

APPENDIX A

Henry VIII's Will and the Bequests to Mary and Elizabeth, 1547

In mid-1547, Mary and Elizabeth began funding their household expenses from the revenues of crown lands assigned to them for their use. They were the first English royal spinsters to live as landed magnates in establishments free from crown oversight. Unlike their own combined household during Henry's reign, their post-1546 separate households were not funded directly from the king's Privy Purse or chamber accounts. Traditionally, unmarried English princesses lived at court or, as Mary and Elizabeth had done during Henry's lifetime, at the king's expense. The novel nature of Mary's and Elizabeth's financial independence during Edward VI's reign has not been emphasized by previous scholars. However, as this study is positing a relationship between Mary's and Elizabeth's preaccession political status and their abilities to assume sovereign power in a patriarchal state, a detailed exploration of how and why the Tudor princesses acquired their innovative landed endowments is of great importance. At times, the following discussion of the legal mechanisms that resulted in Mary and Elizabeth acquiring land becomes quite technical. 1

The headache-inducing complexities of conveying land in Tudor England confers substantial appeal on the current explanation for how the Tudor princesses obtained their landed patrimonies. The traditional explanation for why Mary and Elizabeth received such generous landed allocations in 1547 was that it was in accordance with Henry VIII's last will and testament.¹ This explanation derives, not unreasonably, from the wording of the contemporary conveyancing documents—the patent letters—by which the princesses received their lands. These patents claim that the princesses received their lands "in fulfilment [*sic*] of Henry VIII's will."² Elizabeth's most recent biographer has interpreted this apparent bequest as a reflection to Henry's concern for the welfare of the princesses because he "had realized that the world would be a difficult place for his daughters" after his death.³ 2

There are three reasons to revisit the claims in the patent letters that Mary and Elizabeth obtained their patrimonies courtesy of bequests in Henry VIII's will. The most obvious is that the will contains no bequest of land to either of his daughters. Second, such a bequest would have violated the purpose of the will which was to conserve the royal demesne. Finally, Henry was unlikely to bequeath land to his unmarried daughters as it would have represented an unnecessary innovation in the living arrangements traditionally made for royal spinsters. 3

The actual provision made for Mary and Elizabeth in Henry's will bequeathed cash not lands: 4

Further our Will is that, from the furst Howre of our Death until such Tyme as the sayde Counsaillours canne provide either of them or bothe of sum honorable

Mariages, they shall have eche of them *Thre Thousande Poundes, ultra reprisas* ["final discharge" or net], to lyve on, willing and charging the forsayde Counsaillours to limite and appoint to either of them such sage Officers and Ministers for ordering thereof, as it may be employed both to our Honour and theirs.⁴

Although the phrase "ultra reprisas" often appeared in grants of property, it was not, in and of itself, a term that referred to property. Its appearance in property documents is explained by the need to specify that the recipient of a parcel land was due a certain amount of net revenue. The sum of landed revenue, qualified by the term "ultra reprisas," meant that the exact sum thus qualified was due to the recipient and no further charges (for collection, conveyancing, etc.) could be deducted from that amount. "Ultra reprisas" here means that Mary and Elizabeth were to net £3,000 and that nothing further could be deducted from this sum. As the will itself translated the phrase, in another bequest (discussed later) the princesses were to receive this sum "over all charges."⁵ 5

Certainly, the will's executors did not comprehend the phrase "ultra reprisas" to mean that the £3,000 in the bequest to the princesses should be raised in landed revenues. In their initial performance of Henry's bequest to his daughters, the will's executors (who were also King Edward's privy councilors) assumed that the bequest referred to a yearly allowance, a "pencion" for each princess to "lyve on." Consequently, the executor-councilors ordered that allowances ("pencions") be paid to the princesses. On April 11, 1547, the Privy Council deputed Sir Edward Peckham, cofferer (treasurer) of King Edward's household, to distribute to each princess "the summe of oone cii, to be accompted as parcell of her Graces pencion to her allotted by the testament of our late Souveraine Lord."⁶ As the executor-councilors initially interpreted and performed it, Henry's will granted allowances to Mary and Elizabeth, not lands. 6

The executor-councilors were, initially, on solid ground in their original interpretation of Henry's will because there are almost no landed bequests in the will. There is only one landed bequest in Henry's will and it reads quite differently from the cash bequest to Mary and Elizabeth. The will clearly and *explicitly* bequeaths land to the clerics of St. George's chapel Windsor: 7

Also We wool that with as convenient Spede as may be doon after our Departure out of this World, if it be not doon in our Liefe, that the Deane and Channons of our Free Chaple of Saint George within our Castle of Winesor, shall have Manoures Landes Tenementes and spiritual Promotions, to the yerely Value of Six Hundred Poundes over all Charges, made sure to them and their Successours for ever . . .⁷

This type of precise language stands in marked contrast to the bequest to the princesses. **8**
There is no reference to "manoures landes tenementes" in the bequest to Mary and Elizabeth.
If Henry wished his daughters to have lands, there was no reason for him to be coy about it.
He could simply have employed the explicit wording in the princesses' bequest that he did for
the clerics of St. George's.

