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Introduction

An obsolete meaning of the word *annotation* is marking out an era using chronological notation (OED). This is the intention of this work, *i.e.*, to chronologically mark out the pre-Common Law era of copyright and performing rights. It was an era different yet similar to our post-Common Law world. Questions of content and censorship, technological and cultural change, access to information and monopoly are some of the temporal threads stitching the two together.

Marking out this era is done using 367 annotated chronological entries. In turn these are indexed reporting 212 copyright and 174 performing rights related entries. Other than descriptive entries, all cite official legal documents including: 71 Statutes; 130 Royal Proclamations, Decrees, Declarations, *etc.*; 18 Ecclesiastic instruments; 38 Acts, Orders & Ordinances without Royal Assent; 5 Injunctions; and 51 Royal Charters & Patents. Entries have been developed from 94 referenced primary and secondary sources. A 78 entry Glossary of the Times is also provided describing and defining key institutions and concepts such as the Crown, Guilds, Letters Patent, Minstrels & Waits, Parliament, Parish Clerks & Conducts, Peer, Privilege, Royal Prerogative, Vagabonds, Rogues & Sturdy Beggars, *etc.*

Three Annexes are included. Annex A provides complete marginalia for 30 selected Statutes of the Realm. Annex B provides the complete text of the 1662 *Licensing Act* [considered by Patterson (2003/3) a source for sections of the *Digital Millennium Copyright Act* in the United States] and the 1709/10 *Statute of Queen Anne*, generally considered the first modern copyright act. Annex C lists English monarchs and their reign from 1066 to 2011.

Reference to the 1709/10 *Statute of Queen Anne* highlights one problem with any such work – dating. Thus the Statute received Royal Assent in 1709 but came into force in April 1710. Thus one source may ascribe 1709; another source may report 1710. I have, using evidence available to me, chosen one over the other. Usually differences, if any, are a year or two.

It was in 1710 that both kinds of pre-Common Law copyright – Stationers’ Company perpetual copyright (right to copy) and Royal printing patents (right to a copy) - fell under the jurisdiction of Common Law courts. Performing rights, however, did not fall under Common Law until 1737. So why are 567 and 1714 the end points for this work? The reasons are practical.

The first reported case of English copyright infringement was in 567 and in 1714 Rathby’s 1819 *Statutes of the Realm* comes to an end. Prepared for the British House of Commons this work contains all original statutes since the first reported Parliament of 1235 to that of 1714 at the end of the reign of Queen Anne. After that time there is no single organized source of original statutes including the so-called *Stage Licensing Act* of 1737: 10 Geo II c. 28:

An Act to explain and amend so much of an Act, made in the Twelfth Year of the Reign of Queen Anne, intituled, An Act for reducing the Laws relating to Rogues, Vagabonds, sturdy Beggars, and Vagrants into one Act of Parliament; for the more effectual punishing such Rogues, Vagabonds, sturdy Beggars, and Vagrants, and sending them whither they ought to be sent as relates to common Players of Interludes.
The titling of the 1737 statute also highlights two other problems associated with this work. First, early British statutes are cited by regnal year – the year in a monarch’s reign - without reference to the calendar year. For example, 1 Ric. III, c.9 refers to the first year of the reign of Richard III and the ninth statute or chapter passed by Parliament in that regnal year which was 1483. As well the names of monarchs are reported in abbreviated French, e.g., James I (1603-1625) is reported as Jac. I. Second, as evident in the above statute’s title, archaic English is the original language. I have made no attempt to update the wording of the titles, marginalia or text of reported statutes.

In turn this raises the question of statutory marginalia extensively reported in this work. Legislation traditionally includes in the margins brief summary descriptions of each section of a statute. Their inclusion herein provides a ‘feel’ for the times including penalties for falling foul of copyright and performing rights laws. Such marginalia also serve to highlight social, political and cultural differences between then and now.

Readers are advised that henceforth in this Introduction and Glossary bolded dates and terms relate to dated entries in the Chronology and descriptive entries in the Glossary, respectively. It should also be noted that the digital edition of this work provides live web links to most references and sources.

The remainder of this Introduction provides three things. First, I will establish the disciplinarian roots from which the work was grown. Second, I will trace the evolution of copyright, performing rights and licensing using the Chronology and Glossary of the Times. Finally, I will conclude with an assessment of the post-Common Law era which through precedent and path dependency descends from and retains many of the characteristics of the previous era.

Evolution: Biology, Economics & Law

The Great Recession of 2008, among other things, returned to public consciousness the role of Keynesianism in stabilizing and growing the global economy after the Great Depression and World War II. Beginning in the 1970s, however, Keynesianism was eclipsed first by the Monetarism and then by Rational Expectations. Unknown to the general public, however, is that Keynesianism itself eclipsed other schools of economic thought in its rise including one rooted in biology and law – the American Institutionalism of John R. Commons, Thorstein Veblen and W.C. Mitchell.

For these older Institutionalists economic growth and development depended not only on technological change and maximization of self-interest but also on the evolving definition of property, i.e., what can be legally bought and sold in the marketplace. To them the Law exhibits biological-like characteristics especially Common Law.

Common Law, unlike Statutory and Regulatory Law, is unique to the Anglosphere. Two things make it different. First, judges make law by setting precedent. This body of precedent is called “the common law”. If a similar case was resolved in the past, a current court is bound to follow the reasoning of that decision under the principle of stare decisis. The process is called casuistry or case-based reasoning. If a current case is different, however, then a judge may set a precedent binding future courts in similar cases. It is important to note, however, that casuistry must begin again if changes or amendments to Statutory Law negate the precedent. Second, Common Law is rooted in trial by jury, i.e., by one’s peers. This is a
considered a fundamental civil right in the Anglosphere but not elsewhere.

For purposes of this work it is the ‘spiritual’ conservatism of the Common Law that is at issue, specifically of laws governing copyright and performing rights. Put another way, while ‘black letter’ law continues to progress its animating spirit is a ghost from the past.

Until the 1624 Statute of Monopolies the monarch using the royal prerogative granted economic and other rights and privileges to individuals and institutions notwithstanding or non obstante Common Law. These included charters of incorporation for cities like the Corporation of the City of London and guilds – both trade and craft guilds – as well as letters patent to individuals.

The gild franchises of the merchants and manufacturers gave to them a ‘collective lordship’ similar to the private lordship of the barons, for their gilds were erected into governments with their popular assemblies, their legislatures, their courts, their executives, and even with authority to enforce fines and imprisonment of violators of their rules. Their most important sovereign privilege granted by the King was that of binding all the members by a majority vote so that they could act as a unit. These merchants’ and manufacturers’ gilds, at the height of their power, were not only legalized closed shops but also legalized governments.

(Comms 1924, 225)

With the 1624 Statute the royal prerogative with respect to domestic monopolies was abolished with some notable exceptions including patents of invention, printing patents, Stationers’ copyright and performing rights. For other sectors of the economy, however,

The next hundred years, until the Act of Settlement in 1700, was substantially the struggle of farmers and business men to become members of the Commonwealth, whereby they might have courts of law willing and able to convert their customary bargains into a common law of property and liberty. The court which abolished the power of the gilds began to take over the work of the gilds. Their private jurisdiction became a public jurisdiction. And the very customs which the gilds endeavored to enforce within their ranks became the customs which the courts enforced for the nation. The monopoly, the closed shop, and the private jurisdiction were gone, but the economics and ethics remained….

(Comms 1924, 230)

With respect to the exceptions noted above, in the case of patents of invention it was only with the Patent Law Amendment Act of 1852 that Common Law displaced the royal prerogative. In the case of printing patents and perpetual Stationers’ copyright it was 21 years after the Statute of Queen Anne came into force in 1710. In the case of stage plays and theatres it was not until the 1737 Stage Licensing Act. In this last case, however, theatre licensing actually remained under the Lord Chamberlain of the royal domus until 1968. As with other sectors when the Common Law courts assumed jurisdiction they adopted the customary business practices and ethics of copyright and performing rights that evolved during an age of monopoly.
This work documents this age of monopoly reflected in its statutes, proclamations, decrees, ordinances, charters, etc. These generated the spirit haunting contemporary intellectual property rights (IPRs) in the Anglosphere. They provided the precedent for subsequent Common Law decisions and established a path dependency that continues to influence development of IPRs, especially copyright (Patterson 2002-3). The intention of this work is to expose the roots from which springs the fruit of the poisonous tree that today we call copyright and performing rights. The picture painted is quite different from the popular image of rewarding creativity of the actor, artist, author, composer, dancer, filmmaker, musician, writer and scientist too. In its way it is a Dorian Grey-like portrait with a bright side facing the public hiding an alter-ego, a dark shadow of the Past.

Copyright & Licensing

The period under review crosses over from the age of manuscripts to the age of print which began about 1440. The plural ‘manuscripts’ and singular ‘print’ is deliberate. Each manuscript was unique and hand-made; each print was mechanically produced and identical.

Prior to the Statute of Queen Anne of 1709 there were in fact three distinct types of rights or rather privileges associated with copying. I say privileges because they were granted by the Crown not recognized as inherent or natural rights of an author as a Natural Person. The three were: (i) the right to copy; (ii) the right to a copy; and most importantly, (iii) a license to copy.

(i) Right to copy

The first 567 entry in the Chronology demonstrates the right to copy, or rather infringement of that right. While visiting an abbey, Columba (later Saint) copied a Psalter- a pre-print hand-made manuscript of biblical Psalms. When the abbot found out he demanded the copy. Columba refused. The abbot went to the king of Tara who ordered Columba to turn over the copy. Columba did. The war that resulted need not concern us

The right to copy was formalized with the Oxford Constitutions of 1407 which, sanctioned by 2 Hen. IV c.15, or De Heretico Comburendo of 1401, required that approved and licensed works be hand-copied only by the Stationers’ Guild of London founded in 1403. With introduction of the printing press in 1476 licensing remained a requirement before a work could be printed but it was not until the 1557 Royal Charter of the Stationers’ Company of London that the right to copy became the exclusive right of members of that Company. This right was acquired by copying the title of a work on the Company’s Register, hence ‘copyright’.

During the Middle Ages many rights were initially derived by copying one’s name and explaining one’s ‘title’ to property on a register, e.g., to gain the right to farm a particular piece of land, one’s name had to be inscribed on a register of tenants. This was and still is called ‘copyhold’ to the land. It was from this practice that copyright registration began and continued in the United States until 1984.

The Stationers’ right to copy was perpetual and inheritable. Infringements by other members were to be adjudicated by the Company’s own court. In addition, the Company was granted the right of search and seizure of works infringing members’ rights and the licensing laws.

A Stationer occasionally would pay an author a one-time honorarium but all rights belonged to the registering Stationer. In fact in 1667 when John Milton sold Paradise Lost to Samuel Simmons, a printer and stationer of London, he became one of
the first authors promised ‘copy-money’ for a second printing (Timperley 1839, 544).

The lowly status of the contemporary author, particularly at the beginning of the age of print, resulted from the enormous backlog of manuscripts from antiquity and the Middle Ages waiting to be converted into print. Such older works by well known and long dead authors were the initial best-sellers. In fact prior to the Statute of Queen Anne official recognition of the author was restricted to requiring printers to sign their works and give the name of the author and day of publication. By this measure it became a crime to publish anonymously and left no defence for publication of a banned author after the date of his proscription (See 1542 & 1546).

A similar ‘backlog’ exists today and involves conversion of analogue text, sights and sounds into digital format. And, as in the early days of print, today’s contemporary author (as well as actor and musician after introduction of recording technology) still competes not just with contemporary peers but also with the Best of the Past – Shakespeare still plays, Bach & Beethoven still sound, Richard Burton still appears on the silver screen and King Tut still sells. This distinguishes the Arts from the Sciences in which new knowledge always displaces the old.

(ii) Right to a copy

If the right to copy was the product of the age of manuscripts then the ‘right to a copy’ was the product of the age of print. This right was granted directly by the monarch and is alternatively known as prerogative licensing or printing patents. Granted by Letters Patent and notwithstanding any Stationers’ rights, the right to a copy included specific titles and entire classes of works, e.g., almanacs, prayer books, statutes etc. The first grant of the right to a copy occurred in 1485 when Peter Actors was appointed Stationer to King Henry VII. Actors enjoyed the right to import both printed and manuscript books without paying customs. Similarly Richard Pynson and William Faques claimed to be the king’s printer of statutes. Subsequently some prerogative licenses were granted to authors themselves. Such grants could be perpetual and inheritable or limited in time at the discretion of the present monarch.

In 1503, on the death of Peter Actor, the King renamed and reformed the position creating the Office of the King’s Printer to which William Faques was first appointed. This was not an honorary office but rather established the Crown’s monopoly on official publications assuring only one authoritative version. It also provided a propaganda vehicle for the Crown. The printing patent was used for similar purposes, e.g., to promote works favourable to the regime and ensure questionable works were in the hands of trusted persons who could stop others from printing them.

(iii) License to copy

As with the right to copy, however, the right to a copy required licensing. In the first case only licensed works could be printed and the exclusive right fell to the registering Stationer. In the second case, the right to a copy was granted directly by the sovereign. The statutory requirement that works be licensed began in the age of manuscripts with the 1401 2 Hen. IV, c. 15 or De Heretico Comburendo. Initially it was directed at the heretical works of Wycliff and his Lollards. The formal licensing mechanism was set out in the Oxford Constitutions of 1407. It involved the appointment of censors by Oxford and Cambridge Universities. Approved and licensed works were then to be hand copied only by the Stationers’ Guild of London founded in 1403. The manuscript (original) was to be deposited in the Oxford ‘Chest’.
In the age of print licensing began as religious in nature with the 1501 Papal Bull requiring pre-print licensing of books. This was followed by the 1520 Papal Bull Exurge Domine forbidding printing the works of Martin Luther. In England the Papal orders were followed in 1524 with regulation of printed books by the Bishop of London. These required that no books were to be imported without Episcopal permission and that no new works were to be printed without a licence granted by the same authority.

After the break with Rome under Henry VIII control of content licensing was transferred from Church to the Crown by a royal proclamation of 1538. This prohibited the import of books without royal licence and printing was to take place only after examination of a work by the Privy Council. Infringements of licensing along with infringement of other royal prerogatives were to be tried before the Court of the Star Chamber set up originally by Henry VII in 1487. Then in 1557 Mary I granted a Royal Charter to the Stationers’ Company of London including the power of search and seizure exercised on behalf of the Crown.

The next rail of the licensing system was set in 1558/59 when Elizabeth I passed the Act of Supremacy creating a Court of High Commission for Causes Ecclesiastical. Together with the Queen’s Injunctions for Religion also issued in 1558/59, the Commission and its bishops assumed responsibility for pre-print licensing of ecclesiastical works. Its Court assumed responsibility for trying cases of infringement. This marked a return of ecclesiastical licensing 50 years after Henry VIII’s proclamation of 1538 established a Crown licensing system. Also in 1558/59 Elizabeth confirmed the Charter of the Stationers’ Company.

Letters patent for the Court of the High Commission were issued in 1559. Also in 1559 Pope Paul IV issued the first Index Librorum Prohibitorum: a list of immoral works containing theological errors that were not to be red by Catholics (See 1559). Thus the Elizabethan licensing system had a two track courts system. These were the secular and prerogative Court of the Star Chamber and the religious Court of High Commission.

With the 1566 Star Chamber Ordinances the authority of the Stationers’ Company to search and seize infringing works was extended to the ports and other suspected places. All persons involved in the book trade – domestic producers and importers - were required to appear before the High Commission to deposit financial sureties to obey all ordinances. The High Commission was also subsequently tasked in 1570 with trying cases involving seditious and traitorous books, bills and other writings. The rationale was that the Queen was Head of the Church of England and anything threatening her threatened the Church.

The 1586 Star Chamber Decree confirmed the licensing authority of the bishops but made licensing of books of Common Law the responsibilities of the Chief Justices. The 1596 Star Chamber Decree reaffirmed the licensing authority of the bishops and called for the destruction of any press used to avoid licensing, expelling the printer from the trade and sentencing the printer to six months in jail. The Archbishop of Canterbury and Bishop of London subsequently issued a decree to the Stationer’s Company forbidding printing of plays, satires, epigrams and histories of England without approval of the Privy Council. This was followed by a purge of such works from Stationers’ Hall (See 1599 b & c).
James I (1603-1625) continued the licensing system inherited from Elizabeth. His son, Charles I (1625-1649), however, with the 1637 Star Chamber Decree concerning Printing significantly tightened the system. Content categories were expanded to include Common Law, History of England, Heraldry and Other. Licensing was to be conducted by specialists while Chancellors or Vice Chancellors were to license books by the University presses excluding books of Common Law and matters of State.

In addition two copies were provided to the licensor with one deposited in a public registry and the other kept with licensor to ensure the work was not subsequently altered. Both the license and name of licensor were to be printed at beginning of a book. Printers were also required to reserve new or reprinted book for deposit with University of Oxford. This marked the beginning of the library deposit system.

The new system did not, however, survive long. In 1640 b & c Charles was forced to grant Royal Assent to two Acts of Parliament, one abolished the Star Chamber; the other abolished the High Commission and its court. With their demise all press regulations including the search and seizure powers of the Stationers’ Company were swept aside. A ‘free’ press quickly emerged. However, like the French Revolution one hundred and fifty years later (Hesse 1990) abolition of copyright had three unintended consequences.

First, existing Stationers’ copyrights and printing patents could not be enforced and widespread piracy began. Second, few new works were published because cheap pirated copies would shortly appear. Third, printers denied traditional protection turned to printing political tracts for the large number of sectarian causes (See Heresy). These tracts were often tendentious libels that bore neither the name of the author nor printer making it impossible to prosecute in Common Law courts.

There was, however, a difference in the French Revolution. Prior to the Revolution in 1777 royal degrees broke up the publishing monopoly of the Paris Publishers’ and Printers’ Guild like the Statute of Queen Anne and the Stationer’s Company in 1709. In France, however, privilèges d’auteur or author’s privilege were made perpetual while publishers’ privileges (privilèges en librairie) were limited to the lifetime of the author and non-renewable. In effect, the publisher became nothing more than an agent of the author.

With the French Revolution, however, all copyright – author’s and printer’s rights – were abolished in favour of the public domain. It soon became apparent, however, that copyright was a necessary evil. No serious books were published because of piracy and anonymous counter-revolutionary pamphlets proliferated as in revolutionary England. Copyright, or rather author’s rights, it was reasoned, would flush the authors out where Madame Guillotine could greet them. It would also stop piracy and encourage printers to publish good books. In a way the anonymity of the Internet is creating a similar situation, e.g., the anonymous ‘Hillary 1984’ (Coomarasamy 2007). Nonetheless the author under the French revolutionaries retained moral rights that enhanced their bargaining power relative to the publisher. This continues to the present day.

Unlike revolutionary France, however, the revolutionary government of England in 1643 in effect reinstated the licensing regime of 1637. It returned search and seizure powers to the Stationers’ Company and recognized printing patents. This was done by an Ordinance of the Lords and Commons for Regulating Printing in 1643 d. The licensing power, however, was exercised by Parliament itself.
Parliament subsequently passed an additional ordinance in 1647 d punishing authors and printers of unlicensed works and granted the power of search and seizure for such works and presses. Then in 1648 d Parliament appointed a Provost-Marshal to seize all persons connected with the production, publication and distribution of scandalous books and ballads.

After the execution of Charles I, Parliament formalized these provisions in 1649 c with An Act against Unlicensed and Scandalous Books and Pamphlets, and for the Better Regulating of Printing. This Act in turn was revived and extended under Cromwell’s Protectorate in 1653.

With the Restoration of the monarchy and Charles II’s return in May of 1660 all acts of the Interregnum that had not received Royal Assent were declared null and void including licensing laws, search and seizure powers of the Stationers’ Company, their perpetual copyright and printing patents. Given the Star Chamber and Court of the High Commission had been abolished with Royal Assent in 1640 b & c the validity of pre-Commonwealth printing decrees were in doubt. In June of 1660 b the Privy Council appointed the first Surveyor of the Press. The Surveyor derived his powers, however, not from any Licensing Act but from the Council itself. In 1662 b a new Licensing Act was passed by Parliament and received Royal Assent.

This Act represents the final and most sophisticated expression of pre-publication licensing, a.k.a., censorship. It drew upon all previous statutes, ordinances, decrees and proclamations from the 1401 De Heretico Comburendo to Acts regulating printing during the Commonwealth. It reflected the mutual interests of the Crown, Lords Spiritual and Temporal (the Lords), the Commons, the two Universities and the Stationers’ Company of London. It was, however a ‘sunset law’ and was in force for two years and then had to be renewed.

It is this Act that Patterson (2002/03) sees as setting the precedent for provisions of the Digital Millennium Copyright Act in the United States and, as I have suggested elsewhere, in the proposed Copyright Modernization Act in Canada. The specific parallel are provisions to search, seize and destroy not just unlicensed printing presses but component parts as well as control the skilled craftsmen required for manufacture of printing presses. These provisions are similar to those associated with picking ‘digital locks’.

Also in 1662 c a new Surveyor of the Press was appointed, Roger L’Estrange. He was empowered to license all ballads, charts, printed portraitures, printed pictures, books and papers. He also had the power of search for and seizure of unlicensed, treasonable, schismatic and scandalous books and papers.

The Licensing Act of 1662 b was renewed in 1664, 1664/65 and 1665, again for a limited period of time in each case. No subsequent renewal appears in the Statutes of the Realm until 1685. A Proclamation for enforcement of the Act was, however, issued in 1668 and secondary sources (e.g., Ward & Waller [1907-21] 2000) report that the Act lapsed in 1679. Arguably failure to renew was balanced by the continuing services of Roger L’Estrange as Surveyor of the Imprimary and Printing Press. He served from 1662 until 1679 operating under the authority of the Privy Council.

As in 1640 this lapse created a ‘free’ press immediately accompanied by a swarm of libels. Unlike 1640, however, the Common Law courts quickly granted the Crown continuing powers to suppress such publications. Thus the Justices met as a group concluding in the words of Chief Justice Scroggs of the King’s Bench:
In short it is the proper business of this Court, and our Duties that sit Judges here, to take care to prevent and punish the mischiefs of the Press. (Sensabaugh 1950, 102)

This process was formalized by a Royal Proclamations in 1679 and another in 1680 intended to control the first newspapers. In effect the Licensing Act of 1662 continued in practice without formal renewal by Parliament but enforcement by the Common Law courts.

Finally in 1684, Charles II issued an expanded Royal Charter to the Stationers’ Company. Additional powers included extending Company’s membership to letter-founders and builders of presses as well as requiring all books not granted by letters patent to be entered in the Register.

With the ascent of James II (1685-1688) the Licensing Act of 1662 was renewed by Parliament for seven years beginning in 1685. During his short reign James II also issued two proclamations, the first in 1687 to suppress unlicensed works and the second in 1688 to suppress seditious book.

After the Glorious Revolution that forced James II to flee England, William III and Mary II (1688-1702 & 1688-1694) ascended the throne. In 1690 they confirmed the Charter of the Stationers’ Company of 1684. Then in 1692 Parliament revived the Licensing Act of 1662 for one year and apparently did so again in 1693 but I can find no record of it.

For various reason including John Locke’s memo of 1694 Parliament failed to renew the Act and it lapsed for the final time in 1695. This ended pre-publication censorship and a free press emerged. Henceforth works considered libellous, seditious or treasonable were actionable only after publication in the Common Law courts.

The Golden Age of the Stationer’s Company ended with the Licensing Act. A free press was born, free of pre-publication censorship, free on the number and location of presses. The Company was not, however, immediately affected. It remained a book cartel with its members respecting each other’s copyright. However, between 1695 and 1710 when the Statute of Queen Anne came into force Scottish and domestic pirates made it increasingly difficult for London booksellers. Without the protection of the Licensing Act, a pirate could take a successful work, re-typeset it and sell it at a lower price with no payments to the author, an editor or for promotion. Accordingly, few new works were published.

The Statute of Queen Anne had three objectives. First, it was intended to break the Stationers’ Company monopoly and end perpetual copyrights as well as prerogative printing patents. Second, it was to end piracy by placing Scotland and England under the same law. Later Irish piracy was similarly brought under control in 1739 by 12 George I, c. 36 An Act for Prohibiting the Importation of Books Reprinted Abroad, and First Composed or Written, and Printed in Great Britain. Third, it was intended to achieve these two objectives by, for the first time, recognizing the author as initial owner of copyright in a work and thereby encourage production of new works. However, all rights of the author were subject to assignment to a proprietor.

Performing Rights & Licensing

Today performing rights includes the right to perform, in public, music composed by another person, or perform, in public, a theatrical work written by another person. Such rights in musical performance were recognized by the mid- and theatre by the third-quarter of the nineteenth century (Sedgwick 1879).
Performance rights, however, including the right to broadcast or exhibit in public a musical or theatrical performance originally performed and recorded by other persons, had to await development of sound and video recording in the late nineteenth century and legal recognition in the first third of the twentieth century.

While performing and performance rights are analogous to copying a work written by another person protected by traditional copyright, the rights recognized differ. In the case of play-rights, for example, they grant stronger rights to playwrights than authors (Litman 2010). In the case of performance rights, their collective collaborative nature makes them neighbouring rights, i.e., neighbouring copyright but not the same. Internationally this distinction is apparent in separate World Intellectual Property Organization or WIPO’s 1996 treaties on copyright and performances & phonograms.

During the period under review, however, performing or performance rights did not exist. Accordingly for purposes of this work performing rights refers to licensing theatre companies, theatres, plays and performers of music and theatre. During this period, public music and theatre were arguably the ‘media arts’ of their day addressing many people at the same moment in time with the same message compared to reading the printed word, one person at a time.

(i) Music

For purposes of this work music is a performing art that is instrumental and/or vocal; secular or liturgical; and, performed publicly or privately. First I will outline out line the practice of liturgical and secular music during the period and then the evolution of performing rights in music.

The liturgical or religious tradition made the organ the almost exclusive instrument of choice, an instrument in use in England since at least Anglo-Saxon times. It should be noted that well before the 1100’s an early form of the hurdy gurdy called the organistrum was also used in monastic music (Wikipedia, hurdy gurdy). During the period, however, the organ and vocal traditions of religious music were generally carried on by ‘lay’ parish clerks and conducts, i.e., clerks for whom music was a full-time occupation.

In addition to great cathedrals another institution played a significant role, the Chapel Royal. It was, and remains, a sub-department of the monarch’s domus managed by the Lord Chamberlain. It was not a building but rather priests and singers who served the spiritual needs of the monarch. Similar institutions existed in all the royal houses of Europe.

The secular music tradition was maintained by bards and minstrels. Bards whose lineage goes back before the Roman conquest to Celtic England maintained the secular vocal tradition. The instrumental tradition was maintained by minstrels and waits, i.e., minstrel servants working as full time employees, of the Royal Court, noble houses, religious orders and guilds. They played brass, string including the hurdy-gurdy, wood wind including the bag pipe and percussion.

With this introduction I now trace the evolution of licensing of players and lyrics. The first recorded Miracle Play took place in 1110 and participating musicians would have been, in effect, licensed by the Church and likely directed by its parish clerks and conducts [See (iii) Theatre].

In 1181 the Cheshire Minstrels were formed after a war experience that need not concern us. As with subsequent national legislation and charters, the object of incorporation was, among other things, protection against vagabond minstrels. The privilege to license minstrels granted in
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1181 to the Duttons of Cheshire was recognized by explicit exemption from national legislation and charters during the reigns of Edward IV, Elizabeth I, James I, Charles I and II, Queen Anne and George II in the eighteenth century.

In 1240, during the reign of Henry III, a royal charter was granted to the Company of Parish Clerks recognizing them as a social or fraternal society known as Fraternity of St. Nicholas. This did not, however, give them guild status which was awarded by another royal charter in 1443 followed by additional charters in 1448, 1475, 1610, 1636 b and 1639. Guild status included the right to control entry, in effect the licensing power. In the absence of this power in 1378 the Boy Choristers of Saint Paul's London had to beg Parliament for an injunction against unskilled performers.

In 1282, during the reign of Edward I, the Statute of Westminster forbade fairs in church yards. This probably contributed to Mystery Plays moving out of the hands of the clergy and the grounds of the cathedral into town and country and managed by the guilds [See (iii) Theatre]. In 1311 the Festival of Corpus Christi spread across the country and the guilds produced extended cycles of plays. The Parish Clerks, in addition to music, supplied some of the actors. The division of labour between parish clerks and conducts. guild waits and freelance minstrels in these mystery cycles is unclear to me. It is recorded in 1391, however, that the Company of Parish Clerks had been playing cyclic miracles at Skinners' Well for many years enjoying the presence of the king, queen, and nobles of the realm.

In 1381 the Tutbury Minstrels were incorporated by John of Gaunt. The charter covered the counties of Stafford, Derby, Nottingham, Leicester, and Warwick. Their ‘deed’ was entitled Carta le Roy de Minstralx or Charter of the King of Minstrels. As with the Cheshire Minstrels one of the objects was protection against vagabond performers. Unlike Cheshire, however, Tutbury was not exempt from subsequent national legislation and charters.

In 1469 during the first reign of Edward IV (1461-1470) the earliest national Royal Charter for musicians was granted to the King’s Minstrels giving them guild status and authority to regulate musicians throughout the realm. This was followed in 1500 by the City of London incorporating its own Guild of Musicians.

During the reign of Henry VIII (1509-1547) a series of sumptuary laws and royal proclamations were passed that exempted minstrels and players from penalties against ‘status fraud’ (See 1510 b, 1515 b, 1517 & 1532/33).

Henry VIII in 1544 c appointed the first Master of the Revels who was responsible for his majesty’s entertainments including music and musicians. The Master served beneath the Lord Chamberlain. Also in 1544 e the King proclaimed that vagabonds including unlicensed bards and minstrels would be sentenced to the galleys.

Also during the reign of Henry VIII and responding to the dislocation of population caused by plague and the enclosure of common lands, proclamations and statutes were issued banning unlawful games including plays and declared wandering minstrels and ‘common players’ vagabonds, rogues and sturdy beggars subject to prosecution (See 1526, 1530, 1530/31 &1544 e).

During the brief reign of Edward VI (1547-1553) a statute in 1547 b again declared unlicensed minstrels vagabonds, rogues and sturdy beggars and by royal proclamation in 1550 all vagabonds including unlicensed minstrels were ordered to leave London. A similar proclamation expelling vagabonds from London was issued in 1554 d by his sister, Mary I (1553-1558).
During the reign of Elizabeth I (1558-1603) her *Injunctions for Religion* of 1558/59 required licensing all ballads before printing. In 1561 a royal proclamation expelled all vagabonds including minstrels and bards from her Court. In 1567 she established a commission for the licensing of Welsh bards. In 1571/72 by statute she formalized the licensing of musicians by the high nobility and again declared unlicensed minstrels and bards as vagabonds, rogues and sturdy beggars. In 1575 she issued a printing patent for 21 years to Thomas Tallis and William Bird for their music. In 1576 she issued another proclamation enforcing statutes against vagabonds and rogues.

In 1585 she issued a warrant to Thomas Gyles authorizing and appointing him to train boys as performers in the Revels at Court. The purpose, however, appears more theatrical developing them as actors rather than as singers. In 1591 and 1596 the Queen issued proclamations enforcing statutes against vagabonds and rogues.

In 1597 a statute received Royal Assent calling for punishment of rogues, vagabonds and sturdy beggars including unlicensed minstrels and bards while in 1598 the Queen issued a proclamation placing vagabonds in London under martial law. Yet another proclamation was issued in 1600 calling for enforcement of statutes against vagabonds. This was followed in 1601 by another proclamation placing London vagabonds under martial law.

During the reign of James I (1603-1625) two major changes occurred in the licensing of musicians. Both took place in 1604 & b. First, statutory recognition of the peer privilege to license common players (actors) and minstrels including companies was revoked. Henceforth, until after the reign of Queen Anne (1702-1714), theatre and music licensing remained an exclusive Crown prerogative. Second, James granted a royal charter to the Musicians’ Company of London, first incorporated in 1500 by the City. Edward IV’s 1459 charter of the king’s Minstrels was, for London at least, put aside, *non obstante*. Then in 1609/10 another statute called for execution of laws and statutes against vagabonds who, while for the first time not explicitly named, included unlicensed minstrels and bards.

Under Charles I (1625-1649) the first Master of the King’s Music was appointed in 1626, Nicholas Lanier. This was an attempt to emulate the Court of Louis XVI in France. It also marked the declining importance of the Master of the Revels as the King increasingly attended the commercial theatre in London and environs. In 1628 Charles I issued yet another proclamation calling for execution of statutes against rogues and vagabonds including unlicensed minstrels and bards. This was followed in 1634 by another proclamation ordering deportation of Irish beggars and suppression of English rogues and vagabonds.

In 1632 Charles I revoked the 1604 Charter of the Musicians’ Company of London. This was followed in 1635 by a Charter for the Corporation of the Art and Science of Musick in Westminster. This again granted the King’s Minstrels authority over the training and performance of musicians throughout the kingdom.

During the Commonwealth (1649-1659) a statute was passed by Parliament in 1657 again declaring unlicensed fiddlers and minstrels rogues, vagabonds and sturdy beggars. Also in 1657 another statute prohibited dancing, singing or playing musical instruments on Sundays. Finally in 1658 the Council of State appointed a commission to determine if an opera performed at the Cockpit was a music concert legally allowed or a play banned by Parliament [See (ii) Opera, below].
With restoration of the monarchy under Charles II (1660-1685) a new statute was passed in 1662 again declaring unlicensed musicians vagabonds. It confirmed licensing was strictly a royal **prerogative** not a **peer privilege**. Also in 1662, letters patent were issued granting exclusive rights in London to Sir William Davenant’s Duke’s Company at Covent Gardens to produce opera and spectaculars. It is not clear if, as subsequently (See 1707) this included the exclusive right to produce musical presentations in the capital.

With respect to music licensing nothing appears to have changed during the reigns of James II (1685-1688) and William III & Mary II (1688-1702 & 1688-1694). During the reign of Anne I (1702-1714), however, the **Lord Chamberlain** ordered in 1707 all London operas and musical presentation be performed at the Queen’s Theatre Haymarket. Finally in 1713 another statute was passed declaring unlicensed musicians vagabonds, rogues and sturdy beggars and calling for, among other things, their deportation to the colonies.

(ii) Opera

Opera was arguably the first multimedia art form combining theatre, music, dance and the visual arts as scenery and costumes. The last differentiated it from early English theatre which tended to be performed ‘in the round’ without scenery. Opera, together with ballet, emerged from royal entertainments in 17th century Italy and France. These were spectacular productions used by kings and nobles to demonstrate their wealth and power. The word “opera” means “a work” and is basically a story told to music. During the period under review, however, ballet did not emerge as a separate discipline remaining wedded to the opera.

Opera in England began during the reigns of James I (1603-25) and Charles I (1625-49) as an aristocratic entertainment modelled on the court of Louis XVI of France. The first attempt to move opera out of the royal court into the commercial theatres occurred in 1636 when William Davenant received a royal patent from Charles I to build an opera house in London. Due to the Civil War and closure of the theatres in 1642 it did not happened.

During the Commonwealth Italian and French operas were apparently staged privately because while stage plays were banned a play set to music was a ‘concert’ and thereby got around the ban. The first English opera was *The Siege of Rhodes* by William Davenant. It was performed privately in a room of his home Rutland House in 1656. In 1658 the Council of State set up a committee to, in effect, examine the question: Is opera a stage play or a musical concert?

After the Restoration of the monarchy under Charles I (1660-1685) William Davenant in 1661 converted a covered tennis court into Lincoln's Inn Fields Theatre outside of the City of London and presented an expanded version of *The Siege of Rhodes*, the first theatrical production to use perspective scenery. In 1662, letters patent were issued granting exclusive rights in London to Sir William Davenant’s Duke’s Company at Covent Gardens to produce opera and spectaculars.

A unique thing about English opera at this time was that it was not **peers** or nobles who sponsored composers but rather patent theatre companies such as the Duke’s Company. In fact until 1708, virtually all opera performances in London were given by such companies (Kwon 2007). Finally, during the reign of Queen Anne I (1702-1714), the **Lord Chamberlain** ordered in 1707 that all London operas and musical presentation be performed at the Queen’s Theatre Haymarket.
(iii) Theatre

For purposes of this work theatre is both a performing art and the physical place or venue where such art is performed – publicly or privately. I will first trace the development of theatre and then consider its licensing over time.

(a) Development of Theatre

With the Norman Conquest of 1066 a new form of theatre entered England – the Miracle Play or, as subsequently known, the Mystery Play. At first such plays were composed and acted by monks and performed in cathedrals and their grounds. They generally presented stories from the Old Testament and were encouraged by the clergy to provide religious instruction in the vernacular to a generally illiterate public and thereby strengthened the influence of the Church.

The term ‘mystery’ derives from the Latin ministerium meaning ‘function’ which was the name applied to guilds as an organization and from which the title ‘Mr.’ derives (Fletcher 1916). The term ‘mystery’ rather than miracle also reflects transfer of responsibility from the Church to the guilds - out of the cathedral and into the town or country. The first recorded English Mystery Play was presented at Dunstable about 1110.

When stories were taken from the New Testament they were called ‘Passion Plays’ focusing on the crucifixion of Christ. In England the Passion Play became formalized into cycles beginning, according to tradition, in 1268 with the Chester Mystery Plays. They spread around the country in 1311 with the festival of Corpus Christi. Mystery Plays reached their greatest popularity in the fourteenth and fifteenth centuries but were gradually complimented by a new form called the ‘Morality Play’.

The Morality Play arose in part from the desire to teach Christian principles in a more direct day-to-day way than Bible stories. In effect the Morality Play was an offshoot of the Mysteries.

On the secular front another form of theatre emerged called the Pageant. These were intended to: (i) gratify the vanity of citizens, (ii) compliment an illustrious visitor, or (iii) celebrate entry of royalty into a town or city. The Pageant could be performed either in a fixed location or on ‘pageant wagons’ that moved through the town or city reaching new audiences. In this work Royal Entry Pageants are recorded for London in 1236, 1293 and 1377. The high cost of such secular productions to the London guilds, however, meant that religious Mystery, Passion and Morality Plays tended to be produced in the provinces rather than in the capital.

It should be noted that the Company of Parish Clerks (See 1240 & 1443) played a significant role in the presentation of miracles plays years before first reported in 1391. Thereby the Company produced both music and theatre. They subsequently became a significant source of talent powering the English Renaissance of Elizabeth I.

Early in the sixteenth century, the Morality Play was superseded by yet another form called the Interlude, literally ‘a play between’. Initially played in the intervals of a festival the Interlude was shorter and real life characters were substituted for religiously correct ones. The Interlude arguably marked the beginning of secular theatre in England.

Over time Interludes began to be presented in the halls of Peers and sometimes before less august audiences in town and guild halls or village greens. The actors were sometimes strolling companies
of players and sometimes retainers of great nobles allowed to practice their art on tour when not needed for their masters’ entertainment.

With establishment of the Church of England by Henry VIII (1509-1547) Mystery, Miracle, Passion and Morality Plays fell out of favour because of their connection with the Roman Catholic Church. Nonetheless companies of actors continued to be kept at the big baronial estates, e.g., of Lord Oxford and Lord Buckingham among others. In 1544 a royal proclamation restricted interludes and plays within the City of London to noble houses, guild halls and the open streets. Strolling troupes also continued to tour the country playing wherever they could find a welcome giving plays in pageants, town squares, in the halls of noblemen, gentry and guilds and in the courtyards of inns.

During the reign of Mary I (1553-1558) plays and interludes were discouraged because they fostered too much freedom of thought and criticism of public affairs. Instead the Mysteries were encouraged to teach the true religion – Roman Catholicism.

Elizabeth I (1558-1603), as head of a re-established Church of England, discouraged Catholic Mysteries and fostered secular Interludes. Thus the first English ‘tragedy’ was performed for her personal entertainment in 1562. In 1567 the first ‘dedicated’ theatre in London opened– the Red Lion. It was not, however, a financial success for a number of reasons including opposition of the City of London to theatre in general (See 1572, 1573, 1574 & 1575 for early examples).

The streets after a performance were overcrowded providing opportunities for beggars, loafers, thieves and cut purses. They also presented the opportunity for spreading the ever recurring plague. While Elizabeth tried to regulate such abuses [See (b) Licensing over Time, below] she and her nobles favoured the theatre. Thus she granted the first royal patent to a performing company in 1574. This granted James Burbage and his partners performing rights throughout her realm including the City of London non obstante its municipal ordinances or those of other cities and town in her realm.

This proved unacceptable to the City of London incorporated itself by royal letters patent. The City banned players living within its limits and banned the building of playhouses. In response to growing market demand, however, theatre simply shifted across the River Thames outside the jurisdiction of the City but within easy access by bridge or boat to the play-going public. The first was the Theatre built in 1576 by James Burbage. It was the first specifically built theatre in England.

The number of playhouses exploded after 1574 both across the Thames and with royal letters patent in London City itself. New playhouses included the Newington Butts (1576), the Curtain Theatre (1577), the Rose (1587), the Swan (1595), the Globe (1599), the Fortune (1600) and the Red Bull (1604). With respect to performing companies in 1578 alone six companies were licensed by the Queen to perform plays. They included the Children of the Chapel Royal, Children of Saint Paul’s, the Servants of the Lord Chamberlain, Servants of Lords Warwick, Leicester and Essex.

Large and profitable public theatres were an essential enabling factor in the success of English Renaissance drama. Once in operation, drama became a fixed and permanent institution rather than a transitory phenomenon.

In fact twenty years after the first tragedy in 1562, English theatre entered its Golden Age. This was due to a small band of playwrights whose careers began about the same time. Their talent was attracted by the pecuniary success of the new medium
and the generous compensation it offered (Backus 1897, 84-86). Given Stationers’ copyright an author could not get rich printing his work but could by having it performed. This arguably remains true (Litman 2010).

The boom continued through the reign of James I (1603-1625). There was one significant change, however. In 1604 the peer privilege to licence companies of players of Interludes and minstrels was revoked. Henceforth such licences could only be obtained from the Crown.

The boom nonetheless came to a crashing end with Charles I (1625-1649). Thus a year before his’ execution, an Ordinance of the Lords and Commons in 1648 called for ‘the utter suppression and abolishing all Stage-Plays’. During the Commonwealth (1649-1659) there was no legitimate theatre but nonetheless it did operate underground despite successive repressive measures.

Ironically, perhaps, a question of ‘multimedia’ occurred in 1658 the last year of the Commonwealth under the Protectorate of Richard, son of Oliver Cromwell. The Council of State, the equivalent of the royal Privy Council, appointed a committee to examine the author and actors of an ‘opera’ at the Cockpit. The issue, in effect, was: If a music concert then no license was required; if theatre then it was banned outright; so “by what authority it had been publicly given”? [See (ii) Opera, above]

With the Restoration of the monarchy under Charles II in 1660, past royal letters patents were recognized as inheritable property. The theatre returned to London and environs. In 1660 d the King’s Company received letters patent to produce in London. In 1661 b Lincoln’s Inn Fields Theatre opened. In 1662 d letters patent for the exclusive right to dramatic productions in the City of London were granted to a duopoly of the King’s and Duke’s Companies, one at Covent Garden specializing in opera and spectaculars; the other in Drury Lane specializing in plays. In 1682 the King’s Company became insolvent and it was combined with the Duke’s Company to form the United Company enjoying an exclusive monopoly in London.

