sup> The heir has a primary expectation of succeeding "*de futuro*" as in an "espousal", but if for some reason his or her succession is deemed harmful or undesirable by the kingdom then this preliminary contract could be broken "*de praesenti*", just as martial contracts so often

<sup>80</sup> Axton, 92.

<sup>81</sup> R. Doleman, *A Conference About the Next Succession to the Crowne of England*. ed. D.M. Rogers. (Menston, Yorkshire: Scolar Press, 1972), Part I. Cap IX. page 214.

<sup>82</sup> Doleman, Contents of the First Part, Part I. Cap. I. 3.

<sup>83</sup> Doleman, The Contents of the First Parte, The Preface and Occasion, Part I. Cap. IX. 201.

<sup>84</sup> Doleman, Part I., Cap. IX. 201.

<sup>85</sup> Doleman, Part I. Cap. VI. 130.

<sup>86</sup> Doleman, Part I. Cap VI. 132.

were.<sup>87</sup> Listing deficiency of “religion, then justice, then manhood and chivalry for the defense of the realm” as legitimate reasons for disinheriting the heir, Doleman focuses on religion as “of the first and highest” public concern.<sup>88</sup> Although Doleman’s work may be viewed in isolation as simply furthering a radical ideology in subservience to Catholic aims, what is perhaps more interesting and influential about his piece are its similarities to and justifications of previous efforts to validate the succession of Lady Catherine Grey.<sup>89</sup> In fact, this connection did not go unnoticed by contemporaries. Doleman’s work primarily reignited interest in the royal claim of Catherine’s Seymour sons and they were imprisoned, along with their father, shortly after Doleman’s work appeared in print.<sup>90</sup> While James VI’s Protestantism eventually won him the acceptance of the English people as Elizabeth’s heir, it also seems to have dangerously united developing political ideology in both Protestant and Catholic camps in a common focus on the commonwealth and Parliament rather than the English Crown.

The last substantive pieces of succession literature represent James VI of Scotland’s attempts to intervene in the succession debate on his own behalf, attacking Elizabethan Protestant and Catholic governmental ideology that bolstered Parliament at the expense of the traditional political centrality of the monarchy. James advocated a reactionary conception of near absolute, divinely appointed monarchic rule that had been effectively abandoned in England, highlighting growing disparities between English governmental practice and traditional political ideology. James’s exalted perception of the crown is clearly revealed by the argument

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<sup>87</sup> Doleman, Part I. Cap. VI. 132-133. In Doleman’s view the coronation became central as an act of public affirmation of the sovereign’s right to rule. (Doleman, Part I. Cap VI. 131.)

<sup>88</sup> Doleman, Part. I Cap. IX. 203.

<sup>89</sup> John Neville Figgis, *The Divine Right of Kings* (New York: Harper Torch Books, 1965) , 102-103.

<sup>90</sup> Axton, 92; Figgis, 102-103. Elizabeth had been sick in 1594 and the time seemed ripe yet again to establish the identity of her heir. Shortly after Doleman’s work was published, the Earl of Hertford and both his sons were arrested and imprisoned in the tower to make sure nothing came of this renewed attention. This imprisonment lasted from the end of October 1595 to the beginning of January 1596 when they were released into the custody of the Archbishop of Canterbury. (Paul Hammer, *The Polarization of Elizabethan Politics: The Political Career of Robert Devereux, 2<sup>nd</sup> Earl of Essex 1585-1597* (Cambridge: Cambridge University Press, 1999) , 355.)

of his piece *Basilicon Doron*, circulated in manuscript form around 1598 and published in 1599, which he wrote as an instructional guide for his son and heir on how to rule. Presented in the form of a sonnet, the “Argument” of his piece begins with the lines, “God gives not Kings the style of Gods in vain, / For on his throne his Scepter do they sway.”<sup>91</sup> James places the monarchy firmly at the heart of the kingdom. Hinting incessantly of his hope that his son will someday wear more than one crown, James upholds the old maxim that kingdoms are at God’s disposal only and that no action of men can “dispossess the righteous heir”.<sup>92</sup> His views on the origin of government are further fleshed out in his political treatise *The True Law of Free Monarchies*, also of 1598. Before all laws, Parliaments, and classes of men were kings, according to James, and all power in the realm “flows always” from them.<sup>93</sup> Thus, the crown is clearly above the law, although James notes that a good king will conform to it out of benevolence. Any notion of a reciprocal “contract” between king and people is straightforwardly rejected.<sup>94</sup> James refers to the establishment of biblical kingship under God’s authority by the people’s request in claiming a complete surrender of power to the sovereign, wherein individuals renounce “for ever all privileges” they might naturally enjoy.<sup>95</sup> So binding is this surrender, for James, that not even “heresy,” let alone a “private statute,” can free a people from their binding obligation to their natural prince.<sup>96</sup> James’s rather outdated political ideas are reactionary propaganda and, while they may characterize his personal ideology, these personal views certainly did not obscure his apprehension of contemporary English political realities. Like his mother before him, James’s intense lobbying efforts in England and personal efforts at

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<sup>91</sup> James I, King of England, *Political Writings*, ed. Johann Somerville (Cambridge: Cambridge University Press, 1994), 2.

<sup>92</sup> James *Political*, 31, 42, 59, 68.

<sup>93</sup> James *Political*, 73, 75.

<sup>94</sup> James *Political*, 75, 81.

<sup>95</sup> James *Political*, 69.

<sup>96</sup> James *Political*, 82.

convincing others of his 'inherent right' to the throne proved, in a *de facto* sense, that the Stuarts recognized that Parliament already had the ability to make a binding alteration of the succession. This critical political fact, which subjected the crown to popular debate and English law, was something that only the Stuarts' opponents had developed the principles to adequately explain.