In fact, the near absence of landed bequests in the will posed a problem for the executor- **9**
councilors. In his will, Henry had designated the will's executors to serve also on King
Edward's first Privy Council. To compensate them for their service, the will bequeathed each
executor-councilor specific cash sums. This, however, was not the type of compensation that
the executor-councilors coveted. As the terms of these testamentary clauses were common
knowledge even before Henry contracted his last illness, his secretary William Paget was in
consultation with Henry on how to augment these cash bequests during the last few months
of Henry's life. According to Paget's later deposition, Henry had agreed to bestow titles and
lands for the executor-councilors. The intention had been for Henry to bestow these lands and
titles on the named executor-councilors during his lifetime but he died before could do so.⁸

The wording of the will's bequests meant that the executor-councilors could not obtain the **10**
lands and titles they sought because the will bequeathed only cash to the named executor-
councilors. As with the bequest to Mary and Elizabeth, Henry's will bequeathed cash not
lands to the executor-councilors. The executor-councilors overcame this restriction by
invoking the will's "unfulfilled gifts clause." This clause directed the executors to pay Henry's
debts, complete any ongoing transactions involving crown lands and accomplish any
outstanding "promises" made by the king. This clause, intended to authorize the executors to
complete any conveyancing transactions still in process at the king's death, was seized on by
the executor-councilors. They argued that this clause allowed them to perform not Henry's
will but rather his last known intentions; his "unwritten will."⁹ Not surprisingly, the executor-
councilors determined that Henry's last known intentions were to freely bestow lands from
the royal demesne on all of the executor-councilors and other important political figures.

Paget and others deposed that Henry had promised to grant land to his executors but died **11**
before he could initiate the legal process (drawing up patent letters or revising the will). The
result of these depositions was that all the property grants to the executor-councilors, which
were theoretically in fulfillment of Henry's intentions, contained lengthy preambles citing the
unfulfilled gifts clause and the details of the depositions.

A further complication that likely impeded Henry from bequeathing land to anyone in his will **12**
(except to the clerics of St. George's) was the legal difficulties involved when an underaged
monarch (Edward VI) attempted to alienate crown lands. As a legal minor, Edward VI did not
come into full possession of the lands he inherited from his father. Therefore, he could not
alienate them away from the royal demesne. He could not initiate any transactions involving

crown lands until he came of age when he turned eighteen (which would have been in 1555 had he survived). Edward's legal deficiency in this regard was, in the late sixteenth century, legally recognized by Elizabethan judges to be compensated for by his royal status as a monarch (the doctrine of the king's "two bodies"). In 1547, however, the boy-king's abilities to convey crown lands solely on his own authority was not firmly established under the law.¹⁰

An indication of the problems involved in Edward initiating an alienation of crown lands can be seen in the legal difficulties surrounding the lone landed bequest in Henry's will. Although Henry had specified that the bequest to the clerics of St. George's should be funded from lands, he had not initiated the process by which crown lands could be granted to the clerics. Henry's heir, Edward VI, at only nine years of age, was not in full legal possession of these lands. Therefore, according to the legal advice obtained by the will's executors, Edward could not solely on his own authority, alienate crown lands to fund his father's testamentary bequest to the clerics of St. George. **13**

In 1547, crown jurists recommended that the only unassailable method by which Edward could initiate a grant crown lands to the clerics of St. Georges was to employ a tripartite indenture.¹¹ This was a legal agreement between three parties comprising on the one hand the recipients (e.g., clerics of St. George's), King Edward as the second party and, as the third, the executor-councilors. The executor-councilors were acting, essentially, as cosignatories for the underaged monarch. Furthermore, the Privy Council ruled that anyone who had been engaged in property conveyances (and could produce the documents) involving crown lands at the time of Henry's death could henceforth complete their transactions only in the form of a tripartite indenture.¹² Thus, when the dean and cannons of St. George's eventually received their lands, their patent letters contained a preamble stating that they held their lands per a tripartite indenture.¹³ **14**

In fact, the invocation of the gifts clause in Henry's will allowed the executor-councilors to circumvent the legal problem posed by King Edward's legal minority. The executor-councilors were, essentially, arguing that their later grants of crown lands were in completion of those that Henry VIII meant to initiate but died before he could begin the legal process. When the executor-councilors obtained their lands in 1547, they did so on the adult (although dead) Henry's authority rather than upon Edward's contested authority as a legal minor. Because there were no actual conveyancing documents in process regarding the lands the executor-councilors claimed that Henry had "promised" them, a tripartite indenture was not relevant to complete their (nonexistent Henrician) grants. **15**

There was yet another problem that Henry would have had to consider had he genuinely wished to bequeath land to his daughters. Bequeathing land to females, even elite females, was a dicey business that often ended in conflict with women having to bring suits in the court of Chancery in order to obtain the lands bequeathed to them.¹⁴ **16**