During the short and controversial reign of James II (1685-1688) no new licenses were granted. With the ascent of William III & Mary II (1688-1702 & 1688-1694) a newly organized Society for the Reformation of Manners in 1694 b unsuccessfully pressed the sovereigns to suppress all public playhouses. Accordingly a new licence was granted in 1694 c to the best known actors of the United Company who had rebelled against the autocratic management of that company. They opened an actors’ cooperative at Lincoln’s Inn Field Theatre. Finally, for purposes of this work, in 1705 Queen Anne (1702-1714) licensed a new theatre in London – the Queen’s Theatre Haymarket.

(b Licensing over Time

Before introduction of the Interlude in the early sixteenth century Mystery, Miracle and Morality Plays, as religious works, fell under the authority of the Church. How they were approved is not clear to me. However, the Statute of Winchester in 1285 did forbid theatrical performances in churchyards arguably pushing the Mysteries out into the town and country. Similarly it is not clear how medieval Pageants conducted by the guilds were authorized. It is likely, however, this was done at the municipal level.

With the arrival of the Interlude it became common practice for the higher aristocracy to maintain troupes of players, not just minstrels and jugglers. In effect these ‘servants’ were licensed by peer privilege. It was also initially a rule that performers appear only in the halls of their patrons but this together with many other
regulations was constantly ignored. Accordingly when not required to entertain their masters many toured the country. Furthermore such servants of Peers were exempted from punitive sumptuary laws of Henry VIII (1509-1547; See 1510 b, 1512, 1515 b, and 1517).

While free lance minstrels and common players had toured the country for centuries they did not become a problem requiring royal intervention until the reign of Henry VIII. This arguably reflects the dislocation of population caused by plague and the enclosure movement of common pastures. In 1526 a royal proclamation was issued against unlawful games including plays. In 1530 another proclamation was issued deeming wandering minstrels and players to be vagabonds, rogues and sturdy beggars. In 1530/31 a statute was passed ordering idle persons practising unlawful games and plays to be whipped.

During his brief reign Edward VI (1547-1553) continued his father’s policies granting Royal Assent in 1547 to statutory penalties against plays or interludes depraving or reviling the Eucharist as well as against common players and minstrels (See 1547 b). A further statute in 1548/49 forbade interludes and plays depraving or despising the Book of Common Prayer. In 1549 he instituted, due to turmoil in the country, a temporary injunction against all plays in the English language. In 1550 by proclamation he ordered all vagabonds including unlicensed players out of London. This was followed in 1551 by a proclamation calling for the reform of common players. Ironically, also in 1551 d, the first English comedy was performed in Eaton College, Oxford.

During the reign of Mary I (1553-1558) laws to suppress plays and interludes were strictly applied reasoning they fostered too much freedom of thought and criticism of public affairs. Instead the Mysteries were encouraged as a means of teaching the true religion – Roman Catholicism.

It was in the reign of Elizabeth I (1558-1603) that English theatre entered its Golden Age. Her support of theatre, however, was arguably part of larger strategy. Thus Grant McCraken (1988) argues that to keep Catholic and other nobles loyal Elizabeth exploited the “hegemonic power of things to communicate the legitimacy of Her Rule”. Before her time, the family was the traditional unit of consumption. One bought for future generations. One bought that which would last because it took five generations of patina to move one’s family into the ‘gentle’ classes. Elizabeth, however, forced those aspiring to rise above their station to spend now, for themselves - to be the prettiest peacock at court, the most generous, the most creative. Like the potlatch of west coast Amerindian tribes, members of her court were compelled to consume their way to honour, power and gentility. This shift from long-term to short-term consumption had a dramatic impact on the evolution of Western culture contributing to the breakdown of feudal society. At the same time, however, in England and other European countries, punitive sumptuary laws were used by the Crown to control ‘status fraud’, i.e. persons of the lower class dressing or otherwise pretending to be of a higher station in society (See 1510 b, 1512, 1515 b, 1517 & 1532/33).

With respect to theatre, Elizabeth in the first year of her reign: assented to an Act of Parliament setting penalties against plays or interludes depraving or reviling the Eucharist; issued two royal Proclamations against plays; and, set injunctions for religion requiring licensing of all plays and ballads (See 1558/59 b, e, f & g, respectively). The second proclamation required mayors to censor plays before they were staged in their city or town. It also
granted travelling players access to the largest room in town for their performances including guild halls.

In 1560 she appointed the second Master of the Revels, Sir Thomas Benger, who assumed responsibility for licensing scripts for all plays. His signature was required before a play could be performed in public. This began the formal system of performance rights licensing that, with minor modifications, operated during the rest of the period under review.

In 1571/72 the now traditional practice of Peers employing and thereby licensing troupes of actors and minstrels was formalized by statute. After 1572 when a company of players arrived in a town they had to present their license to the civic authorities. Also in 1572, the City of London began a series of actions to ban theatre first because of the plague and in 1573 because of the inconvenience produced by the wishes of one person – the Lord Chamberlain. In 1573 the Queen appointed the third Master of the Revels.

In May 1574 the Queen granted a license to James Burbage and others to form the first theatre company created by the royal prerogative. While allowed to play anywhere in her realm, Elizabeth required all plays be first licensed by the Master of the Revels. In December 1574, the City of London tried again to restrain the theatre by requiring all plays, interludes and shows to be approved by the Lord Mayor and Aldermen. Then in 1575, the City ordered all players out of the capital which the newly formed Queen’s Company appealed to the Privy Council (See 1575 c).

Responding to civic complaints the Queen in 1576 issued a proclamation ordering enforcement of statutes against unlicensed players and minstrels. Nonetheless, the Queen in 1578 granted licenses to six new performing companies and ordered the Lord Mayor to permit the Children of St. Paul’s to “exercise plays” within the city (Adams 1917).

In 1579 the newly appointed fourth Master of the Revels, Edmund Tilney, began to supplant mayoral censorship of plays established by statute in 1571/72. His role as censor was confirmed by a patent of commission in 1584.

Continuing civic criticism of theatre led the Queen to issue another proclamation calling for enforcing statutes against vagabonds and rogues in 1591. Then in 1593 the Privy Council banned common players performing in and around the universities. In 1596 the Queen issued yet another proclamation calling for enforcing statutes against vagabonds and rogues including common players and minstrels.

In 1597, by statute, the Queen confirmed the licensing powers of Peers and set penalties for unlicensed common players and minstrels and in 1598 issued a proclamation placing vagabonds in London under martial law. This was followed by two proclamations, one in 1600 calling again for enforcement of statutes against vagabonds and the other in 1601 again placing vagabonds in London under martial law.

In 1603 James I (1603-1625) re-licensed the Globe and in 1604, by statute, removed the peer privilege to license players. Henceforth only the Crown could license performing companies. In effect they and their players became household servants of the monarch which they remained for the rest of the period under review.

In 1605/06 a statute was passed providing penalties for stage players profanely using the Holy Name and in 1609/10 yet another statute called for the enforcement of laws against vagabonds but for the first time common players were not mentioned. This may or may not reflect the statute of 1604 which made licensing of
performing companies a strictly royal prerogative.

In 1610 the fifth Master of the Revels was appointed, George Buck. He limited the number of performing companies in the City of London to four and restricted the use of duplicate licenses. The mayors of cities gradually ceased censoring plays but retained authority to limit the time spent by visiting performing companies in their communities. By the end of his term Buck had also developed a system of annual licences for travelling companies.

Problems with travelling companies arose, however, and in 1616 the Lord Chamberlain sent a letter around the country regarding false company licences used to perform in towns and cities outside of London. In 1620 His Majesty’s Servants were licensed to perform in Blackfriars and at the Globe and in 1624 b the Lord Chamberlain sent another letter around the country warning of fake performing licences.

Charles I (1625-1649) began his reign in 1625 by a statute prohibiting people attending Interludes outside of their parish on Sunday and by renewing the license to His Majesty’s Servants to perform at Blackfriars and the Globe (See 1625 b).

In 1628 b he issued a proclamation calling yet again for enforcement of laws against vagabonds and in 1634 issued another this time calling for deportation of Irish rogues and vagabonds. As political tensions rose leading up to the Civil War Parliament took the lead and in 1642 b ordered all public stage plays to cease due to problems in Ireland and the threat of Civil War.

After its victory in the Civil War Parliament in 1647 ordered the Lord Mayor of London and Justices of the Peace to suppress all stage plays. Then in 1648 it ordered “the utter suppression and abolishing all Stage-Plays and Interludes” throughout the land declaring players rogues and subject to penalty. This Ordinance was followed by: (i) orders to the militia of Westminster to demolish all stages, seats and boxes; (ii) a committee of the House of Commons appointed to ensure execution of laws against stage plays; and, (iii) appointment of a Provost-Marshall to seize all stage players within twenty miles of London (See 1648 b, c & d).

Under the Protectorate of Oliver Cromwell (1653-1658) an Ordinance was issued in 1654 and re-issued in 1655 ordering the firing of all church ministers and school masters who encouraged or countenanced stage plays. In 1656 the Protector instructed Major-General Desborow to suppress stage-plays by seizing persons attending. Under the Protectorate of Richard Cromwell in 1658 the question whether opera was theatre and therefore banned or a music concert banned only on Sundays attracted the attention of the Council of State.

With the Restoration of the monarchy under Charles II (1660-1685) theatre was revived and in 1660 Charles licensed the King’s Company of Players. In 1662 a statute was passed again classing unlicensed common players as vagabonds, rogues and sturdy beggars and confirming James I’s 1604 restriction of licensing companies to the Crown. Also in 1662 d he reinstated a duopoly of performing companies in the City of London.

In 1674 he appointed the eighth Master of the Revels, Thomas Killigrew. The role of the Master of Revels at court diminished as the King and Peers increasingly favoured the commercial theatres. His role as censor of stage plays, however, grew with the commercial theatre. In 1682 the King’s Company became insolvent and was merged with the Duke’s Company as the United Company creating a monopoly of theatre in London.
No relevant developments are recorded during the short reign of James II (1685-1688). With the Glorious Revolution and ascent of William III & Mary II (1688-1702 & 1688-1694) there are no recorded developments until 1694 b. At that time the Society for the Reformation of Manners pressed to suppress play houses because of licentious and bawdy productions. The King, however, viewed theatrical patents and licences granted for a hundred years by the Crown as significant and inheritable property not to be lightly dismissed. Furthermore actors were still technically servants of the royal household creating a paternalistic responsibility. Also in 1694 c, the theatrical monopoly of the United Company began to fray as its best actors rebelled and the Lord Chamberlain allowed them to form their own actors’ coop at Lincoln’s Inn Field Theatre.

The ninth Master of the Revels, Charles Killigrew, was appointed in 1677 b. He became thereby official censor of the theatre and served until 1735. Killigrew appears to have been inept, incompetent and possibly corrupt. He received fees for each work submitted for approval. The more works approved, the greater his gain. Protests about ‘wretched & obscene plays’ grew including those raised by figures such as John Evelyn, one of the Virtuosi (Houghton Jan. & Apr. 1942) and also one of the founders of the Royal Society (See 1695 b). In 1696 Killigrew’s superior, the Lord Chamberlain, issued a first order on plays noting the negligence of both players and the Master of the Revels and threatening to ‘silence’ those that did not follow licensing procedures. He issued a second order in 1697 bypassing the Master of the Revels and authorizing London theatres themselves to license works for performance.

This splitting of authority between the Master of the Revels and London theatres, did not work and protests continued (See 1698 and b). In 1699 the Vice-Chamberlain issued another order to both the Master and the theatres to effectively censor plays.

During Queen Anne’s reign (1702-1714) the problem continued and in 1703 the new Lord Chamberlain issued another order to Killigrew and the London theatres complaining about the licensing process. The Society for the Reformation of Manners continued to press for suppression of the theatre (See 1704). Nonetheless Queen Anne in 1705 issued a patent for a new company and theatre – the Queen’s Theatre Haymarket. In 1707 b, the Lord Chamberlain ordered that only opera and music be performed at Haymarket while Drury Lane would specialize in stage plays. Both companies were also authorized to license performers and plays.

In 1709 (See b, c, d, e &f), however, the London theatre became immersed in a controversy regarding management of Drury Lane which was silenced by order of the Lord Chamberlain. In 1710 the controversy was referred by Queen Anne to the Attorney General and Solicitor General in February and in June the Lord Chamberlain dismissed all the actors at Drury Lane (See 1710 b).

In 1713, by statute, Queen Anne again confirmed unlicensed minstrels and players vagabond, rogues and sturdy beggars ordering their punishment including deportation to the colonies. Theatre licensing continued to be a problem after Queen Anne’s reign reflected in the so-called Stage Licensing Act of 1737: – 10 Geo II c. 28:

An Act to explain and amend so much of an Act, made in the Twelfth Year of the Reign of Queen Anne, intituled, An Act for reducing the Laws relating to Rogues, Vagabonds, sturdy Beggars, and Vagrants into one
Act of Parliament; for the more effectual punishing such Rogues, Vagabonds, sturdy Beggars, and Vagrants, and sending them whither they ought to be sent as relates to common Players of Interludes

By that Act, the Lord Chamberlain was confirmed in his role as censor of the stage, a role he continued to play until 1968.

*Post-Common Law*

The more things change;
The more they stay the same.

*Old French Saying*

In compiling the Chronology, composing the Glossary of the Times and tracing the evolution of copyright and performing rights I am led to eight findings tying together then and now. They reflect, I believe, the animating spirit of contemporary Law if not its black letter.

Before presenting the findings, however, it is necessary to clarify the meaning of the pre-Common Law era. As noted in the beginning of this Introduction, Common Law is case-based law reasoning from precedents set in prior cases. This is called casuistry. Casuistry, however, must begin again if changes or amendments are made to Statutory Law having the effect of negating such precedents.

Prior to passage and coming into force of the *Statute of Queen Anne* in 1709/10, there was in fact a body of Common Law concerning copyright. It begins with the *1640 b Habeas Corpus Act* and its *1640 c companion statute* abolishing the *prerogative Court of the Star Chamber* created by Henry VII in *1487* and the *Court of High Commission for Causes Ecclesiastical* created by Elizabeth I in *1559*. Jurisdiction over printing and the book trade was transferred to the Common Law courts.

Common Law courts did not, however, respond in a timely or effective manner. The result was a licentious freedom of the press that compelled the *Commonwealth in 1643 b, c & d* to pass licensing *Ordinances* that, among other things, reinstated the search and seize powers of the Stationers’ Company of London.

With *Restoration* of the monarchy in 1660 Commonwealth legislation, in turn, became null and void resulting again in a period of licentious press freedom. It should be noted that the same flood of political libels flowing from a world without copyright also confronted the French Revolutionaries of 1789 (*Hesse 1990*). Accordingly, in *1662 b* the *Licensing Act* was passed that again, among other things, reinstated the search and seize powers of the Stationers’ Company.

It is important to note that Commonwealth and Restoration licensing statutes were ‘sun-set’ laws, i.e., they had to be renewed or they would lapse. A lapse of seven year thus occurred between *1679* and *1685*. This time, however, the Common Law courts reacted vigorously. The Justices met as a group concluding in the words of Chief Justice Scroggs of the King’s Bench:

*In short it is the proper business of this Court, and our Duties that sit Judges here, to take care to prevent and punish the mischiefs of the Press.* (*Sensabaugh 1950, 102*)

Similarly when the *Licensing Act* of *1662 b* finally expired in *1695* the Common Law courts quickly filled the gap. However, Common Law cases between *1640 b & c* and 1709/10 concerned the ‘right to copy’, *i.e.*, Stationers’ perpetual copyrights; the ‘right to a copy’, *i.e.*, prerogative *printing patents* and laws against seditious or treasonous libels, the principal subject of
licensing acts from the time of Henry VIII onwards. While some jurists questioned why heretical and schismatic religious works should be a concern of the Common Law courts it was concluded that given the monarch was head of the Church of England such works were seditious and treasonous.

Both forms of copyright were abolished by the *Statute of Queen Anne* and accordingly their Common Law precedents became null and void. Nonetheless, the business practices and ethics of the book and printing trade were recognized under the Statute, e.g., registration of a title to obtain copyright “in such Manner as hath been usual” (See Annex B-2, s. II). The Crown also retained regulatory power over book pricing. Such price regulation dates back to a 1534 statute of Henry VIII. It was only extinguished in 1739 by 12 Geo. c. 36 An Act for Prohibiting the Importation of Books Reprinted Abroad, and First Composed or Written, and Printed in Great Britain.

I now turn to the eight findings connecting the pre- to the post-Common Law eras.

(i) Authors’ Rights & Liabilities

The first reference to the ‘author’ in the official record is found in a 1542 b Proclamation of Henry VIII. It did not, however, refer to the rights of authors but rather to their liability for works against religious doctrine.

In fact during the entire period the author had, in effect, no rights. If lucky a work would be sold to a Stationer for a one-time payment or honoraria. All rights were then assumed in perpetuity by the Stationer copying the title into the Company’s Register – hence copy right. More often, however, a work was in effect given to the Stationer, sometimes with payment for printing, as a form of ‘vanity publishing’.

Payment for authors was so low that many of the best writers of the Elizabethan age turned to the theatre. Their talent was attracted by the pecuniary success of the new medium and its generous compensation (Backus 1897, 84-86). With a Stationers’ honoraria an author could not get rich but could if the work was performed. This arguably remains true (Litman 2010).

It was in fact only in 1644 that Milton in his *Areopagitica* raised author’s rights, arguably for the first time. That even he, the most famous poet of the time, had little bargaining power with publishers is reflected in the following quote:

1667, April 27. Milton executes this day the contract disposing of the copy-right of his Paradise Lost to Samuel Simmons, a printer and stationer of London, for the present sum of five pounds, and five pounds more when 1300 copies of the first impression should be sold in retail, and the like sum at the end of the second and third editions… This is one of the earliest authenticated instances of a copy-money being given by previous agreement for an original work. (Timperley 1839, 544)

It should be noted that Simmons, the publisher, became rich while Milton got £5 for each re-printing. Later in the century John Locke formalized his labour theory of value giving birth to the ‘sweat of the brow theory’ of copyright. Locke, however, later argued against not just perpetual Stationers’ copyright but also against perpetual author’s rights in his 1694 Memorandum.

The idea that an author’s rights are extinguished on sale of a work to a proprietor is implicit in the 1709/10 *Statute of Queen Anne* and was subsequently confirmed by the dissenting opinion of Justice Yates in the 1769 Court of King’s Bench case of *Miller v. Taylor*. Yates argued that any moral or other rights of the
author are extinguished on sale or assignment to and publication of a work by a proprietor. Yates’ opinion was confirmed by the 1774 decision of the House of Lords in Donaldson v. Beckett.

This was three years before the King of France in 1777, following the Enlightenment precepts of Immanuel Kant, declared authors had perpetual moral and economic rights to their works (Hesse 1990). In the French Revolution these rights were limited in time to favour the public domain. Nonetheless, this concept fundamentally changed bargaining power making the publisher/producer an agent of the author not the plenary owner of a work under the Civil Code. Even an employee retains moral rights to one’s work.

Under Common Law, however, all rights of the author were and remain subject to assignment to a proprietor. This is most apparent with the blanket or ‘all rights’ license including, in Canada, the waiver of all moral rights in favour of a proprietor.

(ii) Carpenters, Joiners & Digital Locks

The historical connection between Carpenters, Joiners, Smiths & Letter Founders of the 1662 Licensing Act (reproduced in full as Annex B-2) and the Digital Millennium Copyright Act of the United States was first noted by Patterson (2003/3). I have since extended it to include the Canadian Copyright Modernization Act, Bill C-32, June 2010 (Chartrand 2010).

Carpenters, joiners, et al were the craftsmen who could build presses – legal or illegal. Hackers and console cowboys are the craftsmen who can pick the digital locks of the DMCA and CMA. The wording of this historic Act bears an uncanny resemblance to both post-Common Law statutes:

**Licensing Act**

… no joyner, carpenter, or other person shall make any printing press, no smith shall forge any iron-work for a printing press, no founder shall craft any letters which may be used for printing for any person or persons whatsoever; [nor import or buy materials] belonging unto printing, unless he or they respectively shall first acquaint the… master and wardens of the… company of stationers... for whom the same presses, iron work or letters are to be made, forged, cast, brought or imported…

13 & 14 Car. II, c. 33, 1662.

**Digital Millennium Copyright Act**

No person shall manufacture, import, offer to the public, provide, or otherwise traffic in any technology, product, service, device, component or part thereof, that is primarily designed or produced for the purpose of circumventing a technological measure that effectively controls access to a work protected under this title.


**Copyright Modernization Act**

No person shall...

(c) manufacture, import, distribute, offer for sale or rental or provide - including by selling or renting - any technology, device or component if

(i) the technology, device or component is designed or produced primarily for the purposes of circumventing a technological protection measure…

Bill C-32, s.47, June 2010.
(iii) Enclosure of the Public Commons & Public Domain

Dislocation of the rural population in the early Tudor period resulted from the plague but especially from the enclosure movement. Land owners recognized wool as more valuable than turnips for peasants tilling traditional common lands and enclosed it to keep sheep. The dislocation was then amplified by disestablishment of the Roman Catholic Church in England and disbursement of its land and property to the supporters of Henry VIII. As recorded in this work the result was successive statutes and proclamations against vagabonds, rogues and sturdy beggars including bards, minstrels and common players (actors).

Some observers suggest another enclosure movement is underway today, this time of the public domain (Boyle, 2003; Patterson 2002/3). Stretching the point there is also a movement to disestablish or delegitimize Government and disburse or privatize its property to free marketeers.

Among the crown jewels of the Nation-State is the public domain of knowledge – all that’s free to know. It is connected to freedom of information, speech (Patterson 2002/3, 41) and national patrimony. In fact the Statute of Queen Anne justified modern copyright as a means of encouraging learning by rewarding authors but only for a limited time after which their work enters the public domain.

The European Union is actively converting national patrimony into digital media to keep it in the public domain. In the Anglosphere, however, much is being privatized including court documents and even statutes. While technically they remain in the public domain when digital value is added, e.g., pagination, such works again fall under copyright. They become available on the world-wide web only for a price but as noted by Patterson not all people have the coins to make the turnstiles turn.

(iv) Official Censorship & Blackberries

Harvey (2005) argues that it took more than 250 years from the introduction of censorship in 1401 and almost 200 years from introduction of the printing press in 1476 for the Crown to introduce licensing laws in 1662 that recognized the true nature of print. Practices developed to censor the old manuscript technology continued in progressively modified form but remain focused on content not the physical media itself – the printing press. Only gradually did the importance of carpenters, joiners, smiths & letter founders become apparent to the censors.

The constant, however, across three centuries and two communication media was the Stationers’ Company of London. From the Oxford Constitutions of 1407, Catholic Mary I’s Charter of 1557, Anglican Elizabeth I’s confirmation of that Charter in 1588, Puritan Cromwell’s 1653 assent to search and seizure by the Company, Charles II’s amplification of the Charter in 1684 and William and Mary’s confirmation in 1690, the Stationers’ Company worked hand-in-glove with the Crown to enforce licensing, a.k.a., censorship. Courts changed from prerogative to Common Law but policing including the power of search and seizure remained firmly in the hands of the Company as well as its own guild court to try members of the Company offending the licensing laws (See for example 1693 b).

Harvey (2005) and Patterson (2003/3), among others, argue, that the licensing system failed. Illegal, legal and foreign presses pumped out what the Crown considered licentious, seditious and treasonous libels throughout the period.

With expiration of the Licensing Act in 1695 and the Statute of Queen Anne in 1709 the Company’s role in censorship came to an end. Nonetheless the problem of libels and licentious works continued. The response was two-fold.
First was the **Stamp Act** of 1711. Paper is a tied good in printing and paper now required an official stamp before printing together with a tax paid to the Crown. This permitted a form of forensic investigation. Works on unstamped paper immediately attracted the attention of the authorities because of tax evasion. Works on stamped paper, on the other hand, allowed relatively easy identification of the printer if not the actual but often anonymous or pseudonymous author of libellous and seditious works. Second, such works were denied copyright registration and protection by provisions like that contained in the *Revised Statutes of Canada* of 1906:

7. Exception to immoral works

No literary, scientific or artistic work which is immoral, licentious, irreverent, or treasonable or seditious, shall be the legitimate subject of such registration or copyright.

R.S. 1906, c.70, s. 7

Today in the Anglosphere censorial concerns focus on ‘kiddy porn’ and ‘how-to’ terrorist works. As with the *Licensing Act of 1662* it is the technology, not the bookseller and content, which is the focus. In this era printers take the guise of Internet Service Providers or ISPs. And the forensic instrument of choice, the new stamp so to speak, is the ISP address associated with every web communication.

For example, the proposed Great Fire Wall of Australia is intended to filter from public view foreign porn and terrorists web sites. India, the United Arab Emirates and other Nation-States are pressing Blackberry to open its servers to search for and seize seditious, treasonous and terrorist encrypted communications.

Reports of Interpol and related police successes against global child porn on the Web are now almost daily news. And for decades digital filtering and customs barriers have permitted Islamic States to censor inappropriate cultural images especially of women. The national right to censor inappropriate foreign content is recognized in a number of multilateral treaties including explicit exceptions from the free trade requirements of the *General Agreement on Tariffs and Trade* (GATT). On these subjects, at least, ISPs and Government work hand in glove like the Stationers’ Co. and the Crown. The pragmatic reason is licensing of ISPs and telecommunications in general is a Crown or State prerogative: Comply with the Government’s request or lose your license and possibly go to jail.

**(v) Mutating Booksellers**

If ISPs are the modern equivalent of printing members of the Stationers’ Co, then media conglomerates – global and national – are the booksellers. It is they who hold copyright on the majority of content – audio-video recording, broadcast, Internet, print, *et al*. They are principally concerned with piracy of their copyrighted properties especially on the increasingly ubiquitous and digitally converging Internet.

Legislation such as the *Digital Millennium Copyright Act* makes it illegal to break digital locks on copyrighted content. It also grants copyright owners powers of digital search and seizure reminiscent of the Stationers’ Company. In turn this has led to a new legal calling – the copyright troll supported by forensic software companies. These are arguably analogous to the informers employed by the Surveyor of the Press in 1660 and their predecessors. Fines were usually split with half going to the informer and half to the Crown.

As in the Stationers’ Company the interests of printers/ISPs and booksellers/media conglomerates do not always conform. Hence ISPs in a number of countries are legally resisting conducting
The relationship between the Crown or State and media conglomerates is further complicated by the unique contribution the media can grant a campaigning politician – good or bad press. Licensed by the State the media industry nonetheless thereby has a unique political economic relation to it, i.e., political power translates into economic profit and economic profit translates into political power.

This political economic relationship extends to legislation favourable to the profitability of the industry. As noted by Litman, among others:

The most compelling advantage of encouraging copyright industries to work out the details of the copyright law among themselves, before passing the finished product on to a compliant Congress for enactment, has been that it produced copyright laws that the relevant players could live with, because they wrote them. (Litman 1996).

A coincidence of interest between the State and copyright proprietors may also develop. For example, digital search of internet records by agents of copyright holders may uncover obscene or terrorist-related content. If this information is disclosed to the authorities then copyright holders will act as a policing agent for the State just like the Stationer’s Company.

(vi) New Technologies & Backlogs

Old wine in new bottles is an old story. When the oral era ended the manuscript era began with a backlog of tall tales and stories of a mnemonic age. Manuscript supplanted the oral because it more accurately recounted and preserved a story not subject to the vagaries of human memory, generation after generation.

When print emerged there was a backlog of ancient and medieval manuscripts by famous long-dead authors. Conversion of manuscript to print initially pre-occupied the industry to the detriment of contemporary authors. Print supplanted manuscript because each copy was mechanically identical, the message always the same, not subject to the vagaries of dictation by which manuscripts were ‘mass’ produced or the idiosyncrasies of the solitary transcriber. The printing press of 1440 was the first engine of mass production and an enabling technology for all other industries.

Photography and audio-video recording then fixed sight and sound just as the manuscript had fixed human speech. Broadcasting then made ‘recorded’ and ‘live’ sights and sounds available to a mass listening and viewing audience. Radio thus began with a backlog of phonograms, plays and books while television began with a backlog of black & white movies of the 1930s and 40s. Cable increased the number of channels permitting narrowcasting to niche markets. Audio-video recording and broadcasting, however, involved sight and sound not print, not text.

Earlier experiments with interactive text in the 1970s and 80s such as Telidon in Canada and the electronic phone book in France were, in effect, washed away by the 1990s digital tsunami called the Internet. Unlike print and audio-video recording digital technology is able to convert all human communications – text, sight and sound - into a common format permitting easy and accurate duplication as well as near instantaneous global transmission.

As in previous communications revolutions there is a backlog of content awaiting digitization. Also contemporary authors, artists and creators in general must contend with competition not just from living peers but with the famous dead. This is a primary differences between the Arts
and Sciences: New knowledge does not necessarily displace the old.

The digital is, however, unlike previous revolutions. First, it is not a one-to-one conversion but rather all-into-one. All analogue content – text, sight, sound – is being converted into digital format. It should be noted that when a work is converted from say film into DVD a new term of copyright begins for the work fixed in the new format.

The backlog includes not just works under copyright but also those in the public domain and the patrimony of Nation-States. For works in the public domain and national patrimony the question becomes: Who will digitize and what will be the terms of access? As noted above [(iii) Enclosure of the Public Commons & Public Domain] the European Union is taking an active role on behalf of its member states to ensure the public domain and national patrimony remain ‘free’. In the Anglosphere, however, the commercial sector is the most active with access being financial in nature.

(vii) Perpetual & Inheritable Property

The 1709 Statue of Queen Anne was intended, among other things, to end perpetual Stationers’ copyright – the right to copy. The term was limited to 14 years with a possible extension of another 14 if the author was still alive. This time limitation was intended to encourage learning by growing the public domain of knowledge as quickly as possible.

Thomas Jefferson, some 80 years later, proposed a slightly longer term based on the principle “the earth belongs in usufruct to the living” computing it at 19 years using actuarial tables (Jefferson, Letter to James Madison, September 6, 1789).

Since that time, however, the duration of copyright in the Anglosphere has been progressively extended to about 100 years. …This term of protection is the equivalent of three generations, or perhaps now four. While a copyright for multiple successive generations is not perpetual, it feels very much like a way-station on the road to infinity and thus presents a problem in view of the constitutional requirement that copyright be granted only for limited Times. (Patterson & Birch 2009, 273)

This extension has resulted partially from the ‘alien’ influence of European artists and authors who inspired the Berne Convention of 1886. Such artists and authors, however, did not and do not create under Common Law copyright but rather under Civil Code ‘rights of the author’. These include imprescriptable moral rights of the Natural Person that no Legal Person can enjoy. Moral rights include employees. Such rights cannot be assigned or waived in favour of a proprietor. Anglosphere creators do not enjoy such rights so the benefit of term extension falls inequitably to proprietors (Paterson & Birch 2009).

Near perpetual copyright is ironic in this digital age wherein information processing or computing power doubles every 18 months according to Moore’s Law and computer programs have a functional shelf life of perhaps 5 years but remain protected by copyright for 100.

(viii) Printing Patents & Orphaned Works

The printing patent or license was a privilege granted directly by the monarch to an individual - sometimes but not usually the author of a work - or to an organization including the Stationers’ Company. Its term could be fixed or granted in perpetuity therefore becoming inheritable property. It granted ‘the right to a copy’ that being either a specific title or an entire class of works such as the statutes, almanacs, etc.
Recently in the United States digital conversion of a whole class of works called ‘orphaned works’ came within the decision of a single lower court judge to being, in effect, licensed to one company – Google. Orphaned works are those still under copyright but whose owner and/or author cannot be located. The licensing of this entire class of works to a single company was opposed by a number of parties including the European Union. While finally denied by the judge in this specific case, it is not clear how licensing of entire classes of works will legally develop in the United States and elsewhere. It is clear, however, that this pre-Common Law concept retains some currency in the post-Common Law era.

**Conclusion**

In Law it is called precedent; in economics, path dependency; and in the TV sci-fi series *Battlestar Galactica* it is: “This has all happened before and will all happen again”. The eight findings of this study thus indicate that many business practices and ethics of the pre-Common Law era survive to haunt post-Common Law copyright and performing rights.

Why is this important? Copyright and performing rights are two planks in the legal foundation for the industrial organization of the emerging global knowledge-based economy (Chartrand 2007). This new economy has displayed two characteristics to date. First, it is based on knowledge workers, *i.e.*, those who create and/or manipulate knowledge in the form of words, numbers, images and sounds. Second, in the developed world, especially in the United States, this economy is characterized by an apparently ever shrinking middle income class.

With respect to the first characteristic, the average knowledge workers as an independent creator enjoys limited bargaining power relative to the modern day Stationer as producer or publisher. In effect the blanket or ‘all rights’ license has returned copyright to being property owned by the Company with a low one-time honoraria paid to the average author/creator. As employees, knowledge workers in the Anglosphere, with the exception of university professors, retain no rights whatsoever to their work, not even paternity. They have become virtual servants in the corporate *domus*.

With respect to the second characteristic, income distribution, much has been made of technological change and off shore production displacing workers and causing the decline of a middle class that for a century or so depended on a manufacturing based economy. In many ways income distribution in the knowledge-based economy is increasingly looking like that in the pre-Common Law era when the middle class was only just emerging and income distribution was radically skewed towards rich property owners.

In a knowledge-based economy under existing copyright and performing rights this trend will continue. To reverse it will require a change in the bargaining relationship between author/creator and proprietor. The rights of corporations or Legal Persons must be balanced by increasing the bargaining power of the average Natural Person as author/creator – as freelancer or employee – because:

intellectual property is, after all, the only absolute possession in the world... The man who brings out of nothingness some child of his thought has rights therein which cannot belong to any other sort of property… (Chaffe 1945).
567 - St. Columba

This is the first reported English case (actually Irish) of copyright infringement. While visiting an abbey, Columba (later Saint) copied a Psalter- a pre-print hand-made manuscript of biblical Psalms. When the abbot found out he demanded the copy. Columba refused. The abbot went to the king of Tara who ordered Columba to turn over the copy. Columba did. Case settled? Not quite.

Incensed by the loss of the copy Columba incited rebellious nobles to overthrow the king. They did and Columba got his copy back. The Church, however, found Columba’s words had led to bloodshed and he was banished from Ireland taking up residence on the island of Iona just out of sight of the mainland. The copy is now housed in the museum of the Royal Irish Academy (*The Month* 1888, 88-90).

It was in monasteries like Iona that the art of reading and writing was kept alive during the barbarian invasions of the Western Roman Empire including England with its waves of Angles, Saxons, Jutes, Vikings and Danes. The monasteries provided the scribes, illuminators and binders of books but seldom original authors; they copied. It was texts of the Ancients and Church Fathers lovingly conserved in such island and mountain monasteries that represented the ancient legacy that became the subject for most clerical and subsequent secular scholars called ‘Schoolmen’. Truth lay in the Past not in the forbidding Present or uncertain Future.

800 – Holy Roman Empire

The barbarian conquest of the West concluded with the triumph of Charlemagne and birth of the Holy Roman Empire in 800. Urban life began to flourish again disturbed only by Viking raids and later Crusades, first to the East and Jerusalem. In response the Church shifted epistemic emphasis from the monastery to the Church ‘school’ in cities to train notaries, lawyers, scribes and other literate secular professionals required in any civilization. It was from this urban school experience, among other things, that the western University arose.

POST-1066 CONQUEST

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<th>William I</th>
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Henry I
1100-1135

1110 – First recorded Miracle Play

“Play of Saint Catherine… was represented at Dunstable about 1110… written in French, and … a rude representation of the miracles and martyrdom of the saint. These performances were encouraged by the clergy, since they gave religious instruction to the people and strengthened the influence of the Church. At first the plays were composed and acted by monks, and were performed in the cathedral close.” (*Backus 1897*)
1167 – Oxford University founded

Oxford was the first English University. It was modeled after the University of Paris (Schumpeter 1954, 77-78). Building on Byzantine and Islamic experience, e.g., Al-Azhar University founded in Cairo in 975, the Western University was first incorporated as an association of students in Bologna about 1088 and of teachers in Paris about 1150.

The University broke the monopoly of knowledge held by the Church. It had its own scribes, illuminators, binders and authors. It assembled its own libraries sometimes including works not approved by the Church. Monarchs granted charters defining privileges and liberties as well as obligations such as fealty (similar to other guilds) and censorship (See 1407). As an institution it was cultivated not just for knowledge-for-knowledge-sake but as a source of secular talent to balance the Church.

Within the University constant re-interpretation of the ancient legacy gave birth to a distinct Western school of thought: Scholasticism. Lacking access to many ancient works available only in the Byzantine and Islamic empires Scholasticism was arguably based on an incomplete reading of this legacy. Nonetheless it successfully rationalized the feudal world and gave birth to the ‘High Middle Ages’.

1181 – Cheshire Minstrels

Besieged by the Welsh in castle Rhuddlan, the Earl of Chester dispatched a messenger to his constable, Roger Lacy, in Chester. A festival was underway so Lacy organized “a great body of idle and dissolute persons, including all the fiddlers, minstrels, and players then present… [and] marched to the Earl’s relief”.

The Welsh were so disturbed by the motley crew’s arrival that they fled. The Earl returned in triumph to Chester where, as a reward, he gave Lacy “power over all the fiddlers and shoemakers in Cheshire”. Lacy, however, granted his steward, Piers Dutton, authority over all fiddlers and players while reserving the right over shoemakers to himself.

Dutton then began the first licensing of musicians in England. The special rights or privileges of the Duttons of Cheshire were recognized by explicit exemption from national legislation and charters passed or granted in the reigns of Edward IV, Elizabeth I, James I, Charles I and II, Queen Anne and George II (Silburn 1922, 205).

Richard I

1189-1199

John I

1199-1216

1209 – Cambridge University founded.

During the reign of John I, Cambridge began as an association of scholars fleeing Oxford following a dispute with townsfolk. On March 30, 1280 Hugh Balsam, bishop of Ely, endowed the foundation of Peterhouse, the first college of Cambridge University (Timperley 1839, 63).

1215 – Magna Carta

Signed in the reign of John I, the Great Charter placed the first limits on the royal prerogative set by the Lords Temporal, i.e., the fighting feudal aristocracy. The other estates included the Lords Spiritual and the Commons, i.e., everyone else.
“It is a curious fact, and one which marks the state of literary knowledge, even amongst the nobility, in those days, that out of the twenty-six barons who subscribed this important bill of right, only three could write their own names, the signatures of the remainder, according to the term, only made their marks.” (Timperley 1838, 59)

**Henry III**
1216-1272

**1220 – Public libraries in Islamic Spain**
There were seventy public libraries in Islamic Spain with collections totalling 250,000 volumes (Timperley 1839, 60).

**1229 - Council of Toulouse**
The Council was organized, by Romanus, the pope’s legate, cardinal of St. Angelo. It formed the first court of the Inquisition and published the first canon forbidding the scriptures to the laity (Timperley 1839, 60). This arguably contradicted the intentions of the editor of the Latin Bible.

St. Jerome (331- 420) responded to growing Greek influence in Christian affairs by translating the Bible - Old and New Testaments - into Latin just as the Latin West faced barbarian invasions,. He published his Bible to be read by all, not just Greek-speaking clergy. It was called the ‘Vulgate’ or ‘common’ bible. Translation from Hebrew, Aramaic and Greek, however, was not all that was involved. Rather for the New Testament only four gospels were selected, *i.e.* John, Luke, Mark and Matthew; excluding, among others, the gospels of Thomas, Philip and Truth (Hoeller 1982).

**1236 – Pageanted Entry into London of Eleanor of Provence**
The industrial guilds sponsored triumphant shows or pageants for the entry into the City of royal and noble personages (See 1293 & 1377). This one was stationary while later pageants moved through the streets on ‘pageant wagons’. (Gaylee 1907, 83-90).

**1240 – First Royal Charter to the Company of Parish Clerks** (Fraternity of St. Nicholas)
Parish clerks and their ‘conducts’, *i.e.*, clerks with purely musical duties, were responsible for Church music that, excepting the organ, was mainly vocal. The clerks were generally laymen and this charter recognized them as a social or religious fraternity rather than as a trade guild which they became with a new royal charter in 1443. Additional charters were granted in 1448, 1475, 1610, 1636 b and 1639.

“Such social fraternities were common everywhere until the Reformation; they had no civic rights but existed for religious and charitable purposes - to provide a priest to sing Mass and pray for the souls of its members; to distribute charity; and to assist poverty stricken members.” (Baille 1956, 19)

“Of these clerks, Hone, in his *Ancient Mysteries*, says that they were under the patronage of St. Nicholas, and that it was an essential part of their profession not only to sing, but to read, -- an accomplishment almost solely confined to the clergy; so that, on the whole, they seem to come under the denomination of a semi-religious fraternity.” (Gaylee 1907, 83-90)

The Company played a critical role in development of English drama during the English Renaissance (Baille 1956, 25). After the Reformation, however:
“Music was no longer needed in the churches, at least on the lavish scale that was customary in the old Church. The chantries disappeared and with them most of the money which had endowed all the splendour. Musicians left the service of the Church and the parish clerk ceased to be a musician.” (Baille 1956, 25).

1268 – Chester Mystery Plays
This is the traditional but disputed starting date for a festival revived in modern times and now performed every five years (Gaylee 1907, 83-90).

Edward I
1272-1307

1272 – Expulsion of the Jews
Edward I began his reign by expelling all Jews from his kingdom:
“their libraries were dispersed, their goods seized, and many of them barbarously murdered. At Huntingdon and Stamford, all their furniture came under the hammer for sale, together with their treasures of books. These Hebrew manuscripts were immediately purchased by Gregory of Huntingdon, prior of the abbey of Ramsey, who bequeathed them to his monastery. At Oxford great multitudes of books, which had belonged to the Jews, fell into the hands of Roger Bacon, or were bought by the Franciscan friars, of that university” (Timperley 1839, 62-63).

The Act created the crime of Scandalum Magnatum - defamatory speech or writing published to the injury of a person of high dignity. The literal Latin is ‘scandal of magnates’ (See 1351/52, 1378 & 1388). The Act provided that:
“anyone who should ‘tell or publish any false news or tales whereby discord or occasion of discord or slander may grow between the king and his people, or the great men of the realm… should be imprisoned until he hath brought him into the court which was the first deviser of the tale.’” It thus became an offence to spread or repeat such gossip as well as to originate it.” (Loades 1973, 143)

b - University of Paris Regulation of Booksellers, December 8
The following from Timperley describes the book market in England in the reign of Edward I and the regulation of booksellers by the University of Paris – the model on which Oxford was established. The English experience was, however, different. Oxford and Cambridge were not in the capital. Like the University of Paris, however, both worked as censor for Church and Crown (See 1407).

“The booksellers of this period were called STATIONARI, from their stations, or shops, a. term still in use in the English word stationer.* They not only sold books, but many of them acquired considerable property by lending out books to be read, at exorbitant prices, not in volumes, but in detached parts, according to the estimation in which the author was held. In Paris, the limited trade of these booksellers, consisted principally in selling books for those who wished to dispose of them, and furnishing a depository
for them, whilst on sale. To prevent frauds being practised by these stationaries, as they were called, the university framed a law, or regulation of the above date, by which the booksellers were obliged to take an oath every year, or at the farthest, every two years, or oftener if required, that they would act loyally, and with fidelity in their employment. By the same statute, which was the first ever passed in the university respecting booksellers, they were forbidden to purchase, on their own account, the books placed in their hands, until they had been offered to sale for a month; and were enjoined to expose them publicly, immediately on being lodged in their hands, with a label affixed, containing the title and price of the book; it was also further ordered, that this price should be received on behalf of the owner of the book, who should allow a certain commission to the vender, which was fixed by the university … according to the price of the book: and if any bookseller committed fraud, he was dismissed from his office, and the masters and scholars were prohibited trading with such persons, under pain of being deprived of all the rights and privileges of the community. The Sorbonne or university of Paris possessed by various royal ‘diplomata’ an extensive jurisdiction and control over everything connected with the profession; as also scribes, booksellers, binders, and illuminators. It claimed, and on many occasions, seems to have made a tenacious and frequently a severe and inquisitorial use of this right of censure. The university also exercised the right of visiting, and or inspecting books sent from other countries. Their stalls, or portable shops, were erected only near the public schools and churches, and other places of general resort… [and] sometimes placed in the Parvis, or church porch, where schools were also occasionally kept; … [thus] the portal at the north end of the cross aisle, in Rouen cathedral, is to this day called Le Portail des Libraires, or the porch of the booksellers.