While the Stuarts eventually won the crown, it was their adversaries, most of whom supported the succession claims of Lady Catherine Grey, who constructed the political ideology that was steadily adopted by the English nation as a whole. The Tudors' dynastic difficulties resulted in legislation during the reigns of both Henry VIII and Elizabeth I that, rather inadvertently, institutionalized Parliamentary participation in the settlement of the crown, for the first time bringing it firmly within the confines of English law. This created an uncomfortable gap between Elizabethan political realities and traditional political ideology that, when combined with the pressing urgency of the succession question, demanded a convincing explanation. Elizabeth I's inability to deal effectively with either of these uncertainties actively encouraged thinkers to develop arguments of expedience that marginalized the crown and elevated the position of Parliament, which alone seemed able and willing to secure England's future. Thus, the most convincing and well-argued political thinking of a generation centered ultimately upon undermining the ideological position of the throne, in favor of ideas that settled the origins and ultimate authority of government in the English people and the commonwealth. The series of writings surrounding the succession, which steadily accumulated throughout the later sixteenth-century, reminded Englishmen of the choice involved in selecting their future monarch and kept these political ideas perpetually alive in the public mind. In fact, a ruling sovereign for the first time deigned to convince the public, albeit surreptitiously, to choose him, unsettlingly like a candidate for public office. A critical opening had developed in the cloak of mystifying majesty

and lofty pre-eminence that had enshrouded the English monarchy for so long and neither the crown nor Parliament would ever be the same.

## Conclusion

The prolonged succession crisis, which remained a prevailing concern throughout Elizabeth I's long reign, critically weakened England's monarchy, providing the opportunity and justification for the foundations of English sovereignty to be redefined. As the historian Anne St. John has argued, the question of Elizabeth's heir was an urgent concern that seems to have touched individuals at all levels of society. Stemming from her own highly unconventional experience, Elizabeth's seemingly selfish refusal to marry or address the issue of her successor compromised the essential bond of trust the monarchy had previously enjoyed with the English people. Most sovereigns undertook the responsibility of clarifying the succession as a matter of course, as illustrated by the numerous unions and legal innovations pioneered by Elizabeth's father Henry VIII. The queen's lack of action thus appeared to put the kingdom peculiarly in danger. Contemporaries were convinced that publicly establishing the identity of Elizabeth I's successor was absolutely necessary to ensure the future security of the kingdom. As a result, they were increasingly willing to marginalize the crown to make certain that a devastating conflict would not arise upon Elizabeth's death. Members of Parliament thus attempted to intervene, consolidating Parliament's recently established authority over the succession, which probably would otherwise have been rapidly forgotten. Instead, a succession debate developed that fixed Parliament's authority over the crown prominently in the public mind and

disseminated political ideology that supported Parliamentary independence over the traditional authority of the crown.

While Elizabeth I may have been able to forestall James VI's claim to the English throne, her victory was only partial. Selected *de facto* by Parliament when a successor to Elizabeth I was not named in VIII's will, James VI would find it impossible to assert his claim as a matter of course.

## Conclusion

The prolonged succession crisis, which remained a prevailing concern throughout Elizabeth I's long reign, critically weakened England's monarchy, providing the opportunity and justification for the foundations of English sovereignty to be redefined. Rather than some arcane genealogical puzzle, the question of Elizabeth's heir was an urgent concern that seems to have touched individuals at all levels of society. Stemming from her own highly unconventional experience, Elizabeth's seemingly selfish refusal to marry or address the issue of her successor compromised the essential bond of trust the monarchy had previously enjoyed with the English people. Most sovereigns undertook the responsibility of clarifying the succession as a matter of course, as illustrated by the numerous unions and legal innovations pioneered by Elizabeth's father Henry VIII. The queen's lack of action thus appeared to put the kingdom peculiarly in danger. Contemporaries were convinced that publicly establishing the identity of Elizabeth I's successor was absolutely necessary to ensure the future security of the kingdom. As a result, they were increasingly willing to marginalize the crown to make certain that a devastating conflict would not arise upon Elizabeth's death. Members of Parliament thus attempted to intervene, consolidating Parliament's recently established authority over the succession, which probably would otherwise have been rapidly forgotten. Instead, a succession debate developed that fixed Parliament's authority over the crown prominently in the public mind and

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133-134.  
Marilyn P. Thompson, *Idols of Chastity in English Political Thought in the Age of John Locke* (New York: Garland Publishing Inc., 1987), 35.

disseminated political ideology that supported Parliamentary independence at the expense of the traditional authority of the crown.

While Elizabeth I may have been able to foist James VI subtly onto England's throne, his victory was only partial. Selected *de facto* by Parliament when it agreed to overturn Henry VIII's will, James VI would find it impossible to erase the critical developments of the recent past. Although England accepted James as king, it quickly became clear that his political philosophy of divine right had not won the day. One of the new king's first proclamations in 1603, in fact, was the union of his crowns and the naturalization of all Scots born after his ascension to the English throne. For five years Parliament debated unification and James addressed them no less than three times in vain attempts to secure their consent, but no determination was ever reached in his favor.<sup>1</sup> The official formation of Great Britain would have to wait over a hundred years, until 1707. Parliament was obviously not impressed by James I's claims to divinely sanctioned status or expansive prerogative powers. By 1609 James had already been moved to adopt a conciliatory tone much different from than the one he had utilized in the succession debate, stating that "a just king... is bound to obey the paction made to his people by his laws."<sup>2</sup> Arguments put forward primarily by the supporters of the Grey-Seymour claim, which elevated Parliament's position by subjecting the crown to English law and developing early notions of popular sovereignty, had left an indelible mark upon the English nation. Critically, the second Elizabethan Treason Act, and thus Parliament's recognized ability to alter the succession and theoretical power over the crown, remained intact. Energized by James's ignorance of the English governmental system and its own limited successes in resisting the royal will, Parliament increasingly felt competent to determine the best interests of the

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<sup>1</sup> Axton, 133-134.

<sup>2</sup> Martyn P. Thompson, *Ideas of Contract in English Political Thought in the Age of John Locke*. (New York: Garland Publishing Inc., 1987), 35.