Henry's will contains no landed bequest to Mary and Elizabeth in the *explicit* wording of the text. In fact, there is only one landed bequest in the will at all. As the bequest to clerics of St. George's Chapel, Windsor, illustrates, if Henry had intended to bequeath land to his daughters, he could have done so overtly and specifically. Yet as the bequest to the clerics at St. George's also testifies, bequeathing land from the royal demesne was fraught with legal difficulties when the succeeding monarch was a minor. Finally, Henry would have been well aware that bequeathing land to his daughters was an inefficient method of bestowing land on females in Tudor England. **17**

This near absence of landed bequests in the actual text of the will accords with the overall goal of Henry's will: to ensure the financial and political safety of Prince Edward should he accede to the throne as an underaged monarch.¹⁵ The best way to ensure young Edward's safety as an underaged monarch was to ensure that royal finances were stable and self-sustaining. This financial stability was, in Henry's will, combined with new organization of the crown government designed to prevent the political dominance of a relative (such as a Richard III-like uncle) who could threaten Edward's sovereignty and/or life. **18**

To ensure Edward's financial stability, Henry's will contains bequests of cash rather than of lands (with one exception already noted). This made sound fiscal sense. Crown lands not only generated revenues for the monarch but royal estates could be sold to land-hungry elite for a quick profit. Henry's desire to preserve the royal demesne intact for his son helps to explain the near absence of landed bequests in his last will and testament. **19**

That Henry would seek to preserve crown lands for his successor may surprise historians who have documented Henry's lavish grants of land from the royal patrimony throughout his reign, which deprived the crown of much-needed revenues.¹⁶ Nevertheless, at the end of his life, Henry attempted to preserve the royal demesne intact for his successor. Furthermore, he expressed unwillingness to deprive his heir of even the crown's most recently acquired lands. **20**

In February 1547, William Paget deposed that in the weeks immediately preceding Henry's death that he and Henry discussed plans for the late king to distribute to the executor-councilors the forfeited estates of the recently arrested, Thomas Howard, duke of Norfolk. Paget, however, admitted that Henry, while initially receptive to the idea of distributing the **21**

Norfolk estates to the executor-councilors had, in the end, changed his mind. Paget confessed that Henry "altered his determination for giving any of the said Dukes lands . . . but said he would keep them to himself," reserving much of the Norfolk estate for the crown.¹⁷

If Henry rejected the proposal for distributing the Norfolk estates before his death, it is unlikely he intended that the cash bequests in his will should be funded from the sale of any crown lands even those recently acquired like the Norfolk properties. Given Henry's attitude regarding the Norfolk lands, it is likely that his last will and testament, with its overwhelming preference for cash rather than landed bequests, accurately reflected Henry's hopes for the fiscal strategy that would be employed by those governing the realm after his death (in reality if not in name) until his son came of age. **22**

That Henry would prefer to fund his testamentary bequests from cash rather than lands is more comprehensible when considering his entire financial "portfolio." Henry, the Citizen Kane of his day, had accrued a vast amount of "stuff." It has recently been estimated that Henry's collection of tapestries and goods amounted to £1,200,000.¹⁸ This was a staggering resource, roughly equivalent to £300,000,000 today.¹⁹ **23**

Henry acquired the royal goods not only to decorate his many palaces but to function as liquid assets. These goods could be sold to raise the cash necessary for funding the royal Privy Purse. From his Privy Purse, the king could bankroll the incidental expenses of his own household, the households of his dependents, and even, on occasion, foreign embassies.²⁰ As royal goods were the personal property of the monarch, they could be sold at will without jeopardizing the main source of crown revenues: rents from royal lands and various fees, customs, and excises. The royal goods were petty cash, whereas crown lands were the revenue-generating capital to be preserved and, if possible, increased. It was, therefore, much more sensible for Henry to bequest a portion of royal goods (or cash from the sale of them) to all his beneficiaries, including Mary and Elizabeth, instead of crown lands. **24**

As already noted, the near-absence of landed bequests in Henry's will was a matter of consternation to those charged with performing the will, the executor-councilors. As they initially understood the will, nearly all the testamentary bequests were in cash. There was no question that the text of the will referred to cash bequests to all beneficiaries (except the clerics of St. George's chapel). The problem for the executor-councilors was that the wording of nearly all the will's bequests was entirely too specific, too obviously meant to be funded from cash (like the bequest to Mary and Elizabeth), which served as too great a constraint upon the executor-councilors. **25**

The executor-councilors claimed that there was a problem "if we performe the legacies and promisses of our late Souvergiane Lorde with such money as was remaineng at the tyme of his deathe." According to their argument (already cited from the privy council register; see fn.17), **26**

the problem was that the government might run short of funds necessary for national defense "if we shulde have solde such juelles, plate or other riche hanginges for the said perfourmaunce of the will." In a complete dismantling of Henry's strategy of funding the testamentary bequests from cash, rather than lands, the executor-councilors argued, in this same privy council entry, that it was better "to perfourme the promesses of lande made by our late Souveraigne Lorde" rather than liquidate any of the royal moveable property to fund the will's bequests.