* The Latin term station, sometimes means a place of public resort; sometimes also a depository.” (Timperley 1839, 63).

The word stationer “… when used of a bookseller, is a University creation: it is first found in this connexion at Bologna in the opening years of the thirteenth century” (Pollard 1937, 2).

The word “Stationer,” … appears to be derived from the Latin “Stationarius,” which term was in use in the universities to designate those persons who were in charge of a Station or dépôt where the standard texts of classical works were kept and who were authorised to deal out these texts to the students by sale or loan .(Harben 1918)).

The etymology of ‘Stationer’ arises from the fact that the bookseller operated from a fixed or stationary location as opposed to a movable cart (Harvey 2005, 164 & 192).

1285 – 13 Edw. I The Statute of Winchester

The statute forbade fairs in churchyards. Musical and theatrical entertainments were considered fairs (Craies 1907, 197).
1293—Pageanted Entry into London of Edward I

The industrial guilds sponsored triumphant shows or pageants for the entry into the City of royal and noble personages (See 1236 & 1377). This show moved through the streets on ‘pageant wagons’ (Gaylee 1907, 83-90).

Edward II
1307-1327

1311 – Festival of Corpus Christi begins

“… it became customary for the guilds to present an extended series of the plays, a series which together contained the essential substance of the Christian story… The Church generally still encouraged attendance, and not only did all the townspeople join wholeheartedly, but from all the country round the peasants flocked in. On one occasion the Pope promised the remission of a thousand days of purgatory to all persons who should be present at the Chester plays, and to this exemption the bishop of Chester added sixty days more.” (Fletcher 1916)

1320 – First Public Library at Oxford University

During the reign of Edward II, a library was started by Thomas Cobham, bishop of Worcester who, however, died shortly after. Little progress was made until 1367 when his books were deposited and scholars permitted to consult them under certain conditions (Timperley 1839, 68).

Edward III
1327-1377

1332 – Sample Book Sale Contract

“Manuscripts, or rather books, were so scarce at this time, that they were not sold but by contract, upon as good conditions and securities as those of an estate, among many other instances of the like kind, the following is still preserved in the library of the college of Laon, in the city of Paris, cited by Brenil, and made in the presence of two notaries, which beareth, that Jeffry of St. Liger, one of the clergymen booksellers, and so qualified, acknowledges and confesses to have sold, ceded, quit, and transported; and sells, cedes, quits, and transports, upon mortgage of all and sundry his goods, and the custody of his own body, a book entitled Speculum Historiale in Consequentudines Parisiensenses, divided and bound up in four volumes, covered with red leather, to a nobleman, Messire Girard of Montagne, advocate to the King for the sum of forty livres of Paris; whereof the said bookseller holds himself well content and paid” (Timperley 1839, 70).

1351/52 – 25 Edw. III, Stat. 5, c 2 Declaration what Offences shall be adjudged Treason

Like 3 Edw. I. Stat. Westm. Prim. c. 34 this was a Scandalum Magnatum statute (See 1275, 1378 & 1388). By this specific Act open abuse of the king, whether in speech or writing, was declared treason (Loades 1974, 143).
1357 - *Order of the Mayor and Aldermen of London concerning the book trade*, May 20

This order demonstrates that the book trade was active in the city by excusing “the writers of court-hand and text, the limners, and barbers dwelling within the City of London” from jury service in the sheriffs’ courts (Winger 1956, 160).

**Richard II**

1377-1399

1377 - *Pageanted Entry into London of Richard II*

As previously noted the industrial guilds sponsored triumphant shows called pageants for the entry into the City of royal and noble personages. Parts of this show were stationary; other parts moved through the streets on ‘pageant wagons’ (See 1236 & 1293).

“It is largely because the guilds of the city could not well afford to support religious plays in addition to these expensive shows that the London of those days did not contribute as much to the development of the religious drama as did the provinces.” (Gaylee 1907, 83-90).

1378 – 2 Ric. II. Stat. 1. c. 5 *The Penalty for telling slanderous Lyes of the Great Men of the Realm*.

This Act repeated the substance of 25 Edw. III. Stat. 5. c. 2 of 1351/52 adding that the spreaders of tales whose devisers could not be found were to be punished at the discretion of the Privy Council (Loades 1974, 143). It was a *Scandalum Magnatum* statute (See 1275, 1351/52 & 1388).

b - Boy Choristers of Saint Paul's, London beg Parliament for an injunction against “unskilled performers” (Bellinger 1927, 132-7)

1381 – *Tutbury Minstrels*

Incorporated by John of Gaunt, King of Castile and Duke of Lancaster the Tutbury Minstrels were, as in Cheshire, limited to a part of England, in this case the honour of Tutbury comprising the counties of Stafford, Derby, Nottingham, Leicester, and Warwick. Their ‘deed’ was entitled *Carta le Roy de Minstralx* or Charter of the King of Minstrels.

As with Cheshire (See 1181) and subsequent national legislation and charters, the object of incorporation was quality control and protection against vagabond minstrels. Unlike Cheshire, however, Tutbury was not exempted from subsequent national legislation and charters (Silburn 1922, 205).

1382 – 5 Ric. II, Stat. 2, c. 5 *Enormities ensuing the preaching of Heresies*.

The Lords – spiritual and temporal - in Parliament passed this Act and received Royal Assent without the consent of the Commons. It required the arrest of unlicensed preachers (Winger 1956, 161).

1388 – 12 Ric. II. c. 11 *Reporters of Lyes against Peers, &c. shall be punished by the Council*.

This Act repeated the substance of 25 Edw. III. Stat. 5 c. 2 (1351/52) and 2 Ric. II Stat. 1, c. 5 (1378; Loades 1974, 143). It also was a *Scandalum Magnatum* statute (See 1275).
1391 – Skinners’ Well

The Company of Parish Clerks (See 1240 & 1443) produced theatre as well as music and:

“had been playing cyclic miracles at Skinners’ Well (Clerkenwell) for many years, since they enjoyed, at that time and place, the presence of the king, queen, and nobles of the realm during a performance.” (Gaylee 1907, 83-90)

Henry IV
1399–1413

1401 – 2 Hen. IV, c.15, or De Heretico Comburendo

The statute required that one must be licensed to preach - openly or privately. It made it illegal to make, write or possess books contrary to the Catholic Faith. The Act initially targeted the works of Wyclif & his Lollards (Harvey 2005, 162)

Marginalia

Against the Lollards
The Orthodoxy of the Church of England asserted.
A new sect
Doctrines ascribed thereto
None shall preach without License from his Diocesan.
or preach or write against the Faith of the Holy Church or hold Schools for teaching or favour the Teachers of the new Doctrine.
Heterodox Books shall be delivered up to the Diocesan.
The Diocesan may arrest and imprison Offenders till they purge themselves or abjure their heretical Opinions.
Proceedings against such Offenders;
Punishment of Offenders convicted;
Imprisonment and Fine to the King;
Persons so convicted refusing to abjure or relapsing after Abjuration shall be publicly burned.

1403 – Stationers’ Guild of London

The guild was incorporated by the City of London. A Stationer co-ordinated necessary crafts – authors, copyists, binders, illuminators, et al – to manufacture and sell books as a shopkeeper of hand-made goods, i.e., books.

The mayor and aldermen confirmed the ordinances of the guild for:

“… writers of text-letters, limners, and others who bind and sell books, allowing them the rights (1) to elect two wardens annually, (2) to have their wardens sworn by the mayor, (3) to hold meetings for governing the city and the trade, and (4) to present defaulters to the city for correction and punishment. The Letter-Books of the Court of Common Council show wardens sworn for the limners in 1393 and 1394 and for the stationers nine times between 1416 and 1441.” (Winger 1956, 160; See 1557)
1407 - Oxford Constitutions
Sanctioned by De Heretico Comburendo of 1401 a license was required to copy books of divinity and Holy Scripture. Censors were appointed by the Universities (Oxford & Cambridge). Approved and licensed works were to be hand copied only by the Stationers’ Guild of London. The manuscript (original) was to be deposited in the Oxford ‘Chest’ (Harvey 2005, 162-3).

1408/09 – Constitutions for Good Governance of the Church, January
The clergy of Canterbury (to which London belonged) met in convocation and adopted thirteen constitutions. The sixth set up a system for licensing books while the seventh banned translation of the scriptures without a special license (Winger 1956, 162).

Henry V
1413–1422

1414 - 2 Hen. V, 1, c.7 Suggested Evils from the religious sect called Lollards
The statute established joint Church/State control over the writing, possessing and disseminating copies of questionable religious doctrine (Harvey 2005, 166). It also required sheriffs and justices to apprehend heretics and seize their land and property (Winger 1956, 162).

Marginalia
Chancellor, Judges, &c. shall be sworn against Lollardy and assist the Ordinaries and Commissaires in arresting Lollards, &c.
Forfeiture of Lands and Goods of Persons convicted of Heresy.
Justices of the King’s Bench, &c. shall inquire of Heretics.
Capias against them,
Conisance of Heresy belongs to Spiritual Judges.
Heretics indicted may be bailed.
Commissaires of the Ordinary.
Qualification of Jurors.
Breaking of Prison by Persons arrested.
The Heirs of Persons not convict may enter into their Lands.

1416 – Injunction for Semi-annual Inquisitions of Canterbury Parishes
The archbishop, Henry Chichesly ordered that “each parish to search into the location of heretical books and their readers. The archbishop particularly called the injunction to the attention of the bishop of London for enforcement in his diocese.” (Winger 1956, 163)

b - Emperor Sigismund entertained at Windsor with a play on the subject of Saint George (Bellinger 1927, 132-7)

WAR OF THE ROSES
1455-1485

Henry VI
1422-1461
Edward IV
1461-1470
1471-1483
Henry VI
1470-1471
1440 – *Moveable Type Printing Press invented*

During the first reign of Henry VI (1422-1461) the printing press was invented around 1440 by Johannes Gutenburg of Mainz, Germany then part of the Holy Roman Empire. It spread relatively rapidly in continental Europe but reached England later partially due to the War of the Roses (See 1476).

1443 – *Second Royal Charter to the Company of Parish Clerks*

In the first reign of Henry VI (1422-1461) a royal charter was issued granting guild status to the Company of Parish Clerks (See 1240). This charter granted trade union-like powers. The Company refused to accept livery for its members due to its Church connexion instead retaining their liturgical vestments. Guild status, however:

“gave them civic privileges and duties, and the following year the City [of London] acknowledged that membership of the gild carried with it the Freedom” (Baille 1956, 19).

Additional charters were granted in 1448, 1475, 1610, 1636 b and 1639.

1448 – *Third Royal Charter to the Company of Parish Clerks (Parish Clerks Company)*

1449 – *First Import Patent*

In the first reign of Henry VI (1422-1461) a letter patent (an open letter with the King’s Seal on the bottom) was granted to John of Utynam for a stained glass method not known in England and required for the windows of Eton College. No one else in the kingdom could use the methods for 14 years or the term of two apprenticeships. The practice was only gradually extended to domestic inventors (UK Patent Office Online 2004). In this regard, the word ‘invention’ derives from the Latin meaning ‘come into’. The import patent thus rewarded bringing new knowledge into the kingdom from abroad.

1450 – *Proclamation against Rebel Libels*

In the first reign of Henry VI (1422-1461), the Jack Cade rebellion broke out in Kent. The rebels posted libels against the King on church doors and conspicuous places:

“Henry VI proclaimed against these seditious bills, forbidding any to read, pronounce, deliver or show, copy or cause to be copied, or impart to any man secretly or openly any seditious schedule or bill, but to burn any such bill which came to his hand.” (Winger 1956, 163)

1469 – *Royal Charter to the King’s Minstrels*

During the reign of Henry VI a royal commission had been appointed to regulate encroachment by other musicians on the preserves of the King’s musicians. Subsequently in the first reign of Edward IV (1461-1470) the first royal charter to musicians was granted in 1469 granting guild status and authority to regulate musicians throughout the realm (Duck 1953, 255). It declared the King’s Minstrels to be:

“‘in deed and name one body and cominality, perpetual and capable in law, and should have perpetual succession’. The corporation was governed by a Marshal - a post held for life - and two wardens, elected annually. Their jurisdiction comprised the whole of England with the exception of Cheshire where minstrels were already a corporate body. Their duty was ‘the survey, scrutinie, correction, and government of all and singular the musicians within the kingdom’” (Silburn 1922, 284).
1475 – *Fourth Royal Charter to the Company of Parish Clerks* (See 1240, 1443, 1448, 1610, 1636 b & 1639; Parish Clerks Company)

1476 – *Printing press introduced into England*
In the second reign of Edward IV printed books were being imported but it was William Caxton who set up the first printing press on English soil. He was followed by foreigners who soon made up a majority in the trade for the next forty years (Harvey 2005, 173).

Edward V
1483

Richard III
1483-1485

1483 – *1 Ric. III, c.9 An Act Touching on the Merchants of Italy* (Statute of Richard the Third)
During the reign of Richard III, this statute exempted the book trade from a general tightening of employment restrictions on foreigners – aliens and denizens, *i.e.*, resident aliens (Harvey 2005, 174).

*Relevant Marginalia*
This Act shall not extend to importers of Books or to any Writer, Limner, Binder or Printer.

*See Annex A: 1483* for complete marginalia.

Henry VII
1485-1509

1485 – *Prerogative Licensing or Printing Patents*
Peter Actors was appointed, by letters patent, Stationer to the King (Harvey 2005, 175). This began the royal practice of issuing prerogative licenses to print specific titles and/or types of works, *e.g.*, almanacs, prayer books, statutes *etc.* This type of license is also known as a printing patent. Subsequent controversy within the Stationer’s Co. between those who held such patents and those who did not contributed to the *Star Chamber Decrees of 1586*.

Actors enjoyed the right to import both printed and manuscript books without paying customs. On the other hand Richard Pynson and William Faques claimed to be the king’s printer of statutes (Winger 1956, 164).

1486/7 – *3 Hen. VII. c. 9 An Acte that the Cytizens of London maye carry all manner of Wares to forrayne Marketts*
“When the Corporation of London passed an ordinance on February 1, 1486 prohibiting the freemen of London from trading at country fairs, Parliament, taking note that citizens of all stations had been wont to resort to the fairs to buy many useful things, among which were books, annulled the ordinance.” (Winger 1956, 164)

1487 – *Court of the Star Chamber founded*
The Star Chamber was the Privy Council of the King sitting as a Court. It was a royal prerogative not Common Law court. Among its responsibilities was control of the press (Timperley 1839, 186).
1492 - Ordenaunces of Warre

Printed copies of these Ordinances were distributed to all officers before a campaign in France with the explicit intention that by so doing no officers would have excuse for offenses due to ignorance (Harvey 2055, 175).

1500 – Guild of Musicians incorporated by the City of London (Duck 1953, 255)

1501 – Papal Bull requiring pre-print licensing of books

Issued by Pope Alexander VI the Bull forbade printing “any books, treatise, or writings, until they have consulted on this subject, the archbishops, vicars, or officials… and obtained their special and express licence…” It also set out regulations to prevent works already printed from doing mischief (Timperley 1839, 204).

1503 – Office of King’s Printer

On the death of Peter Actor (See 1485) the King renamed and reformed the position of Stationer to the King creating the Office of the King’s Printer to which William Faques was first appointed. This was not an honorary office but rather established a Crown monopoly on official publications assuring there was only one authoritative version. It also, of course, provided a propaganda vehicle for the Crown (Harvey 2055, 175-6).

1509 – Burial Livery of Henry VII

Livery from the funeral was given to the King’s players: (Kazuaki 2003, 1).

Henry VIII

1509-1547

1510 – Pre-Printing Ecclesiastical Censorship

The first documented case of pre-printing censorship found in a copy of Melton’s Sermo. Normal practice did not require the license for a book or play to be reproduced in print just on the original manuscript attached as an extra page at the end (Gleason 1982).

b - 1 Hen. VIII. c. 14, An Act agaynst wearing of costly Apparel

Minstrels and players, ambassadors, heralds, and royal servants were exempted from restrictions of this Act (Kazuaki 2003, 1). This was the first in a series of Sumptuary Laws that made status fraud a crime (McCraken 1988). Those dressing above their station could be publicly striped of their garments and subjected to other punishments such as the stocks. (See 1512, 1515 b, 1517 & 1532/33)

Relevant Marginalia

I – s.s. Women; Heralds, &c.

See Annex A: 1510 for complete marginalia

1512 - 3 Hen. VIII. c. 9 An Acte agaynst disgyysed persons and Wearing of Visours

No one was to disguise themselves or enter anyone’s house wearing a disguise. Selling or keeping visors was prohibited (See 1510, 1515 b, 1517 & 1532/33; Kazuaki 2003, 1).

Marginalia

I – Penalty on Mummers or disguised Persons; Imprisonment and Fine.

II - And on Persons selling or keeping Visours.
1515 – 7 Hen. VIII, c. 5, Act for Labourers & artificers within the City of London
This was the first in a series of measures dealing with employment of foreigners (See 1523 & 1529). By the end of the series all denizens or resident aliens paid a double subsidy or tax. While not aimed specifically at the book and printing trades the fact was that between 1476 and 1535 two-thirds employed were aliens (Harvey 2005, 177). The Musician’s Guild would likely have been affected.

Marginalia
Recital of Statute 6 Hen. VIII, ch. 3, as to Wages of Labourers
Masons and Bricklayers, &c. within London may take such Wages as before said Act
But not out of said City
Not for the King’s Works
Penalty on Giver of excessive Wages repealed

b - 7 Hen. VIII, c. 6, THACTE of Apparell
The King and his family were the only persons who could wear cloth of gold, of purple colour or silk or black fur. Minstrels and players were exempted from these restrictions (Kazuaki 2003, 2). This was another Sumptuary Law intended to prevent status fraud (See 1510 b, 1512, 1517 & 1532/33).

Relevant Marginalia
VI - Ambassadors, Heralds, Players, &c.
See Annex A: 1515 for complete marginalia

1517 – Proclamation enforcing statutes on apparel, vagabonds, labourers, Feb. 19
This was another Sumptuary Law intended to prevent status fraud (See 1510 b, 1512, 1515 b & 1532/33; Kazuaki 2003, 2) as well as control unlicensed or vagabond bards, minstrels and players.

1520 – Papal Bull: Exurge Domine
Issued by Leo X the Bull condemned the writings of Luther, forbade any person to hold, read, print, publish, or in any way defend Luther’s books and ordered their confiscation and burning (Harvey 2005, 167).

1521 – English Mandate against Luther, May 14
Cardinal Wolsey, with concurrence of King Henry VIII and the Archbishop of Canterbury Warham ordered booksellers and other laymen as well as ecclesiastics to surrender all books by Martin Luther and his followers in any language written whether printed or in manuscript-by August 1 or face charges of heresy (Winger 1956, 166).

1523 – 14 & 15 Hen. VIII, c. 2 An Act concerning the taking of apprentices by Strangers
All alien artificers were belong to an appropriate Company (guild). All apprentices were to be English born and no more than two foreign journeymen were to be employed, e.g., in one printing house (See 1515 & 1529; Harvey 2005, 176). The Musician’s Guild would likely have been affected.

Marginalia
1. No Alien shall take an Alien Apprentice: Penalty £10
2. No Alien shall keep more than Two Alien Journeymen
3. Aliens using any handicraft in London, &c. shall be under the Search of the Wardens and Fellowship of Handicrafts, and one Alien of the same Craft. Mark for the Wares of Aliens
Search and Reform of Wares of Aliens
Aliens being Smiths, Joiners and Coopers shall mark their Wares with such Marks as Wardens of their Craft may appoint;
Penalty, Double Value.
4. False and deceitful Wares of Aliens found upon Search shall be forfeited.
5. Wardens of Fellowships in Cities and Towns Corporate or the bailiffs and Governors thereof shall view and search Aliens using any Handicrafts there.
6. Remedy for such Strangers wrongfully entreated.
7. Aliens may retain their present Journeymen and Apprentices.
8. Saving for the Universities, &c.
9. If Wardens refuse to mark the Wares they may be sold without the Mark.
10. Lords, &c. may retain Alien Joiners and Glaziers.

1524 – Regulation of Printed Books by Bishop of London
“Cuthbert Tunstall, the bishop of London, issued the first regulations which recognized the distinctive importance of the new medium. No books were to be imported without Episcopal permission, and no new works were to be printed without licence from the same authority.” (Loades 1974, 146)

1526 – Proclamation enforcing statutes against unlawful games and for archery, May. This would have included plays and Interludes (Kazuaki 2003, 2).

1529 – 21 Hen. VIII, c. 16 An Act ratifying a Decree made in the Star Chamber concerning Strange Handicraftmen in the Realm of England
The statute extended provisions of 14 & 15 Hen. VIII, c. 2 (See 1515 &1523).
See Annex A: 1529 for complete marginalia
b - Proclamation calling for enforcement of statutes against heresy and prohibition of unlicensed preaching and heretical books, March 6 (Harvey 2005, 180-1).

1530 – Proclamation ordering punishment of vagabonds and beggars, June
Wandering minstrels and ‘common players’ were classed vagabonds, rogues and sturdy beggars and subject to prosecution (Kazuaki 2003, 6).

b - Proclamation enforcing statutes against heresy and prohibiting unlicensed preaching and heretical books, May 6
It “revived the medieval heresy laws and, in its concluding section, specifically listed fifteen works by reformers such as William Roy (d. in or before 1531), Henry Bullinger and William Tyndale (c.1494-1536) that were prohibited” (Deazley 2008).
c - Proclamation prohibiting erroneous books and Bible translations, June 22 (Harvey 2005, 181)
d - Proclamation prohibiting Papal Bulls, September 12 (Harvey 2005, 181)

1530/31 – 22 Hen. VIII. c. 12 An Acte concernyng pynysshement of Beggers & Vacabundes
Idle persons practising unlawful games and plays were to be whipped (Kazuaki 2003, 7). This included unlicensed minstrels and common players.
Relevant Marginalia (no additional marginalia provided)
IV - For Punishment of Scholars, Sailors, Fortunetellers, &c. being Beggars or Vagabonds.
1532/33 - 24 Hen. VIII. c. 13 An Acte for Reformacyon of Excesse in Apparayle

Minstrels and players were exempted from its sumptuary restrictions (See 1510 b, 1512, 1515 b & 1517; Kazuaki 2003, 7).

Relevant Marginalia
III – Proviso for Judges, Serjeants, Mayors, Recorders, Sheriffs, and other Public Officers
Ambassadors, &c.
Heralds, Players;

See Annex A: 1532/33 for complete marginalia

1533/34 – 25 Henry VIII. c. 22 An Acte for the establishement of the Kynges succession

The Act made it an offense “by writing, print, deed or act, [to] procure or do, or cause to be procured or done, any thing or things to the prejudice, slander, disturbance or derogation of the said lawful matrimony”.

Relevant Marginalia (no additional marginalia provided)
V – For Proclamation of this Act
Any Person who shall maliciously do anything by Writing, &c. to the peril of the King or to the Prejudice of his Marriage with Queen Anne, or of the Issue inheritable to the Crown, under this Act, declared to be guilty of High Treason.

1534 - 25 Hen. VIII, c.15 An Act for Printers and Binders of Books

This repealed the exemption of foreign printers granted by the 1483 Statute of Richard the Third. It became an offense to buy books retail from an alien or books bound abroad. Aliens could only sell to an English-born printer or stationer (Harvey 2005, 176).

Marginalia
1. Proviso in Stat. 1 Ric III, c. 9 as to Importation of Books
Increase of Printing in England since that Time, &c.
The said Proviso repealed.
2. None shall buy foreign bound Books to sell again; Penalty 6s. 8d per Book.
3. Like Penalty on buying such Books of Aliens Retail.
Recovery of Penalties.
4. Lord Chancellor, &c, may regulate the Price of Books and binding.
Penalty on selling at higher Prices; 3s. 4d. per Book.

b - 26 Hen. VIII c. 13 An Act whereby Offences be made High treason, and taking away all Sanctuaries for all manner of High Treasons

The statute defined treason to include “by words or writings”.

Marginalia
1. Maliciously to wish or attempt bodily harm to the King or Queen or their Heirs, or to deprive them of their Title or to slander the King as an Heretic, &c. or to detain any Fortresses, Ships, &c. declared to be High Treason
2. Traitors shall not have any Benefit of Sanctuary
3. Treason committed out of the Realm may be tried in any County within the Realm, &c.
Process and Outlawry against Offenders out of the Realm
4. Traitors shall forfeit all their Estates and Inheritance
General Saving
1535 – *Proclamation enforcing statutes abolishing Papal authority in England*, June 9

The proclamation enforced statutes abolishing Papal Authority and required all “Books used in the churches, wherein the Bishop of Rome is named or his presumptuous and proud pomp and authority preferred, utterly to be abolished, eradicated and erased out” (Harvey 2005, 181).

Previously on June 1 the king sent a letter to all the bishops ordering them “to cause all prayers, rubrics, canons of Mass books, etc. wherein the Bishop of Rome is named, or his presumptuous and proud pomp mentioned to be utterly abolished and raised out; and his very name and memory to be never more remembered, except to his contumely and reproach (Winger 1956, 173).

1536 – *Proclamation ordering surrender of Bishop Fisher’s Sermon & Books*, January 1

The proclamation ordered the surrender of Bishop Fisher’s sermon and books (Harvey 2005, 181).

b - *Proclamation against divers and sundry writings and books*, January

“. . divers and sundry writings and books, as well imprinted as other in which such writings and books many open and manifest errors and slanders are contained, not only in derogation and diminution of the dignity and authority royal of the king’s majesty and of his Imperial Crown, but also directly and expressly against the good and laudable statutes of this realm....” (Loades 1974, 147)

c - *Proclamation ordering punishment for seditious rumours; martial law for unlawful assemblies*, October 29 ((Deazley 2008)

d - *Injunctions of the Viceregent for Matters Ecclesiastical*

Thomas Cromwell issued injunctions requiring every parish church to have a copy of the “whole Bible, both in Latin and also in English, and lay the same in the choir for every man that will to look and read thereon” (Winger 1956, 170).

1538 – *Proclamation prohibiting unlicensed printing of scripture, exiling anabaptists, depriving married clergy, removing St. Thomas a Becket from Calendar*, November 16

The proclamation transferred control of content from Church to State and prohibited the import of books without royal licence. Printing of works was to take place only after examination by the Privy Council. Restrictions were placed on the printing and import of Bibles *simpliciter* but especially annotated Bibles. In effect the proclamation began the formal system of censorship and regulation of the printing trades (Harvey 2005, 183).

In this transfer of responsibility for the licensing of books from the diocesan bishops to the Privy Council, Loades finds evidence of an intention to regulate both religious and political ideology. He writes as follows: “Although these regulations were ostensibly for the protection of true religion, it is clear from the controlling influence given to the Privy Council that political as well as theological enemies were the target.” (Deazley 2008)

1539 – *Proclamation for Uniformity in Religion*, April

It limited exposition and reading of Scripture (Harvey 2005, 181).
b - 31 Hen. VIII, c.8 Statute of Proclamations

Proclamations were granted the force of law as if passed by Parliament. They could not, however, take the life of a subject nor infringe on a subject’s lands and goods or any established law. They had effect only during the reign of the proclaiming monarch unless renewed by a successor. Breaches were heard before the Court of the Star Chamber (Adair 1917, 37).

Marginalia

1. Danger of Disobedience to Proclamations by the King and Council.
   Proclamations may be made by the King and Council and shall be obeyed as Acts of Parliament

2. Such Proclamations shall not prejudice Estates, Offices, Liberties, Goods or Lives or repeal any existing Laws, &c.
   Except under express Forfeitures and in Cases of Heresy

3. Sheriffs shall publish such Proclamations

4. Offenders on Conviction before the Council in the Star Chamber shall incur the Penalties specified in the Proclamations if published in the Shire where the Offender dwells

5. Process against Offenders

6. Offenders departing the Realm shall be adjudged Traitors and forfeit their Goods and Lands
   Saving for Title of others than the Offenders

7. Offenders concealing themselves shall stand convicted and be punished accordingly

8. Proclamations made during the Minority of a King shall be signed by the Counsellors ordering the same

9. How Justices may execute any Proclamation directed to them within their several Shires

10. Mitigation of Penalties

c - Proclamation addressed “to all and singular prynters and sellers of books within this our realme, and to all other officers, ministers and subjects, November 14

It prohibited printing of any Bible except that approved by Thomas Cromwell (Harvey 2005, 180).

d - 31 Hen. VIII, c. 14 An Act abolishing diversity in Opinions

The statute granted ecclesiastical authorities acting as a Commission the right to confiscate offensive texts (Harvey 2005, 185).

Relevant Marginalia

1. Ecclesiastical Supremacy of the King…
   Any Person who by Word, Writing, &c. shall teach or hold any Opinion contrary to the first Article declared a Heretic and punishable by Death by burning with Forfeiture of Lands and Goods

3. Any Person who shall publish or hold Opinion contrary to the said 5 Articles shall for the first Offence be punished by Loss of Goods and Loss of Lands for Life, and Imprisonment and for the Second Offence be adjudged a Felon without Clergy

See Annex A: 1539 for complete marginalia
1541 – *Proclamation ordering the Great Bible to be placed in every church*, May 6 *(Harvey 2005, 181-2).*

b - *Proclamation altering feast days and fast days*, July 22
   It forbade the practice of dressing children as counterfeit priests, bishops, or women on the feasts of St. Nicholas, St. Catherine, and the like *(Kazuaki 2003, 11-12).*

1542 – *Proclamation of printing patent to Anthony Marler*, March 12
   The proclamation announced a printing patent to Anthony Marler *(Harvey 2005, 180).* Marler was awarded Thomas Cromwell’s patent for Bible printing after Cromwell was beheaded. To protect Marler’s investment, the king ordered every church to buy a copy under pain of a heavy fine *(Winger 1956, 172).*

b - *Proclamation banning books contrary to Doctrine*, March
   The proclamation required a license for the importation of any religious books. It also required printers to sign their works and give the name of the author and day of publication. By this measure it became a crime to publish anonymously, and it left no defence for the publication of a banned author after the date of his proscriptions *(Winger 1956, 174)*

1542/43 – 34 & 35 Hen. VIII, c.1 *An act for the advancement of true religion, and for the abolishing of the contrary*, January 22
   The statute abolished books contrary to the articles of faith *(Harvey 2005, 185)* and prohibited similar songs and plays *(Hazlitt 1869, 3).* For the first time specific penalties for unlicensed printing appeared upon the Statute book:
   
   “... if any printer, bookbinder, bookseller, or any other persons or persons .
   . . print or cause to be printed, or utter, sell, give or deliver within this realm or elsewhere within the king's dominions of any of the books or writings before abolished or prohibited ... *(Loades 1974, 149)*

**Marginalia**

1. Ignorance and Error of Persons respecting the Christian Religion
   Perversion of Scriptures by Preaching, Books, Ballads, Plays, &c.
   Expediency of suppressing such Books, &c. and establishing the doctrines of the Catholic and Apostolic Church
   The crafty and false Translation of the Scriptures by Tyndale and all other English Books contrary to the Doctrine set forth by the King since 1540 abolished and forbidden to be kept or used

2. Penalty on Persons printing or selling such prohibited Books, or playing, singing, or rhyming any Matter contrary to such Doctrines
   First Offence Three Months Imprisonment and £10. per Book, &c. Second Offence Forfeiture of Goods, and perpetual Imprisonment


4. Proviso for Translations of the Scriptures not being Tyndale’s but all Annotations or Preambles in them shall be blotted out except Summaries of Chapters.

5. Proviso for the King’s Proclamations and for Statutes, Chronicles, Poetry and Biography

6. Proviso for Religious Books printed by the King’s Licence with the Printer’s Name, &c.
7. Proviso for Songs and Plays not having Reference to Religious Doctrines
8. Penalty on Persons not appointed by the King or the Ordinary, &c. the Scriptures in English in any Church, &c. One Month’s Imprisonment
9. Proviso for Exhortations of the Chancellor, Speaker, &c.
11. Danger to the lower Classes from reading the Scriptures in English.
   Penalty on Women, Artificers, Servants and Labourers reading the Scriptures in English One Month’s Imprisonment unless permitted by the King’s Indulgence
12. Proviso for other Persons reading the Scriptures privately
13. Proviso for Ladies reading privately
14. Proviso for authorized Doctrine and for English Psalters, &c. in Families
15. Penalty on unauthorized Expounders of Scripture
16. Recovery and Application of Penalties
17. Clergy preaching contrary to the King’s Doctrine shall on the first Offense be admitted to recant; on Refusal to recant or on Second Offence, shall abjure and bear a Faggot on Refusal to abjure or on Third Offence shall be deemed a Heretic, and be burned and lose all his Goods:
   Penalties on Lay Persons so offending First Offence Recantation and Twenty Days Imprisonment; Second Offence Abjuration, &c. Third Offence Forfeiture of Goods and perpetual Imprisonment
18. Limitation of Prorogation One Year.
19. Persons accused may produce Witnesses in their Defence
20. No Penalty for disputing Doctrines till One Month after they are set forth in print.
21. Act of Six Articles, 31 H. VIII, c. 14 confirmed
22. The King may alter this Act at his Pleasure
23. Justices shall attend the Summons of the Ordinary for proceeding against Offenders.
   Penalty 40s

1543 – Proclamation of an authorised grammar, March 25
   The proclamation established an authorised grammar and commanded school masters to use Lily’s English Introduction and Latin Grammaer (Harvey 2005, 182).

1544 – Proclamation suppressing publication of military rumours, May 18 (Harvey 2005, 182)
   b - Proclamation limiting performance of interludes and plays, October
      No interludes or common plays were to be performed within the City of London except in the houses of noblemen or substantial citizens or in the open streets of the city or in the guild common halls (Kazuaki 2003, 17).
   c - First Master of the Revels (Kazuaki 2003, 18)
      Sir Thomas Cawarden received a patent as Master of the Revels which thereby became an office distinct from the Lord Chamberlain. Carwarden served until 1559. The Master was responsible for entertainments at court and elsewhere as required. Carwarden successors also became responsible for licensing stage plays before they could be performed in public. (See 1560)
   d - Proclamation authorizing an English Primer Book of Prayers, May 6 (Harvey 2005, 182)
**Proclamation against vagabonds, ruffins, and idle persons, May 26**

The proclamation announced that the King was determined to use vagabonds, masterless men, common players, and evil-disposed persons to serve his realm in certain galleys and other vessels which he intended to arm against his enemies (Hazlitt 1821, 6-7; Kazuaki 2003, 18).

**Proclamation of printing license for Services Books, May 28**

It granted an exclusive printing licence for service books to Richard Grafton and Edward Whitchurch including the *English Primer* (Harvey 2005, 180).

1546 – **Proclamation prohibiting heretical book; requiring the printer to identify himself, author of book, and date of publications, July 8**

The proclamation prohibited printing any book unless it contained the names of the author, printer and the date of printing. The first copy was to be sent to the mayor of a city and no other copies were to be circulated for two days forcing examination by licensers and thereby expediting approval to the benefit of the printing and publishing industry. It also outlawed translation of Tyndale’s work (Harvey 2005, 180, 184-5).

**Edward VI**

1547-1553

1547 – **1 Edw. VI, c. 1 An Acte against suche as shall unreverentlie speake against the Sacrament of the bodie and bloude of Christe comonlie called the Sacrament of the Altar, and for the receiving therof in bothe Kyndes.**

Section 1 included penalties against plays, interludes and songs depraving or reviling the Eucharist (Craies 1907, 196). (No marginalia provided).

**An Acte for the Punishment of Vagabondes and for the Relief of the poore and impotent Parsons**

Wandering players and unlicensed minstrels were vagabonds subject to this Act including being branded with a ‘V’ and declared a slave. (No marginalia provided).

**An Acte for the Repeale of certaine Statutes concerninge Treasons, Felonyes, &c.**

The statute repealed several acts of Henry VIII one of which forbade printing or mentioning English books of Scripture, those comprising any matter contrary to the doctrine of the Catholic and apostolic Church of England (Kazuaki 2003, 21).

**Printing patent for Statute Books granted to Richard Grafton** (Timperley 1839, 300)

**Proclamation for enforcement of statutes against seditious rumours, May 24** (Harvey 2005, 185)

**Injunctions endorsing the English Primer, July 31**

The injunctions ordered homilies from the pulpit endorsing the *English Primer* (Harvey 2005, 185).
1548/49 – 2 & 3 Edw. VI. c. 1 An Acte for the Unyformytie of Service and Administracion of the Sacramentes throughout the Realme

The Act required all churches to get copies of the Book of Common Prayer before Pentecost and use them immediately. Anyone who refused or who spoke against it was to suffer six months in jail (Winger 1956, 178). The Act also forbade interludes and plays deprecating or despising the Book of Common Prayer (Kazuaki 2003, 21).

Relevant Marginalia (no additional marginalia provided)

III - Penalty on other Persons, by Plays Songs or Words deprecating or despising the said Common Prayer, or compelling or procuring the Use of any other Form, or interrupting any Minister using the same;

1549 – Proclamation for abolishing and putting away divers books and images & prohibiting plays and interludes, August 6 (Timperley 1839, 304; Kazuaki 2003, 23)

b - Proclamation for the inhibition of Plaiers August 6

Directed to mayors and other officials across the realm this instituted, in effect, a temporary injunction against all plays between August 6 and the Feast of All Saints Day, “[none] of them, openly or secretly play in the English tongue any kind of Interlude, Play, Dialogue or other matter set forth in form of Play in any place public or private within this realm, upon pain that whosoever shall play in English any such Play, Interlude, or other matter, shall suffer imprisonment, and further punishment at the pleasure of his Majesty” (Hazlitt 1869, 8).

c - Privy Council Order on licensing books, August 11

“from hensforth no prenter sholde prent or put to vente any Englisshe books but suche as sholde first be examined by Mr. Secretary Peter, Mr. Secretary Smith, and Mr. Cicill, the one of them, and allowed by the same” (Winger 1956, 179).

1549/50 – 3 & 4 Edw. VI, c.10 An Act for the abolishing and putting away of divers Books and Images

“In consequence of the above act of Edward, for destroying books, the libraries of Westminster and Oxford were ordered to be ransacked, and purged... many of astronomy were supposed to be magical, and destroyed on that account; while the members of the university, unable to put a stop to these ravages, trembled for their own safety... And thus an almost inestimable collection both for number and value were either thrown away, or used for the vilest purposes, or else were turned into bonfires, or given to bookbinders and tailors for the use of their trade.”

(Timperley, 1839, 304-5)

Marginalia

1. The Book of Common Prayer having been lately established
   Missals and other Books of Church-Service, formerly used, shall be abolished.
2. All Images in Churches shall be destroyed; and such Missals, &c. shall be delivered up to the Mayors &c. and by them to the Bishops to be burned or destroyed.
Penalty on not delivering up such Books; 1st Offense, 20s. 2nd Offense, £4, 3rd Imprisonment
3. Penalty on Mayors, &c. and on Bishops, &c. neglecting to destroy such Books, £40.
4. Offences may be determined by Justices of Assise and Peace.
5. Primers of H.VIII. may be used, Invocations to Saints being blotted out.

b - 3 & 4 Edw. VI, c.15 An Acte against fonde and fantastical Prophesies (no marginalia provided)
c - 3 & 4 Edw. VI, c.16 An Acte towyching the Punyshment of Vacabonds and other ydle Parsons. (no marginalia provided)

1550 – Proclamation ordering vagabonds to leave London, May 7 (Kazuaki 2003, 24)
1551 – Proclamation to reform vagabonds, players & printers, April
   The proclamation called “… for the reformation of vagabonds, tellers of new, sowers of seditious rumours, players, and printers without licence, unless allowed by his majesty, or six of his privy council under their hand, and divers other disorderly persons” (Timperley 1839, 313; Hazlitt 1869, 10; Kazuaki 2003, 25).

b - Proclamation against importing books, April 28
   The proclamation required that anyone importing books in English should have the license of the king or six members of the Privy Council (Winger 1956, 179).
c - Proclamation on slander and seditious billes, May 22
   The proclamation made “… casters, and spreaders of vile or slanderous and seditious billes” subject to prosecution (Timperley 1839, 313).
d - First English Comedy
   Written by Nicholas Udall, master of Eton College, Ralph Royster Doyster was probably acted by the students of the college. (Backus 1897).

1551/52 - 5 & 6 Edw. VI, c. 1 An Acte for the Unyformytie of Comon Prayer and admynistration of the Sacramente.
   The Act authorized a radical revision of the prayer book, which it ordered all churches to acquire and use (Winger 1956, 179).
   Relevant Marginalia (no additional marginalia provided)
   IV – The Book of Common Prayer, &c. perused and perfected established under the Sanction of St. 2, 3 E. VI. c.1

b - 5 & 6 Edw. VI, c. 11 An Acte for the punyshment of diverse Treasons
   The Act provided the death penalty for printing that the king or his lawful heirs was “an heretik, schismatic, tyrant, infidel, or usurper of the crown” (Winger 1956, 179).
   Relevant Marginalia (no additional marginalia provided)
   I - Penalty on Persons advisedly affirming by Words that the King or any of his Successors under the Authority of St. 35 H.VIII. c. 1 is an Heretic or Usurper:
   II - Writing, &c. declared High Treason, in the first Instance
Mary I
1553-1558

1553 – Proclamation against spreading seditious rumours, July 28 (Winger 1956, 180)

b - Proclamation for Order and Conformity in Religion, August 18

It offered freedom of conscience while prohibiting religious controversy and unlicensed plays and printing (Hazlitt 1869, 15; Kazuaki 2003, 28; Harvey 2005, 186). It denounced the:

“printing of false fond books, ballads, rhymes and other lewd treatises in the English tongue concerning doctrine now in question and controversy ... which books, ballads, rhymes, and treatises are chiefly by the printers and stationers set out to sale to her graces subjects of an evil zeal for lucre and covetousness of vile gain.” (Loades 1974 151)


The patent was granted to John Cawood who subsequently became Queen’s Printer (Winger 1956, 180).

“Wherefore we prohibit all our subjects, whatsoever and wheresoever, and all other persons whatsoever, to print, or cause to be printed, either by themselves or others, in our dominions, or out of them, any books or volumes, the printing of which is granted to the aforesaid John Cawood; and that none cause to be reprinted, import, or cause to be imported, or sell within our kingdom, any books printed in our dominions by the said John Cawood, or hereafter to be printed by him in foreign parts, under the penalty of forfeiting all such books, etc..

And we do grant power unto John Cawood, and his assigns, to seize and confiscate to our use all such books, etc. as he or they shall find so prohibited, without let or hindrance...”