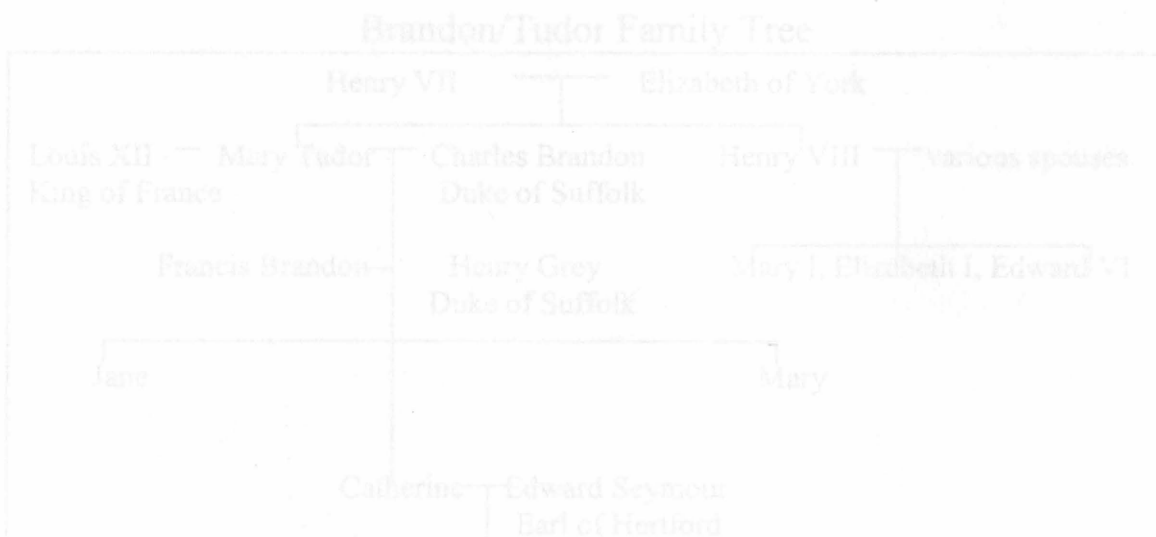
commonwealth, at least in certain essential matters, for itself. This confidence must have been driven to new heights by the memory of the campaign-like manner in which the new king had gained the throne.<sup>3</sup> It was thus the Stuarts' own inability to comprehend fully the limited nature of their victory, and the consequent tenuousness of their royal position, that led to their increasingly hostile confrontations with Parliament and ultimate defeat in the English Civil War. Opening a Pandora's Box that the English monarchy would never be able to close fully, the Elizabethan succession crisis infused an era with embryonic ideas of popular sovereignty whose impact on later periods has yet to be fully realized. Parliament's antagonistic exchanges with the crown seem to have originated much earlier than has previously been thought, not in the seventeenth century but during the reign of Elizabeth I over her great matter, the succession. The influence of the Inns of Court and Puritan lawyers in the Elizabethan period, who would subsequently play such a central role in later Stuart Parliaments, is certainly readily apparent. Placing the commonwealth over the prince and introducing radical early theories of social contract that extended beyond the prince's obligation to maintain the true faith, Elizabethan polemicists began to revolutionize English political philosophy out of necessity long before Hobbes or Locke. In fact, the main English influence on both Hobbes and Locke's theories of social contract recognized by scholars is the work of Richard Hooker, the author of the multivolume masterpiece *Of the Laws of Ecclesiastical Polity*.<sup>4</sup> Hooker lived almost exclusively during Elizabeth's reign, from 1552 to 1600, and published the first four books of his celebrated work around 1593, after most of the succession debate had already taken place. It seems impossible that he was not affected by the ideas circulated by the often unnamed thinkers who so

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<sup>3</sup> It must also be remembered that the Scottish nobility had set James up on the Scottish throne as an infant after forcibly dethroning his controversial mother, Mary Queen of Scots, in 1567.

<sup>4</sup> *The Dictionary of the History of Ideas: Studies of Selected Pivotal Ideas*, 1974., s.v. "social contract." Diarmaid MacCulloch, "Richard Hooker's Reputation." *English Historical Review* 117, no. 473 (2002) : 773-812.

convincingly opposed the Stuart claim to the throne or the generally populist spirit of his age, which had peculiarly developed around the question of the succession.<sup>5</sup> Although serious conflict was avoided for a time, during Elizabeth I's long reign some English attitudes had been irrevocably changed. Importantly, when Parliament eventually decided to defy the monarch in the seventeenth century, the ideology needed to justify its cause was ready and available. Doleman's work, the final synthesis of previous pro-Grey and pro-Parliamentary thought, was republished in the 1640s, 1650s, and 1680s, during and after the outbreak of the English Civil War.<sup>6</sup> The importance of these ideas is affirmed by the progression of tracts attempting to refute Doleman's claims, which span at least from 1603 to 1685.<sup>7</sup> While the Stuarts eventually prevailed in the succession battle, their political opponents unquestionably triumphed in the fundamental stages of a far more significant and lasting ideological war that culminated eighty-five years later in the Glorious Revolution.



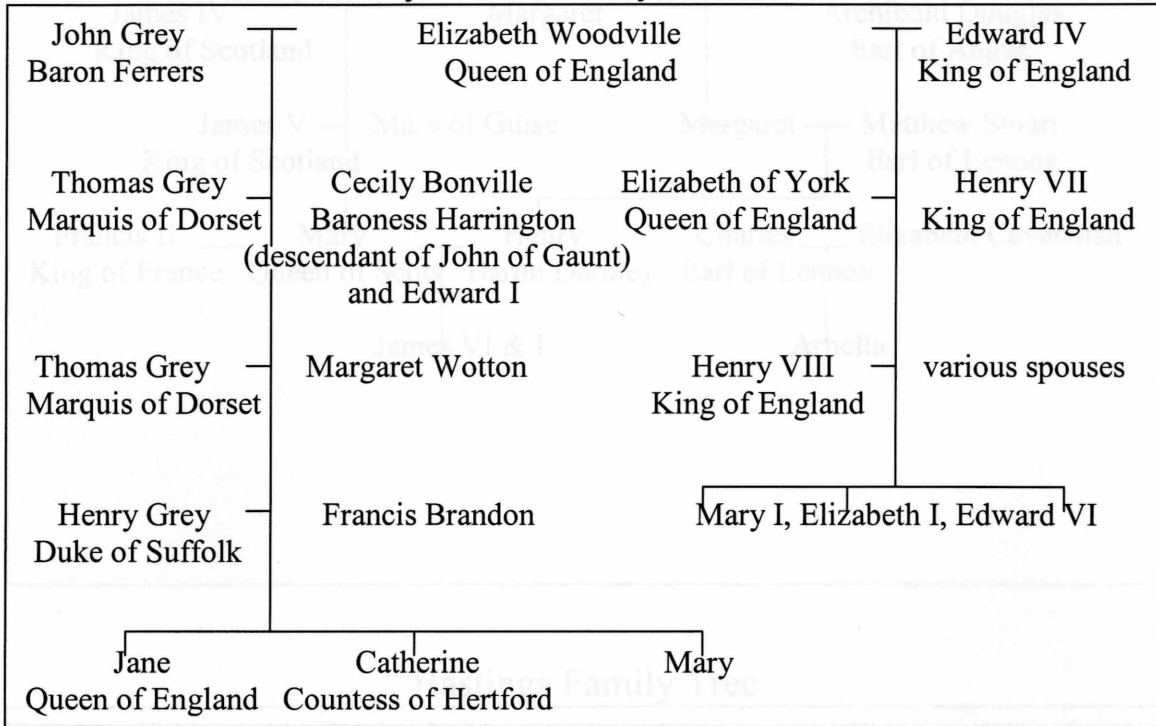
<sup>5</sup> The extent of the influence of Elizabethan succession writings on Hooker's thought seems to be a promising new area for scholarly exploration.