As the will's executors initially understood Henry's will, there were no landed bequests except to the clerics of St. George's. All other bequests, including that to themselves as well as to Mary and Elizabeth, were to be funded from cash raised from the sale of "juelles, plate or other riche hanginges" from the royal coffers. Like nearly all the other bequests in the will, the executors assumed that Henry's bequest to his daughters was of cash. As far as contemporaries were concerned Henry bequeathed cash allowances ("pencions") to Mary and Elizabeth. As noted earlier, this understanding guided the initial performance of Henry's will by the executor-councilors, who initially distributed to each princess the "pencion to her allotted by the testament of our late Souveraine Lord." **27**

In 1547, both Mary and Elizabeth received landed patrimonies. However, they did not receive them because their father, Henry VIII, had left them estates in his last will and testament. There is no bequest of lands to the princesses in his will. There was no widely understood but unspoken assumption that the bequest to Mary and Elizabeth each of £3,000 *p.a.* should be raised by endowing them with land that generated revenues that equaled the specified amount. Rather, the executor-councilors performed the bequest as it was written and distributed to each princess the cash allowance that their father had bequeathed them in his will. As the executor-councilor originally understood Henry's will, almost none of the bequests were to be funded from landed revenues. The executor-councilors assumed that the will directed them to perform all bequests from cash that should be raised, as the executors themselves understood it, from the sale of royal jewels, plate, and tapestries. **28**

One final point regarding the improbability of Henry bestowing lands on his daughters in his will. Had Henry truly intended for Mary and Elizabeth to preside over independent establishments and to possess substantial landed revenues, this would have represented a dangerous innovation the living arrangements of English spinster princesses. **29**

Endowing Mary and Elizabeth with landed patrimonies would have created "overnight subjects" who could challenge the authority of the underaged king and his government. Princess Mary did indeed question the young king's right and that of his government to regulate her household so that it conformed to the nationally mandated religion. From her own manors and amid her regional affinity, Mary successfully overturned Edward's provisions for the succession to the throne. Princess Elizabeth was able to acquire important political **30**

allies from among the privy councilors serving during her brother's and sister's reigns by sponsoring reversionary interests in her lands. None of this would have been possible had the princesses lived as previous English princesses had done, that is, at court or at the financial discretion of the crown.

Allocating estates to each princess required far more bureaucratic energy than simply continuing the usual policy of funding the household expenses of the princesses from the crown privy or chamber accounts. Lacking the benefit of hindsight, contemporaries would have had no reason to regard Mary and Elizabeth as eligible for anything other than the usual fate of English princesses: marriages abroad negotiated for the realm's advantage. Indeed, this is the future that Henry's will explicitly addressed. **31**

The patent letters by which the princesses received their estates made fraudulent claims. Mary and Elizabeth did not obtain landed patrimonies because their father bequeathed them estates in his will. There was no bequest to them of lands in the will. None of the executor-councilors deposed (as Paget did regarding lands and titles for the executor-councilors) that Henry had contemplated bestowing lands on his daughters but died before he could initiate the conveyancing process. There was no long preamble in the princesses' patents citing the unfulfilled gifts clause in the will as there was in the patents by which the executor-councilors received their own lands. Nor did Mary and Elizabeth obtain their lands via a tripartite indenture as did the only beneficiaries of a landed bequest from Henry's will: the clerics of St. George's. **32**

Henry bequeathed cash allowances to his daughters, not land. This was the initial understanding of those charged to perform the will, the executor-councilors, who ordered that each princess receive the cash allowance "allotted by the testament of our late Souveraine Lord." Yet by April 1547 Mary (and probably Elizabeth, too, but not officially) began drawing their income from the revenues generated by their landed assignments. This was a clear violation of Henry's last will and testament. It was the political context that generated the fraudulent claims in the princesses' patent letters of a relationship between the estates awarded to Mary and Elizabeth in 1547 and the testament of their father, Henry VIII. **33**

Although Henry had provided Somerset and his ally, Paget, with an opportunity to suggest that another, much more of important provision in the will be set aside. Henry's will proposed a scheme for a collective regency during Edward's minority vested in the will's executors whom Henry nominated to sit on Edward's privy council. This council of executor-councilors was to rule the kingdom until Edward came of age. Somerset and Paget proposed their own alternative a few days after Henry died on January 28. They suggested that one man, Somerset (at the time earl of Hertford only), should rule as regent rather than maintaining **34**

collective sovereignty in the Privy Council as a whole. Somerset and Paget could anticipate that many of their colleagues would readily accept the practical utility of having one ruling regent rather than a collective body.