(Timperley 1839, 318)

d - 1 Marie. c. 1 An Acte repealing certayne Treasons Felonies and Premunire, October

The Act repealed all the treason acts passed since 1534 b. The written or spoken word was no longer treason, per se. The main purpose of those acts was to uphold royal supremacy in religion (Winger 1956, 181). (no marginalia provided)

1554 – Proclamation ordering the deportation of Aliens, February 17

It called for the deportation of seditious aliens (Harvey 2005, 186). This included all aliens resident in the kingdom, “either preacher, prynter, bokeseller, or other artificer,” to leave the realm within twenty-four days (Winger 1956, 181).

b - Proclamation directing Bishops on how to deal with unlawful books, March 4 (Harvey 2005, 187)

c - Proclamation calling for the destruction of seditious bills and writings, April 10 (Harvey 2005, 187)

d - Proclamation expelling vagabonds from London and Westminster, Sept. 15 (Kazuaki 2003, 29)
1554/55 – 1st & 2nd Phil. & Mar. c. 3. An Act against seditious Words and Rumours

The Act was passed against authors, dispersers, or printers of seditious words and rumours. The person convicted of printing such objectionable tales could be sentenced to have his right hand cut off (Winger 1956, 181).

Marginalia

   3 Edw. I, c.34; 2 Ric. II, st. 1, c. 5; 12 Ric. II, c. 11; against Tellers of false News; Recited Acts confirmed, &c.
   Justices of Peace may determine Offenses, &c.

2. Penalty for maliciously uttering seditious Slanders against the King or Queen:
   First Offense, Pillory and Loss of Ears; or £100 and Three Month’s Imprisonment.

3. Penalty for repeating such seditious Slanders: First Offense, Pillory and Loss of one Ear; or 100 Marks and One Month’s Imprisonment.

4. Penalty on Writings against the King or Queen, not being Treason within Statute 25 E. III, st. 5, c. 2; Loss of the right Hand.


8. Officers of Corporations may act as Justices of Peace.


b - 1 & 2 Phil. & Mar. c. 6 An Acte for the renueng of three Estatutes made for the punishement of Heresies

The Act revived statutes against heresy passed by Richard II, Henry IV and Henry V which included prohibitions against writing and printing heresies. This prepared the ‘stake’ for reforming bishops like Cranmer, Latimer, and Hooper who had written books which Mary’s government declared heretical (Winger 1956, 181).

c - 1 & 2 Phil. & Mar. c. 10 An Acte wherby certayne Offences bee made Tresons; and also for the Governement of the Kinges and Queenes Majesties Issue.

This filled the gap produced by 1 Marie. c. 1 of 1553. It again became treason to write or print anything questioning the legitimacy of the King or Queen.

Relevant Marginalia (no additional marginalia provided)

III - Compassing the King’s Death by Writing or other overt Act, or in like Manner denying the Title of the King or Queen or their Issue, declared High Treason.

V - Attempts .by Writing or overt Act against the King, during such Guardianship, declared High Treason.

1555 – Proclamation against Heresy, May 26

The proclamation called for enforcement of statutes for public order including those of Richard III, Henry IV and Henry V (Harvey 2005, 187) and ordered all justices to enforce the heresy statutes (Winger 1956, 181).

b - Proclamation against printing, vending, or possessing heretical books, June 6

“whosoever shall, after the proclamation hereof, be found to have any of the said wicked and seditious books, or finding them, do not forthwith burn the
same, without showing or reading the same to any other person, shall in that case be reputed and taken for a rebel, and shall without delay be executed for that offence, according to the order of martial law” (Timperley 1839, 322).

c - Proclamation enforcing statute against heresy; prohibiting seditious & heretical books, June 13

The proclamation called for enforcement of statutes against heresy and prohibited seditious and heretical books by named authors (Harvey 2005, 187). It also forbade anyone to “wryte, prynt, vttter, sel, reade, or kep or cause to be wrytten, prynted, vtttered, rede, or kep” the Book of Common Prayer which Edward’s advisers had promoted (Winger 1956, 182).

1556 – Papal Purge of Oxford & Cambridge Libraries

“Cardinal Pole appointed commissioners to visit the two universities, and reform them according to the views of the papal hierarchy. At Cambridge [and]… Oxford, the visitors went through all the colleges, and burnt all the English Bibles, and such books as they deemed heretical.” (Timperley 1839, 326)

b - Proclamation against dramatic performances

The proclamation forbade interludes and plays depraving or despising the orthodox faith, the Eucharist or the Book of Common Prayer (Craies 1907, 196).

1557 – Royal Charter of Stationers’ Company of London, May 4

This charter was similar to one proposed to but rejected by Henry VIII in 1542. He considered its powers too wide. This charter was renewed by Elizabeth, in 1588; amplified by Charles II in 1684; and confirmed by William and Mary in 1690 and continues as the existing charter of the company.

“The powers granted to them by these charters are of such a nature as would not be very fit to be acted upon in the present times. They had the rights of the inquisition itself over all literary compositions - might search houses for any books which they deemed obnoxious to the state, or their own interests - might enter, as often as they pleased, any place, house, shop, chamber, or building, belonging to any stamper, printer, binder, or seller of any manner of books—might seize, take away, have burn, or convert to their own use whatever they should think was printed contrary to the form of any statute, act or proclamation, made or to be made and these odious privileges were often acted upon, as may be seen in the lives of the early printers, and in the company’s accounts” (Timperley 1839, 325).

Functions
(i) remedy seditious and heretical books
(ii) registration of members’ rights to print specific titles (copyright)
(iii) admission of apprentices
(iv) regulation of the printing trade

Powers
(i) right as a corporate body to perpetual succession
(ii) power to take legal action and make its own rules of governance

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(iii) right to meet together and elect Master and two Wardens  
(iv) right to own property in London  
(v) monopoly of printing trade throughout England  
(vi) power of search and seizure nation-wide (Harvey 2005, 189-190).

1558 – *Proclamation of Martial Law, June 6*

The proclamation called for the execution of persons possessing heretical or treasonable books (Harvey 2005, 187). It also ordered the summary punishment as a rebel of anyone having “dyuers bokes filled bothe with heresy, sedityon and treason,” who failed to destroy them without showing them to anyone (Winger 1956, 182).

**Elizabeth I**  
1558-1603

1558/59 – *1 Eliz. I. c. 1 An Acte restoring to the Crowne thauyent Jurisdiction over the State Ecclesiasticall and Spuall, and abolyshing all Forreine Power repugnaunt to the same [Act of Supremacy].*

The Act re-established the monarch as head of the Church and established the High Commission in Causes Ecclesiastical. Membership varied but always included Privy Council members. There were 19 in 1559, 27 in 1562 and 71 in 1572 (Carlson 1982, 295). Its Court played a major role in pre-publication censorship (*See 1558/89 h & 1559*). The Commission was abolished by Charles I in 1641, revived by Charles II excepting the Court in 1661 and revived yet again in somewhat altered form by James II .in 1686 (Kenyon 1991, 727-8).

**Relevant Marginalia** (no additional marginalia provided)

VII – All foreign Spiritual Jurisdiction abolished.

VIII - All Spiritual Jurisdiction united to the Crown  
Commissioners may be appointed by the Crown to exercise all Spiritual and Ecclesiastical Jurisdiction.

XIV - Penalty on Persons who by writing, preaching, &c. shall maintain any foreign Spiritual Jurisdiction within the Realm:

XX – Ecclesiastical Commissioners shall not adjudge Matters to be Heresy, unless so declared according to Scripture, by the first four General Councils, &c. or the Parliament and Convocation.

b - *1 Eliz. c. 2 An Acte for the Uniformitie of Common Prayoure and Dyvyne Service in the Churche, and the Administration of the Sacramentes.*

As in *1 Edw. c.l of 1547*, this Act set penalties against plays depraving the Eucharist (Craies 1907, 196) or Book of Common Prayer (*Kazuaki 2003, 38*).

**Relevant Marginalia** (no additional marginalia provided)

III - Penalty on other Persons depraving &c. the Common Prayer by Songs, Speech, &c., or causing any other Form to be used in Churches, or interrupting any Minister

c - *1 Eliz. c. 5 An Acte whereby certayne Offences be made Treason.*

It became treason to print that the Queen ought not to rule (Winger 1956, 185).

**Relevant Marginalia** (no additional marginalia provided)

IV – Impugning the Queen’s Title by Writing, &c. declared Treason
d - 1 Eliz. c. 6 An Acte for the explanation of the Statute of sedytyous Woordes and Rumours

The Act renewed 1 & 2 Phil. & Mar. c.3 of 1554 against slandering the Queen in print (Winger 1956, 185).

Relevant Marginalia (no additional marginalia provided)

IV – Impugning the Queen’s Title by Writing, &c. declared Treason

e - First Proclamation against plays, etc., April 7 (Hazlitt 1869, 19)
f - Second Proclamation prohibiting unlicensed interludes and plays, especially on religion or policy, May 16

The proclamation required mayors to censor plays before they could be staged. It gave to travelling players access to the largest room in town for their performances including guild halls (Gurr 1994, 6). The proclamation expired when James I succeeded to the throne in March 1603 (Hazlitt 1869, 19).

g - Injunctions for Religion, July 10

The sixth and the sixteenth of the 53 injunctions ordered churches to purchase Bibles and the paraphrases of Erasmus for public reading and required the lower clergy to have New Testaments in Latin and in English and the paraphrases. This was a revival of the Edwardian policy on Bible reading (Winger 1956, 184). Number 51 became the foundation of the Elizabethan licensing system. It justified comprehensive licensing:

“... because there is great abuse in the printers of books, which for covetousness chiefly regard not what they print so they may have gain…”

(Loades 1974, 154)

Number 51 required:

(i) pre-publication censorship by the Privy Council and designated officials of Church and State acting as a High Commission. This marked the return of ecclesiastical licensing 50 years after Henry VIII’s proclamation of 1536 establishing a Crown licensing system;

(ii) names of those licensing a work to be printed at the end of the work;

(iii) pamphlets, plays and ballads included;

(iv) punishment for sale of unlicensed books subject to the discretion of High Commission; and,

(v) all other books of religion, policy or governance to be printed in England or if printed overseas to be referred to High Commissioners who would determine if they should be prohibited (Harvey 2005, 198-99).

The Stationer’s Company “took its duties as surrogate controller of the press very seriously and, tried to ensure that the Injunctions were fully enforced” (Feather 1991-2, 452).

h - Permanent Ecclesiastical Commission, July 19

The commissioners were given jurisdiction over heretical opinions and seditious books and over ‘ruleless men and vagrants’ within the city of London and ten miles round about (Kazuaki 2003, 41; See 1559).

i - Charter of Stationers’ Co. confirmed, November 10

The charter of 1557 was confirmed without change so that stationers might aid the Crown in controlling the press (Harvey 2005, 189).
1559 – Letters Patent for the Court of the High Commission in Causes Ecclesiastical, July 19

With respect to censoring printing and publishing, this ecclesiastical court in effect paralleled the secular Court of the Star Chamber. It was the second rail of Elizabethan censorship linked by members of the Privy Council sitting on both (Carlson 1982, 295; See 1559/9 a). Together with the Injunctions of July 10, 1559 this brought licensing largely under the control of the bishops (Macdonald 1944, 180).

b - Index Librorum Prohibitorum

This first Pauline Index was promulgated by Pope Paul IV listing immoral books containing theological errors that were not to be read by Catholics (Wikipedia).

1560 – Second Master of the Revels, Sir Thomas Benger, January 18 (Kazuaki 2003, 42)

The Master of the Revels now assumed responsibility for licensing scripts for all plays. His signature was required before a play could be performed in public (Auchter 2001, xxi). Benger served between 1560 and 1572.

1561 – Printing patent for Bibles in the English tongue granted to John Bodeleigh for seven years (Timperley 1839, 334).

b - Proclamation expelling vagabonds and idle persons from Court, Sept. 2 (Kazuaki 2003, 42)

1562 – Ordinances of the Stationers’ Company of London No copy has survived (Deazley 2008).

b - Printing patent for almanacs and prognostications

It granted James Robothom for life the right to print “all and every such almanacs and prognostications, as are, or shall be tolerable, and authorised by our injunctions in the English tongue, together with the brief chronicles” (Timperley 1839, 336).

c - First English Tragedy

Gorboduc, or Ferrex and Porrex was written by Thomas Sackville and acted in 1562 for the entertainment of Queen Elizabeth (Backus 1897).

1562/63 – 5 Eliz. c.4 An Act touching divers Orders for Artificers, Labourers, Servants of Husbandry and Apprentices (Statute of Artificers)

This was the first in a series of laws (1558-63) regulating labour including setting wages, apprenticeships and restricting movement of workers. It transferred to the Crown functions previously performed by craft guilds. This was a response to dislocations caused by the plague and the enclosure movement of common lands. A contemporary enclosure movement involves the public domain of knowledge (Boyle 2000).

See Annex A: 1562/63 for complete marginalia

b - 5 Eliz. c. 15 An Act agaynst fonde and phantasticall Propheyes.

It prohibited ‘publishing and setting forth’ of prophecies concerning the queen ‘and other noble persons’ by ‘writing, printing, singing or other open speech or word’ (See 1549/50 b; Loades 1974, 144).

1563 – 5 Eliz., c. 28 An Acte for the translating of the Bible and the Dyvine Service into the Welshe Tongue.

The Bible, Book of Common Prayer and Administration of the Sacraments were to be translated into Welsh. Price was to be set by the bishops and at least one copy was to be placed in “every cathedral, collegiate and parish church and chapel”. (no marginalia provided)
1565 – *High Commission Order to the Stationers’ Company*

Clandestine publications mostly printed abroad appeared disputing an order of Elizabeth regarding vestments to be worn by the clergy. The High Commission ordered the Stationers’ Company to arrest and hold for bail certain stationers accused of selling such books in St. Paul’s Churchyard (Winger 1956, 186-7).

1566 – *Star Chamber & High Commission Court Ordinances for reformation of divers disorders in printing and uttering of Books, June 29*

Disorder in the printing trade resulted from the vestments controversy of 1565 led to these Ordinance issued by both Courts. As later interpreted, it served as the legal basis for protecting printing patents (Winger 1956, 187).

*Prohibitions:*

I. That no person should print, or cause to be printed, or bring, or procure to be brought into the realm printed, any book against the force and meaning of any ordinance, prohibition, and commandment, contained or to be contained, in any the statutes or laws of this realm, or in any injunctions, letters, patents, or ordinances, past or set forth, or to be past or set forth, by the queen’s grant, commission, or authority.

II. That whoever shall offend against the said ordinances, should forfeit all such books and copies; and from thenceforth should never use, or exercise, or take benefit by any using or exercising, the feat of printing; and to sustain three months’ imprisonment without bail or mainprize.

III. That no person should sell, or put to sale, bind, stitch, or sew, any such books or copies; upon pain to forfeit all such books and copies, and for every book 20s.

IV. That all books so forfeited should be brought into stationers’ hall, and there one moiety of the money forfeited to be reserved to the queen’s use, and the other moiety to be delivered to him, or them, that should first seize the books, or make complaint thereof to the warden of the said company; and all the books so to be forfeited, to be destroyed or made waste paper.

V. That it should be lawful for the wardens of the company for the time being, or any two of the said company, thereto deputed by the said wardens, as well in any ports, or other suspected places, to open and view all packs, dryfats, maunds, and other things, wherein books or paper shall be contained, brought into this realm, and make search in all workhouses, shops, warehouses, and other places of printers, booksellers, and such as bring books into the realm to be sold, or where they have reasonable cause of suspicion. And all books to be found against the said ordinances, to seize and carry to the hall, to the uses aforesaid; and to bring the persons offending before the queen’s commissioners in causes ecclesiastical.

VI. Every stationer, printer, bookseller, or merchant, using any trade of book-printing, binding, selling, or bringing into the realm, should before the commissioners, or before any other persons thereto to be assigned by the queen’s privy council, enter into several recognizances of reasonable sums of money to her majesty, with sureties, or without, as to the commissioners shall be thought expedient, that he should truly observe all the said ordinances, well and truly yield and pay all such forfeitures, and in no point be resisting, but in all things aiding to the said wardens, and their deputies, for the true execution of the premises.
And this was thus subscribed: Upon the consideration before expressed, and upon the
motion of the commissioners, we of the privy council have agreed this to be observed,
and kept, upon the pains therein contained. - At the Star-chamber, the 29 June, anno
1566, and the eighth year of the queen’s majesties reign. (Timperley 1839, 342-3)

1567 – Commission for the Protection of Welsh Bards

The commission was signed by Elizabeth at Chester for the protection of Welsh
bards. Incorporation was intended for quality control and protection against vagabond
minstrels and bards. The deed thus begins:

“… it is come to the knowledge of the Lord President… that vagrant and
idle Persons, naming themselves Minstrels, Rhymers, and Bards, are
lately grown into such intolerable multitude within the Principality of
North Wales that not only gentlemen and others by their shameless
disorders are oftentimes disquieted in their Habitations, but also the
expert Minstrels and Musicians… thereby much discouraged to travaile
in the Exercise and Practise of their Knowledg, and also not a little
hindred [of] Livings and preferment”.

To meet this state of affairs Elizabeth granted a commission to
certain persons named, who were to utter a proclamation ‘in all fairs,
market towns, and other places of assembly’ … that all persons ‘that
intend to maintain their living by name or colour of Minstrels, Rhymers,
or Bards’ shall appear before the commissioners. Calling to their aid
‘men expert in the Faculty of Welsh Music,’ the said Commissioners
were then to appoint such as they deemed worthy, to ‘use, exercise, and
follow, the Science and Faculty of their Profession’. To those deemed
unfit they were to give ‘ streight Monition and Commandment, in our
Name, and on our Behalf, that they return to some honest labour… such
as they be apt unto for the Maintenance of their Living, upon pain to be
taken as rude idle Vagabonds, and to be used according to the Laws and
Statutes provided in that behalf.”(Silburn 1922, 283)

b –Red Lion Playhouse opens

The first London playhouse was started by John Brayne, brother-in-law of James
Burbage. It eventually failed but Brayne later worked with Burbage to construct and
successfully run the Theatre in 1576 (Wikipedia, English Renaissance theatre).

1569 – Proclamation against seditious books from overseas, March 1

The proclamation prohibited import of seditious religious books (Harvey 2005,
187). The Queen charged:

“… that such books were secretly distributed to mislead her subjects with
attacks on her and on the established religion. Forgiving past offenses, she
ordered all such books turned in for destruction on pain of her grievous
indignation.” (Winger 1956, 187)

1570 – Papal Bull of Deposition against Elizabeth, February

The Bull was a call to Catholics to rebel. Parliament reacted by passing a law
prohibiting the publication of papal bulls (Winger 1956, 187; See 1571).
b - Proclamation “made against seditious and trayterous Books, Billes, and Writings”, July 1
It authorized arrest for circulating seditious books and bulls (Harvey 2005, 187).

c - Proclamation calling for the discovery of persons bringing in seditious books and writings, November 14 (Harvey 2005, 187).

d- High Commission responsible for seditious and traitorous books, bills and writings
The High Commission for Causes Ecclesiastic had its authority extended to seditious and traitorous works, i.e., secular matters, because, as Head of the Church of England, a threat to the Queen was a threat to the Church. Its Court was authorized to fine and imprison at its discretion (Winger 1956, 188).

1571 – 13 Eliz. c. 2 An Acte agaynste the bringing in and putting in Execution of Bulls and other Instruments from the Sea of Rome.
It prohibited publication of papal bulls (Winger 1956, 187). (no marginalia provided)

1571/72 – 14 Eliz, c.5, An Act for the Punishment of Vagabonds, and Relief of the Poor & Impotent
Unlicensed common players, jugglers and musicians were classed as vagabonds, rogues and sturdy beggar. Licensing was acquired through employment as a servant to a Baron or person of high degree. The one exception was the Cheshire Minstrels licensed by the Duttons of Cheshire (See 1181).

“Before 1572 any company of vagabonds could palm themselves off as a dramatic company, if they could succeed in hoodwinking the town authorities… after 1572, when a company of players arrived in a town where they wanted to play, they at once presented their license to the civic authorities or satisfied them that they belonged to some ‘baron’ or ‘honorable’ person of the realm.” (Murray 1905, 3)

Relevant Marginalia
5. Definition of Rogues, Vagabonds and Sturdy Beggars.
“… Comon Players in Enterludes & Minstrels, not belonging to any Baron of this Realme or toward any other honorable Personage of greater Degree; all Juglers…”
42. Proviso for John Dutton of Dutton in Cheshire
See Annex A: 1571/72 for complete marginalia

1572 – Printing patent for classic authors to Thomas Marshe, September 29
“a license was granted to Thomas Marshe, to print Catonis districha de moribus, Marci Tull, epist. Familieres, Aesopi fabulae and other classic authors for 12 years; and none to print any of his copies, with privilege to enter any house, or warehouse, to search for, and seize any books printed and brought into the realm, contrary to the tenour of these our letters patent, and the same to seize to the use of us, and our heirs and successors.” (Timperley 1839, 351)

b - Mayor and Corporation of London ban plays as a measure against the plague (Wikipedia, English Renaissance theatre)
1573 – Letter from the Lord Mayor and Corporation of London to the Lord Chamberlain declining to license a place for Theatrical Performances within the limits of the City March 2

The City opposed the license because large numbers of persons attending performances created sundry inconveniences all due to the wishes of one person – the Lord Chamberlin. Rather than permitting plays the City requested support for the relief of the poor in preference to the benefit of a private person (Hazlitt 1869, 24).

b - Proclamation against the Admonition to the Parliament, June 11

The Admonition was published by a secret Puritan press and the Proclamation ordered people to surrender copies of it (Winger 1956, 188). The proclamation also specified content permitted in the Book of Common Prayer (Harvey 2005, 187).

c - Proclamation calling for destruction of seditious books, September 28

(Harvey 2005, 187) It also forbade:

“any but members of the Privy Council or others with special license to have books which attacked her ministers, threatening to punish any who ignored the warning as “sowers of sedition and abettours to the same” (Winger 1956, 188).

d - Proclamation calling for uniformity in common prayer, October 20 (Harvey 2005, 187)

e - Third Master of the Revels

Sir Thomas Blaggrave succeeded Sir Thomas Benger and served between 1573 and 1579 (Wikipedia; Master of the Revels; See 1560).

1574 – Privy Seal of Queen Elizabeth granting a license for dramatic performances to James Burbage and others, May 7

This was the first patent to a company of theatrical players (Hazlitt 1869, 25).

“Elizabeth, by the grace of God, queen of England, etc To all Justices. Mayors, sheriffs, bailiffs, head constables. under constables, and all other our officers and ministers, greeting. Know ye, that we of our especial grace, certain knowledge, and mere motion, have licensed and authorised. and by these presents do license and authorise our loving James Burbage, John Perkyn, John Lanham, William Johnson, and Robert Wilson, servants of our trusty and well-beloved cousin and counsellor, the Earl of Leicester, to use, exercise, and occupy the art and faculty or playing comedies, tragedies, interludes, stage-plays, and such other like as they have already used and studied, or hereafter shall use and study, as well for the recreation of our loving subjects, as for our solace and pleasure, when we shall think good to see them; as also to use and occupy all such instruments as they already practised, or hereafter shall practise, for and during our pleasure; and the said comedies, tragedies, interludes, and stage-plays, together with their music, to show, publish, exercise, and occupy to their best commodity, during all the term aforesaid, as well within the liberties and freedoms of any our cities, towns, boroughs, etc., whatsoever, as without the same. throughout our realm of England. Willing and commanding you, and every of you, as ye tender our pleasure, to permit and suffer them herein without any lets, hinderance, or molestation, during the time aforesaid, any act,
statute, proclamation, or commandment, heretofore made, or hereafter to be made, notwithstanding; provided that the said comedies, tragedies, interludes, and stage-plays be, by the Master of our Revels for the time being, before seen or allowed; and that the same be not published or shown in the time of common prayer, or in the time of great and common plague in our said city of London” (Timperley 1839, 354).

b Order of the Common Council of London in restraint of Dramatic Exhibitions, Dec. 6

Great disorder, inconveniences and robberies were reported due to the large number of people attending plays, interludes and shows especially on Sundays and holidays. Fear of spreading the plague among such large gatherings was also a factor. All plays, interludes and shows were banned except those approved by the Lord Mayor and Aldermen (Hazlitt 1869, 27).

1575 – Printing Patent for Music, January 22

This is the first recorded music printing patent and was granted for 21 years to Thomas Tallist and William Birde to print:

“set songe, or songs in partes, either in English, Latine, French, Italian, or ether tongues, that may serve for musick, either in churche or chamber, or otherwise to be either plaid” and “forbid all printers, booksellers, subjects, and strangers, other then as is aforesaid, to do any the premises, or to bring, or cause to be brought, of any forren realmes into any our dominions, any songe, or songes, made and printed in any forren countrie, to sell…” (Timperley 1839, 355-6)

b - Mayor and Corporation of London expel all players from the city (Wikipedia, English Renaissance Theatre)

c - Petition of the Queen’s Players to the Privy Council

The petition was a response to the December 1574 b Order of the Common Council of London banning plays requesting that it be overturned (Hazlitt 1869, 31).

1576 – Proclamation rewarding information concerning libels against the Queen, March 26 (Harvey 2005, 187)

b - Proclamation enforcing statutes against vagabonds & rogues, December 14 (Kazuaki 2003, 57)

c - ‘The Theatre’ opens

With the patronage of the Earl of Leicester, James Burbage (See 1574) erected the first “building devoted solely to plays”.

“Here Burbage produced the old play of Hamlet and Marlowe's Faustus, and was altogether financially successful. In February, 1595-6, he acquired part of a large house in Blackfriars, and in November, 1596, opened it as the Blackfriars Theatre.” (Adams 1904)

The initial venture proved so successful twelve theatres soon provided entertainment to the citizens of London, most outside the city limits (Backus 1897, 84-6).

d - First ‘Blackfriars’ opens

Richard Farrant, Master of Windsor Chapel rented rooms at the former Priory of the Dominican or ‘Black Friars which he converted into a theatre where the Children of
the Chapel Royal publicly performed under the ruse of rehearsing plays for the Queen’s
entertainment. On Farrant’s death in 1580 his widow let the theatre to William Hunnis
and John Newman who transferred it to the Earl of Oxford who added the Children of St.
Paul's Cathedral creating a company of adequate size. In 1584, however, the landlord
won a court case cancelling the lease converting it back into tenements (Adams 1917).

c - Newington Butts Playhouse opens (Wikipedia, English Renaissance theatre)

1577 – Printing Patent for Books of Common Law, November 18
The patent was granted for 30 years to the clerk of the privy seal, Nicasius
Yetsweirt (Timperley 1839, 363-4).
b – Curtain Theatre opens (Wikipedia, English Renaissance theatre)

1578 – Special Order of the Queen granting performance licenses to six theatre companies
The six companies were: the Children of the Chapel Royal, Children of Saint
Paul's, the Servants of the Lord Chamberlain, Servants of Lords Warwick, Leicester, and
Essex (Bellinger 1927, 207-13). The Privy Council ordered the Lord Mayor to permit the
Children of St. Paul’s to “exercise plays” within the city (Adams 1917).

1579 – Application of 1st & 2nd Phil. & Mar. c. 3 against seditious Words and Rumours
John Stubbs, of Lincoln’s Inn, the author, William Page, the publisher, and Hugh
Singleton, the printer, were tried under the statute of Philip and Mary against authors,
dispersers or printers of seditious words or rumours. Stubbs and Page had their right
hands cut off with a butcher’s knife and a mallet in 1581. Hugh Singleton was pardoned
(Timperley 1839, 366).

b - Fourth Master of the Revels (Kazuaki 2003, 57)
Edmund Tilney succeeded Sir Thomas Blagrave and served from 1579 and 1610
(See 1560).

“After 1578 the Privy Council augmented the powers of the Master of
Revels to control and censor plays for the stage. Tilney developed his role
in ways that appear to have been aimed quite explicitly at supplanting the
mayoral function of censoring plays.” (Gurr 1994, 5)

c - Proclamation denouncing Stubbs’s The Discovery of a Gaping Gulf, September 27
It declared this title and its author seditious and schismatic (Harvey 2005, 188).

1580 – Proclamation declaring books by Robert Browne and Robert Harrison seditious and
schismatic, October 3 (Harvey 2005, 187)

1580/81 – 23 Eliz. c. 2 An Acte against seditious Wordes and Rumors uttered againste the
Queenes moste excellent Majestie
The printing, writing, or publishing of any seditious book, rhyme, ballad, or letter
were prohibited. Offenders were punishable by death (Kazuaki 2003, 42).
Relevant Marginalia
IV – Printing, writing or publishing (or causing so to be done) of any seditious Book,
&c. (not being Treason under St. E. III, 25 st. 5. C. 2, &c. declared Felony
without Clergy.
See Annexe A: 1580/81 for complete marginalia

1582 – First Privy Council Commission to investigate the Press (Winger 1956, 192-3)
1583 - The Queen’s Men Company incorporated

It was set up by the Privy Council Secretary Walsingham (Gurr 1994, 9).

b - Proclamation “against certain seditious and scismatical Bookes and Libelles”, June 30

The proclamation declared all books by Robert Browne and Richard Harrison seditious and schismatic (Harvey 2005, 188). The books were ordered burned for their Puritan leanings (Winger 1956, 192).

c – Second Privy Council Commission to investigate the Press (Winger 1956, 193)

1584 – Proclamation calling for suppression of books defacing the true religion, October 12

Harvey 2005, 188

b - First Trademark Case: Sandforth Decision

The judgement recognized a common law right against infringement – the beginning of intangible property rights (Commons 1924, 231; Stolte 1998, 566)

c - Patent of Commission granted to Edmund Tilney, Master of the Revels confirming his role as a censor of the drama (Kazuaki 2003, 60; See 1579).

1585 – Warrant of Queen Elizabeth to Thomas Gyles, authorizing and appointing him to train up boys as performers in the Revels at Court, April 26, 1585  (Hazlitt 1869, 33-34)

Its issue “clearly indicates the Queen's interest in the Paul's Boys as actors, and her expectation of being frequently entertained by them” (Adams 1917).

1586 – Star Chamber Decree for Order in Printing

“On the 23rd of June, 1586, the lords of the star chamber affirmed and confirmed their former laws, empowering them to search into bookbinders’ shops, as well as printing offices, for unlawful and heretical books, and imprison the offenders” (Timperley 1839, 374-76).

“…the appointment of Master Printers was tightly controlled by High Commission and it is probable that that court dealt with a proportion of the more serious offences against the licensing laws.” (Loades 1974, 155)

Summary

(i) The Star Chamber was the Privy Council sitting as a Court in this case resolving nine years of controversy over royal privileges, e.g., printing patents and the authority of the Stationers’ Co. (Clegg 1997, 55)

(ii) Settled long-standing disputes over printing patents within the Stationer’s Co.

(iii) Confirmed & refined existing content licensing procedures

(iv) Distinguished between content licensing and exclusive right to print, i.e., copyright

(v) Focused on content and failed to regulate the technology thereby enhancing market power of the Stationer’s Co. (Harvey 2005, 194)

Section Summary

Section 1: Those owning a printing press or related equipment required to provide a certificate to the Stationers’ Co.

Section 2: All printing presses to be located in the City of London or its suburbs except for one press each at Oxford and Cambridge Universities.

Section 3: Limited number of presses allowed. Archbishop of Canterbury and Bishop of London to determine if more needed. Stationers’ Co. was then to decide who would get the new press. The Queen’s Printer was exempted.
Section 4: Prohibition against printing books unless authorized by the Crown after review by the Archbishop of Canterbury and/or Bishop of London. The Queen’s Printer of Common Law books required approval by two Chief Justices.

Section 5: Crafts associated with printing absorbed into the Stationers’ Co., e.g., book binders, subject to the intent of Section 4.

Section 6: Linked to Section 2 confirmed search & seizure by the Stationers’ Co.

Section 7: Made it lawful for Stationers’ Co. Wardens and their deputies to search and seize presses, letters and other printing instrument used contrary to the Decree and render them unserviceable.

Section 8: Linked to Section 3 limited the number of apprentices allowed to freemen, Masters and Upper Wardens of the Stationers’ Co. as well as the Queen’s Printer.

Section 9: Linked to Section 8 limited the number of apprentices at Oxford and Cambridge Universities (Harvey 2005, 196-8)

1587 – Proclamation calling for suppression of seditious rumours Feb. 6 (Harvey 2005, 188).

b - Rose Theatre opens

Built by Philip Henslowe for purely commercial reasons:

“… the second theatre to make its appearance in Surrey, was much more conveniently situated with respect to the city, for it was erected in the Liberty of the Clink and very near the river's edge. As a result, it quickly attained popularity with London playgoers, and before the end of the century had caused the centre of dramatic activity to be shifted from Finsbury Field to the Bank…” (Adams 1917b)

1588 – Proclamation “against certaine seditious and schismatical bookes and libels, etc.”, February 13

“they should immediately be brought in and destroyed, and that no author, printer, or desperser, should dare to offend herein, under the pain of her majesties displeasure, and being prosecuted with severity” (Timperley 1839, 398).

b - Proclamation ordering martial law against possessors of papal bulls, books & pamphlets, July 1 (Harvey 2005, 188)

c - Panel of Authorisers

The Panel was appointed by the Archbishop of Canterbury John Whitgift, to “peruse and allow” books to be printed by the Stationer’s Co. increasing ecclesiastic licensing efficiency but only for a few years (Harvey 2005, 192; Clegg 1997, 60).

1589 – Proclamation ordering the destruction of Marprelate publications, February 13 (Harvey 2005, 188; Kazuaki 2003, 70)

1591 – Proclamation enforcing statutes against vagabonds and rogues, August 8 (Kazuaki 2003, 71)

1593 – Privy Council Letters to the Universities prohibiting common players, July 29

The Council prohibited common players performing in either university or any place within five mile of them (Timperley 1839, 419).

1595 – The Swan Theatre opens ((Wikipedia, English Renaissance theatre)
1596 – *Star Chamber Decree on Print Licensing*, January 23

Issued under the influence of John Whitgift, Archbishop of Canterbury (See 1588), the Decree specified that:

“No manuscript was to be set up in type until it had been perused and licensed by the archbishop or Bishop of London. The press of any printer who disobeyed the ordinance was to be at once destroyed; he was prohibited from following his trade thenceforth, and was to suffer six months’ imprisonment” (Adams 1979, 6).

b - *Proclamation enforcing statutes against vagabonds and rogues*, February 11 (Kazuaki 2003, 75)

c - *Petition of Thomas Pope, Richard Burbage, and others to the Privy Council*

It requested license continuance to perform at Blackfriars (Hazlitt 1869, 35).

d - *Second Blackfriars Theatre opens*, November

In February James Burbage had acquired part of a large house in Blackfriars and now opened it as the Blackfriars Theatre (Adams 1904; See 1576 c & d).

1597 – 39 Eliz, c.4, *An Act for punishment of Rogues, Vagabonds and Sturdy Beggars*

This Act repealed 14 Eliz, c.5 of 1571/72. Again ‘unlicensed’ common players, jugglers and musicians were classed as vagabonds, rogues and sturdy beggars. Licensing continued to mean employment by a Baron or honourable person of a greater degree. The one exception continued to be the Cheshire Minstrels licensed by the Duttons of Cheshire (See 1181).

Relevant Marginalia

2. Definition of Rogues, Vagabonds and Sturdy Beggars

“… Comon Players in Enterludes & Minstrels, not belonging to any Baron of this Realme or toward any other honorable Personage of greater Degree; all Juglers…”


See Annex A: 1597 for complete marginalia

1598 – *Proclamation placing London vagabonds under martial law*, Sept. 9 (Kazuaki 2003, 79)

b - *The Globe opens*

“The Chamberlain's Men, who in 1594 had been forced to surrender the Rose to the Admiral's Men and move to the Theatre, and who in 1597 had been driven from the Theatre to the Curtain, at last, in 1599, built for themselves a permanent home, the Globe, situated on the Bankside and close to the Rose (See 1587 b). Henslowe's ancient structure was eclipsed by this new and handsome building, ‘the glory of the Bank…” (Adams 1917b)

1599 – *Merchant Tailors Case*

Guilds were progressively deprived by Common Law courts of closed-shop privileges and denied Crown enforcement of their private laws. This began with the *Merchant Tailors Case*. Stationer’s Co. continued to enjoy such privileges, however, until 1709. Enforcement of guild privileges by the State continued in France until 1789 and in Germany into 19th century (Commons 1924, 227).
b - Decree of the Archbishop of Canterbury and the Bishop of London to the Master and Wardens of the Stationers’ Company, June 1
The Decree forbade the printing of plays, satires and epigrams without episcopal approval and publication of English histories without the prior consent of the Privy Council (Kazuaki 2003, 79).

c - Stationers’ Hall purged
As ordered by Whitgift and Bancroft as Authorizers (see 1588 c) selected works were immediately burned; all works of Nash and Gabriel Harvey were anathematised and it was ordered that no satires or epigrams were to be printed in future. As noted above (b), no plays were to be printed without inspection and permission of the archbishop of Canterbury and the bishop of London. No English histories, novels, or romances were to be printed without permission of the Privy Council (Timperley 1839, 431).

d - Printing patent for law books
The patent to Thomas Wright was to last for 30 years (Timperley 1839, 432).

1600 – Proclamation enforcing statutes on abstinence from meat, ale houses and vagabonds
(Kazuaki 2003, 82)

b - The Fortune opens
In response to the opening of the Globe, Henslowe (See 1587 b & 1598 b) erected this new playhouse:
“… designed to surpass the Globe in magnificence, and to furnish a suitable and permanent home for the Admiral's Men. The building was situated in the suburb to the north of the city, far away from the Bankside and the Globe.” (Adams 1917b)

c - Privy Council Order regarding the Fortune, June 22
The new playhouse disturbed both the City of London and Puritan community. In response the Privy Council required, in effect, the closing of the Rose (See 1587 b):
“Whereas divers complaints have heretofore been made unto the Lords and other of Her Majesty's Privy Council of the manifold abuses and disorders that have grown and do continue by occasion of many houses erected and employed in and about London for common stage-plays; and now very lately by reason of some complaint exhibited by sundry persons against the building of the like house [the Fortune] in or near Golding Lane ... the Lords and the rest of Her Majesty's Privy Council with one and full consent have ordered in manner and form as follows. First, that there shall be about the city two houses, and no more, allowed to serve for the use of the common stage-plays; of the which houses, one [the Globe] shall be in Surrey, in that place which is commonly called the Bankside, or thereabouts; and the other [the Fortune], in Middlesex.” (Adams 1917b)

1601 – Proclamation to remedy printing patent abuses, November 28 (Harvey 2005, 188)

b - Proclamation placing London vagabonds under martial law, Feb. 15 (Kazuaki 2003, 82)

1602 – Case of Monopolies - Darcy v. Allen (1599)
This was the first monopoly case brought before a Common Law court. Darcy was granted a monopoly on the sale of playing cards by Elizabeth I but rather than
employing English printers he imported cards from France. The Court determined that such patents were null and void being against common law and the commonwealth. This decision accelerated the transfer of authority from the guilds to Common Law courts that began with the 1599 Merchant Tailors Case. It paved the way for ending all domestic monopolies except the Stationers’ Co. perpetual copyright, printing & stage patents and patents of invention with the Statute of Monopolies of 1624 (Commons 1924).

b - The Rose re-opens

In the spring two companies of players, the Worcester's Men and Oxford's Men, were “joined by agreement together in one company,” and the Queen, “at the suit of the Earl of Oxford” ordered that this company be allowed. Accordingly the Privy Council wrote to the Lord Mayor of London recommending the Boar’s Head but instead the Rose was re-opened. It finally closed in 1605. (Adams 1917b; See 1587 b, 1598 b & 1600 c)

James I
1603-1625

1603 – Privy Seal Patent of James I to Lawrence Fletcher and others, licensing their performances of plays May 17

“To all Justices, Mayors Sheriffs, Constables, Heads of Boroughs, and other officers, and loving subjects greeting. Know ye... we... have licensed and authorized, & by these prints do licence & authorize, these savants Lawrence Fletcher, William Shakespeare, Richard Burbage, Augustine Phillippes,. John Hennings... and the rest of their associates, freely to use and exercise the Art and faculty of playing Comedies, Tragedies, Histories, Interludes, Morals, Pastorals, Stage plays, & such other like ... within their now usual house called the Globe, within our county of Surrey, as also within any town halls....within our said Realms and dominions...” (Hazlitt 1832, 39).

b - Patent to the Company of Stationers for the sole printing of Primers, Psalms, Almanacs, etc., in English, for the help and relief of them and their successors for ever, October 29

The patent was granted to ease tensions within the Company concerning printing patents. Some members of the Company had them; many did not and complained within the Company. Making this grant to the Company allowed it to distribute work to its poorer members who did not enjoy such patents. (Timperley 1839, 446)

c - Bodleian Library, Oxford founded

“King James appointed Sir Thomas Bodley the founder thereof. So great was his zeal for obtaining books, and for furnishing of it, that among other means, persuaded the society of stationer, in London to give a copy of every book that was printed, (since confirmed by the charters of kings,) but also searched for authors to do the like.” (Timperley 1839, 447)

1604 – 1 Jac. I. c. 7An Acte for the continuance and explanation of the statute made in the 39 yeere of the Raigne of our late Queene Elizabeth, intituled An Acte for Punishmente of Rogues Vagabondes and Sturdie Beggers

Unlicensed common players, jugglers and musicians were again classed as vagabonds, rogues and sturdy beggars. Licences, however, could no longer be granted under “the hand and seal of arms” of a Baron or personage of greater degree (Murray
Licensing became a strictly royal prerogative. The continuing exception was the Cheshire Minstrels licensed by the Duttons of Cheshire (See 1181)

Relevant Marginalia (no additional marginalia provided)
I – Recital of Stat. 39 Eliz, c. 4, §2. Declaring Players, &c. to be Vagabonds; No Licence by any Nobleman shall exempt Players.

b – Royal Charter to the Musicians’ Company of London

While the King’s Minstrels received a royal charter from Edward IV in 1469, its effectiveness diminished overtime as demonstrated by many Acts of Elizabeth I concerning vagabonds, rogues and sturdy beggars:

“The next charter that was granted by Royalty appears to have been obtained by the musicians of London from James I., in prejudice to the rights granted by Edward IV to the musicians of the entire kingdom. According to Hawkins: ‘James I, though it does not appear that he understood or loved music, yet was disposed to encourage it; for, after the example of Charles IX of France - who in 1570 had founded a Musical Academy - he, by his letters patent, incorporated the musicians of London, who are still a society and corporation’. From this charter, therefore, the Musicians’ Company originates, not from that of Edward IV, as is commonly stated.” (Silburn 1922, 356)

c - Privy Seal Patent of James I. to Edward Kirkham and others to train up children to perform in the Revels at Court, under the Superintendence of Samuel Daniel, January 31 (Hazlitt 1832, 40-1)

d – Red Bull Theatre opens (Wikipedia, English Renaissance theatre)

1605/6 – 3 Jac. I, c.21, An Act to restrain abuses connected with the Stage

Marginalia
Penalty on Stage Players profanely using the Holy Name, £10

1608 – Whitefriars Theatre opens (Wikipedia, English Renaissance theatre)

1609/10 - 7 Jac. I. c. 4 An Act for the due execution of divers Laws and Statutes heretofore made against Rogues Vagabonds and Sturdy Beggars and other lewd and idle persons

While directed against rogues, vagabonds, and sturdy beggars for the first time common players were not explicitly named (Hazlitt 1869, 37).

See Appendix: 1609/10 for complete marginalia.