<sup>6</sup> No comprehensive listing of the publishing of Doleman's work seems to be available. English Books Online contains copies from 1648, 1655, and 1681. These can be found at <<http://eebo.chadwyck.com/home>>.

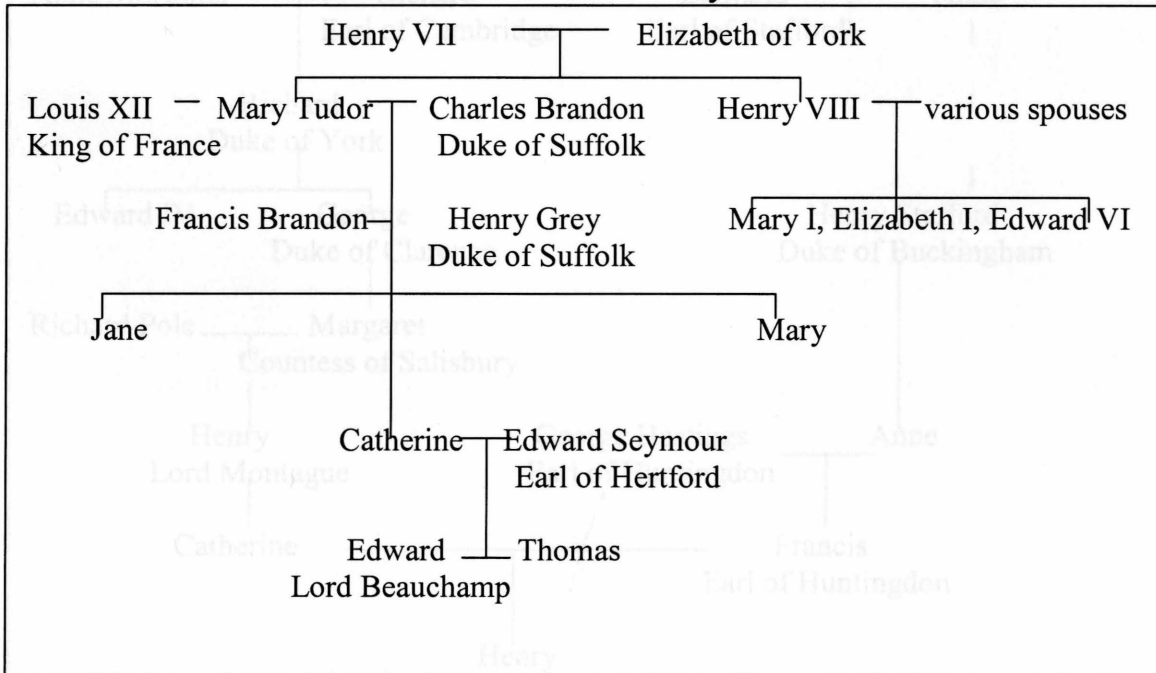
<sup>7</sup> Sir John Hayward published *An Answer...to Doleman* in 1603. I then found that Doleman was addressed in *The Plots of Jesuits* by Michael Spark in 1653, Sir George Mackenzie's *That the Lawful Successor Cannot be Debarr'd from Succeeding to the Crown* of 1684, and *An Answer to the Rebels' Plea* by William Assheton, which was published in 1684 and 1685. All these works are available at <<http://eebo.chadwyck.com/home>>.