It was far more logical for Henry to bequeath cash allowances to Mary and Elizabeth. Granting lands to Mary and Elizabeth would have undermined Henry's financial and political strategy in the will, the goal of which was to ensure Prince Edward's safety as an underaged ruler. Henry's provisions for the ruling Privy Council indicates that he was desperately worried that a Richard III–like figure could emerge to threaten Edward's sovereignty.²¹ So Henry's stipulations regarding the Privy Council were a series of regulations designed to prevent any one councilor from assuming personal sovereignty at Edward's expense.²² Bequeathing a large estate to the adult Mary, in particular, would have placed considerable material and political resources at the disposal of one of Edward's potential rivals. Essentially, Henry would have staked any bid that Mary might make to become a Richard III–like figure herself. **35**

Yet, in April 1547, Mary did obtain a vast landed estate that, according to her patent letters, was in performance of Henry's will. The question is why the patent letters make this claim when there is no such bequest in the will. The claim also contradicts the initial performance of the bequest by the executors as bestowing *allowances* on each princess rather than *revenues* from estates. The registers of the Privy Council preserve the contemporary distinction between "pencion" (allowance) to be paid out from the sale of royal goods or the Privy Purse and "revenues" derived from property.²³ The question now becomes: what made the executor-councilors alter their initial understanding of the Henrician bequests to Mary and Elizabeth? **36**

Hindsight makes it easy to forget that political situation taking shape after Henry's death in late January 1547 initially appeared unstable. The new king was nine years old and his right of legitimate succession was not instantly accepted by the international community.²⁴ The paradoxical result of Henry's matrimonial adventures and his break with the Roman Catholic Church was that, Mary, of all his children, was the only one widely accepted as legitimate—at least, by the politically powerful outside of England. Domestically, Mary had served as the *de facto* princess of Wales in 1525, she was instrumental in brokering an Anglo-Habsburg alliance in 1545, and was part of powerful female network that included Katherine Parr and Anne Seymour (wife of Somerset). **37**

Because Mary did not make a bid for the regency, it is easier still to forget that she was a very credible rival to Somerset for the regency. She was well connected via her Habsburg cousins, highly educated, and possessed legitimate blood claims to the throne herself. As the king's half-sister, she was more closely related to him than was Somerset, the king's maternal uncle. **38**

It was usual practice on the Continent for royal women with Mary's qualifications to assume the regency for an underaged male king. Although this was not the practice in England, Mary's suitability for the regency was not lost on the English political elite. Two years later, in 1549, some of the Edwardian privy councilors themselves would offer Mary the regency.²⁵

Mary was close to the center of power and in a position to know the contents of Henry VIII's will.²⁶ This is significant because the executor-councilors had quickly decided to violate the will's gifts clauses almost immediately after Henry VIII died. To violate the will in any degree jeopardized the already shaky legitimacy of the sovereign Privy Council because their powers and offices derived solely from the will. The will should have been a sacrosanct document but the executor-councilors had personal reasons to creatively interpret some of the will's stipulations even at the risk of undermining their own authority. The princess was in a position to object. If Mary publicly voiced her objections then she could call into questions the legitimacy of the new regime. **39**

But Somerset wished to be more than merely a "first among equals." He persuaded the executor-councilors to allow him to personally assume regal authority so that he ruled alone consulting the Privy Council only at his discretion. To induce the executor-councilors and other important politicians to accept this diminution of their collective power and the significant violation it represented of Henry's will, Somerset and Paget determined that it would be necessary to bribe the political elite, primarily but not exclusively the other executor-councilors. As discussed by numerous scholars, these bribes took the form of property grants.²⁷ This is the context that, as detailed later, helps to make sense of how and why Mary and Elizabeth were the first princesses in English history to obtain landed patrimonies before marriage.²⁸ Historians generally cite Paget's May 30 grant as the first of these landed bribes.²⁹ Significantly, Mary obtained her estates two weeks before Paget did. **40**

Mary's grant was dated May 12, 1547. The lack of a landed bequest to the princesses in Henry's will means that the will need no longer serve as a distraction when interpreting Mary's grant. It now becomes possible to appreciate properly the significance of the date on which her grant was completed. Mary obtained her properties at the same time that other politically important people were receiving the lands that Somerset had promised them. The timing of Mary's grant alone argues that the princess was one of the recipients of Somerset's landed bribe. Indeed, it is now hard to explain the timing of Mary's grant without reference to these other grants and to Somerset's wholesale landed bribe of the political elite. **41**

To excerpt Mary's grant involves arguing that the timing of her grant alone is somehow unrelated to the establishment of Somerset's regency while the other grants were connected. It would be quite a coincidence if Mary's grant was completed at this time and yet had nothing to do with the political situation that generated the contemporaneous grants to Paget, John **42**

Dudley, Thomas Seymour, and William Herbert. There is a telling phrase preserved only in Mary's patent letters. It is significant that this phrase appears in her patents rather than in Elizabeth's, dated three years later. Mary's patents stated that she obtained her estates "by the advice of the Protector [Somerset] and the executors."³⁰ As Mary's patents admitted, she received her lands through the efforts of Somerset and the executor-councilors. Following the reasoning of previous scholars in linking the contemporaneous grants to Paget, Seymour, Dudley, et al. to Somerset's bid for the regency, this study proposes a connection between Mary's patrimony granted in May 1547 to Somerset's consolidation of power.