1610 - Fifth Master of the Revels

George Buck succeeded his uncle Edmund Tilney and served between 1610 and 1622. Under James I, the Master of the Revels continued censorship and licensing of plays. Buck limited the number of performing companies in London to four and restricted the use of duplicate licenses. The mayors of cities gradually ceased censoring plays but retained authority to limit the time spent by visiting performing companies in their communities (Gurr 1994, 4; (See 1558/59 f). By the end of his term Buck had also developed a system of annual licences for travelling companies (Gurr 1994, 10).
b – *Fifth Royal Charter to Company of Parish Clerks* (See 1240, 1443, 1448, 1475, 1636 b & 1639; Parish Clerks Company)

1611 – Authorized King James Version of the Bible published

1613 – *Privy Seal Patent of James I for the issue of letters patent in favour of ‘Thomas Downton and others on transferring their services as players to the Elector Frederic, January 4 (Hazlitt 1869, 44)*

b - *Privy Seal Patent of James I. for the issue to Inigo Jones of money for the preparation of Court Entertainments. January 7* (Hazlitt 1869, 43)

1615 – *Star Chamber Decree on Printing, May 9*

The Decree ((i) limited to twenty master printers who could use one or more presses; and, (ii) decided “UPON Complaint made to this Court (by the Master printers) of the Multitude of presses that are erected among them”. (Harvey 2005, 203)

b - *Privy Seal Patent granting to Phillip Rosseter and others permission to erect a second theatre in Blackfriars, May 31* (Hazlitt 1869, 46)

1616 – *Lord Chamberlain’s Letter on Fake Performing Patents*

Lord Chamberlain William Herbert sent the actor Joseph Moore around the country with a letter naming actors using false patents, *i.e.*, ‘exemplifications or duplicates’ of company licences to perform in towns and cities outside of London (Gurr 1994, 14).

1617 – *The Cockpit Theatre opens* (Wikipedia, English Renaissance theatre)

1618 – *Letter of Assistance from the Privy Council to John Daniel, for the purpose of enabling him to train children for playing in interlude, April* (Hazlitt 1869, 49-50)

1620 – *Patent licensing the performances of plays by His Majesty’s Servants at the Private House in Blackfriars, as well as at the Globe, March 27* (Hazlitt 1869, 51)

b - *Proclamation against the “great liberty of discourse concerning matters of State” December* (Harvey 2005, 205)

b - *First ‘Goodwill’ Case: Jollyfe v. Brode*

The Justices found that a person might lawfully sell his liberty along with his business. This was a major step towards recognizing intangible property which arguably came to fruition with copyright after the *1709 Statute of Queen Anne* came into force in 1710 (Commons 1924, 264).

c – *Royal Letter from James I to the Privy Council cancelling a Patent granted for a new Amphitheatrre in Lincoln’s-Inn-Fields* (Hazlitt 1869, 57)

1621 – *Proclamation against ‘the great liberty of discourse concerning matters of State, July 21*

It revived Proclamation of December 1620 b to suppress ‘corontos’- newsheets or news books (Harvey 2005, 205).

1622 – *Sixth Master of the Revels, Sir John Astley* who served until 1640, May 22 (Hazlitt 1869, 52)
b - *The Certain News of the present week* edited by, and printed for Nathaniel Butter, at the Pyde Bull, St. Austin’s gate, August 23

This was the first weekly newspaper in England (Timperley 1839, 471-73).

**1623** – *Proclamation granting Head of Bench authority to approve printing of all law books*, August 15 (Harvey 2005, 207)

b - *Proclamation for Order in Printing*, September 20

Reciting the Star Chamber Decree of June 23, 1586, the Proclamation called for its enforcement particularly with respect to works printed abroad but protected by printing patents and Stationer’s copyright (Patent Office 1859, 63-64).

c - *Proclamation against the disorderly printing, uttering, and dispersing of Books, Pamphlets, etc.*, September 25 (Tanner 1930, 143; Harvey 2005, 205)

It again addressed unlicensed printing at home and abroad and confirmed the Decree of 1586 including search and seizure by the Stationers Co. (See 1623 b).

**1624** - 21 Jac. I, c.3 *An Act concerning Monopolies and Dispensations with Penal Laws and the forfeitures thereof* (Statute of Monopolies)

By this Act all domestic monopolies granted under the royal prerogative were declared illegal except for “any manner of new manufactures within this Realm to the true and first inventor” but such patents of invention could not be “contrary to the law nor mischievous to the State by raising prices of commodities at home or hurt of trade”.

Nonetheless, the Stationers’ Co.’s perpetual copyright, printing and performing patents remained outside the Common Law until 1710. Patents of invention remained outside of Common Law until 1852 when the first English patent act was passed. Until then patents were handled by law officers of the Crown.

**Marginalia**

1. The King’s Declaration against Monopolies and Grants of Penalties and Dispensation
   All Monopolies and Grants, &c. thereof or of Dispensations, and Penalties, declared void
2. Validity of all Monopolies, and of all such Grants, &c. shall be tried by the Common Law.
3. All Persons disabled to use such Grants, Monopolies, &c.
4. Persons aggrieved by any Monopoly or Grant, &c. shall recover Treble Damages by Action in the Superior Courts, with Double Costs
   Penalty on unduly delaying any such Action, &c. Premunaire under St.16 Ric. 11, c. 5
5. Proviso for existing Patents for 21 years or less, for new Inventions
6. Proviso for future Patents for 14 Years or less, for new Inventions
7. Proviso for existing Grants by Act of Parliament
8. Proviso for Warrant to Justices to compound Penalties
9. Proviso for Charters of London and other Corporations
10. Proviso for Patents concerning Printing, Saltpetre, Gunpowder, Ordnance, &c. and Grants of Offices
11. Proviso for Patents, &c. concerning Alum Mines
12. Proviso for Customs, &c. of Hoast-men of Newcastle, as to Coals.
Licences for Taverns, &c.
13. Proviso for Grants for Glass making; Exportation of Calves Skins

b - *Lord Chamberlain’s Letter on Fake Performing Patents*
The Lord Chamberlain William Herbert sent the actor Gilbert Reason around the country with a letter naming actors using false patents to perform in towns and cities outside of London (Gurr 1994, 14).

**Charles I**
1625-1649

1625 – *1 Car. I, c.1, An Act for punishing of divers abuses committed on the Lord’s day called Sunday*
The Act noted social inconveniences caused by people attending “Enterludes, comon players…” outside their own parish. It banned such gatherings (Hazlitt 1869, 59).

*Marginalia*
Profanation of the Lord’s Day
No Meetings for Sports by People out of their own Parishes, nor Bearbaitings, &c.
within them on the Lord’s Day.
Penalty 3s. 4d. leviable by Districts or in Default Punishment by the Stocks
Limitation of Prosecution
Proviso for Ecclesiastical Jurisdiction
Continuance of Act

b - *Proclamation concerning the Latin Books printed by the Universities, April 1*
The Proclamation intended to inhibit importation of Latin works originally licensed to the Oxford and Cambridge University press. University printers were required to notify the Stationers’ Company of all such works (Patent Office 1859, 65).

c – *Royal Order for the Universities submit monthly certificates of new works printed to Stationers’ Company of London*
These certificates were to be signed by the vice-chancellor of each of the universities (Timperley 1839, 476).

d - *Patent renewing that of James I (1620) licensing the performances of plays by His Majesty’s Servants at the Private House in Blackfriars, as well as at the Globe, June 24* (Hazlitt 1869, 57)

e - *Privy Seal Patent for the grant of a bounty of 100 marks to the King’s Players. December 30* (Hazlitt 1869, 61)

1626 – *Proclamation forbidding publication, June 17*
The Proclamation forbade publication of “A declaration” of the late dissolved Parliament (Patent Office 1859, 66).

b - *Privy Seal Patent to provide necessaries for the Revels at Court. Nov. 7* (Hazlitt 1869, 62)

c - *First Master of the King’s Music, Nicholas Lanier who served till 1666* (Duck 1953, 255)

**b** - *Proclamation for the execution of the statutes made against rogues and vagabonds, February 16 (Kazuaki 2003, 129)*

**c** - *His Majesty’s Declaration to all his loving Subjects, of the Causes which moved him to dissolve the last Parliament, March 10*

In addition to dissolving Parliament and assuming ‘Personal Rule’ Charles I reaffirmed the Proclamation of January 17:

“We found, in the first Place, that much Exception had been taken at a Book, Entituled, *Appello Caesarem*, or, *An Appeal to Caesar*; and published in the Year 1625, by Richard Montague, then Batchelor of Divinity, and now Bishop of Chichester; and because it did open the Way to those Schisms and Divisions, which have since ensued in the Church, we did, for Remedy and Redress thereof, and for the Satisfaction of the Consciences of our good People, not only by our publick Proclamation, call in that Book, which ministred Matter of Offence; but to prevent the like Danger for hereafter, re-printed the Articles of Religion established in the Time of Queen Elizabeth of famous Memory; and by a Declaration before those Articles, we did tie and restrain all Opinions to the Sense of those Articles, that nothing might be left for private Fancies and Innovations. For, we call God to record, before whom we stand, that it is, and always hath been, our Heart’s Desire, to be found worthy of that Title, which we account the most glorious in all our Crown, Defender of the Faith. Neither shall we ever give Way to the Authorising of any Thing, whereby any Innovation may steal or creep into the Church; but to preserve that Unity of Doctrine and Discipline, established in the Time of Queen Elizabeth, whereby the Church of England hath stood and flourished ever since.” *(Rushworth 1791)*

**d** - *Proclamation calling in and suppressing two sermons preached and printed by Roger Manwaring entitled “Religion and Allegiance”, June 24 (Patent Office 1859, 68)*

**e** - *Proclamation commanding all copies of “Appello Caesarem” be delivered to the Bishops or Vice-Chancellors of the Universities, July 15 (Patent Office 1859,, 68)*

1629 – *Salisbury Court Theatre opens (Wikipedia, English Renaissance theatre)*

1632 – *Revocation of the Musicians’ Company of London Charter (See 1604 b; Wikipedia, Worshipful Company of Musicians)*

1634 – *Proclamation for the speedie sending away of the Irish beggars out of this kingdome into their owne countrey, and for suppressing of English rogues and vagabonds, according to our lawes (Kazuaki 2003, 136)*

1635 – *Charter of the Corporation of the Art and Science of Musick in Westminster, July 15*

The Charter gave the new Corporation authority over the training and performance of musicians in the capital and its immediate environs *(Oxford Music Online)*. This resulted from a legal challenge “brought by the Court Musicians of Charles
against the Musicians’ Company of London, in the High Court of Chancery, and how ‘judgment of their prosecution had been had and given accordingly, and the letters patent [of James I] vacated and cancelled thereupon’ (Silburn 1922, 356).

The Charter like that of Edward IV (See 1469) granted the Corporation the right to: “have the survey, scrutinie, correction and government of all and singular the musician within the kingdome of England (Duck 1953, 256).

1636 – Patent for an Opera House

William Davenant secured a royal patent from Charles I to build an opera house in London but because of the Civil War and closure of the theatres in 1642 it was never built (V&A, Early Opera).

b - Sixth Royal Charter to Company of Parish Clerks (See 1240, 1443, 1448, 1475, 1610 & 1639; Parish Clerks Company)

1637 – Star Chamber Decree concerning Printing, July 11

There were 33 provisions reported as Items except the Preamble which confirmed earlier statutes and decrees plus a recitation of present problems.

(i) General Provisions

Item 1: prohibition against printing or importing books “to the scandal of Religion, or the Church, or the Government, or the Governors of the Church or State... or particular persons whatsoever.”

Item 2: prohibition against printing anything unless licensed & authorized in accordance with Item 3 and entered in Stationer’s Co. Register

Item 3: general content licensing by category – Common Law, History of England, Heraldry, Other – conducted by specialists while Chancellors or Vice Chancellors licensed books within the Universities but not to “meddle” with Common Law or matters of State

Item 4: Two copies provided licensor – one in public registry, other with licensor to ensure not subsequently altered; both license and name of licensor to be printed at beginning of book

Item 31: general penalties imposed on those who “by his or their confession, or otherwise by proof” convicted of offences against the 1637 Decree or any other Decrees of the Court of Star Chamber

Item 33: recognized importance of books as an educational and informational resource; provision to ensure retention of books and their information; printers required to reserve new or reprinted book for deposit with University of Oxford – beginning of library deposit system

(ii) Booksellers & Importers

Item 5: inventory of books imported supplied to Archbishop of Canterbury or Bishop of London.

Item 6: prohibited opening of any container of imported books until the contents inspected by Archbishop of Canterbury or Bishop of London or their appointees plus Master or Warden of Stationers Co.

Item 32: books landed only at the Port of London to be examined
(iii) Printing Industry
Item 7: prohibited printing, importing or binding books which the Stationers’ Co. or any other person had “by any Letters Patents, Order, or Entrance in their Register book or otherwise, have the right, priviledge, authoritie or allowance”
Item 8: printers, authors and makers identified and names printed on the work
Item 9: prohibited forgery or counterfeiting of any mark of Stationers’ Co. or any person with lawful privilege, authority or allowance to print a work without their consent
Item 10: prohibited sale of books to those with at least a seven year apprenticeship to a bookbinder, bookseller or printer
Item 11: overseas printing and/or importation prohibited
Item 12: prohibited importation by foreigners unless free Stationers of London and had been brought up in the trade and undertook it for their livelihood
Item 13: no printing press on any premises (owned or rented) without first notifying Master and Wardens of Stationers’ Co.
Item 14: regulated manufacture of printing presses and type requiring notification of the Master and Wardens of the Stationers’ Co
Item 15: limited number of Master Printers allowed one press or more
Item 16: 300 pound good behaviour bond payable by everyone having use of a press
Item 17: restrictions on number of operating presses by one person based on Stationer’s Co. status and at the pleasure of the Archbishop of Canterbury or Bishop of London
Item 18: new licence for reprinting books
Item 19: number of apprentices based on Stationer’s Co. status; if an apprenticeship ended or an apprentice fled their name expunged from the record before replacement
Item 20: employment guarantee for journeymen printers because when unemployed engaged in ‘secret’ printing
Item 21: unemployed journeymen printers who refused work or were refused work subject to appeal to the Court of the Star Chamber or High Commission
Item 22: Universities could engage as many apprentices as they wished but they would be refused employment in London
Item 23: only freeman or apprentices to be employed “at the Case or the Presse” responding to abuse by some Masters and the Universities
Item 24: punishments for unauthorized printers
Item 25: “power and authority” to search vested in Master and Wardens of the Company or two licensed Master printers appointed by Archbishop of Canterbury or Bishop of London
Item 26: Those so vested in Item 25 granted power to seize suspect matter then submitted it to the Archbishop of Canterbury or the Bishop of London for assessment
Item 27: limit of four who could manufacture or found letters and power given to the Archbishop of Canterbury or the Bishop of London to fill vacancies as they arose. An offense for anyone else to manufacture type
Item 28: master founder limited to two apprentices
Item 29: unemployed journeymen founders who refused work or were refused work subject to appeal to the Court of the Star Chamber or High Commission
Item 30: only freeman or apprentices founders to be employed (Harvey 2005, 206-211)

1639 – Seventh Royal Charter to Company of Parish Clerks (See 1240, 1443, 1448, 1475, 1610 & 1636 b; Parish Clerks Company)

1640 – Order of the House of Commons concerning abuses in printing, February 13
“that the sub-committee heretofore appointed by the grand committee for religious, concerning abuses in licencing and printing of books be now made a Committee from the House, and enlarged to take into consideration and examine all abuses in printing, licensing, importing, and suppressing of books of all sorts, and in denying licence to some books and expunging several passages out of other books.” (Patent Office 1859, 71)

b - 16 Car. I, c. 10 An Act for the Regulating of the Privie Councell and for taking away the Court commonly called the Star Chamber.
This Act also known as the Habeas Corpus Act, among other things, abolished the Court of Star Chamber and required that matters previously subject to its prerogative jurisdiction be transferred to Common Law courts (Macdonald 1944, 180). The effect on the printing trade was immediate because:
“… all regulations of the press and restraint of unlicensed printing, by proclamations, decrees of the star chamber, and charter powers given the stationers’ company, were swept aside as illegal. The rapid spread of licentious and libellous printing caused parliament to pass an ordinance in 1643 prohibiting printing, unless the book was first licensed, and entered in the register of the stationers’ company. This was followed by an ordinance of 1649 prohibiting the printing of any book legally granted, or any book entered without the consent of the owner” (Fox 1947, 102).
“The victory of the Parliament destroyed all this machinery for the control of the press, because it depended directly for its existence and motive power upon the prerogative of the Crown and upon the Courts of Star Chamber and High Commission.” (Macdonald 1944, 186)

Relevant Marginalia
I. All Matters examinable in the Star Chamber may be examinable and redressed by the Common Law,
Council Table has assumed a Power contrary to Law.
Court of Star Chamber and all its Powers dissolved.
See Annex A: 1640 b for complete marginalia

c - 16 Car. I, c. 11 An Act for repeal of a branch of a Statute primo Elizabethe concerning Commissioners for causes Ecclesiastical
The Act abolished the Court of the High Commission which together with the Court of the Star Chamber served as the principal institutions of press censorship.
See Annex A – 1640 c for complete marginalia

d - Seventh Master of the Revels
Sir Henry Herbert succeeded John Astley and served between 1640 and 1673.
1641 – Order of the House of Commons suppressing a Speech, April 6

“… that the Master and Wardens of the Company of Stationers be required to attend this House presently, and that forthwith they make search and enquiry after the printer and venter of a speech they term… Mr. Maynard’s, the which speech Mr. Maynard absolutely disavows, and that they use all diligence in suppressing the said speech.” (Patent Office 1859 71)

b - Resolution of the House of Commons to the Committee for Printing, July 10

“… to take into consideration the printing the book entitled ‘Protestation Protected’, and to examine the printer thereof, and to inform themselves of the author of that book, and of the scandal to this House by any passages in that book.” (Patent Office 1859, 72)

1642 – Order of the House of Common concerning Printing, January 29

“Ordered, That the Committee for Printing, and the Bill of Printing, shall be revived; to sit on Monday Morning at Eight of Clock, in the Court of Wards; and that the Master and Wardens of the Company of the Stationers shall be required to take special Order, that the Printers do neither print or reprint anything without the Name and Consent of the Author; And that if any Printer shall, notwithstanding, print or reprint anything without the Consent and Name of the Author, that he shall be proceeded against as both the Author and Printer thereof; and their Names to be certified to this House.” (House of Commons Journal Volume 2: 29 January 1642)

b - Order of the House of Commons to the Lords, April 4

“… that a message be sent to the Lords to desire their Lordships to appoint a committee to join with a committee of this House to take the examination of anything that shall be presented unto them by His Majesty’s learned Counsel concerning tumults, seditions, pamphlets or sermons.” (Patent Office 1859, 72)

c - Order of the House of Commons to the Lords, June 4

Following the report of Lieutenant-Colonel Audley Mervyn on transactions in Ireland since the beginning of the rebellion, the House ordered:

“… that he be desired to print it, and that no man shall reprint it but such as he shall appoint, without the particular order of this House.” (Patent Office 1859, 72)

d - Ordinance of the Lords and Commons concerning stage-plays, September 2

Given troubles in Ireland and the threat of civil war at home, the Long Parliament declared that “public stage plays shall cease and be forborne”(Firth & Rait 1911).

1643 - The Humble Remonstrance of the Company of Stationers to the High Court of Parliament

Benefits of regulation included: (i) suppression of seditious and heretical text; (ii) advancement of learning and of the printing industry itself; (iii) the author portrayed as relying on the benefit of his work; at this time a one-time-only honoraria paid, no royalties or rights (birth of the ‘starving artist’) and, (iv) ‘production of the Brain’ equivalent to any other commodity (Deazley 2008).
b - *Order of the House of Commons on Searching for Printing Presses, &c.*, March 9

“IT is this Day Ordered, by the Commons, assembled in Parliament, That the Committee for Examinations, or any Four of them, shall have Power to appoint such Persons as they think fit, to search in any House or Place, where there is just Cause of Suspicion that Presses are kept, and employed in the Printing of scandalous and lying Pamphlets: And that they do demolish and takeaway such Presses, and their Materials, and the Printers Nuts and Spindles which they shall find so employed; and bring the Master Printers and Workmen Printers before the said Committee: And that the Committee, or any Four of them, shall have Power to commit to Prison any of the said Printers, or any other Persons that do contrive, or publickly or privately vend, sell, or publish any Pamphlet scandalous to his Majesty, or the Proceedings of both or either Houses of Parliament; or that shall refuse to suffer such Houses or Shops to be searched, where such Presses or Pamphlets, as aforesaid, are kept: And that the Persons employed by the said Committee shall have Power to seize such lying and scandalous Pamphlets as they find, upon Search, to be in any Shop or Warehouse, sold or dispersed by any Person whomsoever; and to bring the Persons that so kept, published, or sold the same, before the Committee: And that such Persons as the Committee shall commit, for any of the Offences aforesaid, shall not be released, till the Parties employed for the Apprehending of the said Persons, and seizing their Presses and Materials, be satisfied for their Pains and Charges: And all Justices of Peace, Captains, Officers, and Constables, are required to be assisting in the Apprehending of any of the Persons aforesaid, and in Searching of their Shops, Houses, and Warehouses: And likewise all Justices of the Peace, Officers, and Constables, are hereby required, from time to time, to apprehend such Persons as shall publish, vend, or sell the said Pamphlets. And it is further Ordered, That this Order be forthwith printed and published; to the end that Notice may be taken thereof, that the Contemners of this Order may be left inexcusable for their Offence. (*House of Commons Journal Volume 2: 09 March 1643*)

c - *Ordinance of Parliament on the Liberty of the Press*, May 5

It called for press restraint and strengthening former orders (Patent Office 1859, 73).

d - *Ordinance of the Lords and Commons for Regulating Printing*, June 14

The ordinance dealt with ‘illegal’ presses, piracy of works belonging to Stationers’ Co. member and ‘scandalous or unlicensed Papers, Pamphlets, Books’.

*Marginalia*

Orders and Declarations of Parliament not to be printed but by Order. Nor other books unlicensed and entred; Nor books granted to the Company of Stationers without their license. Nor books licensed and entred for particular persons without consent of the Owner. Importation.

Power to search and seize; To apprehend Authors, Printers, &c (Firth & Rait 1911)
e - Ordinance for the preservation and keeping together for Publique use, such Books, Evidences, Records, and Writings Sequestred or taken by Distress or otherwise, as are fit to be preserved, November 20

Seizure of Royalists’ assets included collections of books and manuscripts that “… the dispersing of which by sale or otherwise, may be much more disadvantageous and prejudicial to the Publique (both for the present and to posterity)…” (Firth & Rait 1911).

Marginalia
Manuscripts or written Books, &c., not to be sold; Committee to dispose of them.
Books and Writings sequestred in Innes of Court.
Assembly of Divines may resort to them.
The like care to be taken by Committees and Officers &c.

1644 – Milton’s Areopagitica, November

This was an appeal to Parliament to rescind the printing order of June 14, 1643 d.

1646 – Ordinance to prevent the Committee of Oxford from seizing any of the Libraries, &c. belonging to any of the Masters, Students, &c. of the University, December 8

The ordinance stopped seizure and sale of libraries and books belonging to the University, its Masters, Readers, Professors, Scholars, and Officers (Firth & Rait 1911).

1647 – Ordinance to give to the University of Cambridge books added to Archbishop Bancroft’s Library, March 24

The Bishop’s Library (and those of his successors) was seized but “hereby, given and granted to the said Chancellor, Masters, and Scholars, and their successors for ever, to remain, with those so formerly given as aforesaid, in the Public Library of the said University, for their Public use” (Firth & Rait 1911).

b - Order of Parliament to suppress Plays, July 17

“… an order requiring the Lord Mayor and the Justices of Peace of London and Middlesex to take effectual Care speedily to suppress all publick Plays and Playhouses, and all Dancings on the Ropes.” (Rollins 1921, 280)

c - Ordinance concerning sequestered Book-evidences and Writings, September 22

Marginalia
“Sequestered books and writings in hands of Committee appointed by Parl. To be delivered to Henry Elsyng, Esq.; Who may deliver them out on order of Parliament (Firth & Rait, 1911)

d - Ordinance of the Lords and Commons against Unlicensed or Scandalous Pamphlets, September 30

It set punishments, fines and penalties for unlicensed works.

Marginalia
The Author, Printer and Licensers Name shall be prefixed; Penalty for the Maker or Composer; Printer; Seller
Who shall put this Ordinance in execution.; Power to enter into houses, &c.; To seize the Books, Presses, &c.; View of a Justice or head Officer; shall be a sufficient conviction.; How the Fine shall be disposed.
This shall not extend to acquit those who shall write any seditious, treasonable or blasphemous matter. (Firth & Rait, 1911)
**Ordinance of the Lords and Commons assembled in Parliament, for the Lord Mayor of the City of London, and the Justices of the Peace, to suppress Stage-plays and Interludes, etc.**

Oct. 22

The Ordinance authorized the search of all houses and other places within London where plays and interludes were or could be acted and arrest anyone one acting in them (Hazlitt 1869, 64-5).

**Marginalia**

Common Players shall be committed to the Gaol.

1648 – *Ordinance of the Lords and Commons assembled in Parliament for the utter suppression and abolishing all Stage-Plays and Interludes with the Penalties to be inflicted upon the Actors and Spectators, herein express.* February 2

“Therefore for the better suppression of the said Stage-Playes, Interludes, and common Players, It is Ordered and Ordained by the Lords and Commons in this present Parliament Assembled, and by Authority of the same, That all Stage-Players, and Players of Interludes, and common Playes, are hereby declared to be, and are, and shall be taken to be Rogues…” (Hazlitt 1869, 67)

**Marginalia**

Stage-Players declared to be Rogues.

Stage galleries Seats and Boxes to be pulled down; How Players shall be dealt with

Moneys gathered of persons coming to see Stageplayes shall be forfeited and be paid to the Churchwardens for the poor

Spectators of Stage-playes shall pay for every offence 5s (Firth & Rait, 1911)

b - *House of Commons directed the Committee of the Militia of Westminster to”... demolish the stages, boxes, scaffolds, seats and forms of the London and Middlesex playhouses”* (Rollins 1921, 291)

c - *House of Commons appoint a Committee charged with the execution of the laws against stage-plays*, September 1. (Rollins 1921, 291)


Francis Bethen was appointed provost-marshal “furnished with twenty-one assistants, and empowered within twenty miles of London to seize all persons connected with the production, publication and distribution of scandalous books and ballads and all stage-players” (Rollins 1921, 292).

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**COMMONWEALTH/INTERREGNUM**

1649-1659

1649 – *House of Commons Committee on Printing*, February

The House appointed a committee to punish authors, printers or preachers who published pamphlets against bringing the king to justice and restrain anything published or preached against the Commons and the high court of justice (Timperley 1839, 510).

b - *Act to prevent the printing of any of the proceedings of the High Court of Justice erected for trying of James, Earl of Cambridge, and others, without leave of the House of Commons or of the said Court*, February 9
Pre-Common Law Copyright, Performing Rights & Licensing
An Annotated Chronology including Statutory Marginalia
567 to 1714 - Chronology

Marginalia
Proceedings in High Court of Justice forbidden to be printed without leave of Parl. on pain of fine or imprisonment;
Provisoes. (Firth & Rait, 1911)

An Act against Unlicensed and Scandalous Books and Pamphlets, and for the Better Regulating of Printing, September 20
Based on the Ordinance of 1647, the Act gave pre-print censorship to Parliament and maintained the Charter of the Stationers’ Company. Ballad-singers were to be sent to the House of Correction.

Marginalia
The mischiefs arising from weekly Pamphlets
Former Laws against spreaders of false news to be put to execution
The penalty for making, printing or uttering scandalous Books, Papers on Pictures
   The author Ten Pound
   Printer Five Pound
   Bookseller Two pound
   Buyer to forfeit One pound, if he conceal such Book bought
All Books and Pamphlets to be licensed
Reference to an Ordinance made Sept. 1647
Former Licenses for printing News-Books, made null
Clerk of the Parliament to license News-books
Treasonable matter liable to further punishments
Master & Wardens (of the Stationers’ Co.) &c. to search for unallowed Presses and Books.
No seditious Books to be sent by Post or Carrier
No Printing or Rolling press to be used, but in London, and the two Universities
Exception for York and Finsbury
Printers to enter Bond of 300 pounds
Author or Licensers name to be prefixed
No house or room to be let to a Printer, without notice given to the Master and Wardens
Nor any implements to be made, Press imported, or Letters founded without such notice
Importers of seditious Books to forfeit 5 pounds
No imported Books to be landed, but at London
To be viewed by the Master and Wardens
No Bibles, Psalms, &c. to be imported
Books entered (in Stationers’ Co. register) not to be printed by others
The forfeiture
Warrants to search Packs and Packets
All unlicensed Books seized to be delivered to the Secretary of the Council (of State)
Hawkers and Ballad-singers to be sent to the House of Correction
Lord Major to see the Laws against Hawkers put into execution
Constables power
Penalties in money, [how] to be disposed
Justices to hear and determine offenses against this Act
All Officers civil and military to be aiding
Council of State to remove Obstructions, &c.
General issue to be pleaded
Offenders must be prosecuted within six months
Continuance of this Act (Firth & Rait, 1911)

1650 - *Act for turning the Books of the Law and all Process and Proceedings in Courts of Justice into the English Tongue*, November 22

*Marginalia*
- All Report-Books, and other Law-Books to be in English
- All Writs, Pleadings, Patents, &c. to be in English
- Persons offending against this Law, to forfeit twenty pounds (Firth & Rait, 1911)

1651 – *Endowment of Chetham Public Library in Manchester*
Humphrey Chetham bequeathed funds for founding a public library.
“This library is the only one in the kingdom in which every person has the liberty of unlicensed reading.” (Timperley 1839, 518)

Oliver Cromwell
1653-1658

1653 - *An Act for reviving of a former Act, entitled, An Act against Unlicensed and Scandalous Books and Pamphlets, and for Regulating of Printing, with some Additions and Explanations*, January 7
This statute renewed the Act of September 20, 1649 c

*Marginalia*
- Council of State to order Printers.
- Council of State to Regulate the Mystery of Printing.
- Who may be a Printer of Books; Printers must exercise their Trade in their dwelling houses.
- Dry-fats and Fardels of Books imported.
- Books seized on, to be brought to Stationers-hall.; Master and Wardens to appoint a convenient place for searches.
- How pecuniary forfeitures shall be sued for and disposed.
- Council of States power; Agent for the Army.
- Priviledges of the University-Printers not to be infringed. (Firth & Rait, 1911)

1654 - *Ordinance directing the ejectment of ministers and schoolmasters who encouraged or countenanced Stage-plays, or such Licentious practices*, August 28 (Firth & Rait 1911)

1655 – *Reissuance of the Ordinance directing the ejectment of ministers and schoolmasters who encouraged or countenanced Stage-plays, or such Licentious practices*, October 26 (Rollins 1921, 313)

1656 - *Privy Council instructed Major-General Desborow to suppress all horse-races, cock-fighting, bear-baiting, and stage-plays by seizing the persons gathered together on such occasions*, January 8 (Rollins 1921, 320)
b - Order of the House of Commons to the Committee on Printing, October 20
“…to consider a way to suppress private presses and regulating the press, and suppressing and preventing scandalous books and pamphlets.” (Patent Office 1859, 79)

c - First English Opera: The Siege of Rhodes
Produced by William Davenant the work was performed privately in a room of his home, Rutland House (V&A, Early Opera; See 1636 & 1661).

1657 - An Act against Vagrants and wandring, idle dissolute persons, June 9
Fiddlers and minstrels “proffering themselves, or desiring, or intreating any person or persons to hear them to play, or make musick in any the places aforesaid, that every such person and persons so taken, shall be adjudged, and are hereby adjudged and declared to be Rogues Vagabonds, and Sturdy Beggars, and shall be proceeded against” (Firth & Rait 1911)

Marginalia
Idle, loose and dissolute persons wandring shall be adjudged Rogues, &c.; 39. Eliz. cap. 4.
Fidlers or Minstrels.

b - Act for the better observation of the Lord’s Day, June 26
It prohibited “Every person Dauncing, or prophanely Singing or Playing upon Musical Instruments, or Tipling in any such Houses, Cellars or Shops, or elsewhere upon the Day aforesaid, or harbouring or entertaining the persons so offending” (Firth & Rait 1911).

Relevant Marginalia
What shall be adjudged prophanation of the Lords day; Travelling.; Inkeepers &c. entertaining such.; Persons being in Taverns, Inns, &c.; Keeping open doors.; Dauncing, singing &c.; Milns.; Washing whiting. &c.; Burning Beet.; Gathering rates; Melting tallow or wax.; Brewing, Baking.; Butchers and others exposing wares to sale.; Taylours. Barbers; Fairs, Markets, Wakes, Revels, &c.; Walking in time of publique worship; Travelling, carrying burdens or doing worldly labour Books for sports on the Lord’s Day.
And it is Enacted by the Authority aforesaid, That all persons Contriving, Printing or Publishing any Papers, Books or Pamphlets for allowance of Sports and Pastimes upon the Lord’s-Day, or against the Morality thereof, shall forfeit the Sum of Five pounds, or be committed to the House of Correction as aforesaid

See Annex A: 1657 for complete marginalia.

Richard Cromwell
1658-1659

1658 – Council of State appointed a committee to examine the author and actors of the opera at the Cockpit, “to inform themselves of the nature of the performance, to examine by what authority it had been publicly given, and to make a general report on the subject of stage-plays”.

The term ‘opera’ raised doubts about the anti-stage laws (Rollins 1921, 329).
1660 – Privy Council Order of Council to Stationers’ Company

The order required the Stationers’ Company to “seize and deliver to the secretary of state, all copies of Buchanan’s History of Scotland, and de Jure regni apud Scotas... which are very pernicious to monarchy, and injurious to his majesty’s blessed progenitors” (Timperley 1839, 528).

b - First Surveyor of the Press, John Birkenhead, June

Appointed by the Privy Council, the surveyor's authority was derived from the Secretary of State not from the Licensing Act. The licensing powers of the office therefore varied over time (Deazley 2008; Macdonald 1944, 184).

c - Privy Council Ban on publication of news other than in Henry Muddiman’s Parliamentary Intelligencer and Mercurius Publicus, July (Deazley 2008)

d - King’s Company Letters Patent

Thomas Killigrew received letters patent to form the King’s Company to mount theatrical productions in London (Wikipedia, King’s Company).


Powers removed in 1640 c were returned except for the Court of the High Commission that together with the Court of the Star Chamber had enforced licensing.

b - Lincoln’s Inn Fields Theatre opens

“... located in the Fields from 1661 to 1848 when it was demolished. Originally called the Duke's Theatre, it was created by converting Lisle's Tennis Court, to become the Lincoln's Inn Fields Theatre in 1695.” (Wikipedia, Lincoln's Inn Fields)

“... Davenant converted a covered tennis court into Lincoln's Inn Fields theatre and presented an expanded version of The Siege of Rhodes. This was also the first theatrical production to use perspective scenery.” (V&A Early Opera; See 1636 & 1656)

1662 – 14 Car. II, c.12 An Act for the better Releife of the Poore of this Kingdom.

By reciting Acts of Elizabeth and James I, unlicensed common players, jugglers and musicians were again classed as vagabonds, rogues and sturdy beggars and licenses could only be granted by royal prerogative. The continuing exception of the Cheshire Minstrels licensed by the Duttons of Cheshire was recognized (See 1181).

Relevant Marginalia (no other marginalia provided)

Section XVI - Recital that 39 Eliz., c. 4 and 1 Jac. I, c. 7 are not duly executed. (See 1597 & 1604)

b - 14 Car. II, c.33 An Act for Preventing Abuses in Printing Seditious, Treasonable, and Unlicensed Books and Pamphlets, and for Regulating of Printing and Printing Presses
This Act represents the final and most sophisticated expression of pre-publication licensing, *a.k.a.*, censorship, before birth of a ‘free press’ in 1695 when this Act was allowed to lapse.

It drew upon all previous statute, ordinances, decrees and proclamations from the 1401 *De Heretico Comburendo* to the Star Chamber Decree of 1637 and Acts regulating printing passed during the Commonwealth. It married the self-interests of the Crown, Lords Spiritual and Temporal (the Lords), the Commons, the two Universities and the Stationers’ Company of London. It was to be in force for two years. The complete Act is appended as Annex B-1.

*Marginalia*

I. Recital that the regulating of Printers is matter of public Care, and that many have been of late encouraged to print and sell seditious Pamphlets, &c.

No Person to print Seditious and Heretical Pamphlets; or import or publish such Pamphlets.

II. No private Person to print any Book, &c. unless first entered with the Stationers’ Company of London;

Exceptions;

and unless first duty licensed

Common Law Books to be licensed by Lord Chancellor, &c.

Books of History, Affairs of State, &c. by Secretary of State

Books of Heraldry &c. by the Earl Marshal or Kings of Arms.

All other Books by Archbishop of Canterbury and Bishop of London, &c.

Proviso respecting Licences by the Chancellors, &c. of the Universities.

III. Every Person authorized to license, to have one written Copy of the Book; which is to be delivered by Licenser to the Owner for printing, and afterwards returned to the Licenser to be kept.

If such Book be in English, Two written Copies, if required, to be delivered to Licenser.

How to be disposed of Licenser to testify under his Hand.

Licence to be printed at the beginning of the Book.

IV. Merchants and Importers of Books to import the same into London only, unless special Licence;

and to present a true Catalogue thereof to the said Archbishop, &c.

and not to open Packages, no Officer to pass the same,

(Penalty)

before a Person duly appointed, and one of the Stationers’ Company, be present.

If seditious, &c. Books found, to be brought to the said Archbishop, &c.

Proceedings against Offenders, &c.

V. No Persons to print or import Copies of Books, Books, Indentures, &c. in which others have any Right by Letters Patent, &c. solely to print, without the Consent of the Owners;

nor bind or stitch such Books or Copies without the like Consent Penalty.

How to be disposed of.

Limitation of Suit for the same.
VI. Printers of Books, &c. to set their Names thereto, and declare the Name of the Author if required.
Penalty.
No Person to print or forge the Name of the Person having sole Right to print any Book.
Penalty.

VII. No Haberdasher of Small Wares, &c. not licensed, nor being a Freeman of London, nor a Member or the Stationers Company, to sell &c, Books, &c
Penalty

VIII No Merchant or other Person to print beyond Sea or import English Books, &c
Penalty
Aliens not to import or vend Books in any Language printed beyond the Sea, (Exception)
Without special Licence of Archbishop, &c
Penalty

IX. No Person to erect a Printing Press or House, or let Premises for Printing, without giving Notice to the Stationer’ Company.
No Carpenter, &c. to make a Printing Press, or cut Letters, nor import Letters; without first acquainting Stationers’ Company.
Penalty

X. No Person to be admitted a Master Printer till the Master Printers be reduced to Twenty, (Exception)
Which number is to be continued, and Four Master Letter Founders.
In case of Death of any Master Printer or Founder, the said Archbishop, &c. to appoint another.
Persons allowed to have a Printing Press &c. to give security of £300

XI. The Number of Presses which Master Printer are allowed to keep.

XII. The Number of Apprentices which Printers (except the King’s Printer) and Letter Founders are allowed to take and retain.
Proviso respecting replacing runaway Apprentices.

XIII. Master Printer and Master Letter Founders to take care that Journeymen are employed; and if Journeyman be out of Employ, he is on Application to be received, if Master Printer have not a Journeyman, though himself and his Apprentices can do his Work.
Penalty £5.
Journeymen refusing Employment, or neglecting Work; Imprisonment
Masters not to employ any but Englishmen and Freemen, or Sons of Freemen, and Apprentices.

XIV. Messengers of the King’s Chamber by Warrant under Sign Manual or the Hand of Secretary of State, or Master and Wardens of Stationers’ Company, with a Constable, may search Houses, &c. for Books, &c. and may demand a Sight of Licence; and seize Books and Offenders.
Justices may imprison.
If Searchers find unlicensed Book which they suspect, they may seize and take it to Archbishop, &c.
Proceedings.

XV. Printers, Letter Founders, &c. working for the Trade, offending
First Offense, Punishments
Second Offense, Punishment
Quarter Sessions may determine Offences
and to certify Fines to the Exchequer yearly;
and may award Process and Execution

XVI Printers to reserve Three Copies of every Book, one for the King’s Library, and one for each of the Universities

XVII. Proviso for Universities licensing.

XVIII. No Search in Houses of Peers, or of Persons using other Trades, without special Licence.

XIX. Bookseller may Import certain Books ready bound, not formerly prohibited

XX. Proviso for Persons who have sold Books or Papers in Westminster Hall, Palace of Westminster, &c.

XXI. Proviso for Grantees under the Great Seal, &c.

XXII. Proviso for John Streater, Stationer

XXIII. Proviso for keeping and using a Printing Press in the City of York with Conditions.

XXIV. Continuance of Act

c – New Surveyor of the Imprimary and Printing Press, Roger L’Estrange (See 1660)
The Surveyor licensed all ballads, charts, printed portraiture, printed pictures, books and papers. He also had the power of search and seizure of unlicensed, treasonable, schismatical and scandalous books and papers. (Ingehart 1998, 68)

d – Letters Patent for exclusive right to dramatic productions in the City of London
Granted to Sir William Davenant (the Duke’s Company, Covent Gardens specialized in opera and spectacles) and Thomas Killigrew (the King’s Company, Drury Lane specialized in plays) the King’s intent:

“it would appear, was to reward good and faithful servants, to preserve the drama from destructive competition, and to deliver the stage from all bawdry except that of his own choosing. Within a generation the function of the patents was in dispute, and a century of confusion followed. The patents were entailed to the heirs of the original patentees and were subsequently divided, sold, subdivided, and resold... and their sole function was to encourage two groups of property owners - one controlling Covent Garden Theatre, the other Drury Lane-to indulge in some of the most fanciful speculation of the nineteenth century.” (Ganzel 1961, 385)

“Playwright compensation, however, was no longer by salary or ownership share unless the playwright was also member of the acting company. Rather, both companies appear to have settled on a compensation system under which the playwright would receive the net proceeds of a single performance, typically the third night, and, if the production proved to run longer than a few days, might be offered the net proceeds of an additional performance or two.” (Litman 2010, 14)
1664 – *16 Car. II, c.8, An Act for continuance of a former Act for regulating the Press*
This Act continued the Licensing Act of 1662 until the end of the next session of Parliament.

1664/65 – *16 & 17 Car. II, c 7 An Act for continuance of a former Act for regulating the Press*
This Act continued the Licensing Act of 1662 until the end of the next session of Parliament.

1665 - *17 Car. II, c.4 An Act for continuance of a former Act for regulating the Press*
This Act continued the Licensing Act of 1662 until the first session of the next Parliament. It also confirmed the library book depositary system.

*Marginalia*
Every Printer, except the two Universities, reserve Three Copies, and deliver them to the Master of the Stationer’s Company, one for the King, and one for each of the Universities
University Printers to do the like.

*Penalty*

1666 – *Second Master of the King’s Music, Louis Grabu who served till 1674 (Duck 1953, 256)*

1668 – *Proclamation calling for enforcement of the Licensing Act of 1662 (Dawson 2005, 130)*

1672 – *Proclamation calling in and suppressing two political works by John Milton, August 13*
While Milton’s poetry gained admiration from King Charles II, two of his political works contained “sundry treasonable passages against us and our government, and impious endeavours to justify the horrid and unmatchable murder of our late dear father of glorious Memory”.