## Appendix A

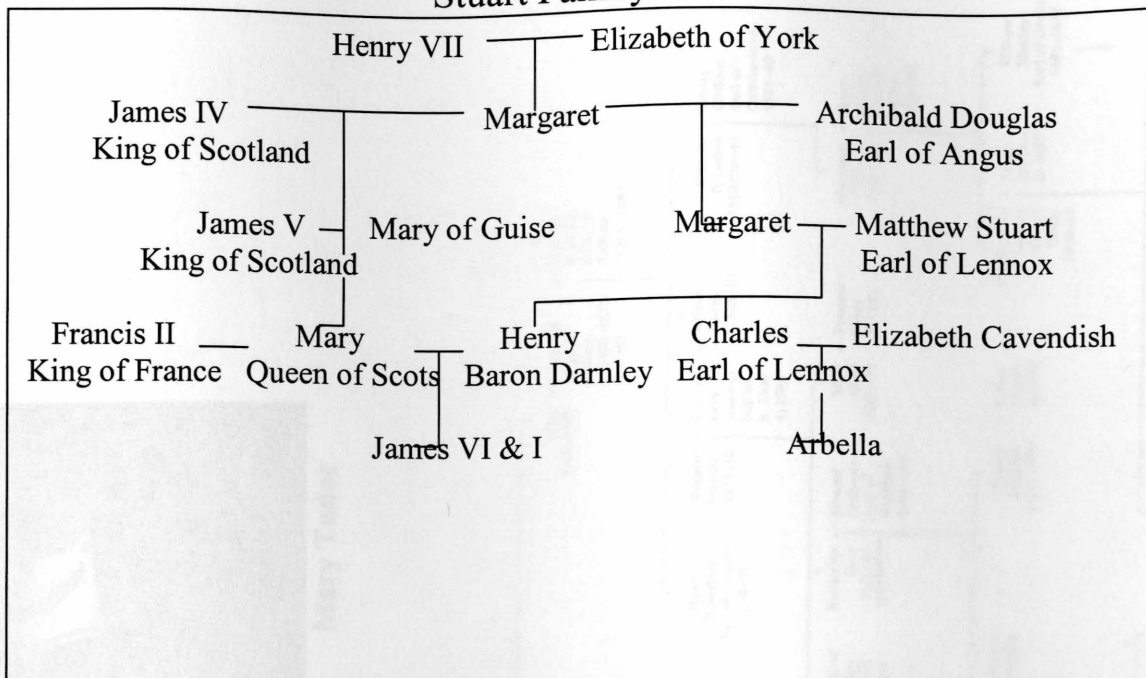
### Grey/Tudor Family Tree



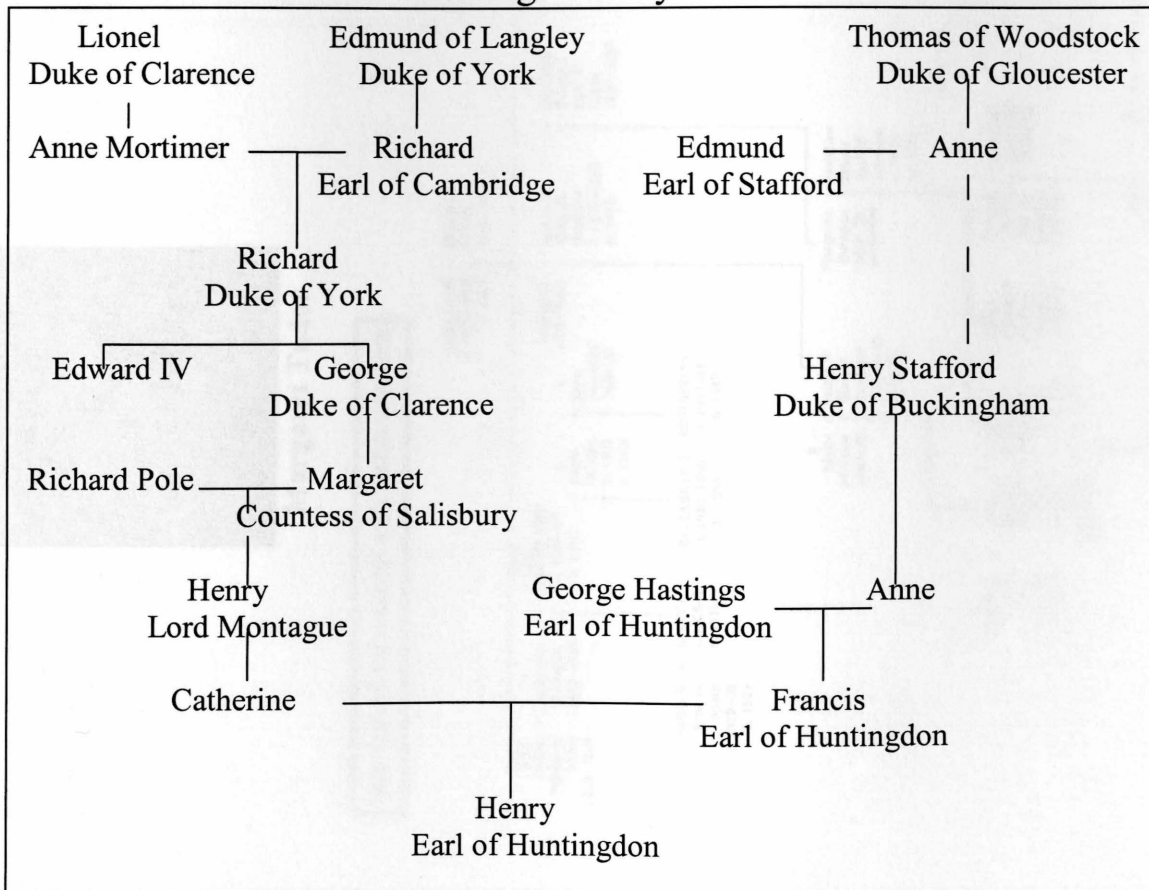
### Brandon/Tudor Family Tree



### Stuart Family Tree



### Hastings Family Tree



\* Broken vertical lines denote generations not included.