The political significance of Mary's grant lies not only in its timing but also in its scale. **43** Indeed, the scale of her estate combined with its rapid settlement suggests that Somerset and the councilors delayed the completion of their own property grants until after Mary's lands had been assigned. Mary's grant was completed before Paget's (May 30), Dudley's (June 23), and Thomas Seymour's (August 19). Somerset himself did not obtain the patent to his own lands until July 9.³¹

Moreover, Princess Mary received far more lands than any of the privy councilors or executors **44**—a lot more. Although £1,000 in landed revenues was the minimum enjoyed by most noblemen, Mary's lands generated revenues that totaled just over £3,800 *p.a.*³² This is significant for two reasons: it is far in excess of what Henry VIII specified in his will (thus further eroding the relationship between her estate and Henry's will) and the scale indicates the importance Somerset assigned to neutralizing the threat Mary posed to his bid for the regency.

Mary's patrimony provided her with annual revenues that not only placed her on a par with **45** dukes and earls, but it was in far in excess of the total amount Somerset used to bribe the executor-councilors. In fact, the combined total of revenues from the land grants to all of the executor-councilors in 1547 has been estimated at an aggregate total of only £3,200—about £600 less than the landed revenues granted to Mary alone!³³ The comparison serves to illustrate the extraordinary scale of Mary's land grant. Somerset himself initially obtained lands generating an annual revenue of £1,100 to support him in his new dignity as Protector of the Realm and Duke of Somerset.³⁴

This grant to Mary resulted in her becoming a regional magnate with many livings and offices **46** in her gift. After receiving her patent letters in 1547, Mary formally obtained "lordship" rights the offices and livings associated with her estates. This made her a political patron of considerable local influence in East Anglia. Eventually, Mary would exploit this local influence to raise an army to successfully challenge Jane Grey and enforce her own succession to the throne in 1553. Arguably, Mary took possession of the throne as an overmighty subject as much as a prince of the blood.

In response, the potentially volatile political situation in the wake of Henry VIII's death, Protector Somerset "freely adapted" Henry's testamentary bequest to his daughters in order to remove Mary as a possible threat to the stability of the young king's regime by bribing her with a landed estate. This (temporary) alienation of crown lands was then justified (as preserved in the phrasing of the patent letters) by claiming it originated as a bequest from Henry's will. The illusion was reinforced by converting Elizabeth's Henrician cash bequest into property as well (though worth considerably less than the estate awarded to Mary). The conveyancing documents for these estates—the princess's patent letters—therefore reveal a legal fraud in falsely claiming a relationship to Henry's will. Mary and Elizabeth obtained heir landed estate not through Henry's will but due to the obvious political dangers inherent in the situation of a underaged monarch, a ruling Privy Council, and an adult, politically ambitious royal sibling. **47**

Somerset and the executor-councilors were encroaching upon the royal demesne in direct contravention of Henry VIII's will when they awarded themselves lands. The estates that Somerset used for bribing the executor-councilors derived from the royal demesne. If Mary had publicly objected, if she had warned her brother, informed the Imperial ambassadors, written to Continental Catholic powers, and conferred with leading courtiers, she certainly could have caused trouble on the basis that she was the king's closest relation. A person of Mary's status publicly calling attention to the actions of Somerset and the executor-councilors could potentially have served to undermine an already tenuous regime. **48**

Somerset and the executor-councilors could not see into the future and be assured of Mary's compliance. They could, however, enjoy a measure of security on this issue if Mary accepted the bribe of a landed estate. Moreover, this bribe could be cloaked by claiming a false relationship to Henry VIII's will. The will's bequest of a respectable (though not excessively generous) allowance to Mary enabled Somerset and the executor-councilors to bribe the princess on a massive scale under the cover of performing Henry's will. **49**

That Mary was, essentially, bought off is further evidenced by the unequal treatment of the princesses. Because both Mary and Elizabeth were treated equally in the will (save for the order of succession), especially regarding annual income and marriage portions, they should have received roughly the same amount in household goods. Instead, Elizabeth's estates totaled to just over the required £3,000, nearly a thousand less than Mary's. Clearly, Mary's settlement was more generous than Elizabeth's. The will provided no justification for treating Mary any differently in this regard than Elizabeth. Rather, Henry's will leaves little room for doubt that both sisters were to receive exactly the same income. The lopsided allocation to Mary argues that the Edwardian government was at pains to buy her goodwill. **50**