“A proclamation for calling in and suppressing two books written by John Milton, the one intituled, *Johannis Miltoni Angli pro Populo Anglicano Defensio contra ClaudiiAnonymi, alias Salmarii Defensionem Regiam*; and the: other, in answer to a book intituled, *The Portraiture of his Sacred Majestie in his Solitude and Suffering.*” (Timperley 1839, 547)

1673 - *Eighth Master of the Revels*
Thomas Killigrew succeeded Sir Henry Herbert and served until 1677 (Wikipedia, Master of the Revels).

1674 – *Third Master of the King’s Music, Nicholas Staggins who served until 1700 (Duck 1953, 256)*

1677 – *29 Car. II, c. 9 An Act for takeing away the Writt De Heretico cumburendo*
The writ established in 1401 against religious heretics was abolished.

b - *Ninth Master of the Revels*
Charles Killigrew succeeded his father Thomas Killigrew and served until 1725 (Wikipedia, Master of the Revels; (See 1560).

1679 – *Licensing Act of 1662 lapses, March 13*
While James II (1685-1688) renewed the Act in 1685 in the intervening period:
“… a decision of the judges soon gave the crown as complete powers of suppressing unwelcome books and pamphlets as before, the previous
licensing fell into disuse, and the limitation of the number of master-printers lapsed. The consequences of even a partial unmuzzling of the press were almost immediately seen in a swarm of libels, of which a vigorous complaint was made by Mr. Justice Jones in 1679: “There was never any Age, I think, more licentious than this, in aspersing Governors, scattering of Libels, and scandalous Speeches against those that are in authority.” (Ward & Waller [1907-21] 2000).

b - Proclamation to suppress seditious books, November 3 (Macdonald 1944, 184)

c - Westminster Guild of Musicians unable to exercise their 1635 Charter ceased operations (Duck 1953, 256)

1680 – Proclamation for suppressing the printing and publishing unlicensed News-books and Pamphlets of News, May 12

“...whereas of late many evil-disposed persons have made it a common practice to print and publish pamphlets of news without licence or authority, and therein have vended to his majesty’s people all the idle and malicious reports that they could collect or invent, contrary to law; the continuance whereof would in a short time endanger the peace of the kingdom…” (Timperley 1839, 560)

1682 – United Company opens

The King’s Company became insolvent and the Duke’s Company absorbed its remnants including its theatre building, repertory of plays and actors (Litman 2010, 15; See 1662 d).

1684 – Amplified Royal Charter of the Stationers’ Company, May 22

The amplified charter begins with a recapitulation of the Charter of 1557. New clauses included:
(i) Assistants must be practicing members of the Church of England;
(ii) rules added for summoning the Stationers’ Court and co-opting new members subject to royal approval;
(iii) membership extended to include letter-founders and builders of press, all of whom to live in the City of London excepting the King’s printer and the University printers;
(iv) no one to bind or sell books in London and Westminster and four miles around unless a member;
(v) all in the book trade to keep open shops for easy search by the Company; and,
(vi) royal approval given to the ‘publick Register’ for entering books ‘not granted by letters Patents’ (Blagden 1977, 169).

James II

1685-1688

1685 – 1 Jaq. II, c. 17 An Act for Reviveing and Continuance of severall Acts of Parlyament therein mentioned, July 2

Section XV revived the Licensing Act of 1662 b for seven year.

Relevant Marginalia  (no additional marginalia provided)

XV - 13 &14 Car. II. c. 33 continued for 7 Years from June 24, 1685.
1686 – Court of High Commission for Ecclesiastical Causes re-established.

The new Court of High Commission exercised power over:

“… 'all and every ecclesiastical person or persons, of what degree or dignity soever', and its authority to hear complaints against them and punish them by suspension or deprivation. They also gave it sweeping powers to investigate and amend the statutes of all institutions chartered by the crown: universities, colleges, grammer schools, hospitals, and so on.” (Kenyon 1991, 729)

1687 - A proclamation for preventing and suppressing unlicensed books and pamphlets. (Timperley 1839, 570)

b – First Declaration of Indulgence, April 4

The Declaration suspended all penal laws in matters ecclesiastical, permitting people to worship other than in the established Church of England and ending the requirement that people take religious oaths before advancement to civil or military office. This implied ecclesiastical censorship would be ended. The Declaration was seen as favouring Catholics and was a major contributor to the popular uprising that saw James II deposed during ‘the Glorious Revolution’ (Jacobite Hertiatge).

1688 – Proclamation to suppress seditious books, February 10 (Macdonald 1944, 184)

b – Second Declaration of Indulgence: The King’s declaration for liberty of conscience, April 27 (Jacobite Hertiatge)

William III & Mary II
1688-1702 & 1688-1694

1688 – I Gul. & Mar. Sess. 2, c. 2 An Act declareing the Rights and Liberties of the Subject and Setleing the Succession of the Crowne [Bill of Rights]

William of Orange and his wife, Mary, daughter of James II, became King and Queen following James II’s flight from England. Their ascension marked the beginning of constitutional monarchy with the prerogative of the monarchy limited by statute.

The dispensing power, i.e., the monarch’s power to dispense with application of law in specific cases, ended while the ‘non obstante’ (notwithstanding) power was effectively transferred to Parliament. The Chancellor and the Courts became independent of the monarch (Edie 1977). The Act provided for elections to the House of Commons free from interference by the monarchy and freedom of speech for Members of both Houses of Parliament, i.e., parliamentary immunity from prosecution for what was said and reported in Parliament. This marked a step towards freedom of the press. It also abolished the Court of High Commission for Causes Ecclesiastical set up by James II in 1686.

Relevant Marginalia

I – … Freedom of Election

Freedom of Speech

See Annex A: 1688 for complete marginalia.

1690 – Royal Charter of Stationers’ Company confirmed (See 1684)
1692 – 4 Gul. & Mar. c. 24  

An Act for reviving continuing and explaining several Laws therein mentioned [that] are expired and neare expiring

   Section XV revived the Licensing Act of 1662 b for one year.

Relevant Marginalia  (no additional marginalia provided)
   XV - 13 &14Car. II, c. 33. continued by 1 Jac. II. c. 17, § 15 continued for One Year.

   b - Privy Council Order to Lord Mayor of London concerning Coffee Houses, July

   It required the Mayor to issue licences to coffee-house proprietors charging them ‘not to receive any scandalous news papers on the government’ (Astbury. 1978, 298).

   c - Privy Council Proclamation for the suppression of Libels, September 13

   The Proclamation was made in response to libels calling for restoration of James II. While it did not stop the libels it provided “the king’s messengers and informers with incentives to track down their printers and dispersers, and many of them were arrested as a result of this renewed activity” (Astbury. 1978, 299).

1693 – 4 & 5 William and Mary, c 24, March 3

   Section XIV renewed the Licensing Act of 1662 b for a term of one year to the end of the next session of Parliament (Astbury. 1978, 298). I have, however, been unable to find a copy in the Statutes of the Realm.

   b - Order of the Stationers Company

   “An order was issued by the Company for prosecuting all printers, booksellers, and others, who neglect to send in their three books for the three libraries.” (Timperley 1839, 575)

1694 – Locke’s Memorandum

   The political and religious conflicts of the post-revolutionary period made pre-publication censorship an increasingly contentious issue. In a series of letters and finally a memorandum to his friend Edward Clarke, Whig member of the House of Commons for Taunton, John Locke argued against the Licensing Act, against the perpetual copyright monopoly of the Stationers’ Company and against perpetual copyright for authors (Astbury. 1978, 304-309; Hughes 2006).

   b - Proposal for a National Reformation of Manners

   The Society for the Reformation of Manners submitted “To supplicate their majesties, that the public play-houses may be suppressed.” The King thought, however, that:

   “A royal grant was not to be voided lightly, especially where a significant property right would be infringed. Such a move was not impossible, but it seems politically improbable. Theater and crown had been closely associated for more than a century. Indeed, the actors were technically still servants of the royal household (and remained so throughout the reign of Queen Anne).” (Hume 1999, 497)

   c - Lord Chamberlain’s licenses rebels of the United Company

   Management practices at the United Company led fifteen of the best known actors to petition for separation from the company complaining things were “soe intolerable & heavy that unless relieved wee are not able to act any longer”.

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“The Lord Chamberlain granted the rebels permission to withdraw from the United Company and form a rival company licensed to perform “all manner of Comdyes & Tragedyes, Playes, Interludes & Opera’s and to performe all other Theatricall and musicall Entertainments of what kind soever…. ” The United Company got to keep the theatre buildings, costumes, sets, special effects equipment, and the Killigrew and Davenant patents, but its most famous actors had left, taking with them royal permission to perform any play in the United Company’s repertory.” (Litman 2010, 15-16)

The company operated as an actors’ cooperative at Lincoln’s Inn Field Theatre.

1695 – Licensing Act (13 &14 Car. II, c. 33) lapses

The Golden Age of the Stationer’s Company ended with the Licensing Act of 1662 and with it the legal basis of their copyright. A free press was born, free of pre-publication censorship and free on the number and location of presses. Henceforth works considered seditious or treasonable were actionable only after publication in the Common Law courts. The Stationers’ Company was not, however, immediately affected. It remained a book cartel with its members respecting each other’s copyright. However, between 1695 and 1710 Scottish and domestic ‘pirates’ made it increasingly difficult for London booksellers. Without the protection of the Licensing Act, a pirate could take a successful work, re-typeset it and sell it at a lower price with no payments to the author, editor or for promotion. Accordingly, few new works were published during this period.

b - Letter to Viscount Cornebery from John Evelyn regarding theatre, February 9

Evelyn wrote that he: “finds himself horrified by ‘wretched & obscene plays’ and wonders why the authorities allow such enormities ‘in a thing which may be so conveniently reform’d” (Hume 1999, 488).

1696 – First Order of the Lord Chamberlain concerning Plays, January 24

The Earl of Dorsett, Lord Chamberlain threatened to ‘Silence’ any company ignoring his order:

“not only against the negligence of the players, but also against the Master of the Revels himself, who is ordered to take his office seriously. The phrase ‘and that in due time’ seems to indicate that copies of new plays had sometimes been submitted at the last moment, under the assumption that only the payment of fees was required for licensing (Krutch 1922, 164).

1697 – Second Order of the Lord Chamberlain concerning Plays, June 4

Lord Chamberlain, the Earl of Sunderland, directed comedians in Lincoln Inn Fields, Dorsett Gardens and Drury Lane to license all plays (Krutch 1922, 164).

1697/8 – 9 & 10 Gul. III. c. 35 An Act for the more effectual suppressing of Blasphemy and Profaneness

The Act made it a crime: “by writing printing teaching or advised speaking deny any one of the Persons in the Holy Trinity to be God or shall assert or maintain there are more Gods than One or shall deny the Christian Religion to be true or the Holy Scriptures of the Old and New Testament to be of Divine Authority.”
1698 – *A Short View of the Immorality, and Profaneness of the English Stage*

Written by Jeremy Collier this book caused controversy in the theatre community calling for significant reform which did not occur (Hume 1999, 481).

“Scholars have long realized that ‘the Collier controversy’ was not ‘wholly unexpected and unprepared for,’ but rather that it is merely a high point in long-standing hostility to theater in general and to certain kinds of late seventeenth-century comedy in particular. We need to realize that the forces bent on ‘reform’ were remarkably heterogeneous, and that at the time, many of the participants would not have recognized one another as allies.” (Hume 1999, 487)

b - *Grand Jury of London denounces stage plays and lotteries*, May 12

“Nothing followed from this, and nothing was likely to, for whatever the prejudices of a City of London Grand Jury, under what statutes might a prosecution have been brought? “(Hume 1999, 494-5)

1699 – *Order of the Vice-Chamberlain concerning Plays*, February 10

The Vice-Chamberlain Peregrine Bertie directed the order to the Master of the Revels, Charles Killigrew complaining that “Actors do often neglect to leave out such prophane expressions, as he has struck out”. The same order was sent to ‘the Patenties for his Majesties Company of Comedians’ acting at Lincoln Fields, Dorsett Gardens and Drury Lane (Krutch 1922, 165).

1700 – *Fourth Master of the King’s Music*, John Eccles served until 1735 (Ducks 1953, 256)

Anne I

1702-1714

1703 - *Order of the Lord Chamberlain concerning Plays*, January 15

Lord Chamberlain, the Earl of Kent, directed the order to the Master of the Revels, Charles Killigrew complaining of “the Neglect of both Companies of Comedians in not sending Plays to you for your Inspection and License till they are ready to be acted”. The same order was sent the Company of Comedians acting in Drury Lane (Krutch 1922, 166).

1704 – *A Letter from several Members of the Society for the Reformation of Manners to the Archbishop of Canterbury*

“...tis impossible that Her Majesty, who has Declared against Immorality and Prophaneness, and against those Crimes on the Stage, should act so directly contrary to the End She proposed, as to commit the Management of a Stage to that very Man, who debauch'd it to a degree beyond the Loosness [sic] of all former Times”; they then proceed to quote “abominable Obscene Expressions” (though not, they say, the worst of them) from Vanbrugh's plays.” (Hume 1999, 499-500)

1705 – *Queen’s Theatre Haymarket*

Queen Anne issued a patent creating a new company of comedians and authorized Sir John Vanbrugh and William Cogreve, the founders of the new theatre “to inspect into plays, for the better reforming of abuses and immoralities” (Krutch 1922, 167). Hume reports the patent in 1704 (Hume 1999, 481).
1707 – 6 Anne, c. 40 An Act for rendring the Union of the Two Kingdoms more intire and complete {Act of Union}

While England and Scotland had been ruled by the same monarchs since James I in 1603 they maintained separate Parliaments and Privy Councils. With this Act the kingdoms were united under one Crown, Privy Council and Parliament including all relevant laws and statutes. (No marginalia provided)

b - Order of Union by the Lord Chamberlain, December 31

The Lord Chamberlain ordered:

“That all Operas and other Musicall presentmts be perform’d for the future only at her Majestys Theatre in the Haymarket” and forbade performance of non-musical entertainments there. The order also gave the managers at Drury Lane… “full power and Authority to receive and Admitt into their Company any players or Act of Tragedy or Comedy they shall think fitt to entertain notwithstanding any Articles or engagements they may be under in any other Play house at the same time strictly” (Milhous & Hume 1980, 430)

“He ordered that operas might be performed exclusively in one theatre, that tragedies and comedies might be performed exclusively in the other, and that nobody except for the managers of the two theatres would be permitted to produce theatrical entertainment.” (Litman 2010, 17)

1709 – 8 Anne, c.21 An Act for the Encouragement of Learning, by Vesting the Copies of Printed Books in the Authors or Purchasers of such Copies, during the Times therein mentioned (Statute of Queen Anne)

The Act had three objectives. First, it was intended to break the Stationers’ Company monopoly and prevent any future monopoly of the book trade. Until the reign of George I the Act also included a proviso to ensure books were not sold at unreasonable prices. Second, it was intended to draw Scotland under a common copyright law to resolve the piracy controversy (See 1695). Third, it was intended to encourage production and distribution of new works. The vehicle chosen to achieve all three objectives was the author.

Until the Statute, the author had no economic and limited moral rights to a work after it was printed. The printer or Stationer, on the other hand, enjoyed a perpetual copyright. Generally, a work was bought outright by a printer/bookseller/publisher for a flat one-time fee much like an ‘all-rights’ or blanket license today. No royalties flowed to the author from subsequent sales. Authors did enjoy certain moral rights including the right not to have the text changed and the right of attribution. Such rights, however, were based on ethical practices of the printers’ guild, not the law.

With the Statute, the author was implicitly recognized as the original owner of the copyright. Nonetheless all rights were assignable to a proprietor. No moral rights were recognized. The Act received Royal Assent in 1709 and came into force on April 10, 1710. The Act also served as the basis for the first American copyright act of 1790: An Act for the Encouragement of Learning, by securing the Copies of Maps, Charts and Books, to the Authors and Proprietors of such Copies, during the Times therein mentioned.
Marginalia

1. Reason for passing this Act
   Authors and Purchasers of Copyrights entitled for 21 years (existing works)
   The like as to 14 years (new works)
   Other Persons reprinting or selling without Consent of Proprietor
   Books forfeited
   And Penalty

2. Proviso for Offenders where Book not entered at Stationers Hall
   Fee for Entry
   Certificate of Entry
   Fee thereon

3. Clerk of the Stationers Company refusing, &c. to make Entry, &c.
   Penalty

4. Proviso where Book sold at unreasonable Prices
   Lord Chancellor, &c. in England
   Lord, President of the Sessions, may summon Booksellers, &c.
   And may redress the same
   Costs
   The said Proceedings both in England and Scotland to be in Writing under Hand and
   Seal and public Notice thereof
   Penalty on Bookseller

5. Copies of Works to be delivered by Printer to the different public Libraries herein
   mentioned
   Penalty

6. How Penalties recovered in Scotland

7. Proviso for Importation of Foreign Books

8. In Action for executing Act
   General Issues
   Full Costs

9. Proviso for University printing

10. Limitation of Actions

11. Further Term of 14 Years to Authors

See Annex C: 1709 for the Act in full.

b - Lord Chamberlain’s Order regarding Drury Lane, April 30
   Lord Chamberlain, the Earl of Kent, issued an order forbidding Christopher Rich,
   manager of Drury Lane, to deduct anything more than the customary £40 house charges
   from the receipts of benefits (Milhous & Hume 1980, 435).

c - Lord Chamberlain’s Order of Silence for Drury Lane, June 6
   Lord Chamberlain issued an order closing Drury Lane because Rich failed to
   comply with the order of April 30, 1709 b (Milhous & Hume 1980, 435).

d - Lord Chamberlain’s Order to the Queen’s Theatre Haymarket, July 8
   In response to the closing of Drury Lane Playhouse, the Lord Chamberlain
   granted permission to employ such actors as they saw fit, and to perform plays up to four
   days each week (Milhous & Hume 1980, 436).
e - Lord Chamberlain’s Order to halt production at Drury Lane, September 6
Rich attempted to launch a new season at Drury Lane without permission but the Lord Chamberlain shut down the effort (Milhous & Hume 1980, 438).

f - Lord Chamberlain licenses a new Company at Drury Lane, November 21
William Collier, one holder of the hereditary patent for Drury Lane was licensed to set up his own company under conditions including surrendering his interest in the hereditary patent, not to engage Rich in the new Company and to obey all orders and regulations set down by the Lord Chamberlain (Milhous & Hume 1980, 440-1).

1710 – Referral of dispute at Drury Lane by the Queen, February 18
Queen Anne referred the dispute over Drury Lane to the Attorney General and Solicitor General “to report the true state of the Matter to her Matie att the Board with all convenient speed” (Milhous & Hume 1980, 442).

b Lord Chamberlain’s Order regarding Drury Lane, June 14
The actors revolted against Collier’s management and Lord Chamberlain ordered the dismissal of the actors. Subsequently Rich took physical possession of the playhouse but was still under the Order of Silence of June 6, 1709 b (Milhous & Hume 1980, 445).

1711 – 10 Anne, c. 18 An Act for laying severall Duties upon… Paper made in Great Britain or imported… and upon several! Kinds of stampt Vellom Parchment and Paper and upon. certain printed Papers pamphlets and (Advertisements) [Stamp Act]
This legislation complemented the Statute of Queen Anne (See 1709) in two ways. First, it provided a general claw-back clause for the duty payable on paper by the Universities “for the Encouragement of Learning”. Second, it raised a duty “for and upon all Books and Papers commonly called Pamphlets, and for and upon all Newspapers or Papers containing publick News, Intelligence or Occurances” (Deazley 2008). In addition, the duties, required a stamp and deposit of such politically sensitive media facilitated post-publication legal action for libel, sedition or treason.

Relevant Marginalia (major headings only; no additional marginalia provided)
XXXVII - Duty on Paper, &c. imported &c. for 31 Years from 24th June 1712.
XXXVIII - Books, Prints, and Maps imported at 30 per Cent. ad valorem
XXXIX - Value of Paper, Books, &c. imported, how to be ascertained.
XL – Duty on Paper, &c. to be paid on Entry
XL1 - Duties raised as by Acts in fore.
XLII - Duties managed by the Commissioners of the Customs in England and Scotland.
XLIII - Paper, Pasteboard, &c. made in Great Britain.
XLIV – Painted Paper
XLV – A Ream to be 20 Quires of 24 Sheets each.
XLVI – Penalties, &c. to be sued for as by the Laws of Excise
LXVII – Commissioners for these Duties to have the same Jurisdiction as Commissioners of Excise
LXVIII – Books printed at Oxford or Cambridge, in Latin, Greek, Oriental or Northern Languages to have a Drawback of the Duty on Paper.
LXIX – And in the Universities of Scotland, under this like Restrictions.
LXX – Pasteboard made of paper that has paid Duty, not chargeable.

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CVI – Copies of Court Rolls in England, &c.
CVII – Original Instruments of Surrender of Heritable Rights in Scotland.
CVIII - Charters of Registration, &c.
CVIX – Original Retour, &c.
CX – Original Saisine, &c.
CXI – Original Instruments of Surrender of Burgers Tenure.
CXII – Transfers of Stock.
CXIII – Duty on Books, Pamphlets, &c.
CXV – Commissioners of the Stamps to manage these Duties.
CXVI – Vellum, &c. to be stamped before written on, &c.
CXVII – Writing on Vellum, &c. before stamped.
CXVIII – Commissioners to be sworn.
CXIX – Commissioners to observe the Orders of the Treasury.
CXX – Duties to be paid to Receiver General of Stamp Duties
CXXI – Upon Renewal of Stamp Duties, those who have Paper stamped by them, may have it changed in 60 Days.
CXXII – Proclamation for altering Stamps, to be sent to Mayors, &c. and published.
CXXIII – A printed Copy of every Pamphlet, above One Sheet, published in London, &c. to be brought to Stamp Office within Six Days after printing, &c. and Duty paid.
CXXIV – If the Duty be not paid, &c. Author, &c. to lose all Property therein,
CXXV – Pamphlets to have the Printer’s or Publisher’s Name printed thereon.
CXXXVI – Stamps upon Pamphlets unsold to be cancelled by the Commissioners,
CXXVIII – Commissioners to furnish stamped Vellum, &c. in the several parts of the Kingdom.
CXXIX – Treasury to set the Prices on stamped Vellum, &c.
CXXX – The Duty on Advertisements to be paid for within 30 Days;
CXXXI – Pecuniary Penalties to be on Moiety to the Queen, the other to the Informer.
CXXXII – Two or more Justices to determine Offences.
CXXXIII – Justices may mitigate Penalties.

1713 – 13 Anne, c. 26 An Act for reducing the Laws relating to Rogues Vagabonds sturdy Beggars and Vagrants into One Act of Parliament and for the more effectual punishing such Rogues Vagabonds sturdy Beggars and Vagrants and sending them whither they ought to be sent.

Vagabonds, rogues and sturdy beggars were defined to include:
“… Common Players of Interludes, Minstrels Jugrers all Persons pretending to be Gipsies or wandring in the Habit or Form of counterfeit Egyptians or pretending to have Skill in Physiognomy Palmestry or like crafty Science or pretending to tell Fortunes or like phantastical Imaginations or using any subtile Craft or unlawful Games or Plays…”

The Act included the penalty of deportation by ship to distant colonies The exemption of the Duttons of Cheshire was recognized (See 1181).
Relevant Marginalia (no additional marginalia provided)

XXIX - Dutton of Dutton, in the County of Chester, Esq. his Heirs and Assigns. (See 1181)

Troubles in the theatre and with common players, etc. continued, however, leading to formalization of stage censorship with the Stage Licensing Act of 1737 – 10 Geo II c. 28:

“An Act to explain and amend so much of an Act, made in the Twelfth Year of the Reign of Queen Anne, intituled, An Act for reducing the Laws relating to Rogues, Vagabonds, sturdy Beggars, and Vagrants into one Act of Parliament; for the more effectual punishing such Rogues, Vagabonds, sturdy Beggars, and Vagrants, and sending them whither they ought to be sent as relates to common Players of Interludes” (Crean 1938, 252-3)
PRE-1066 CONQUEST
567 - St. Columba

Henry II
1154-1189
1167 – Oxford University founded

John I
1199-1216
1209 – Cambridge University founded.

Henry III
1216-1272
1229 - Council of Toulouse

Edward I
1272-1307
b - University of Paris Regulation of Booksellers

Edward II
1307-1327
1320 – First Public Library at Oxford University

Edward III
1327-1377
1332 – Sample Book Sale Contract
1351/52 – 25 Edw. III. Stat. c. 2 Declaration what Offences shall be adjudged Treason
1357 - Order of the Mayor and Aldermen of London concerning the book trade

Richard II
1377-1399
1378 – 2 Ric. II. Stat. 1. c. 5 The Penalty for telling slanderous Lyes of the Great Men of the Realm
1388 – 12 Ric. II. c. 11 Reporters of Lyes against Peers, &c. shall be punished by the Council

Henry IV
1399–1413
1401 - 2 Hen. IV, c.15, De Heretico Comburendo
1403 – Stationers’ Guild of London
1407 - Oxford Constitutions
1408/09 – Constitutions for Good Governance of the Church

Henry V
1413–1422
1414 - 2 Hen. V, 1, c.7 Suggested Evils from the religious sect called Lollards
1416 – Injunction for Semi-annual Inquisitions of Canterbury Parishes

Henry VI
1422-1461
1440 – Moveable Type Printing Press invented in Germany
1450 – Proclamation against Rebel Libels

Edward IV
1471-1483
1476 – Printing press introduced into England

Richard III
1483-1485
1483 – 1 Ric. III, c.9 An Act Touching on the Merchants of Italy

Henry VII
1485-1509
1485 – Prerogative Licensing or Printing Patents
1486/7 – 3 Hen. VII. c. 9 An Acte that the Cytizens of London maye carry all manner of Wares to forrayne Marketts
1487 – Court of the Star Chamber founded
1501 – Papal Bull requiring pre-print licensing of books
1503 – Office of King’s Printer

**Henry VIII**

1509-1547

1510 – Pre-Printing Ecclesiastical Censorship

1515 – 7 Hen. VIII, c. 5
Act for Labourers & artificers within the City of London

1520 – Papal Bull: *Exurge Domine*

1521 – English Mandate against Luther

1523 – 14 & 15 Hen. VIII, c. 2
An Act concerning the taking of apprentices by Strangers

1524 – Regulation of Printed Books by Bishop of London

1529 – 21 Hen. VIII, c. 16
An Act ratifying a Decree made in the Star Chamber concerning Strange Handicraftmen in the Realm of England

b - Proclamation calling for enforcement of statutes against heresy and prohibition of unlicensed preaching and heretical books

1530 b - Proclamation enforcing statutes against heresy and prohibiting unlicensed preaching and heretical books

c - Proclamation prohibiting erroneous books and Bible translations

d - Proclamation prohibiting Papal Bulls

1533/34 – 25 Henry VIII. c. 22
An Act for the establishement of the Kynges succession

1534 - 25 Hen. VIII, c.15
An Act for Printers and Binders of Books

b - 26 Hen. VIII c. 13
An Act whereby Offences be made High treason, and taking away all Sanctuaries for all manner of High Treasons

1535 – Proclamation enforcing statutes abolishing Papal authority in England

1536 – Proclamation Ordering Surrender of Bishop Fisher’s Sermon, Books

b - Proclamation against divers and sundry writings and books

c - Proclamation ordering punishment for seditious rumours; martial law for unlawful assemblies

d - Injunctions of the Viceregent for Matters Ecclesiastical

1538 - Proclamation prohibiting unlicensed printing of scripture exiling anabaptists, depriving married clergy, removing St. Thomas a Becket from Calendar

1539 – Proclamation for uniformity in religion

c - Proclamation addressed “to all and singular prynters and sellers of books within this our realme, and to all other officers, ministers and subjects

d - 31 Hen. VIII, c. 14
An Act abolishing diversity in Opinions

1541 – Proclamation ordering the Great Bible to be placed in every church

1542 – Proclamation of printing patent to Anthony Marler

b - Proclamation banning books contrary to Doctrine

1542/43 – 34 & 35 Hen. VIII, c.1
An Act for the advancement of true religion, and for the abolishing of the contrary

1543 – Proclamation of an authorised grammar

1544 – Proclamation suppressing publication of military rumours

b - Proclamation authorizing an *English Primer* Book of Prayers
f - Proclamation of printing license for Services Books

1546 – Proclamation prohibiting heretical book; requiring the printer to identify himself, author of book, and date of publications

**Edward VI**

1547-1553

1547 c - 1 Edw. VI. c. 12

An Acte for the Repeale of certaine Statutes concerning Treasons, Felonyes, &c.

d - Printing patent for Statute Books granted to Richard Grafton

e - Proclamation for enforcement of statutes against seditious rumours

f - Injunctions endorsing the English Primer

1548/49 – 2 & 3 Edw. VI. c. l

An Acte for the Unyformytie of Service and Admynistracion of the Sacramentes throughout the Realme

1549 – Proclamation for abolishing and putting away divers books and image & prohibiting plays and interludes

c - Privy Council Order on licensing books

1549/50 – 3 & 4 Edw. VI. c.10

An Act for the abolishing and putting away of divers Books and Images

1549/50 b – 3 & 4 Edw. VI. c.15

An Acte against fonde and fantasticall Prophesies

1551 – Proclamation to reform vagabonds, players & printers

b - Proclamation against importing books

c - Proclamation on slander and seditious billes

1551/52 - 5 & 6 Edw. V., c. 1

An Acte for the Unyformytie of Comon Prayer and admynitration of the Sacramente.

b - 5 & 6 Edw. VI. c. 11

An Act for the punyshment of diverse Treasons

**Mary I**

1553-1558

1553 – Proclamation against spreading seditious rumours

b - Proclamation for Order and Conformity in Religion


d - 1 Marie. c. 1

An Acte repealing certayne Treasons Felonies and Premunire

1554 – Proclamation ordering the deportation of Aliens

b - Proclamation directing Bishops on how to deal with unlawful books

c - Proclamation calling for the destruction of seditious bills and writings

1554/55 – 1st & 2nd Phil. & Mar. c. 3.

An Act against seditious Words and Rumours

b - 1 & 2 Phil. & Mar. c. 6

An Acte for the renueng of three Estatutes made for the punishement of Heresies

c - 1 & 2 Phil. & Mar. c. 10

An Acte wherby certayne Offences bee made Tresons; and also for the Governement of the Kinges and Quenes Majesties Issue.

1555 – Proclamation against Heresy

b - Proclamation against printing, vending, or possessing heretical book

c - Proclamation enforcing statute against heresy; prohibiting seditious & heretical books
1556 – Papal Purge of Oxford & Cambridge Libraries

1557 – Royal Charter of Stationers’ Company of London

1558 – Proclamation of Martial Law

Elizabeth I
1558-1603

1558/89 – 1 Eliz. I. c. 1
An Acte restoring to the Crowne thauyent Jurisdiction over the State Ecclesiasticall and Spuall, and abolyshing all Forreine Power repugnaunt to the same

b - 1 Eliz. c. 2
An Acte for the Uniformitie of Common Prayoure and Dyvyne Service in the Churche, and the Administration of the Sacramentes.

c - 1 Eliz. c. 5
An Acte whereby certayne Offences be made Treason.

d - 1 Eliz. c. 6
An Acte for the explanation of the Statute of sedytous Woordes and Rumours

g - Injunctions for Religion

h - Permanent Ecclesiastical Commission

i - Charter of Stationers’ Co. confirmed

1559 – Letters Patent for the Court of the High Commission in Causes Ecclesiastical

b - Index Librorum Prohibitorum:

1561 – Printing patent for Bibles

1562 – Ordinances of the Stationers’ Company of London

b - Printing patent for almanacs and prognostications

1562/63 – 5 Eliz, c.4
An Act touching divers Orders for Artificers, Labourers, Servants of Husbandry and Apprentices

b - 5 Eliz. c. 15
An Act agaynst fonde and phantasticall Prophesyes

1563 – 5 Eliz., c. 28
An Acte for the translating of the Bible and the Dyvine Service into the Welshe Tongue.

1565 – High Commission Order to the Stationers’ Company

1566 – Star Chamber & High Commission Court Ordinances for reformation of divers disorders in printing and uttering of Books

1569 – Proclamation against seditious books from overseas

1570 – Papal Bull of Deposition against Elizabeth

b - Proclamation “made against seditious and trayterous Books, Billes, and Writings”

c - Proclamation calling for the discovery of persons bringing in seditious books and writings

d - High Commission responsible for seditious and traitorous books, bills and writings

1571 – 13 Eliz. c. 2 An Acte agaynste the bringing in and putting in Execution of Bulls and other Instruments from the Sea of Rome

1572 – Printing patent for classic authors to Thomas Marshe

1573 b - Proclamation against the Admonition to the Parliament

c - Proclamation calling for destruction of seditious books

d - Proclamation calling for uniformity in common prayer

1575 – Printing Patent for Music

1576 – Proclamation rewarding information concerning libels against the Queen
1577 – Printing patent for books of Common Law

1579 – Application of 1st & 2nd Phil. & Mar. c. 3 against seditious Words and Rumours

- Proclamation denouncing Stubbs’s *The Discovery of a Gaping Gulf*

1580 – Proclamation declaring books by Robert Browne and Robert Harrison seditious and schismatic

1580/81 – 23 Eliz. c. 2
- An Acte against seditious Wordes and Rumors uttered against the Queenes moste excellent Majestie

1582 – First Privy Council Commission to investigate the Press

1583 b - Proclamation “against certain seditious and scismatical Bookes and Libelles”

- Second Privy Council Commission to investigate the Press

1584 – Proclamation calling for suppression of books defacing the true religion

1586 – Star Chamber Decree for Order in Printing

1587 – Proclamation calling for suppression of seditious rumours

1588 – Proclamation “against certaine seditious and schismatical bookees and libels, etc”

- Proclamation ordering martial law against possessors of papal bulls, books & pamphlets

- Panel of Authorisers

1589 – Proclamation ordering the destruction of Marprelate publications

1596 – Star Chamber Decree on Licensing

1599 b - Decree of the Archbishop of Canterbury and the Bishop of London to the Master and Wardens of the Stationers’ Company

- Stationers’ Hall purged

- Printing patent for law books

1601 – Proclamation to remedy printing patent abuses

**James I**

1603-1625

1603 b - Patent to the Company of Stationers for the sole printing of Primers, Psalms, Almanacs, etc., in English, for the help and relief of them and their successors for ever

- Bodleian Library Oxford founded

1611 – Authorized King James Version of the Bible published

1615 – Star Chamber Decree on Printing

1620 b - Proclamation against the “great liberty of discourse concerning matters of State”

1621 – Proclamation against ‘the great liberty of discourse concerning matters State, etc.

1623 – Proclamation granting Head of Bench authority to approve printing of all law books

- Proclamation for Order in Printing,

- Proclamation against the disorderly printing, uttering, and dispersing of Books, Pamphlets, etc.

**Charles I**

1625-1649

1625 b - Proclamation concerning the Latin Books printed by the Universities

- Royal Order for the Universities to submit monthly certificates of new works printed to Stationers’ Company of London

1626 – Proclamation forbidding publication

1628 – Proclamation suppressing the book “Appello Caesarem”

- His Majesty’s Declaration to all his loving Subjects, of the Causes which
moved him to dissolve the last Parliament

d - Proclamation calling in and suppressing two sermons preached and printed by Roger Manwaring entitled “Religion and Allegiance”
e - Proclamation commanding all copies of “Appello Caesarem” be delivered to the Bishops or Vice-Chancellors of the Universities

1637 – Star Chamber Decree concerning Printing

1640 – Order of the House of Commons concerning abuses in printing

b - 16 Car. I, c. 10
An Act for the Regulating of the Privie Councell and for taking away the Court commonly called the Star Chamber
c - 6 Car. I, c. 11
An Act for repeal of a branch of a Statute primo Elizabethe concerning Commissioners for causes Ecclesiasticall

1641 – Order of the House of Commons suppressing a Speech,
b - Resolution of the House of Commons to the Committee for Printing

1642 – Order of the House of Common concerning Printing

b - Order of the House of Commons to the Lords
c - Order of the House of Commons to the Lords

1643 - The Humble Remonstrance of the Company of Stationers to the High Court of Parliament

b - Order of the House of Commons on Searching for Printing Presses, &c.
c - Ordinance of Parliament on the Liberty of the Press
d - Ordinance of the Lords and Commons for Regulating Printing
e - Ordinance for the preservation and keeping together for Publicue use, such Books, Evidences, Records, and Writings Sequestred or taken by Distress or otherwise, as are fit to be preserved

1644 – Milton’s Areopagitica

1646 – Ordinance to prevent the Committee of Oxford from seizing any of the Libraries, &c. belonging to any of the Masters, Students, &c. of the University

1647 – Ordinance to give to the University of Cambridge books added to Archbishop Bancroft’s Library
c - Ordinance concerning sequestered Book-evidences and Writings
d - Ordinance of the Lords and Commons against Unlicensed or Scandalous Pamphlets

1648 d - Provost-Marshall appointed

COMMONWEALTH/INTERREGNUM 1649-1659

1649 – House of Commons Committee on Printing

b - Act to prevent the printing of any of the proceedings of the High Court of Justice erected for trying of James, Earl of Cambridge, and others, without leave of the House of Commons or of the said Court
c - An Act against Unlicensed and Scandalous Books and Pamphlets, and for the Better Regulating of Printing

1650 - Act for turning the Books of the Law and all Process and Proceedings in Courts of Justice into the English Tongue

1651 – Endowment of Chetham Public Library in Manchester
1653 - An Act for reviving of a former Act, entitled, An Act against Unlicensed and Scandalous Books and Pamphlets, and for Regulating of Printing, with some Additions and Explanations

1656 b – Order of the House of Commons to the Committee on Printing

RESTORATION
Charles II
1660-1685

1660 – Order of Council to Stationers’ Company
   b - First Surveyor of the Press
   c - Privy Council Ban on publication of news other than in Henry Muddiman’s Parliamentary Intelligencer and Mercurius Publicus

1661 – 13 Car. II, c. I2
An Act for Explanation of a Clause contained in Act of Parliament made in the seventeenth yeare of the late King Charles Entituled An Ad for Repeal of a Branch of a Statute Primo Elizabethe concerning Commissioners for Causes Ecclesiasticall.

1662 b - 14 Car. II, c.33
An Act for Preventing Abuses in Printing Seditious, Treasonable, and Unlicensed Books and Pamphlets, and for Regulating of Printing and Printing Presses
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c – Second Privy Council Commission to investigate the Press

1583 b - Proclamation “against certain seditious and scismatical Bookes and Libelles”

1584 – Proclamation calling for suppression of books defacing the true religion

1586 – Star Chamber Decree for Order in Printing

1587 – Proclamation calling for suppression of seditious rumours

1588 – Proclamation “against certaine seditious and schismatical booke and libels, etc”

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1591 – Proclamation enforcing statutes against vagabonds and rogues

1593 – Privy Council Letters to the Universities prohibiting common players

1596 – Star Chamber Decree on Print Licensing

b - Proclamation enforcing statutes against vagabonds and rogues,

1598 – Proclamation placing London vagabonds under martial law

1600 – Proclamation enforcing statutes on abstinence from meat, ale houses and vagabonds

b - Privy Council Order regarding the Fortune

1601 – Proclamation to remedy printing patent abuse

b - Proclamation placing London vagabonds under martial law

James I

1603-1625

1615 – Star Chamber Decree on printing
1616 – Lord Chamberlain’s Letter on Fake Performing Patents
1618 – Letter of Assistance from the Privy Council
1620 b - Proclamation against the “great liberty of discourse concerning matters of State

c – Royal Letter to the Privy Council cancelling a Patent
1621 – Proclamation against ‘the great liberty of discourse concerning matters of State

1623 – Proclamation granting Head of Bench authority to approve printing of all law books

b - Proclamation for Order in Printing

c - Proclamation against the disorderly printing, uttering, and dispersing of Books

1624 b - Lord Chamberlain’s Letter on Fake Performing Patents

Charles I

1625-1649

1625 b - Proclamation concerning the Latin Books printed by the Universities

c - Royal Order for the Universities submit monthly certificates of new works printed to Stationers’ Company of London

1626 – Proclamation forbidding publication

1628 – Proclamation suppressing the book “Appello Caesarem”

b - Proclamation for the execution of the statutes made against rogues and vagabonds

c - His Majesty’s Declaration to all his loving Subjects, of the Causes which moved him to dissolve the last Parliament
d - Proclamation calling in and suppressing two sermons preached and printed by Roger Manwaring entitled “Religion and Allegiance”

e - Proclamation commanding all copies of “Appello Caesarém” be delivered to the Bishops or Vice-Chancellors of the Universities

1632 – Revocation of the Musicians’ Company of London Charter

1634 – Proclamation for the speedie sending away of the Irish beggars out of this kingdom into their owne countrey, and for suppressing of English rogues and vagabonds, according to our lawe

1637 – Star Chamber Decree concerning Printing

Charles II
1660-1685

1660 – Privy Council Order of Council to Stationers’ Company
b - First Surveyor of the Press
c - Privy Council Ban on publication of news other than in Henry Muddiman’s Parliamentary Intelligencer and Mercurius Publicus,


1668 – Proclamation calling for enforcement of the Licensing Act of 1662

1672 – Proclamation calling in and suppressing two political works by John Milton

1679 b - Proclamation to suppress seditious books

1680 – Proclamation for suppressing the printing and publishing unlicensed News-books and Pamphlets of News

James II
1685-1688

1686 – Court of High Commission for Ecclesiastical Causes re-established

1687 b - First Declaration of Indulgence

1688 b - Second Declaration of Indulgence: The King’s declaration for liberty of conscience

William III & Mary II
1688-1702 & 1688-1694

1692 b - Privy Council Order to Lord Mayor of London concerning Coffee Houses
c - Privy Council Proclamation for the suppression of Libels

1694 c - Lord Chamberlain’s licenses rebels of the United Company

1696 - First Order of the Lord Chamberlain concerning Plays

1697 - Second Order of the Lord Chamberlain concerning Plays

1699 - Order of the Vice-Chamberlain concerning Plays

Anne I
1702-1714

1703 - Order of the Lord Chamberlain concerning Plays

1707 - Order of Union by the Lord Chamberlain

1709 b - Lord Chamberlain’s Order regarding Drury Lane
c - Lord Chamberlain’s Order of Silence for Drury Lane
d - Lord Chamberlain’s Order to the Queen’s Theatre Haymarket
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f - Lord Chamberlain licenses a new Company at Drury Lane

1710 – Referral of dispute at Drury Lane by the Queen
b - Lord Chamberlain’s Order regarding Drury Lane
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### ACTS, ORDERS & ORDINANCES WITHOUT ROYAL ASSENT

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<td>Guild of Musicians incorporated by the City of London</td>
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<td>1572</td>
<td>Mayor and Corporation of London ban plays as a measure against the plague</td>
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<td>1573</td>
<td>Letter from the Lord Mayor and Corporation of London to the Lord Chamberlain declining to license a place for Theatrical Performances within the limits of the City</td>
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1574 – Order of the Common Council of London in restraint of Dramatic Exhibitions

1575 b - Mayor and Corporation of London expel all players from the city

**Charles I**
1625-1649

1640 – Order of the House of Commons concerning abuses in printing

1641 – Order of the House of Commons suppressing a Speech
   b - Resolution of the House of Commons to the Committee for Printing

1642 – Order of the House of Commons concerning Printing
   b - Order of the House of Commons to the Lords,
   c - Order of the House of Commons to the Lords
   d - Ordinance of the Lords and Commons concerning stage-plays

1643 b - Order of the House of Commons on Searching for Printing Presses, &c
   c - Ordinance of Parliament on the Liberty of the Press
   d - Ordinance of the Lords and Commons for Regulating Printing
   e - Ordinance for the preservation and keeping together for Publique use, such Books, Evidences, Records, and Writings Sequestred or taken by Distress or otherwise, as are fit to be preserved

1646 – Ordinance to prevent the Committee of Oxford from seizing any of the Libraries, &c. belonging to any of the Masters, Students, &c. of the University

1647 – Ordinance to give to the University of Cambridge books added to Archbishop Bancroft’s Library
   b - Order of Parliament to suppress Plays

1648 – Ordinance of the Lords and Commons assembled in Parliament for the utter suppression and abolishing all Stage-Plays and Interludes with the Penalties to be inflicted upon the Actors and Spectators, herein express.