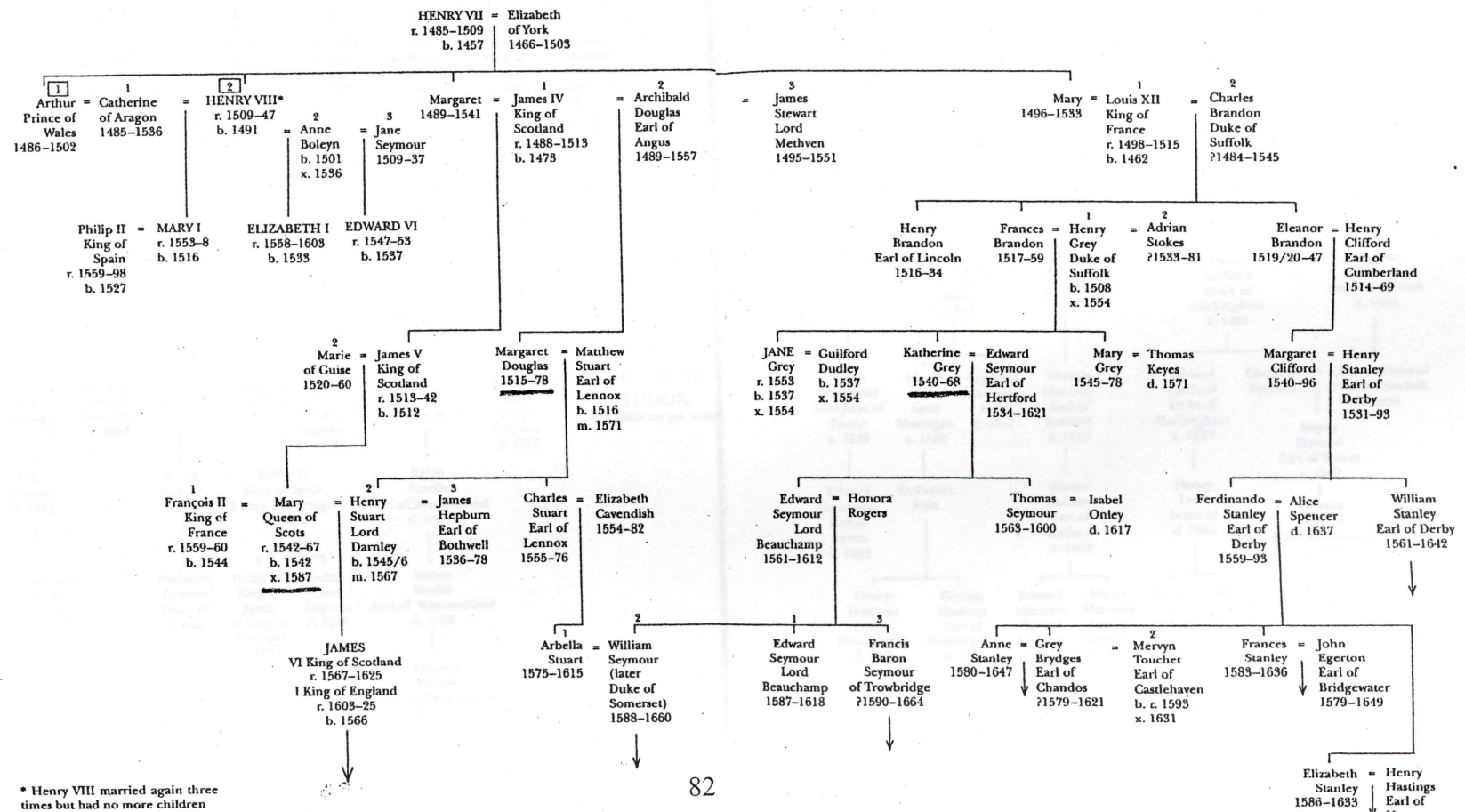


Margaret Tudor



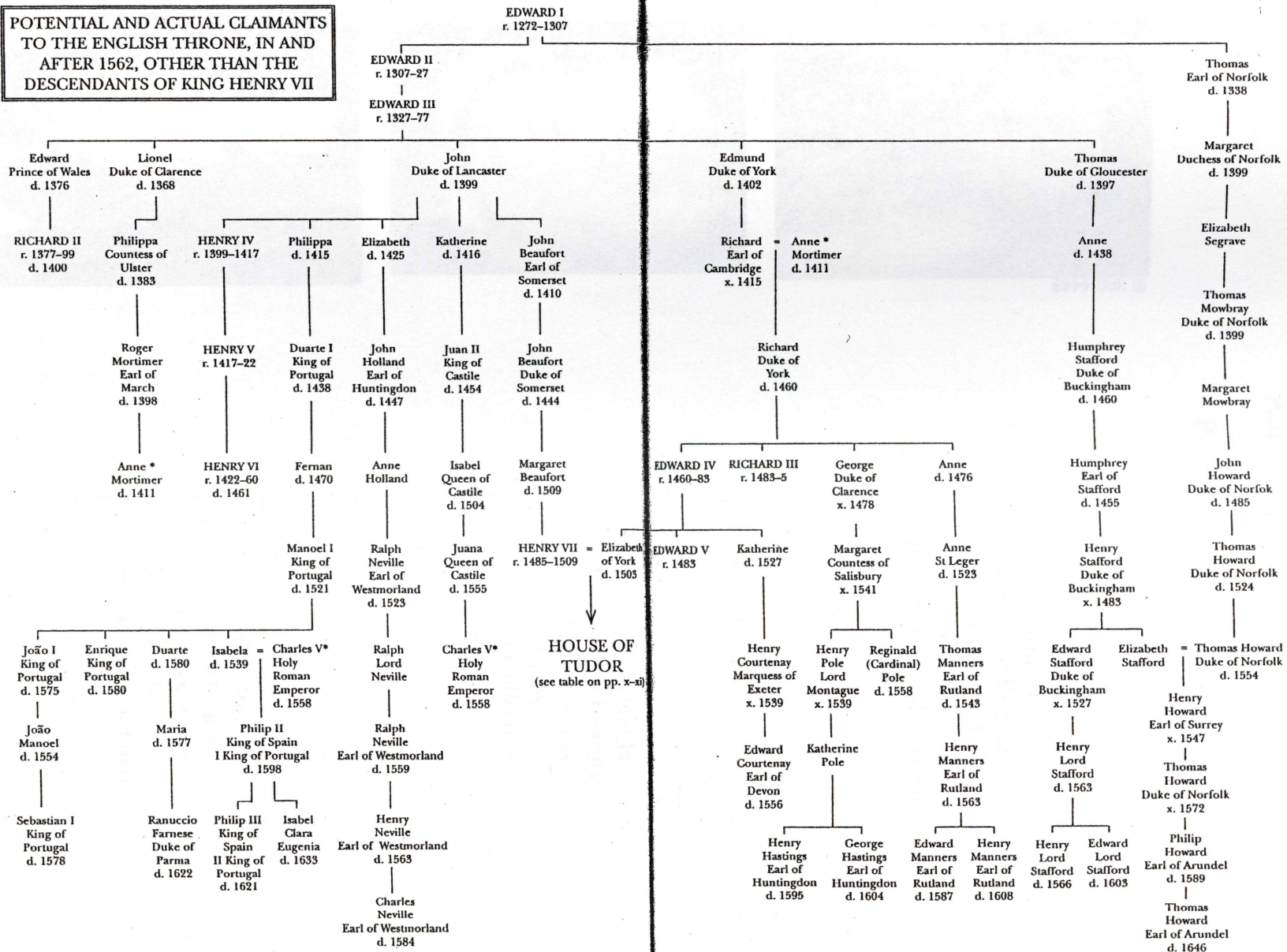
Mary Tudor

THE TUDOR MONARCHS AND THEIR COUSINS



\* Henry VIII married again three times but had no more children

POTENTIAL AND ACTUAL CLAIMANTS  
TO THE ENGLISH THRONE, IN AND  
AFTER 1562, OTHER THAN THE  
DESCENDANTS OF KING HENRY VII