Endowing the princesses with substantial estates that would be reflected in their households was the last thing Henry VIII would have wished. The king's overriding concern throughout the will is Edward's safety as an underage monarch. Henry had deliberately refrained from granting Mary her own independent household after 1533. Indeed, he demonstrated nervousness about even allowing her to assume dominance in the conflated household of the princesses in 1536. Around May 1537, Mary personally wrote to Cromwell assuring him that the reports of her entertaining politically important guests behind the king's back were greatly exaggerated: the "strangers that you wryte . . . hath been reported to the wurst."³⁵ If Henry at the height of his power in the 1530s had felt threatened by the idea of Mary, in particular, having her own fully independent household, how much more would he have worried about her having an household which approached (although did not equal) her welsh viceregal household of 1525? Henry had "Money Plate Jewlez and Householde Stuffe" literally bursting his palatial storehouses. The crown could easily afford to sell the fraction of it to provide the necessary income for Mary and Elizabeth. 51

As the will reads, Henry's intentions appear rather to undermine the princess' status as heirs. The linkage of the marriage portion of £10,000—if they married abroad—with the £3,000 *p.a.* provides motivation for both the princesses and the privy councilors to marry them off quickly. The longer their marriages were delayed, the more the Privy Council would have to sell to pay their pensions. From Mary's and Elizabeth's viewpoint, the real money would come to them only upon marriage. Henry most likely intended for them to continue living in the combined household that would be richly furnished with some of his goods, whereas some were sold to pay their pensions until they were soon married abroad. On paper, it was an excellent method for neutralizing the political threat they could pose during Edward's minority. Undermining the status of female heirs was very much in keeping with Henry VIII's policy since he began divorce proceedings against Catherine of Aragon in 1527. 52

That Henry's primary concern regarding his daughters would be their marriage portions is not surprising. It was quite common for men of any means at all to leave instructions in their wills regarding the marriages of their single daughters.³⁶ Henry's provision for his daughters was clearly designed to motivate the Privy Council to do what he himself had failed to do: secure husbands worthy of the princesses. Henry bequeathed allowances to his daughters that the Privy Council would need to pay through the sale of royal goods or the siphoning off of royal revenues much as had been done in Henry's lifetime. Payment of this allowance would require considerable energy and planning by the Privy Council, which Henry clearly hoped would soon prompt the executor-councilors to arrange suitable marriages for Mary and Elizabeth and, thus, spare themselves the trouble of having to arrange for the payment of the annuities to the princesses. 53

If Henry's primary concern had been the economic and political security of his daughters, then he could have named them as coexecutors of the will. Unmarried women were recognized as legal persons in their own right in all jurisdictions in England so they were eligible to be named.³⁷ Being executors would have allowed Mary and Elizabeth to exercise some control of the dispersal of the assets specified in the will and the fulfillment of their own bequests. **54**

Henry was relentlessly conventional in his provision for his daughters. The concern over their marriages was reflected in the wills of other elite men and, more particularly, the strictures Henry placed on Mary's and Elizabeth's freedom of choice was another instance of Henry following testamentary convention amongst elite fathers. Like other contemporary elite fathers, Henry specified that his daughters marry with the consent of the will's executors so as to prevent the princesses from marrying beneath them or "dishonorably."³⁸ **55**

The Privy Council's decision to convert these bequests into lands undid Henry's attempts to contain and marry off his daughters. Their considerable estates robbed the princesses of any motivation towards marriage. They now wielded authority as two of the country's wealthiest magnates. As events were to play out, the Privy Council would have done better, in terms of their long-term political careers, to adhere to the original stipulations of Henry VIII's will. The conversion of the princesses' bequests from "stuff" to property elevated them from the status of barely-acknowledged heirs to overmighty subjects.³⁹ This was very probably the outcome which the late king had tried to avert. The 1544 Act of Succession had created the opportunity for the female succession but it was the Privy Council's decision to confer princely estates on Mary and Elizabeth, which gave them the financial and military resources to accomplish it. **56**

Notes

Note 1: Loades, p. 137; see also MacCaffrey, p. 11

Note 2: *CPR*, II, p. 20

Note 3: Starkey, p. 65

Note 4: T. Rymer, ed. *Fœdera*, 3rd ed. (1741) (facsimile, Hants., 1967), vol. VI, pt. 3, p. 145. The italics are original and indicate places in the manuscript that were left blank and later filled in by Henry's clerk, William Honnynges (*LP*, XXI, pt. 1, 634). The official sealed, witnessed, and registered copy of the will, dated December 30, 1546, is in the PRO E23/4/1. It is the PRO copy that is transcribed in *Fœdera*, VI, pp. 142–145. For a lucid discussion of copies, drafts, and the official PRO version, see E. W. Ives, "Henry VIII's Will—A Forensic Conundrum," *The Historical Journal*, 35/4 (1992): 779–804 [hereafter Ives, "Forensic"]

Note 5: *Fœdera*, VI, p. 143

Note 6: *APC*, II, pp. 83, 84, 86, 92, 100, 110, 120, 122, 141, *passim*

Note 7: *Fœdera*, VI, p.143

Note 8: *APC*, II, pp. 14–19 for Paget's deposition

Note 9: Miller "Henry VIII's Unwritten Will," pp. 87–105

Note 10: Kantorowicz, *The King's Two Bodies*. . . , pp. 7–9

Note 11: *APC*, II, p. 38

Note 12: *Ibid.*

Note 13: *CPR*, 1547, p. 148 (Oct. 7th); for other grants that employed the tripartite indenture regarding property in conveyance when Henry VIII died, see *CPR*, 1547, pp. 4; 13; 23; 39; 116; 151; 157; 161; 178; 179; 239; 241