**Commonwealth/Interregnum**
1649-1659

1649 b - Act to prevent the printing of any of the proceedings of the High Court of Justice erected for trying of James, Earl of Cambridge, and others, without leave of the House of Commons or of the said Court
   c - An Act against Unlicensed and Scandalous Books and Pamphlets, & for the Better Regulating of Printing

1650 - Act for turning the Books of the Law and all Process and Proceedings in Courts of Justice into the English Tongue

1653 - An Act for reviving of a former Act, entitled, An Act against Unlicensed and Scandalous Books and Pamphlets, and for Regulating of Printing, with some Additions and Explanations

1654 - Ordinance directing the ejectment of ministers and schoolmasters who encouraged or countenanced Stage-plays, or such Licentious practices
1655 – Reissuance of the Ordinance directing the ejectment of ministers and schoolmasters who encouraged or countenanced Stage-plays, or such licentious practices
1656 b - Order of the House of Commons to the Committee on Printing,
1657 - An Act against vagrants and wandring, idle dissolute persons, b - Act for the better observation of the Lord’s Day

**William III & Mary II**
1688-1702 & 1688-1694
1693 b - Order of the Stationers Company
1698 b - Grand Jury of London denounces stage plays and lotteries

**CHARTERS & PATENTS**
(51)

**Henry II**
1154-1189
1167 – Oxford University founded

**John I**
1199-1216
1209 – Cambridge University founded.
1215 – Magna Carta

**Henry III**
1216-1272
1240 – First Royal Charter to the Company of Parish Clerks

**Henry VI**
1422-1461
1443 – Second Royal Charter to the Company of Parish Clerks
1448 – Third Royal Charter to Company of Parish Clerks
1449 – First Import Patent

**Edward IV**
1461-1470
1471-1483
1469 – Royal Charter to the King’s Minstrels
1475 – Fourth Royal Charter to Company of Parish Clerks

**Henry VII**
1485-1509
1485 – Prerogative Licensing or Printing Patents

**Henry VIII**
1509-1547
1542 – Proclamation of printing patent to Anthony Marler,
1547 d - Printing patent for Statute Books granted to Richard Grafton

**INJUNCTIONS**
(5)

**Richard II**
1377-1399
1378 b - Boy Choristers of Saint Paul's, London beg Parliament for an injunction against “unskilled performers”

**Henry V**
1413–1422
1416 – Injunction for Semi-annual Inquisitions of Canterbury Parishes

**Henry VIII**
1509-1547
1536 d - Injunctions of the Viceregent for Matters Ecclesiastical

**Edward VI**
1547-1553
1547 f - Injunctions endorsing the English Primer

**Elizabeth I**
1558-1603
1558/89 g - Injunctions for Religion

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Mary I
1553–1558
1557 – Royal Charter of Stationers’ Company of London

Elizabeth I
1558–1603
1558/89 i - Charter of Stationers’ Co. confirmed
1559 – Letters Patent for the Court of the High Commission in Causes Ecclesiastical
1561 – Printing patent for Bibles
1562 b - Printing patent for almanacs and prognostications
1572 – Printing patent for classic authors to Thomas Marshe,
1574 – Privy Seal of Queen Elizabeth granting a license for dramatic performances to James Burbage and others
1575 – Printing Patent for Music
1577 – Printing Patent for Books of Common Law
1583 - The Queen’s Men Company incorporated
1584 c - Patent of Commission granted to Edmund Tilney, Master of the Revels confirming his role as a censor of the drama
1585 – Warrant of Queen Elizabeth to Thomas Gyles, authorizing and appointing him to train up boys as performers in the Revels at Court
1599 d - Printing patent for law books

James I
1603–1625
1603 – Privy Seal Patent of James I to Lawrence Fletcher and others, licensing their performances of plays

b - Patent to the Company of Stationers for the sole printing of Primers, Psalms, Almanacs, etc., in English, for the help and relief of them and their successors for ever
1604 b - Royal Charter to the Musicians’ Company of London
c - Privy Seal Patent of James I. to Edward Kirkham to train up children to perform in the Revels at Court,
1610 b - Fifth Royal Charter to Company of Parish Clerks
1613 – Privy Seal Patent of James I for the issue of letters patent in favour of ‘Thomas Downton and others on transferring their services as players to the Elector Frederic
b - Privy Seal Patent of James I. for the issue to Inigo Jones of money for the preparation of Court Entertainments
1615 b - Privy Seal Patent of James I granting to Phillip Rosseter and others permission to erect a second theatre in Blackfriars
1616 – Lord Chamberlain’s Letter on Fake Performing Patents
1620 – Patent licensing the performances of plays by His Majesty’s Servants at the Private House in Blackfriars, as well as at the Globe
c – Royal Letter to the Privy Council cancelling Patent granted for new Amphitheatrre in Lincoln’s-Inn-Fields
1624 b - Lord Chamberlain’s Letter on Fake Performing Patents

Charles I
1625–1649
1625 d - Patent renewing that of James I licensing the performances of plays by His Majesty’s Servants at the Private House in Blackfriars, as well as at the Globe
e - Privy Seal Patent for the grant of a bounty of 100 marks to the King’s Players

1626 b - Privy Seal Patent to provide necessaries for the Revels at Court.

1632 – Revocation of the Musicians’ Company of London Charter

1635 – Charter of the Corporation of the Art and Science of Musick in Westminster

1636 – Patent for an Opera House

b - Sixth Royal Charter to Company of Parish Clerks

1639 – Seventh Royal Charter to Company of Parish Clerks

**Charles II**
1660-1685

1660 d - King’s Company Letters Patent

1662 d – Letters Patent for exclusive right to dramatic productions in the City of London

1684 – Amplified Royal Charter of the Stationers’ Company

**William III & Mary II**
1688-1702 & 1688-1694

1690 – Royal Charter of Stationers’ Company confirmed

**Anne I**
1702-1714

1705 – Queen’s Theatre Haymarket
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Act: derives from the Anglo-Norman acte meaning legal text and is first recorded in 1333. Specifically it is a law or ordinance enacted by a governing body which in this case is the English Parliament.

To gain the force of law such an Act generally proceeded and still proceeds through three stages. First, the proposed Act is subjected to three readings, each followed by a vote, in the House of Commons. Second, the bill is then transmitted to the House of Lords Spiritual and Temporal for consideration. Third, if the proposed Act receives support of the Lords it then goes to the monarch for Royal Assent. Once Royal Assent is granted an Act becomes the law of the land and generally subject to Common Law courts (See Common Law). It embodies agreement of all three Estates (See Estates) and the Crown.

Annotation: a note or comment added to a written text for explanation. In its obsolete form it refers to marking out an era using chronological notation as in this work.

Bard: a Celtic order of minstrel-poets who composed and sang usually playing on the harp. In 1567 Elizabeth I established a Commission for the Protection of Welsh Bards which started licensing procedures.

Bookbinders: one of the key crafts of the book trade before and after the printing press. Together with text-letter writers, limners and booksellers they requested and received incorporation from the City of London as the Guild of Stationers in 1403 receiving its royal charter in 1557.

Carpenters, Joiners, Smiths & Letter Founders: four trades critical to the manufacture and operation of the printing press. All were subject to penalty for assisting in the construction of presses unless they notified the Stationer’s Company under the Licensing Act of 1662 b.

Chapel Royal: is not a building but rather the priests and singers who serve the spiritual needs of the monarch. Although the English Chapel Royal arguably pre-dates the Norman Conquest of 1066 (Gant 2011) it is not clear when it assumed its role as a major musical institution (Bent 1964).

In Tudor times the Chapel included a dean, sub-dean, chaplains, Gentlemen of the Choir, choristers, a sergeant and men of the vestry. They travelled with the Royal Court conducting services for the king and selected courtiers on Sundays and on the many religious feasts held during the year. At other times the monarch heard services privately led by personal chaplains in his privy closet (Kisby 1997).

The chapel's choir, known as the Children of the Chapel Royal, reached its height during the reign of Elizabeth I (1558-1603), when William Byrd and Thomas Tallis were joint organists. In 1576 Richard Farrant, Master of Windsor Chapel, opened the first Blackfriars Theatre where the Children of the Chapel Royal publicly performed until 1584. They were joined in 1580 by the Children of St. Paul's Cathedral who in 1578 received a royal license to perform in London (Adams 1917). Then in 1585 the Queen issued a warrant for training more boys for St. Paul’s to perform at the Revels.

The Chapel Royal itself was drastically reduced during the Commonwealth but revived in a few years under Captain Henry Cooke (Harly 1954, 51) and under Charles II, the choir was often augmented by violinists from the royal band. In the 18th century the Children of the Chapel Royal sang soprano parts in Handel's oratorios and other works.

Until 1684 the Master of the Children could impress promising boy trebles from provincial choirs and until 1626 the boys continued to serve as actors in plays at Court (Wikipedia, Chapel Royal).
Charter: a document issued by the monarch creating a public or private corporation and defining its privileges and purposes. In this work such charters include the: Royal Charter for the Company of Parish Clerks 1240; Charter of the King’s Minstrels 1469; Charter of the Stationers’ Company 1557; Musicians’ Company Charter 1604; and, Charter of the Corporation of the Art and Science of Musick in Westminster 1635.

Common Law: beginning in the reign of Henry II (1154-1189) is unlike Statutory and Regulatory Law and unique to the Anglosphere. Two things make it different. First, judges make law by setting precedent. The body of precedent is called “common law”. If a similar case was resolved in the past, a current court is bound to follow the reasoning of that prior decision under the principle of stare decisis. The process is called casuistry or case-based reasoning. If, however, a current case is different then a judge may set a precedent binding future courts in similar cases. Second, Common Law is based on trial by jury, i.e., by one’s peers. This is a fundamental civil right in the Anglosphere.

Commonwealth: originally referred to public welfare as in the French bien commun or the common good and the Latin res publica or things shared by all. During this period its meaning mutated into the body politic in which all the people have an interest. It is more than a king’s personal possession. With the execution of Charles I in 1649 the Commonwealth became the State in which supreme power was to be vested in the people as a republic. The effort failed, however, to reconcile the deep-seated and myriad schisms of the day (See Heresy). Resort was made to Oliver Cromwell’s Protectorate of 1653-1659 ending with the restoration of the monarchy in 1660 under Charles II.

Company (See Guild)

Copyright: until the 1709 Statute of Queen Anne came into force in 1710 there was no copyright as we know it today, e.g., as a reward for the author/creator. There were two distinct rights. The first was ‘the right to copy’ a work reserved to the Stationer who copied (hence ‘copy-right’) the title of the work on the Company’s Register. All rights adhered to the registering Stationer in perpetuity and inheritable. Occasionally an author would receive a one-time honoraria like a modern ‘all rights’ or blanket license.

The second was ‘the right to a copy’ granted as a royal prerogative privilege (a printing patent) granted by the sovereign to a Stationer, an author or anyone else for a period of time or in perpetuity and inheritable. It covered specific titles and entire classes of works, e.g., statutes of the realm. Printing patents survived as a royal prerogative remaining inheritable until the 1709 Statute of Queen Anne came into force in 1710.

The question of authorship was not a concern for two reasons. First, initially there was a huge and most profitable backlog of works from antiquity and the Middle Ages by long dead authors waiting to be converted from manuscript into print for an increasing literate society. Second, with respect to contemporary works it was not a question of author’s rights because after sale to a Stationer the author had none. Rather it was a question of an author’s liability for treasonous, seditious or schismatic works. Thus the first reference to the author in documents reported in this work is March 1542 b when Henry VIII issued a Proclamation requiring the author be named as well as the printer.

Court of the High Commission for Causes Ecclesiastical: was created by Elizabeth I’s 1558/59 Act of Supremacy. The Court received its letters patent in 1559. In addition to handling cases of canon law and
morality, the Court played a critical role in press censorship. It was abolished in 1640 but temporarily revived by James II in 1686 and terminated in 1688 by the Bill of Rights.

**Court of King’s Bench:** formally known as The Court of the King Before the King Himself was a common law court created by Henry II (1154-1189) out of the royal council or *curia regis* from which the **House of Lords** and the **House of Commons** also emerged. The Court initially followed the monarch on his travels. In 1318 it settled with the Court of Common Pleas and Exchequer of Pleas in Westminster Hall making its last travels in 1421. The Court was abolished in 1873 when the courts of **Common Law** and **Equity** were merged.

**Court of the Star Chamber:** founded in 1487 by Henry VII the Star Chamber was the **Privy Council** of the King sitting as a Court, *i.e.*, it was a **prerogative** not a **Common Law** Court hearing offenses against the royal prerogative. Among its responsibilities was control of the press. It was abolished in 1640.

**Courts of Law:** over the period under review many new courts of law emerged. **Common Law** courts included the **Court of King’s Bench** and the Court of Common Pleas. **Court of Equity** included the Chancellor’s Exchequer Court dealing with taxes and the Exchequer of Pleas. Religious courts included the **Court of the High Commission for Causes Ecclesiastical** founded by Elizabeth I in 1558/59. Courts hearing offenses against the royal prerogative included the **Court of the Star Chamber** established by Henry VII in 1487. In addition the various **Guilds** had their own courts of business law which ended with the 1624 **Statute of Monopolies**.

**Crown:** even today the concept is problematic given the unwritten nature of the British Constitution. It is, in effect, a legal fiction. Arguably it derives from the feudal concept that the State is divinely embodied in the living person of the monarch. Thus the Queen, at one and the same time, a natural person, a corporation immune from legal process at Common Law and a spiritual being as Head of the Church of England. The Crown, in turn, reigns over the Estates making up the Her Majesty’s Realm including the Lords Spiritual & Temporal and the Commons.

**Decrees:** were issued under the royal **prerogative** which included the power to issue laws until the **Commonwealth** (1649-1659). In today’s terms the executive branch also enjoyed legislative powers. This was formalized with Henry VIII’s **Statute of Proclamations** of 1539 by which decrees and **proclamations** were granted the force of law as if passed by Parliament. They could not, however, take the life of a subject nor infringe on a subject’s lands and goods or the established **Common Law**. They also were in force only during the reign of the proclaiming monarch unless renewed by their successors on the throne. Breaches were heard before the prerogative **Court of the Star Chamber**.

**Defamation:** involves a statement claiming explicitly or implicitly to be factual that brings ill fame or dishonour upon someone. Under **Common Law** such a statement must be proved false and be communicated to someone other than the person defamed.

Defamation takes two forms. Slander involves a spoken statement while libel involves a written statement or images. During the time under review both were offenses collectively called **Scandalum Magnatum**.

While neither criminal nor civil libel had an inherent relation to the licensing laws, they were in fact connected in practice. In addition, a provision to this effect was included in the Licensing Act of 1662.
Dispensing Power: was one of the prerogatives enjoyed by the monarch. It allowed the monarch to exempt application of law in particular cases. In this sense it is similar to a dispensation in canon law allowing a competent authority to modify the hardship arising from rigorous application of general laws in particular cases. The dispensing power also relates to Equity. During the period under review, however, the dispensing power was often used to stop application of outdated laws passed by a part-time Parliament more interested in creating new laws than in correcting old ones. Significant abuse of the power in favour of Catholics by James II (1685-1688) led Parliament to abolish the rights with the Bill of Rights in 1689.

Domus: is the Latin term used to describe the arrangement of the monarch’s household (Kisby 1997, 200). By emulation it also describes those of the high nobility and wealthy of the time. It included, among other things, scribes or scriveners, a library and musicians for liturgical and secular services and sometimes a troupe of players, i.e., actors. Musicians and players were considered licensed by being a servant of a noble house or the royal domus.

Equity: At the time of the Norman Conquest in 1066 England was a patchwork of Angle, Saxon, Jute, Danish, Viking and Celtic settlements, regions, laws and languages. The subjects of the new kingdom, however, soon brought to the attention of the king inequities in a supposedly unified kingdom. At the extreme, in one jurisdiction theft of a loaf of bread cost a hand; in another, two days in the stocks hit by rotten vegetable and insults thrown by one’s neighbours. It was not guilt or innocence they cried but fairness. This is arguably the root of Equity – a separate and distinct strand of jurisprudence parallel to the Common Law of precedent.

Over time responsibility for hearing calls for mercy was transferred to the King’s Lord Chancellor and a court of his own – the Court of Equity also known as the Court of Conscience or Morality. In fact until Sir Thomas More (a lawyer) became Chancellor in 1529, all had been men of the cloth. Two aspects of Equity played a critical role in the monarch’s ability to control vassals. These were trusts and tenant-landlord disputes. Trusts (from which modern charities and financial trusts evolved) generally concerned widows and orphans left to the mercy of a local lord. The most famous is Lady Marion of the Robin Hood legend who was an orphan and ward of the King. With respect to tenant-landlord disputes, Equity balanced local feudal lords by judiciously connecting the King to his subjects. This was called the ‘rent bargain’ by J.R. Commons (1924). It helped stabilize the social system of post-Conquest England.

While Magna Carta (1215) and subsequent developments increasingly limited the King’s Prerogative, Equity and Common Law continued to develop as separate systems of courts with precedence given to Equity. It was not until 1873 that the two merged. Nonetheless the two strands of Anglo-Saxon jurisprudence continue to this day in all Common Law countries with Equity retaining precedence.

Estates: were the basic divisions of feudal society including the Lords Spiritual (the high clergy) & Temporal (the fighting aristocracy) and the Commons – knights, burgers and peasants ruled from above by the Crown.

Feudalism: was a theocratic contractual system under which the nation was represented by a king ordained by God who let his lands to nobles or Peers who paid rent by doing governmental work including military service and paying suit at the king’s court. Evolving out of old Roman and
German practices of feudalism were adopted by Charlemagne, for among other things, to support a standing army.

Feudalism may be defined as a graduated system based on land tenure in which every lord judged, taxed and commanded those below him. In this sense it created a closed social space in which everyone knew their place in the order of things (See Sumptuary Legislation).

In effect feudalism was a system of government by amateurs paid in land rather than professionals paid in money. One cause of its downfall was the gradual substitution of the “cash-nexus” for the “land-nexus” (Catholic Encyclopaedia 1917). Another cause was the progressive erosion of the royal prerogative in England (See Prerogative).

Fraternity: was usually a group of townsmen organized initially for self-protection but later for religious and/or charitable purposes from the early Middle Ages onwards. Such fraternities had no civic rights. They existed for purely religious and charitable purposes such as providing a priest to sing Mass and pray for the souls of members and to distribute charity. The 1240 Royal Charter for the Company of Parish Clerks was thus granted to the Fraternity of St. Nicholas.

Guild: or incorporated company was the primary unit of economic organization in towns and cities during the period under review. Guild status was granted by either the Crown or municipal government, e.g., the City of London. Each incorporated either a specific ‘mystery’ or mechanical art, e.g., metal smiths, coopers (barrel makers) or merchants in general.

The Company of Parish Clerks who were laypersons responsible for Church music began as the Fraternity of St. Nicholas with a royal charter in 1240 and became a guild in 1443. By contrast the Stationers’ Guild was incorporated by the City of London in 1403 receiving its royal charter as the Worshipful Stationers’ Company of London in 1557.

In the case of the merchant guilds they held exclusive rights of trading within a given town or city or of a specific trade route, e.g., the Muscovy Company which received its royal charter in 1555. In some towns representatives of the merchant guilds effectively took over municipal government.

Heresy: is a theological opinion or doctrine in opposition to the accepted doctrine of the Church at any point in time. During the Reformation continental Europe split between Protestant and Roman Catholic, England, on the other hand, split three ways: Anglican or Church of England, Catholic and Protestant. In turn, Protestants splintered and during the Commonwealth (1649-1659) broke out into a myriad of sects including the Diggers, Fifth Monarchists, Levellers and Millennialists as well as Quakers and Presbyterians.

House of Commons: appears to have evolved out of a feudal body called the King’s Council or curia regis which originally met to declare rather than make laws. Membership was initially restricted to the Lords Temporal and Spiritual. By the second half of the 13th century, however, property owners in the counties and towns (knights and burgesses) sent representatives to this council or Parliament. Grievances and petitions were placed before the king. In turn, regional representatives committed to the payment of taxes. By the 14th century such ‘common’ representatives began sitting in a separate chamber or “house” from that of the Lords becoming the House of Commons.

House of Lords Spiritual & Temporal: also known as the House of Peers appears to have evolved out of a feudal body called the King’s Council or curia regis. Membership
was restricted to the Lords Temporal (the fighting aristocracy) and Spiritual (the high clergy) who after the *Magna Carta* of 1215 began to meet in a chamber or ‘house’, *i.e.*, the House of Lords.

**Injunction:** Common Law assumes one innocent until proven guilty. Penalty is *ex post* meaning it is imposed only after the facts have been proven. Equity, on the other hand, demands fairness and if cause is shown - but not necessarily proven - a temporary injunction may be granted by a court to stop actions of a party likely to harm another. In this sense an injunction is *ex ante*, *i.e.*, before the facts are proved.

For purposes of this work injunctions were issued by both Church and Crown such as the: 1416 *Injunction for Semi-annual Inquisitions of Canterbury Parishes*; 1536 *d Injunctions of the Viceregent for Matters Ecclesiastical*; the 1547 *f Injunctions*; and, the 1558/59 *g Injunctions for Religion.*

Since 1873 and the merging of Common Law and Equity Courts, the injunction has become a favoured legal tool of copyright proprietors to stop infringement.

**Interlude:** began the period meaning a presentation between acts of a *Mystery* or Morality Play and was often performed in mime. By the end of the period, however, the term described a stage play of popular appeal generally a comedy or farce.

**Interregnum:** refers to both the period during which the throne is vacant including the time between the end of a reign and accession of a successor and the provisional authority exercising power during that time. In this work it refers to the Commonwealth beginning with the execution of Charles I in 1649 and restoration of the monarchy under Charles II in 1660.

**Invention:** the word in English was initially true to its Latin meaning ‘come into’. The Renaissance came late to England and the first patent of invention was issued in 1449 during the reign of Henry VI (1422-1461). It was granted in return for new knowledge brought into the kingdom, *i.e.*, an import patent, specifically a method of stain glass needed for Eaton College. Gradually the practice was extended to domestic inventors. Patents of invention together with printing patents and performing licences were the only *prerogative letters patents* surviving the *Statute of Monopolies* of 1624

**King’s Minstrels:** or the ‘King’s Musick’ received royal patronage as early as the fourteenth century. During the reign of Henry VI (1422-1461) a royal commission was established to regulate encroachments on the King’s Minstrels by other musicians and in 1469 Edward VI granted them a charter and authority to regulate musicians throughout the realm. This led to legal difficulties with the Musicians Company of London incorporated by the City of London in 1500 and chartered by James I in 1604 *b*.

The Master of Revels was initially responsible for the King’s Minstrels until the first *Master of the King’s Musick* Nicholas Lanier was appointed by Charles I in 1626 *c*. In 1632 Charles I revoked the 1604 Musicians’ Company of London Charter and then granted the King’s Minstrels in 1635 the Charter of the Corporation of the Art and Science of Musick in Westminster. This new guild was granted authority to “have the survey, scrutinie, correction and government of all and singular the musicians within the kingdome of England”. It was, however, unable to perform its role and ceased operations in 1679 *c* during the reign of Charles II.

**Letters Patent:** was a legal instrument in the form of an open letter issued by the monarch granting as a privilege an office, right, monopoly, title, or status to a person or corporation. They were issued under the
royal prerogative and constituted legislation without the consent of Parliament.

For purposes of this work letters patent were used to grant exclusive printing patents for specific works or classes of works such as the statutes of the realm and in the case of performing rights were used to license theatre companies. This instrument permitted the King to further works he favoured and bury works he did not. Such printing patents began before the Royal Charter of the Stationers’ Company of 1577.

With the Statute of Monopolies in 1624 the monarch was stripped of the prerogative to grant industrial monopolies except for new inventions as well as printing and performing rights patents.

**Libel:** is the publication of a statement that claims to be factual that casts, in the case of this work, the monarch, peers of the realm or other persons of high dignity in a negative light, *i.e.*, defamation. Defamation by the spoken word is called slander.

**License:** for purposes of this work was a liberty or privilege granted by the monarch or his or her assigns usually in the form of a printed or written permission, *e.g.* to print or publish a book or perform a play. In the case of minstrels and theatrical players the high nobility and others of high dignity could issue licenses by bringing them into their domus as servants. This peer privilege was abolished by James I in 1604.

**Limner:** was an illuminator of manuscripts. It was one of the key crafts associated with the manuscript book trade. Together with text-letter writers, bookbinders and booksellers they requested and received incorporation from the City of London as the Guild of Stationers in 1403 which received its royal charter in 1557.

**Lord Chamberlain:** serves as the chief functionary of the court responsible for organizing all court functions. He is always a peer and a privy councillor and the “senior official” of the royal household or domus.

**Manuscript:** was originally a hand-written (See Scrivener) as opposed to a printed text. It now means the original (hand written or typed) as opposed to the final printed work.

**Marginalia:** refers to handwritten, printed, or other notations added to a document excluding underlining and highlighting. For purposes of this work it refers to the summary notation associated with an Act, Statute or Ordinance.

**Master of Revels:** was first appointed in 1544 by Henry VIII to head the 'Office of the Revels' at the royal court. He was responsible for royal festivities or ‘revels’ and under Elizabeth I and James I for stage censorship. The Master of the Revels always reported to the Lord Chamberlain as the “senior official” of the Royal Household. The Master in fact continued to perform both functions on behalf of his superior until the theatres closed in 1642 d. The office was restored under Charles II and continued until the end of the 18th century with, however, reduced status. This reflected two things. First, Charles II and his successors increasingly attended the commercial theatre and concerts in the city rather ‘revels’ at court. The second factor reducing the Master of Revels authority was the appointment by Charles I in 1626 of a Master of the King’s Music.

**Master of the King’s Music:** was first appointed by Charles I in 1626. He was responding to developments in the French court of Louis XIV. The first Master of the King’s Music, Nicholas Lanier, served until 1666. Duties included writing music to commemorate important royal events, such as coronations, birthdays, anniversaries, marriages and deaths and other ceremonial occasions. Today the post is considered equivalent to the Poet Laureate. During the
period under review composers were hired, *e.g.*, Henry Purcell’s *Welcome Song to His Majesty at His Return from Newmarket* for Charles II in 1682 and George Frederic Handel’s *Ode for the Birthday of Queen Anne* in 1713.

**Minstrels & Waits:** were secular instrumental musicians. Minstrels were independent while ‘waits’ were employed full-time by noble houses and guilds such as the Mercers and Goldsmiths. Minstrels formed their own guild in London in 1500.

**Monopoly:** was an exclusive privilege conferred by royal *prerogative* for selling but not necessarily producing a specific commodity or trading with a particular region, *e.g.*, the Company of Adventurers of Hudson Bay. Printing patents constituted a monopoly on single titles or entire classes of works like the *statutes*. Performing patents granted a company of players a monopoly to perform in a specific theatre and/or specific types of works, *e.g.*, opera. Printing and performing patents and *Stationer’s* copyright survived the *Statute of Monopolies* of 1624 which abolished the prerogative with respect to industrial patents.

**Mystery Plays:** Mystery, Miracle, Passion and Morality Plays are the earliest written English plays. Mystery Plays were usually based on Old Testament stories; Passion plays on the New Testament specifically Christ's sacrifice and resurrection.

The first recorded Mystery Play was performed in 1110. Such plays reached their height of popularity in the 15th century before rendered obsolete by the rise of professional theatre.

Mystery plays were performed on platforms or carts that moved around a city to various stations where the audience gathered. The name derives from mystery in the sense of miracle as well as from *misterium*, meaning craft. In fact mystery plays were usually staged by the *Gilds*.

**Non Obstante:** The Latin means ‘notwithstanding’ expressing the prerogative of the monarch in dispensing with the law, *i.e.*, authorizing its violation (*See Dispensing Power, Letters Patent, Prerogative*). Thus a license from the *Crown* enabled its holder to do a thing notwithstanding any statute to the contrary. This dispensing power was abolished by the Bill of Rights in 1689.

**Ordinance:** is an act of a legislative body of a local government such as the City of London or of a *guild* like the Stationers’ Company or of a court of deliberation like Court of the Star Chamber or of Parliament. Under the Commonwealth the term was used for Acts not receiving Royal Assent, *e.g.*, the 1642 *d Ordinance concerning Stage-plays*.

**Papal Bull:** A type of letters patent issued by a pope. Bulls were originally issued for many kinds of communication but after the fifteenth century only for the most serious issues, *e.g.*, the 1501 Bull requiring pre-print licensing of books; the 1520 *Exurge Domine* condemning Martin Luther and his works; and, the 1570 Papal Bull of Deposition against Elizabeth I.

**Parish Clerks & Conducts:** were laymen employed by the Church and responsible for liturgical music. ‘Conducts’ were clerks with purely musical duties. The Company of Parish Clerks (*See 1240 & 1443*) played a critical role in the development of English drama and the performing arts during the English Renaissance.

**Parliament:** was the national legislature of England and after the 1707 *Act of Union* of Great Britain inclusive of Scotland. It consists of the *House of Lords Spiritual*.
and Temporal and the House of Commons. Its Acts become the law of the land on receiving Royal Assent.

**Patent of Invention:** During the reign of Henry VI (1422-1461) the first letter patent for an invention was issued as a royal prerogative in 1449. Initially such patents were granted for new knowledge brought into the kingdom, *i.e.*, import patents. Usually the patent was for fourteen years or the term of two apprenticeships. During this time no one else in the kingdom could make the invention. After its term ended, however, the knowledge became freely available. Gradually patents for invention were extended to domestic inventors. With the *Statute of Monopolies* in 1624 the royal prerogative was restricted to patents of invention, printing patents, perpetual Stationer’s copyright and stage licensing.

**Peers:** are members of the hereditary nobility in Britain and Ireland including those with titles such as duke, marquess, earl, viscount, or baron. Peers enjoyed, during the period under review, peer privileges including: (i) the right not to be tried at Common Law but rather by their peers or the monarch; and (ii) to license minstrels and theatrical companies of players until 1604.

**Performing Rights:** for purposes of this work refers to licensing theatres, plays and performers in music and theatre. In a way music and theatre were the ‘media arts’ of their day addressing many people at once unlike reading the printed word, one person at a time. Concentration of an audience exposed to the same message could, however, lead to spontaneous collective action called a mob. In addition there was the threat of the plague, cut purses and itinerants which led to continuing tension between the City of London and the Court throughout the period under review. To the sober, moral citizens of London these many inconveniences were the result of Royalist indulgence of the theatre, *e.g.*, sentiments expressed in the 1573 Letter of the Mayor to the Lord Chamberlain.

**Play:** is a literary work written by a playwright including dialogue between characters and is usually but not always intended for theatrical performance before an audience. As a written work a play during the period under review was subject to the Licensing Act. As performance it was subject to licensing by the **Master of the Revels** and/or the **Lord Chamberlain**.

**Prerogative:** With the Norman Conquest in 1066 all rights and privileges of the previous regime were abrogated by right of conquest. In effect William the Conqueror had *carte blanche* to shape a kingdom without accounting for pre-existing rights and obligations. Unlike other European kingdoms, it was his exclusive unqualified and personal domain. He was absolute sovereign. He enjoyed virtually total royal prerogative meaning that his word was law.

The period of unquestioned royal prerogative arguably lasted until the reign of Henry II (1154-1189) when Thomas à Beckett, Archbishop of Canterbury effectively limited Crown prerogative for the first time. This state of affairs continued until the reign of King John (1199-1216) who signed the *Magna Carta* in 1215 narrowing further the royal prerogative. More restricting was the emergence of a Parliament representing the Lords (Spiritual & Temporal) and later the Commons making taxation without their consent illegal. The first recorded session of such a Parliament is 1235 during the reign of John’s successor, Henry III (1216-1272).

With respect to copyright including prerogative printing patents, performing rights and licensing, these remained subject to the royal prerogative after the *Statute of Monopolies* of 1624 and after the *Bill of
Rights in 1689. The prerogative continued to rule Stationers’ copyright and prerogative printing patents until the 1709 Statute of Queen Anne came into effect in 1710. Performing rights remained subject to the royal prerogative until the Stage Licensing Act of 1737 – 10 Geo II c. 28. While subject to statute theatre licensing nonetheless remained the responsibility of the Lord Chamberlain until 1968.

Principal forms of the royal prerogative included the Decree, Dispensing Power, Letters Patent, Non Obstante, Privilege, Proclamation and Royal Assent.

Printing Patent or License: During the period reviewed copyright as it is known today as a reward for the author/creator did not exist. There were in fact two distinct rights neither of which adhered to the author. The first was ‘the right to copy’ a work reserved to the Stationer who copied the title of the work (hence ‘copy-right’) on the Company’s Register.

The second was ‘the right to a copy’ which was a prerogative privilege (a printing patent) granted by the sovereign to a Stationer, an author or anyone else for a period of time or in perpetuity and inheritable. It covered specific titles and entire classes of works, e.g., statutes of the realm. Printing patents survived as a royal prerogative some inheritable until the 1709 Statute of Queen Anne came into force in 1710.

Printing Press: was arguably the first engine of mass production enjoying economies of scale. Not only did cost go down as output went up but each copy, unlike manuscripts, were identical. Nonetheless reading remained and remains an essentially solitaire art: one book read by one person at one time. The mass media of the times was the stage whether in a proper theatre or pub or in the street. Singing, instrumental music and the theatre communicated the same message to large numbers of people at the same time.

Privilege: is a branch of the royal prerogative referring to the grant of a favour to a person or institution against the Common Law. There were many kinds of privilege including Peer Privilege which, among other things, exempted Peers from trial by Common Law courts, as well as printing patents and charters, e.g., the 1557 Charter to the Stationers’ Company of London. Similarly patents of invention that threatened existing guilds were similarly are exempted from Common Law jurisdiction.

Privy Council: The privy or ‘private’ council of the monarch consisted of his or her closest advisors playing a role like a cabinet to a contemporary prime minister or president. Until the 17th century, however, it also acted as a legislative body issuing decrees and proclamations in the name or on behalf of the sovereign.

Proclamation: were issued under the royal prerogative which included the power to issue laws until the Commonwealth (1649-1659). In today’s terms the executive branch also enjoyed legislative powers. This was formalized with Henry VIII’s Statute of Proclamations of 1539 by which decrees and proclamations were granted the force of law as if passed by Parliament. They could not, however, take the life of a subject nor infringe on a subject’s lands and goods or the established Common Law. They also were in force only during the reign of the proclaiming monarch unless renewed by their successors on the throne.

A Proclamation was public notice on any subject the King or Queen thought it necessary to bring to the attention of the public. They were passed under the great seal and made with the advice but not always the consent of the Privy Council.
Between 1487 and 1640 they were enforced through the prerogative Court of the Star Chamber.

**Protectorate**: was established after the ‘Rump’ Parliament was abolished by Oliver Cromwell who ruled as chief magistrate and executive officer of the government between 1653 and 1658. After Oliver’s death his son, Richard Cromwell, assumed his father’s title of Lord Protector of the Commonwealth.

**Restoration**: refers to the re-establishment of the monarchy with the return of Charles II in 1660 as well as the period immediately following.

**Register**: During the Middle Ages many rights were initially derived by inscribing or copying one’s name and explaining one’s ‘title’ to property on a register. Thus to obtain the right to farm a particular piece of land, one’s name had to be inscribed or written by oneself or a scribe of Church or State on a register of tenants. This was and is still called ‘copyhold’ to the land.

Similarly the right to print a work, after a license was obtained from Church or State, was reserved to the **Stationer** who copied the title of the work on the Register of the Stationers’ Company of London, hence the term ‘copy right’. It was also from this practice that copyright registration began and continued in the United States until 1984. All rights belonged to the registering Stationer in perpetuity and were inheritable. Occasionally the Stationer would pay the author a one-time honoraria much like an ‘all rights’ or ‘blanket’ license today (*See Copyright and Printing Patent*).

**Royal Assent**: refers to the approval and promulgation of an Act of Parliament by the monarch making it the law of the land. This remains a royal prerogative to this day. To avoid Royal Assent during the Commonwealth/Interregnum of 1649-1659 the term ‘Ordinance’ was used for an Act of the two Houses of Parliament not requiring Royal Assent.

**Scandalum Magnatum**: is defamatory speech or writing published to the injury of a person of high dignity. The literal Latin is ‘scandal of magnates’. A series of statutes defined defamation of the monarch, royal family, peers and others collectively known as Scandalum Magnatum (*See 1275, 1351/52, 1378 & 1388*).

**Sedantic**: is one who splits the unity of the Church by proposing alternative beliefs, *e.g.*, about Communion (*See Heresy*).

**Scriveners**: was a writer of text-letters or a scribe initially engaged in secretarial and administrative duties such as dictation as well as keeping business, judicial and historical records for kings, nobles, churches and municipal governments. Scriveners had their own guild in London until writers of text-letters, limners and book binders merged when the City of London incorporated the Guild of Stationers in 1403 which then received a royal charter in 1557.

**Slander**: in involves a statement that claims to be factual casting, the monarch, peers of the realm or other persons of high dignity in a negative light, *i.e.*, defamation. Slander is defamation by the spoken word while libel is defamation by the written word. It is usually a requirement that the claim be false and the rumour is communicated to someone other than the person defamed (the claimant).

**Stationer**: derives from the Latin “Stationarius,” first used at the University of Bologna at the beginning of the thirteenth century. It designated persons who were in charge of a Station or depat where the standard texts of classical works were kept and who were authorised to hand them out.
to students by sale or loan, i.e., a bookseller. Stationers thus not only sold books but also rented them out not only as volumes but also in detached parts or chapters at prices varying according to the status of the author.

In England at the beginning of the period under review the term described those who co-ordinated necessary crafts – authors, copyists, binders, illuminators, et al – to manufacture and sell books as a shopkeeper of hand-made goods, i.e., books. Today they are called publishers. The Guild of Stationers was incorporated by the City of London in 1403 before invention of the printing press.

In 1557 the Stationers' Company of London received its royal charter from Mary I and became a major player in press censorship by both Church and State under the Tudors and Stuarts (See Copyright and Printing Patent).

Statute: is the same as Act, i.e., a written law approved by Parliament and receiving Royal Assent. During the Commonwealth (1649-1659) the term ‘Ordinance’ was used to avoid the need for Royal Assent. A statute is also called lex scripta or legislation.

Sumptuary Legislation: regulated excess expenditures on food, dress and accessories to prevent, among other things, status fraud, i.e., appearing above one’s station in life. Such laws began under Henry VIII but were not renewed (See 1510 b, 1512, 1515 b, 1517 & 1532/33). All, however, exempted minstrels and actors.

They did not, however, survive the reign of Elizabeth I (1558-1603) in which English theatre entered its Golden Age. Her support of theatre, however, was part of larger strategy. Grant McCraken (1988) argues that to keep Catholic and other nobles loyal Elizabeth exploited the “hegemonic power of things to communicate the legitimacy of Her Rule”. Before her time, the family was the traditional unit of consumption. One bought for future generations. One bought that which would last because it took five generations of patina to move one’s family into the “gentle” classes. Elizabeth, however, forced those aspiring to rise above their station to spend now, for themselves - to be the prettiest peacock at court, the most generous. Like the potlatch of west coast Amerindian tribes, members of her court were compelled to consume their way to honour, power and gentility. This shift from long-term to short-term consumption had a dramatic impact on the evolution of Western culture contributing to the breakdown of feudal society.

Theatre: for purposes of this work is both a performing art called drama (including comedy) and the physical location where such art is publicly performed.

Theatre, dance, music and painting, unlike writing and printing, have been with humanity arguably since its beginnings. In the ancient world Theatre was a common entertainment but after the fall of Rome it was effectively banned by the Church.

Over time, however, the Church revived a theatre to suit its propaganda purposes – the Mystery Play – which reached England after the Norman Conquest of 1066. In the fourteenth and fifteenth centuries these plays were complimented by a new form called the ‘Morality Play’. Initially Mystery Plays were produced by clerics but gradually secular guilds assumed responsibility including Morality Plays. The guilds also began to produce secular theatre in the form of pageants used, for example to celebrate the entry of royalty into a city such as in 1236, 1293 and 1377.

Early in the sixteenth century, the Morality Play was superseded by another form called the Interlude played in the
intervals of a festival. The Interlude arguably marked the beginning of secular theatre in England.

Interludes began to be presented in the halls of Peers and sometimes before less august audiences in town and guild halls or village greens. The actors were sometimes strolling companies of players and sometimes retainers of great nobles allowed to practice their art on tour when not needed for their masters’ entertainment.

With establishment of the Church of England by Henry VIII (1509-1547) Mystery, Miracle, Passion and Morality Plays fell out of favour because of their connection with the Roman Catholic Church. Then in the reign of Elizabeth I (1558-1603) the Golden Age of English theatre unfolded under royal and aristocratic patronage. The first permanent and custom built theatres were constructed in and around London [See page 14, Introduction; (iii) Development of Theatre].

Trademark: Trademarks and marks of origin, symbolize a Natural or Legal Person or a place, respectively. A ‘mark’ is reserved for the exclusive use of its owner as maker or seller. In market terms it embodies the ‘goodwill’ of a going concern, e.g., as a corporate logo.

The word ‘trademark’ entered the English language in 1838. Functionally, however, it traces back to ancient times and in Western Europe from at least the 13th century. These include masons marks, goldsmith marks, paper makers’ watermarks and watermarks for the nobility and most importantly for purposes of this work - printers’ marks. Particularly at the beginning of the era of print counterfeiting a printer’s mark became a profitable business for pirates of cheap editions.

Treason: or high treason involves violation by a subject of allegiance to the sovereign. During the period covered by this work what constituted treason changed. In 1351/52 during the reign of Edward III treason was, for the first time, formally defined to include open abuse of the king in speech or writing. This continued to be the case until Mary I (1553-1558) who by her first Act of Parliament in 1553 d repealed the spoken or written word as constituting treason. In 1554/55 c, however, it again became treason to write or print anything questioning the legitimacy of the King or Queen.

University: the first English university was Oxford founded in 1167. It was modeled after the University of Paris. Building on Byzantine and Islamic experience, e.g., Al-Azhar University founded in Cairo in 975, the Western University first incorporated as an association of students in Bologna about 1088 and then of teachers in Paris about 1150. The University broke the monopoly of knowledge held by the Church. It had its own scribes, illuminators, binders and authors. It assembled its own libraries sometimes including works not approved by the Church. Monarchs granted charters defining privileges and liberties as well as obligations such as fealty (similar to other guilds) plus exercising censorship for Crown and Church. Cambridge University was founded in 1209.

Vagabonds, Rogues & Sturdy Beggars: emerged as a social problem arguably as a result of the Black Death followed by the enclosure movement of the 15th and 16th centuries. This involved privatizing the traditional commons (agricultural land shared among villagers) by the landed aristocracy to raise sheep for wool and mutton. Disestablishment of the Roman Catholic Church and the distribution of its property and possessions to supporters of Henry VIII accentuated the process. A significant part of the rural population became displaced and wandered into the
towns and villages of England. The first recorded references occurred in the reign of Henry VIII (1509-1547) in 1526 and 1530/31.