## Appendix B

### Portraits



**Elizabeth I**  
**Queen of England**  
**Unknown Artist**  
**c. 1560**  
**British National Portrait**  
**Gallery**



**Margaret Douglas**  
**Countess of Lennox**  
**Unknown Artist**  
**1570s**  
**Royal Collection**



**Henry Stuart**  
**Baron Darnley**  
**Unknown Artist**  
**c. 1566**  
**Scottish National Portrait**  
**Gallery**



**Catherine Grey  
Countess of Hertford  
Unknown Artist  
1562**



**Catherine Grey & her eldest  
son Edward Seymour, Lord  
Beauchamp  
Unknown Artist  
c. 1560**



**Mary Stuart  
Queen of Scots  
After Francois Clouet  
c. 1565**





© NPG 548

**James VI & I**  
**King of Scotland & England**  
**After John de Critz the Elder**  
**c. 1606**  
**British National Portrait**  
**Gallery**



**Henry Hastings**  
**3<sup>rd</sup> Earl of Huntingdon**  
**Unknown Artist**  
**1588**



© NPG 107

**Robert Cecil**  
**1<sup>st</sup> Earl of Salisbury**  
**John de Critz the Elder**  
**1602**  
**British National Portrait**  
**Gallery**

## Appendix C

### Finding List of Succession Writings

- Arthur Broke or Brooke, *The Tragicall Historye of Romeus and Juliet* (1562)
- Thomas Sackville and Thomas Norton, *Gorboduc or Forrex and Porrex* (1562)
- John Hales, *Declaration of the Succession of the Crown Imperial of England* (1565)
- Anonymous, *Allegations Against the Surmised Title of the Queen of Scots and the Favorers of the Same* (1565)
- Sir Anthony Brown, *An Answer to Hales' Declaration* (c.1565)
- Edmund Plowden, *A Treatise of the Two Bodies of the King, vis. Natural and Politic...The Whole Intending to Prove the Title of Mary Quene of Scots to the Succession of the Crown of England* (c. 1565)
- Anonymous, *Allegations in Behalf of the High and Mighty Princess the Lady Mary* (1566)
- Rod. Stafford, Henry Noel, G. Al., Christopher Hatton, and Robert Wilmot, *Gismond of Salerne* (1567-1568)
- Anonymous, *A Treatise Proving that If Our Sovereign Lady Queen Elizabeth...Should Die Without Issue...The Queen of Scots by Her Birth in Scotland Is Not Disabled by the Law of England to Receive the Crown* (c. 1567)
- John Leslie, Bishop of Ross, *Defence of the Honor of the Right High, Mighty and Noble Princesse Mary* (1584)
- R. Doleman (pseudonym), *A Conference About the Next Succession to the Crown of England* (1595)
- James VI of Scotland, *The True Law of Free Monarchies and Basilicon Doron* (1598)
- Peter Wentworth, *A Pithy Exhortation on to Her Majesty for Establishing her Successor to the Crown.* (1598)
- Alexander Dickson, *Of the Right of the Crown After Her Majesty, Three Books Where be Occasion is Refuted a Treacherous Libel Entitling the House of Spain to the Succession Thereof* (1598)
- Sir John Hayward, *An Answer to...R. Doleman* (1603)