Note 14: Harris, *English Aristocratic Women*, p. 134

Note 15: Houlbrooke, "Henry VIII's Wills", p. 893; E. W. Ives, "Henry VIII's Will: The Protectorate Provisions of 1546–7," *The Historical Journal*, 37/4 (1994), p. 913 [hereafter: Ives, "Protectorate"]

Note 16: R. Lockyer, *Tudor and Stuart Britain*, 3rd edition [Harlow, UK, 2005], p. 82; R. W. Hoyle, "War and Public Finance" in *The Reign of Henry VIII*, ed. D. MacCulloch [London, 1995]; Elton, *Reform and Reformation*, p. 244

Note 17: *APC*, II, p.17 as quoted and cited in Ives, "Protectorate," p. 903

Note 18: *The Inventory of King Henry VIII*, (Society of Antiquaries of London, 1998), vol. 1, p. x

Note 19: J. J. McCusker, "Comparing the Purchasing Power of Money in Great Britain from 1264 to Any Other Year Including the Present," *Economic History Services* (2001), available at <http://www.eh.net./hmt/ppowerbp>

Note 20: D. Starkey, "Intimacy and Innovation: The Rise of the Privy Chamber, 1485–1547" from *The English Court from the Wars of the Roses to the Civil War*, ed. D. Starkey (London, 1987), p. 95

Note 21: H. Miller, "Henry VIII's Unwritten Will: Grants of Lands and Honours in 1547," in *Wealth and Power in Tudor England: Essays Presented to S. T. Bindoff*, eds. E. W. Ives, R. J. Knecht, and J. J. Scarisbrick [London, 1978], pp. 87–105

Note 22: Ives, "Forensic," pp. 779–804; R. A. Houlbrooke, "Henry VIII's Wills: A Comment," *The Historical Journal*, 37/4 (1994), pp. 891–899; Ives, "Protectorate," pp. 901–914

Note 23: See change in terminology from "pencions" to "revenues" in registers referring to the performance of princesses' Henrician bequest

Note 24: Loades, p. 135

Note 25: Hoak, *The King's Council*, pp. 254–262

Note 26: She later told the Imperial ambassador, Van der Delft, that she had no idea of the will's contents, *CSP*, Spanish, IX, 123. Queen Mary's later efforts to suppress the will because of the marriage clause suggest that she had a pretty good idea of the will's stipulations (the clause stipulated that she must obtain the executors' consent before marrying or forfeit the throne); *CSP* Mary, p. 207, fn. 6. Queen Elizabeth, too, sought to suppress the will; Levine, *Tudor Dynastic Problems*, p. 113

Note 27: Miller, "Henry VIII's Unwritten Will," p. 87; D. Starkey, *The Reign of Henry VIII: Personalities and Politics* (London, 1985), p. 163; G. R. Elton, *Reform and Reformation* (London, 1977), p. 333; Houlbrook, "Henry's Will," p. 898; P. Williams, *The Later Tudors: England 1547–1603* (Oxford UP, 1998) pp. 34–35; J. Loach, *Edward VI* (Yale UP, 1999), pp. 26–27

Note 28: The records of these land grants are transcribed in the *CPR 1547–8*, (London 1924), pp. 6–7, 17, 23, 25, 42, 45, 124, 190, 193, 240, 243–245, 252. Mary's grant is erroneously dated in *CPR 1548–1549*, p. 20

Note 29: Miller, "Henry's VIII's Unwritten Will," p. 97

Note 30: *CPR*, II, p. 20

Note 31: *CPR*, 1547–1548, pp. 25, 45, 190, 252

Note 32: Harris, *English Aristocratic Women*, p. viii; according to Mary's patent letters, her annual landed revenues were £3,819, see *CPR*, II, p. 22

Note 33: The total for all the estates of the privy councilors in landed revenues is given in Miller, "Henry VIII's Unwritten Will," p. 87; Starkey, *The Reign of Henry VIII*, p. 164 suggests that this may be a conservative estimate

Note 34: Houlbrooke, "wills," p. 896. Somerset would substantially increase his lands and revenues of the course of the next two years

Note 35: BL Cotton Otho, C.X.,f.282r

Note 36: Harris, *English Aristocratic Women*, p. 46

Note 37: See Harris, *English Aristocratic Women*, p. 55, fn. 91 for three instances in which fathers nominated their daughters as executors

Note 38: Harris, *English Aristocratic Women*, p. 57 for instances of other elite fathers placing similar strictures on their daughters

Note 39: Using Crown lands to create overmighty subjects had been a concern of political commentators since the mid-fifteenth century, Wolffe, *Crown Lands*. . . , pp. 36, 91