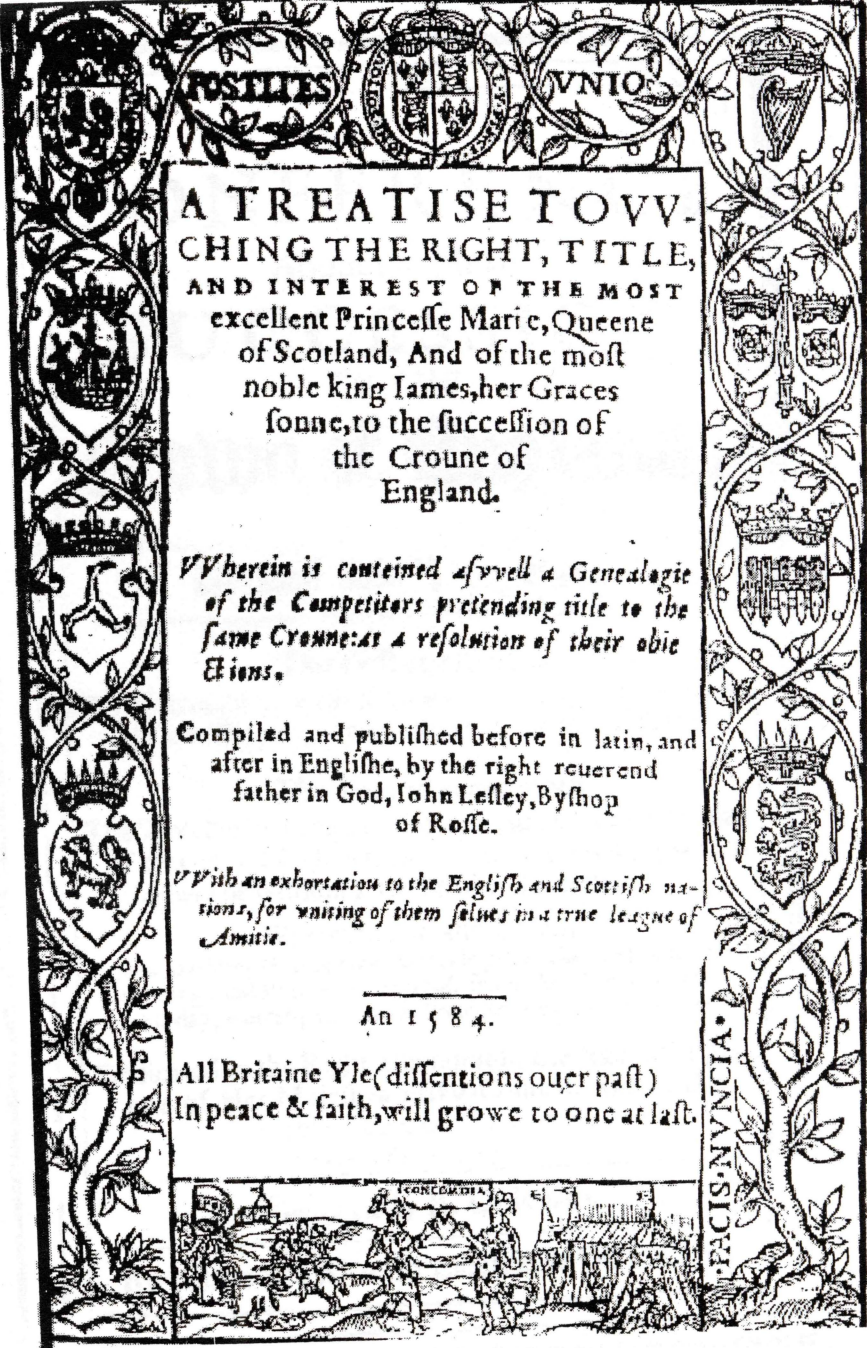
C. 55. c. 3

ALLEGATIONS AGAINST  
THE SUPPOSED TITLE  
OF THE QUINE  
OF SCOTTS AND THE  
*fauorers of  
the same*



B S X P  
E G K  
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INGRIS



A TREATISE TOVV-  
CHING THE RIGHT, TITLE,  
AND INTEREST OF THE MOST  
excellent Princesse Marie, Queene  
of Scotland, And of the most  
noble king James, her Graces  
sonne, to the succession of  
the Crowne of  
England.

*Wherein is contained aswell a Genealogie  
of the Competitors pretending title to the  
same Crowne: as a resolution of their obie  
ctions.*

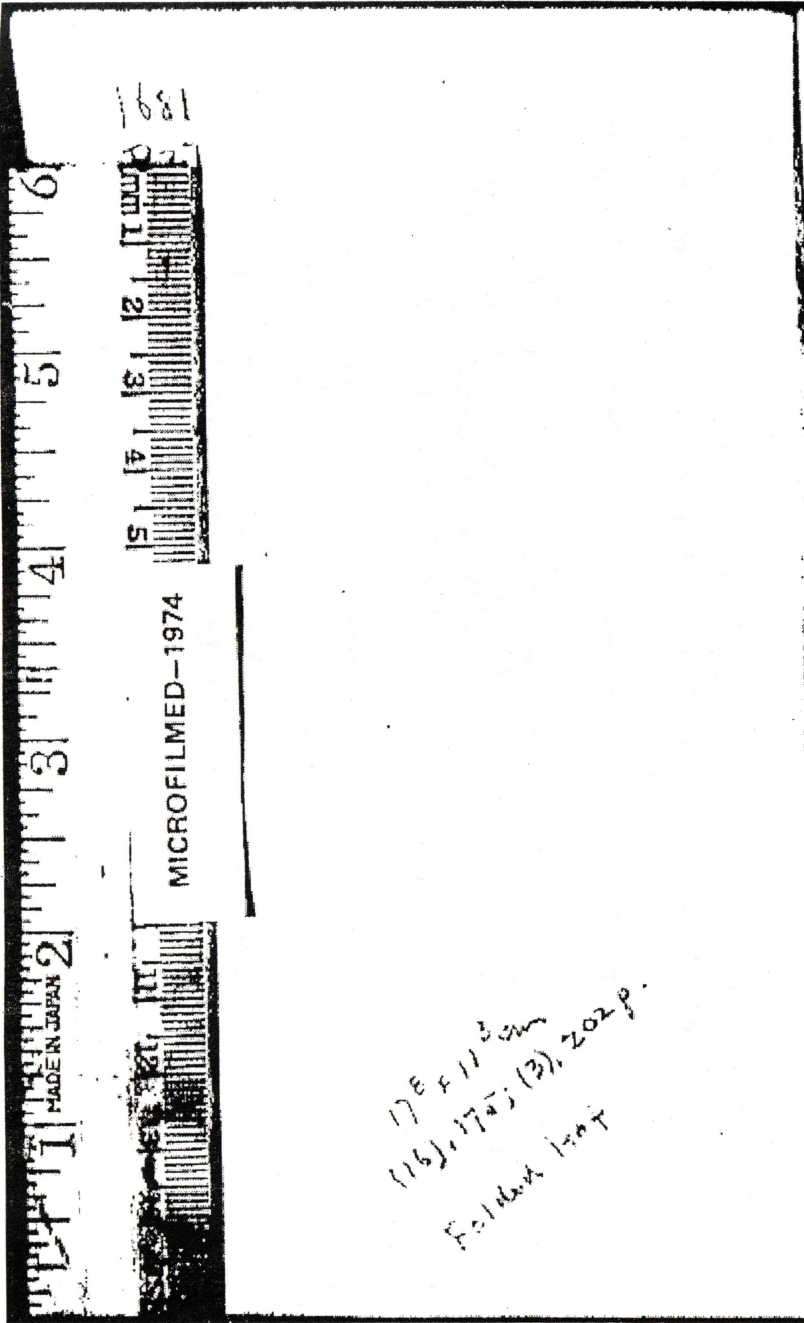
Compiled and published before in latin, and  
after in English, by the right reuerend  
father in God, Iohn Lesley, Byshop  
of Rossie.

*With an exhortation to the English and Scottissh na-  
tions, for uniting of them selves in a true league of  
Amitie.*

An 1584.

All Britaine Yle (dissentions ouer past)  
In peace & faith, will growe to one at last.





A

# CONFERENCE

About the Next

# SUCCESSION

TO THE

# Crown of England:

Divided into Two Parts.

The First containeth  
The Discourse of a Civil Lawyer ; how, and in what  
manner Propinquity of Bloud is to be preferred.

The Second containeth  
The Speech of a Temporal Lawyer, about the particular  
Titles of all such as do, or may pretend (within  
*England* or without) to the next Succession.

Whereunto is also added,  
A New and Perfect Arbor and Genealogy of the Descents of all  
the Kings and Princes of *England*, from the Conquest unto  
this day; whereby each mans Pretence is made more plain.

Dedicated to the Right Honourable the Earl of *Essex*,  
one of Her Majesties Privy-Council, and of the  
Noble Order of the Garter.  
[Robert Parsons]

Published by R. Doleman.

Re-printed at N. with License, MDCLXXXI.

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