A set of Elizabethan statutes collectively called the ‘Poor Laws’ were enacted and intended to keep people in the parish of their birth and make the parish responsible for their well being. Those who wandered off and were capable of work were officially classed as Vagabonds, Rogues & Sturdy Beggars. By these laws they were subject to punishment, penalty and return to their native parish.

To support their wanderings many became unlicensed bards, minstrels or common players (actors). Performing in the street was, however, considered begging. Various attempts were made to control them beginning with the Royal Charter to the King’s Minstrels granted during the second reign of Edward IV in 1469. This Charter gave them guild status and responsibility for the “survey, scrutinie, correction, and government of all and singular the musicians within the kingdom”.

In 1567 Elizabeth I established a Commission for the Protection of Welsh Bards which included licensing procedures. Then in 1571/72 a statute was passed granting Barons and other persons of high degree to license bards, minstrels and players as their servants. When touring such companies of players were required to present their credentials of employment. In 1604, however, James I abolished this peer privilege.

That legislation and charters were insufficient to solve the problem during the period under review is demonstrated by the formal title of the \textit{Stage Licensing Act} of 1737: – 10 Geo II c. 28:

\begin{quote}
An Act to explain and amend so much of an Act, made in the Twelfth Year of the Reign of Queen Anne, intituled, An Act for reducing the Laws relating to Rogues, Vagabonds, sturdy Beggars, and Vagrants into one Act of Parliament; for the more effectual punishing such Rogues, Vagabonds, sturdy Beggars, and Vagrants, and sending them whither they ought to be sent as relates to common Players of Interludes
\end{quote}

In fact it was not until the reign of Queen Victoria that unlicensed bards, minstrels and common players ceased to be classed as vagabonds, rogues and sturdy beggars. More troubling, however, is the parallel between the enclosure movement of the 15th and 16th centuries and a second enclosure movement of the 21st century – privatization of the public domain of knowledge (Boyle 2000). This raises the question of whether or not the so-called knowledge workers of today will become the Vagabonds, Rogues & Sturdy Beggars of tomorrow?
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Annex A
Complete Marginalia for Selected Statutes

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1401 - 2 Hen. IV c.15, or De Heretico Comburendo (main text)
1414 - 2 Hen. V, 1, c.7 Suggested Evils from the religious sect called Lollards (main text)
1483 – 1 Ric. III, c.9 An Act Touching on the Merchants of Italy (Statute of Richard the Third)
1510 b – 1 Hen. VIII, c. 14, An Acta agaynst wearing of costly Apparrell
1512 - 3 Hen. VIII. c. 9 An Acte agaynst disguised persons and Wearing of Visours (main text)
1515 – 7 Hen. VIII, c. 5, Act for Labourers & artificers within the City of London (main text)
   b - 7 Hen. VIII, c. 6, THACTE of Apparell
1523 – 14 & 15 Hen. VIII, c. 2, An Act concerning the taking of apprentices by Strangers (main text)
1529 – 21 Hen. VIII, c. 16, An Act ratifying a Decree made in the Star Chamber concerning Strange Handicraftmen in the Realm of England
1532/33 - 24 Hen. VIII. c. 13 An Acte for Reformacyon of Excesse in Apparayle
1534 - 25 Hen. VIII, c.15, An Act for Printers and Binders of Books (main text)
   b - 26 Hen. VIII c. 13, An Act whereby Offences be made High treason, and taking away all Sanctuaries for all manner of High Treasons (main text)
1539 b – 31 Hen. VIII, c.8 Statute of Proclamations (main text)
   d - 31 Hen. VIII. c. 14 An Act abolishing diversity in Opinions
1542/43 –34 & 35 Hen. VIII, c.1, An act for the advancement of true religion, and for the abolishing of the contrary (main text)
1549/50 – 3 & 4 Edw. VI, c.10 An Act for the abolishing and putting away of divers Books and Images (main text)
1554/55 – 1st & 2nd Phil. & Mar. c. 3. An Act against seditious Words and Rumours (main text)
1562/63 – 5 Eliz., c.4, An Act touching divers Orders for Artificers, Labourers, Servants of Husbandry and Apprentices
1571/72 – 14 Eliz., c.5, An Act for the Punishment of Vagabonds, and Relief of the Poor & Impotent
1580/81 – 23 Eliz. c. 2, An Acte against sedicious Wordes and Rumors uttered againste the Queenes moste excellent Majestie
1597 – 39 Eliz. c.4, An Act for punishment of Rogues, Vagabonds and Sturdy Beggars
1609/10 - 7 James I. c. 4 An Act for the due execution of divers Laws and Statutes heretofore made against Rogues Vagabonds and Sturdy Beggars and other lewd and idle persons
1624 - 21 Jac. I, c.3 An Act concerning Monopolies and Dispensations with Penal Laws and the forfeitures thereof (main text)
1625 – 1 Charles I, c.1, An Act for punishing of divers abuses committed on the Lord’s day called Sunday (main text)
1640 b -16 Car. I, c. 10 An Act for the Regulating of the Privie Councell and for taking away the Court commonly called the Star Chamber
1640 c – 16 Car. I, c. 11 An Act for repeal of a branch of a Statute primo Elizabethe concerning Commissioners for causes Ecclesiasticall

1662 – 14 Car. II, c.33 An Act for Preventing Abuses in Printing Seditious, Treasonable, and Unlicensed Books and Pamphlets, and for Regulating of Printing and Printing Presses (main text; Full text, Annex B-1)

1665 - 17 Car. II, c.4 An Act for continuance of a former Act for regulating the Press (main text)

1688 – 1 Gul. & Mar. Sess. 2, c. 2 An Act declareing the Rights and Liberties of the Subject and Setleing the Succession of the Crowne (Bill of Rights)

1709 – 8 Anne, c.21 An Act for the Encouragement of Learning, by Vesting the Copies of Printed Books in the Authors or Purchasers of such Copies, during the Times therein mentioned (main text; Full text, Annex B-2)

**Complete Marginalia**

1483 – 1 Ric. III, c.9 *An Act Touching on the Merchants of Italy* (Statute of Richard the Third)

The Grievances done by Italian and other Merchants Strangers to the King and his Realm

Italian Merchants shall sell their Wares already imported, *etc.* in Gross, and employ their money in Commodities of this Realm

They shall sell their wares in future within Eight Months, and employ their money in Commodities of this Realm

Two Months allowed to them after the Eight Months to carry away their Wares remaining unsold;

They may remove their Goods from one Port or another.

Merchant Strangers shall not be Hosts or Guests in each other unless of the same Nation.

No Italian Merchant shall sell Wool or Woolen Cloth brought within the Realm nor deliver Wool to make cloth of.

No Alien shall occupy a House with another Alien or be a Handycraftsman unless as a Servant to the King’s Subjects.

Aliens shall not drape or make Cloth within the Realm.

All Alien Artificers shall sell their Wares Gross and not by Retail.

Aliens shall take none but Subjects or their own Children for Servants

Apportionment of Forfeiture

This Act shall not extend to importers of Books or to any Writer, Limner, Binder or Printer.

1510 – 1 Hen. VIII, c. 14, *An Act agaynst wearing of costly Apparrell*

I - The King and his Family only shall wear Cloth of Gold of Purpure Colour or Silk of the same.

- Cloth of Gold, of Tissue.
- Sables.
- Cloth of Gold or Silver, or Cloth &c. broidered with Gold.
- Foreign Woollen Cloth.
- Crimson or Blue Velvet.
- Recovery and Application of Forfeitures.
- Forfeitures by the Queen’s Servants.
Velvets and Furs.
Velvet, Satin and Damask.
Satin, Damask, Silk, and Camlet.
Foreign Furs.
Quantity of Cloth in long Gowns, Riding Gowns, &c.
Dress of Servants.
Guarded and pinched Shirts.
Dress of Servants in Husbandry, &c.
Recovery of Forfeitures from Persons under Degree of a Lord.
Recovery before Steward of the Household, &c.
Provisoes for Ecclesiastics; Merchant Strangers; Mayors, &c.
Women; Heralds, &c.

II – Former Statutes of Apparel repealed.
Commencement, &c. of this Act.
Proviso for Soldiers.
The King may licence the wearing any Apparel.

1515 - 7 Hen. VIII, c. 6, THACTE of Apparell
I - The King and his Family only shall wear Cloth of Gold of purpure Colour or Silk.
Cloth of Gold, of Tissue.
Fur of Sables.
Cloth of Gold or Silver, or Cloth &c. broidered with Gold.
Foreign Woollen Cloth.
Crimson or Blue Velvet.
Velvets and Furs.
Golden or Gilt Chains, &c.
Black Velvet

II - Satin, Damask, Silk, and Camlet.
Foreign Furs.

III - Dress of Officers of the Households of the King and Queen

IV – Embroidered Garments
Quantity of Cloth in long Gowns, Riding Gowns, &c
Dress of Servants.
Pinched Shirts.
Dress of Servants in Husbandry, &c.

V - Provisoes for Ecclesiastics; Merchant Strangers.

VI - Ambassadors, Heralds, Players, &c.

VII – Doctors in the Universities.

VIII – Officers of Bodies Corporate, &c.

IX - The King may licence the wearing any Apparel.

X - Recovery of forfeitures incurred in the Courts of the King, Queen, and Princes.

XI - Recovery of forfeitures incurred in the Household of other Princes.

XII - Recovery of forfeitures incurred in Westminster Hall, &c.

XIII - Recovery of forfeitures incurred within Cities, Towns Corporate, &c.

XIV - Recovery of forfeitures incurred in Counties at large.

XV - Penalty on Persons resisting the Seizure of their Apparel.
Action of Detinue for any Apparel forfeited.
All Former Acts of Apparel; viz. 6 H. VIII. C. 1 &c. repealed

1529 – 21 Hen. VIII, c. 16, An Act ratifying a Decree made in the Star Chamber concerning Strange Handicraftmen in the Realm of England

1. Decree of the Star Chamber, February, 20 Hen. VIII that Aliens should keep only Two Aliens Servant.
   That Aliens being Housekeepers be charged as Subjects.
   Aliens exercising Handicraft, etc. liable to Penalties of the Statute 14 & 15 H.VIII. c. 2 & I Ric. III. c. 9.
   That Aliens should swear Allegiance to the King.
   That Denizens only shall set up new Shops, etc.
   That Aliens such Artificer should assemble only in the Hall of their several Companies.
   The said Decree confirmed.
2. The Statute 14 &15 Hen. VIII, c. 2 made perpetual.
3. Aliens, Householders in the Universities, etc. shall not retain more than Two Journeymen, etc.

The Decree
1. Complaint by Artificers of London against Alien Artificers
   See the Statutes 1 Ric.. III, c. 9, 10, 12; 1 Hen. VII, c. 9, 10; 14, 15 H. VIII, c.2.
   Decree of the Star Chamber dated 10 Feb. 21 H.VIII
   According to Stat. 14 & 15 Hen. VIII, c. 2. no Aliens shall keep more than Two Alien Journeymen.
2. Alien Artifice may take Subjects as Apprentices.
   To what Charges Alien Artificers shall be liable as Subjects are.
   On Refusal to pay, Aliens shall lose all benefit of this Decree, etc.
3. Alien Artificers shall assist in searches required by St. 14 & 15 Hen. VIII, c.2
   And on swearing Fidelity to the King and Obedience to the Laws shall be admitted into the several Companies, etc.
4. Denizens only shall set up new Shops.
   Alien Artificer should assemble only in the Hall of their several Companies.
5. Proviso as to Cordwainers
6. Proviso for Alien Artificers in the Universities, etc.

1532/33 - 24 Hen. VIII. c. 13 An Acte for Reformacyon of Excesse in Apparayle
1 - Inefficiency of former Laws against Excess in Apparel.
   None but the King and Royal Family shall wear purple, Silk, or Cloth of Gold Tissue
   Exception for Dukes and Marquesses.
   Knights of the Garter
   Cloth of Gold, Silver, or tyseld Saten on Cloth or Silk embroidered with Gold or Silver;
   Fur of Sables.
   Foreign Woollen Cloth.
Velvets, crimson, scarlet, or blue; 
Furs
Collars of Gold S.S..
Dress of Persons under Degree of Barons Sons, &c. having £100Year.
Gold Chains, Bracelets, &c.
Persons having £100Year.
Sutin, Damask, Silk, Camlet or Taffata.
Heirs of Knights, &c.
Persons having £40Year
Persons having £10Year
Persons having £5Year
Servants and Yeomen, and Persons having less than £40Year
Silk, Ribands, Bonnets, Badges of their Lords, Prizes won at Wrestling, &c.
Silver Whistles, &c.

Husbandmen
Servants in Husbandry, or Journeymen in Handycrafts.
Proviso for Servants of the Royal Family, &c.
Lord Chancellor and other Officers of State.

II – Apparel of Clergy

III – Proviso for Judges, Serjeants, Mayors, Recorders, Sheriffs, and other Public Officers
Ambassadors, &c.
Heralds, Players;
Soldiers;
Royal Servants;
Swordbearers of Cities;
Barristers;
Students at Law.
Gentlemen, &c.

IV - Penalty upon Offender, the Apparel unduely worn. and 3s’4d. per Day.

V – Justices of Peace may punish Offenders.

VI - All former Acts of Apparel repealed, and the Penalties remitted.

VII - Proviso for wearing Foreign Linen or Shirts, &c.

1539 – 31 Hen. c. 14 An Act abolishing diversity in Opinions

1. Ecclesiastical Supremacy of the King

Unity of Opinions desirable
Parliament, Synod, and Convocation assembled; Six Articles propounded respecting the Christian Religion; Transubstantiation in the Sacrament of the Altar; Communion in both Kinds; Marriage of Priests; Vows of Chastity; [See, post § 22.]; Private Masses; Confession

Resolutions of Parliament and Convocation in favour of Transubstantiation; against the Communion in both Kinds; against the Marriage of Priests: in favour of Vows of Chastity [Sec post § 22.] of private Masses and of Confession

For Confirmation of the said Resolutions

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Any Person who by Word, Writing, etc. shall teach or hold any Opinion contrary to the first Article declared a Heretic and punishable by Death by burning with Forfeiture of Lands and Goods.

2. Any Person who shall preach, teach or affirm contrary to the other Five Articles and any Priest or Person having vowed Chastity who shall marry declared to be a Felon without Benefit of Clergy, etc.

Patron may present to Living of Priest marrying as on his Decease.

3. Any Person who shall publish or hold Opinion contrary to the said 5 Articles shall for the first Offence be punished by Loss of Goods and Loss of Lands for Life, and Imprisonment; and for the Second Offence be adjudged a Felon without Clergy.

4. Marriages of Priests and professed Persons declared void
   Divorces therefrom

5. Priests keeping Women with whom they have contracted Matrimony declared Felons

6. Penalty on Persons refusing to confess, or to receive the Sacrament; 1st. Offence, Imprisonment and Fine by the King’s Council; 2d. Offence, Felony.

7. Bishops, etc. to be appointed Commissioners to proceed against Offenders in the several Counties, etc.

8. Bishops, etc. shall have like Power of Proceeding in their Visitations and Justices at their Sessions, etc.

9. Examination of Accusers, etc.
   Recognizance to appear and give Evidence
   Certificate of Presentments, Recognizances, etc.

10. Commissioners empowered to issue Process and to try Offenders.

11. Power to commit and to admit to bail.

12. Trial of Commissioners guilty of Offences under this Act.


14. Commissioners may try all Foreign Pleas.

15. Mayors, Sheriffs, etc. shall obey and assist in the Execution of this Act.

16. Commissioners shall act will Diligence being previously sworn.
   Form of Oath
   Penalty on Commissioners for Neglect, etc.

17. Commissioners shall seize and burn all Books contrary to this Act.

18. This Act shall be read by the Clergy in all Churches once every Three Months.
   Penalty on Neglect.

   Lords shall not have Escheats of Heretics.

   Benefices declared actually void
   2nd Offence, Felony without Clergy.

21. Like Punishment on the Women offending.

22. Vows of Chastity shall only bind such Persons (except Priests) as were 21 Years of Age, etc.

1558 – 5 Eliz., c.4, An Act touching divers Orders for Artificers, Labourers, Servants of Husbandry and Apprentices (Statute of Artificers)
1. Insufficiency of existing Laws as to Hiring and Wages of Servants, Artificers, Apprentices, etc.
   Such Laws repealed so far as relates to such Hiring, Wages, etc.
2. Servants in certain Employments, Trades, etc. shall be hired by the Year.
3. Persons unmarried, etc., not having 40s per Annum, etc., nor being otherwise employed shall be compellable to serve as yearly Servants in the several Arts in which they were brought up.
4. Such yearly Servants shall not be dismissed not depart during the Year unless on Cause allowed by Two Justices nor at the End of the Year without a Quarter’s Warning.
5. All Persons between the Ages of 12 and 60s not being otherwise employed, etc. declared compellable to be yearly Servants in Husbandry.
6. Penalty on Masters unduly dismissing Servants within the Year, etc. 40s. Servants unduly departing from Service, or refusing to serve, shall be imprisoned until they undertake to complete their service.
7. Servants shall not leave the City, Parish, etc. of their Service without Testimonial of Licence so to do: Form thereof
8. Penalty on Servant not producing such Testimonial, Imprisonment, etc. on Master retaining him, £5.
9. Hours of working of Artificers and Labourers, hired by Day or Week.
10. Penalty on Artificers and Labourers having their Work unfinished, One Month’s Imprisonment and £5 Fine.
11. Rates of Wages of Artificers, Husbandmen, Labourers and Workmen shall be ascertained yearly by Justices etc. in Sessions and certified into Chancery and approved by the Privy Council and proclaimed by the Sheriff, etc. Such Rates may be continued or altered as requisite.
12. Penalty on Justices, etc. absent from Sessions for rating Wages, £10.
13. Penalty on giving or receiving higher Wages than so rated: On the Giver, Ten Days’ Imprisonment and £5; on the Receiver, Twenty-one Days’ Imprisonment. All such Contracts declared void.
14. Penalty on Servants or Workmen assaulting their Master, etc. One Year’s Imprisonment, etc.
15. Artificers, etc. compellable to work in Harvest or to be put in the Stocks.
16. Proviso for Persons going to Harvesting into other Counties.
17. Women unmarried between 12 and 40, compellable to serve by the Year, Week, or Day.
18. Apprentices in Husbandry.
19. Householders in Cities may take Apprentices in Trades, etc. for Seven Years.
20. Merchants, etc. may not take any Apprentices except their Sons unless their Parents have 40s of Freehold per Ann.
21. Persons in Market Towns may take Two Apprentices, Children of Artificers, etc.
22. Merchants, etc. in Market Towns shall not take any Apprentices other than Children of Persons having £3 per Annum Freehold.
23. Certain Tradesmen may take Apprentices, Children whose Parents have no Lands.
24. None shall use any Art, Mistery, or Manual Occupation now in Use, unless he hath been Apprentice thereto for Seven Years: Penalty 40s per Month.
25. Woollen Cloth Weavers, except in Cities, *etc.* shall not take any Apprentices, other than Children of Persons having Freehold of £3 per Annum.

26. One Journeyman shall be kept for Three Apprentices, *etc.* in certain Trades.

27. Proviso for Worsted Makers, *etc.* in Norwich.

28. Persons refusing to become Apprentices may be imprisoned until they comply. Justices of Peace, *etc.* may settle Disputes between Masters and Apprentices, as to Mis-usage or Neglect of Duty and may discharge Apprentices from their Apprenticeship or punish them for Misbehaviour.

29. Minors only compellable to be Apprentices.

30. Justices shall make Periodical Inquiries as to Execution of this Act.

31. Allowances to the Justices for such their Trouble.

32. Application and Recovery of Penalties.

33. Proviso for London and Norwich as to Apprentices.

34. All Contracts of Apprenticeship against this Act void: Penalty £10.

35. Apprentices under this Act compellable to serve although bound under at 21 Years of Age.


37. Application of Penalties in Cities and Towns Corporate.

38. Proviso for Contracts already made.

39. For Apprehension of Servants, *etc.* departing from their Masters into other Shires.

40. High Constables in Hundreds may keep Statute Sessions

1571/72 – 14 Eliz., c.5, *An Act for the Punishment of Vagabonds, and Relief of the Poor & Impotent*

1. The Statutes 22 H. VIII, c. 12, 3 & 4 E. VI, c. 16, 5 Eliz. c. 3, as to Beggars and Vagabonds, repealed.

2. Persons above the Age of 14 taken begging, shall be committed to Goal until the next Session.

   Parishes shall pay Expenses of conveying Offenders.

   Beggar convicted as a Vagabond at Sessions, shall be whipped, *etc.* unless some honest Person will take him into Service for a Year.

   Beggar quitting such Service shall be whipped, *etc.*

3. Beggars may be taken into Service before Correction.

4. Beggars offending a Second Time after Conviction, deemed Felons, unless some one will take them into Service for Two Years, *etc.*

   Third Offence, Felony without Clergy.

5. Definition of Rogues, Vagabonds and Sturdy Beggars.

6. Penalty on harbouring Vagabonds, 20s.

   Rescuing them, £5

7. No Accessories to Felonies, *etc.*

8. Proviso for Relief of aged Poor, by Hospitals.

9. Proviso for Mariners and Soldiers licensed to beg.

10. Such Licences shall be renewed from Shire to Shire


12. Proviso for Licences from Lord Chancellor

13. Proviso for Passports to Soldiers and Travellers.
14. Rogues under 14 Years of Age shall be punished in the Stocks, etc.
15. Penalty on Constables neglecting to apprehend Vagabonds, 6s. 8d.
16. Justices of Peace shall register all aged and impotent Poor, born, or for Three Years resident, in their several Districts, and settle them in convenient Habitations, and ascertain the weekly Charge, and assess the Amount on the Inhabitants, and yearly appoint Collectors to receive and distribute the Assessment, and also an Overseer of the Poor.
Penalty on refusing to be Overseer, 10s.
17. Mayors of Cities and Constables of Hundreds shall monthly view the Poor of each District, and remove any, not being Leprous or Bed-rid, to their proper Districts.
18. Poor leaving such Settlements shall be deemed Rogues and Vagabonds.
19. Penalty on Collectors refusing or neglecting to act, 40s.
Penalty on Constables, etc. neglecting to sue Collectors for Neglect, £5.
20. Collectors shall account Half-yearly, etc. Penalty £10, etc.
21. Persons refusing to contribute, may be committed by Two Justices until Compliance.
22. Poor refusing to do such Work as they are able, punishable by whipping, etc.
23. Justices shall employ Surplus of Collections for Impotent Poor in providing Work for the Vagabonds.
24. Beggars’ Children from 5 to 14 Years old may be bound out to Service.
25. Penalties applied to Use of the Poor.
New Collectors and Overseers, etc. shall be appointed yearly at Easter.
26. Three Justices empowered to hear Complaints.
27. Justices in Sessions, for Relief of Places not able to relieve their own Poor with Money, may license Collections to be made in other Places.
28. Cities, etc. may be relieved by Collections in Counties.
29. Collections in London shall be aid to Christ’s Hospital.
30. Collections in Coventry shall be paid to some of the Governors of the Hospital there.
31. Collections in Gloucester shall be paid to St. Bartholomew’s Hospital there.
32. Bishops, etc. empowered to visit Hospitals in their Dioceses, and to compel Accounts of the Application of their Revenues, before themselves and Two Justices of Peace.
33. None shall import Vagabonds from Ireland or Man; Penalty 20s. per Head; and the Vagabond punishable as such.
34. Vagabonds from Ireland, etc. shall be sent back.
35. Persons grieved by Taxation under this Act may appeal to General Sessions.
Penalty on Justices for Neglect, etc. £5.
36. No poor shall resort to Bath or Buxton, unless licensed and maintained by the Place from which they came.
37. Bishop and Three Justices empowered to examine into Application of the Funds of Charitable Foundations.
38. Justices at General Quarter Sessions may assess parishes to Relief of Prisoners in the County Gaol; leviable by Churchwardens and by them payable to High Constables, etc. Penalty on them for Neglect, etc.
Justices of Cities punishable for Neglect, etc.
40. Poor of Cities surcharged, mat be licensed to beg in Counties.
41. Proviso for Poor in Saint Thomas’s Hospital, Southwark.
42. Proviso for John Dutton of Dutton in Cheshire.
43. Continuance of Act, Seven Years, etc.

1580/81 – 23 Eliz. c. 2, An Acte against sedicious Wordes and Rumors uttered againste the Queenes moste excellent Majestie
   I – Penalty on devising and speaking seditious Rumours, &c. against the Queen;
      1st offense, Pillory, and Loss of both Ears; or Payment of £100 and Six Months Imprisonment.
   II – Penalty on reporting seditious Tales against the Queen, from others,
      1st Offense, Pillory, and Loss of one Ear; or Payment of 100 Marls and Three Months Imprisonment
   III – Second Offenses, Flony without Clergy.
   IV – Printing, writing or publishing (or causing so to be done) of any seditious Book, &c.
      (not being Treason under St. E. III, 25 st. 5. C. 2, &c. declared Felony without Clergy.
   V - Casting Nativities, or prophecying, &c. of the Queen’s Life or who shall succeed to the Crown, or wishing the Queen’s Death, &c. declared Felony without Clergy.
   VI - Offences shall be tried in K. B. or before Justices of Assise, &c.
      Justices of Peace May inquire of Offenses, and commit Offenders.
   VII - All Felonies under this Act, shall be tried in K. B. wherever committed.
   VIII - Limitation of Prosecutions for Words; One Month, &c.
   IX - Mayors, &c. of Corporations, &c. may commit and indict Offendors.
   X – Proclamation of this Act in all Counties.
   XI - Peers shall be tried by Peers.
   XII - Attainders for Felonies under this Act, shall not work Corruption of Blood, &c.
   XIII - Offences by speaking, &c. shall be proved by Two Witnesses, confronted with the Accused.
   XIV - 1 & 2 P.& M.c.3; 1 Eliz. c. 6. against seditious Words, repealed, during Continuance of this Act.
   XV – Continuance of this Act; the Queen’s Life.

1597 – 39 Eliz., c.4, An Act for punishment of Rogues, Vagabonds and Sturdy Beggars
1. Former Act as to Vagabonds, &c. repealed
   Justices in Sessions shall make Orders
2. Definition of Rogues, Vagabonds and Sturdy Beggars
3. All such Vagabonds, etc. found begging shall be whipped and passed to the Parish of their Birth or last Residence, etc. or sent to the House of Corrections, etc.
4. Dangerous Rogues may be committed to Gaol, and banished out of the Realm, and conveyed to Place assigned by the Privy Council and returning shall be Felons without Clergy
5. Penalty on Constables, etc. for Neglect 10d
   On Persons obstructing the Act £5, etc.
6. Penalty on bringing Vagabonds from Scotland, Ireland or Man 20d per Head and the Vagabonds shall be whipped and transported back.
7. Regulations for diseased Poor resorting to Bath and Buxton
8. Justices for Counties Shan not interfere in Corporations
9. Proviso for St. Thomas Hospital in London
11. Recovery and Application of Penalties
12. Justices of Peace may try Offences, etc.
13. Lord Chancellor may grant Commissions of Inquiry as to Application of Money raised for Houses of Correction, etc. since 17 Nov. An. 18. Eliz.
14. Proviso for Relief of Shipwrecked Mariners
15. Proviso for and Glassmen Children
16. Proclamation and Continuance of this Act

1609/10 -7 James I. c. 4 An Act for the due execution of divers Laws and Statutes heretofore made against Rogues Vagabonds and Sturdy Beggars and other lewd and idle persons
I. Former Laws for erecting Houses of Corrections and punishing Vagabonds, confirmed.
II. Houses of Correction shall be built in every County; and vested in Trustee named by Justices in Sessions
III. Penalty on every Justice in any County where such House is not erected, £5.
IV. Session shall appoint Governors of such Houses. Vagabonds there shall not be chargeable to the County.
V. Rogues, etc. shall be apprehended by Warrant of Justices for a General Privy Search, twice a year, and brought by Constables, etc., before Justices at a General Meeting for Execution of this Act.

VI. Governors shall have Money advanced to them Quarterly, under Order of Sessions to Treasurers appointed under Stat. 43 Eliz. c. 3, §. 13.
VII. Lewd Women, having Bastards chargeable, may be imprisoned.
VIII. Persons deserting their Families shall be deemed Rogues, etc.
IX. Governors of Houses of Correction shall report to Sessions and may be fined for Neglect, etc.
X. Continuance of this Act.

1640 b - 16 Car. I,  c. 10 An Act for the Regulating of the Privie Councell and for taking away the Court commonly called the Star Chamber
I. All Matters examinable in the Star Chamber may be examinable and redressed by the Common Law,
   Council Table has assumed a Power contrary to Law.
   Court of Star Chamber and all its Powers dissolved.
II - Like Jurisdiction in several other Courts repealed and taken away.
   No Court or Council to have the like Jurisdiction.
III - The King or his Privy Council shall have no Jurisdiction over any Man's Estate.
IV – Great Officers and others offending
   First Offense, Penalty £500
   Second Offense, Penalty £1000
   Third Offense, Disabled
V - Treble Damages to Party grieved
VI - Every Person committed contrary to this Act shall have an Habeas Corpus for the ordinary Fees.
Cause of Detainer certified by Sheriff, &c. and thereupon Court to proceed
Default by Judge, &c.
Damage
VII – To what Courts this Act shall extend
VIII – Limitations of Information, &c.

1640 c – 16 Car. I, c. 11 An Act for repeal of a branch of a Statute primo Elizabethe concerning
Commissioners for causes Ecclesiasticall
I – High Commission Court
used to fine and imprison, and other Mischief have ensued therefrom
The said Branch of 1 Eliz. c. 3 repealed.
II - Archbishops, Bishops and other Ecclesiastical Persons and Courts not to inflict
Penalties, Corporal Punishment, &c. nor administer any Oath ex officio.
Penalty, Treble Damages, and One hundred Pounds.
III - Offenders convicted disabled from any Office or Employment by the King’s
Commission or Letters Patents.
IV - No new Court to be erected with the like Power.

1688 – 1 Gul. & Mar. Sess. 2, c. 2 An Act declareing the Rights and Liberties of the Subject and
Setleing the Succession of the Crowne.(Bill of Rights)
I – [James I “did endeavour to subvert and extirpate the Protestant Religion and the
Lawes and Liberties of this Kingdome”]
The Heads of Declaration of Lords and Commons, recited.
Dispensing and Suspending Power.
Committing Prelates
Ecclesiastical Commission.
Levying Money.
Standing Army.
Disarming Protestants, &c.
Violating Elections.
Illegal Prosecutions.
Juries.
Excessive Ball.
Fines.
Punishments.
Grants of Fines, &c. before Conviction, &c.
Recital that the late King James II had abdicated the Government, and that the Throne
was vacant, and that the Prince of Orange had written Letters to the Lords and
Commons for the choosing Representatives in Parliament.
The Subject’s Rights.
Dispensing Power.
Late dispensing
Ecclesiastical Courts illegal.
Levying Money.
Right to petition.
Standing Army.
Subject’s Arms.
Freedom of Election.
Freedom of Speech
Excessive Bail.
Juries.
Grants of Forfeiture.
Frequent Parliaments.
The said Rights claimed.
Tender of the Crown.
Regal Power exercised.
Limitations of the Crown.
New Oaths of Allegiance, 7C.
Allegiance.
Supremacy.
Acceptance of the Crown.
The Two Houses to sit.
Subjects’ Liberties to be allowed,
and Ministers hereafter to serve according to the same.
William and Mary declared King and Queen.
Limitation of Crown.
Papists debarred the Crown.
Every King, &c. shall make the Declaration of 30 Car. II.
If under 12 Years old, to be done after Attainment thereof.
King’s and Queen’s Assent.
II – Non obstantes made void
Exceptions
III – Proviso for Charters, Pardons, &c. granted before 23d October.
WHEREAS the well-government and regulating of Printers and Printing Presses is matter of Publique care and of great concernment especially considering that by the general licentiousnes of the late times many evil disposed persons have been encouraged to print and sell heretical schismatical blasphemous seditious and reasonable Bookes Pamphlets and Papers and still doe continue such theire unlawfull and exorbitant praftice to the high dishonour of Almighty God the endangering the peace of these Kingdomes and raising a disasseftion to His most Excellent Majesty and His Government. For prevention whereof no surer meanes can be advised then by reducing and limiting the number of Printing Presses and by ordering and settling the said Art or Mystery of Printing by Act of Parliament in manner as herein after is expressed. The Kings most Excellent Majesty by and with the Consent and Advise of the Lords Spiritual and Temporal & Commons in this present Parliament assembled doth therefore ordaine and enact And be it ordained and enacted by the Authority aforesaid That no person or persons whatsoever shall presume to print or cause to be printed either within this Realm of England or any other His Majesties Dominions or in the parts beyond the Seas any heretical seditious schismatical or offensive Bookes or Pamphlets wherein any Doctrine or Opinion shall be asserted or maintained which is contrary to Christian Faith or the Doctrine or Discipline of the Church of England or which shall or may tend or be to the scandall of Religion or the Church or the Government or Governors of the Church State or Common wealth or of any Corporation or particular person or persons whatsoever nor shall import publish sell or [dispose'] any such Booke or Books or Pamphlets nor shall cause or procure any such to be published or put to sale or to be bound stitched or sowed together

AND be it further ordained and enacted by the Authority aforesaid That no private person or persons whatsoever shall att any time hereafter print or cause to be printed any Booke or Pamphlet whatsoever unless the same Books and Pamphlet togeather with all and every the Titles Epistles Prefaces Proems Preambles Introductions Tables Dedications and other matters and things thereunto annexed be first entered in the Booke of the Register of the Company of Stationers of London except A cts of Parliament Proclamations and such other Books and Papers as shall be appointed to be printed by vertue of any Warrant under the Kings Majesties Sign Manual or under the hand of one or both of His Majesties Principal Secretaries of State and unlesse the same Booke and Pamphlet and also all and every the said Titles Epistles Prefaces Proems Preambles Introductions Tables Dedications and other matters and things whatsoever, thereunto annexed or therewith to be imprinted shall be first
Pre-Common Law Copyright, Performing Rights & Licensing
An Annotated Chronology including Statutory Marginalia
567 to 174 – Annex B 1: Licensing Act of 1662

Lawfully licensed and authorized to be printed by such person and persons only as shall be constituted and appointed to license the same according to the direction and true meaning of this present Act herein after expressed and by no other (that is to say) That all Books concerning the Common Lawes of this Realm shall be printed by the special allowance of the Lord Chancellor or Lord Keeper of the Great Seal of England for the time being the Lords Cheife Justices and Lord Cheife Baron for the time being or one or more of them or by theire or one or more of theire appointments And that all Books of History concerning the State of this Realm or other Books concerning any Affaires of State shall be licensed by the Principal Secretaries of State for the time being or one of them or by theire or one of theire appointments And that all Bookes to bee imprinted concerning Heraldry Titles of Honour and Armes or otherwise concerning the Office of Earle Marshal shall be licensed by the Earl Marshal for the time being or by his appointment or in case there shall not then be an Earl Marshal shall be licensed by the Three Kings of Armes Garter Clarenceux and Norroy or any two of them whereof Garter Principal King of Armes to be one And that all other Bookes to bee imprinted or reprinted whether of Divinity Phisick Philosophy or whatsoever other Science or Art. shall be first licensed and allowed by the Lord Arch Bishop of Canterbury and [the,] Lord Bishop of London for the time being or one of them or by theire or one of theire appointments or by either one of the Chancellors or Vice-Chancellors of either of the Universities of this Realme for the time being Provided alwaies that the said Chancellors or Vice Chancellors of either of the said Universities shall only license such Bookes as are to be imprinted or reprinted within the limits of the said Universities respectively but not in London or else where not medling either with Bookes of the Common Lawes or matters of State or Government nor any Booke or Bookes the right of printing whereof doth solely and properly belong to any particular person or persons without his or theire Consent first obtained in that behalfe

AND be it enacted by the Authority aforesaid That every person and persons who by vertue of this present Act are or shall be appointed or authorized to license the imprinting of Bookes or reprinting thereof with any Additions or Amendments as aforesaid shall have one written Copy of the same Booke or Bookes which shall be soe licensed to be imprinted or reprinted with the Titles Epistles Prefaces Tables Dedications and all other things whatsoever thereunto annexed which said Copy shall be delivered by such Licensor or Licensers to the Printer or Owner for the imprinting thereof and shall be safely and intirely returned by such Printer or owner after the imprinting thereof unto such Licensor or Liceusers to be kept in the publick Registrys of the said Lord Archbishop or Lord Bishop of London rewspectively or in the Office of the Chancellor or Vice Chancellor of either the said Universities or with the said Lord Chancellor or Lord Keeper of the Great Seal for the time being or Lord Cheife Justices or Chief Baron or one of them or the said Principal Secretaries of State or with the Earle Marshall or the said Kings of Armes or one of them of all such Books as shall be licensed by them respectively and if [such Booke so to be licensed shall

Common Law
Books to be licensed by Lord Chancellor, &c.
Books of History, Affairs of State, &c. by Secretary of State
Books of Heraldry &c. by the Earl Marshal or Kings of Arms.
All other Books by Archbishop of Canterbury and Bishop of London, &c.

Proviso respecting Licences by the Chancellors, &c. of the Universities.

III
Every Person authorized to license, to have one written Copy of the Book; which is to be delivered by Licensor to the Owner for printing, and afterwards returned to the Licensor to be kept.
If such Book be in English, Two written Copies, if required, to be delivered to Licensor.
How to be disposed of Licence to testify under his Hand.
Licence to be printed at the beginning of the Book.

IV.
Merchants and Importers of Books to import the same into London only, unless special Licence; and to present a true Catalogue thereof to the said Archbishop, &c. and not to open Packages, no Officer to pass the same, (Penalty) before a Person duly appointed, and one of the Stationers' Company, be present.
If seditious, &c. Books found, to be brought to the said Archbishop, &c.
Proceedings against Offenders, &c.

be an English Booke or of the English Tongue there shall be twoe Written Copies thereof delivered to the Licensor or Licensers (if he or they shall so require) one Copy whereof so licensed shall be delivered back to the said Printer or Owner and the other Copy shall be reserved and kept as is aforesaid ['] to the end such Licensor or Licensers may be secured that the Copy so licensed shall not be altered without his or theire privity. And upon the said Copy licensed to be imprinted he or they who shall so license the same shall testify under his or their hand or hands That there is not any thing in the same contained that is contrary to Christian Faith or the Doctrine or Discipline of the Church of England or against the State or Government of this Realme or contrary to good life or good manners or otherwise as the nature and subject of the Worke shall require which License or Approbation shall be printed in the beginning of the same Booke with the Name or Names of him or them that shall authorize or license the same for a Testimony of the allowance thereof

AND be it further enacted by the Authority aforesaid That every Merchant of Bookes and person and persons whatsoever who doth or hereafter shall import or bring any Booke or Books into this Realm from any parts beyond the Seas shall import the same in the Port of London only and not elsewhere without the special License of the Archbishop of Canterbury and Bishop of London for the time being or one of them who are hereby authorized to grant Licenses for that purpose and shall before such time as the same Book or Books or any of them be delivered forth or out of his or theire hand or hands or exposed to sale give and present a true Note or Catalogue in writing of all and every such Book or Books unto the Lord Archbishop of Canterbury and Lord Bishop of London for the time being or to one of them And no Merchant or other person or persons whatsoever which shall import or bring any Book or Books into the Port of London aforesaid from any parts beyond the Seas shall presume to open any Dry Fats Bales Packs Maunds or other Fardels of Bookes or wherein Bookes are nor shall any Searcher Waiter or other Officer belonging to the Custom house upon pain of losing his or their place or places suffer the same to passe or to be delivered out of his or there, hands or Custody before such time as the Lord Archbishop of Canterbury and the Lord Bishop of London for the time being or to one of them shall have appointed some Scholar or learned man with one or more of the said Company of Stationers and such others as they shall call to their assistance to be present at the opening thereof and to view the same And if there shall happen to be found any Heretical Seditious Scandalous Schismatical or other dangerous or offensive Booke or Books or any part of such Book or Bookes printed in English they shall forthwith be brought to the said Lord Archbishop of Canterbury and Lord Bishop of London for the time being or to one of them or to some publick place to bee assigned and chosen by the said Lord Archbishop and Lord Bishop for the time being to the end the person and persons which importeth or causeth the said Offensive Books to bee imported may be proceeded against as an offender against this present Act And alsoe that such further course may be taken concerning the same offensive Booke or Books as by the said Lord Archbishop and Bishop for the time being shall be thought
fitting for the suppressing thereof.

AND be it further enacted by the Authority aforesaid That no person or persons shall within this Kingdome or else where imprint or cause to bee imprinted nor shall import or bring in or cause to be imported or brought into this Kingdome from or out of any other His Majesties Dominions nor from any other parts beyond the Seas any Copy or Copies Booke or Bookes or part of any Book or Bookes or Forms of blanck Bills or Indentures for any His Majesties Islands printed beyond the Seas or else where which any person or persons by force or vertue of any Letters Patents granted or assigned or which shall hereafter be granted or assigned to him or them or (where the same are not granted by any Letters Patents) by force or vertue of any Entry or Entries thereof duly made or to be made in the Register Booke of the said Company of Stationers or in the Register Booke of either of the Universities respectively have or shall have the Right Priviledge Authority or Allowance solely to print without the consent of the Owner or Owners of such Booke or Bookes Copy or Copies Form or Forms of such blanck Bills nor shall binde stitch or put to Sale any such Booke or Books or part of any [such] Booke or Books Form or Forms without the like consent upon pain of losse and forfeiture of the same and of being proceeded against as an Offender against this present Act and upon the further penalty and forfeiture of Six shillings eight pence for every such Booke or Books or part of such Booke or Bookes Copy or Copies or Form or Forms of any such blanck Bills or Indentures so imprinted or imported bound stitched or put to sale The Moyetie of which said Forfeiture & Forfeitures shall be to the use of our Soveraigne Lord the King His Heires and Successors and the other Moyety to the use and behoofe of such other person or persons as within the space of one yeare next after the said Offence committed shall sue for the same to be recovered by Action of Debt Bill Plaint or Information in any of his Majesties Courts of Record held att Westminster called the Kings Bench Common Pleas or Exchequer wherein no Essoign Wager of Law or Protection shall be allowed to the Defendant or Defendants

AND be it further enacted and declared That every person and persons that shall hereafter print or cause to be printed any Booke Ballad Chart Pourtraiture or any other thing or things whatsoever shall thereunto or thereon print and set his or their owne Name or Names and alsoe shall declare the Name of the Author thereof if he be thereunto required by the Licenser under whose Approbation the licensing of the said Booke Ballad Chart or Pourtraiture shall be authorized and by and for whom any such Booke or other thing is or shall be printed upon paine of Forfeiture of all such Books Ballads Charts Pourtraitures

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Penalty.

No Person to print or forge the Name of the Person having sole Right to print any Book.

Penalty.

VII. No Haberdasher of Small Wares, &c. not licensed, nor being a Freeman of London, nor a Member or the Stationers Company, to sell &c. Books, &c

Penalty

VIII No Merchant or other Person to print beyond Sea or import English Books, &c

Penalty

Aliens not to import or vend Books in any Language printed beyond the Sea, (Exception) Without special Licence of

and other thing or things printed contrary to the Tenor hereof And the Presses Letters and other Instruments for printing wherewith such Book Ballad Pourtraiture or other thing or things shall be so imprinted or sett or prepared for the printing thereof to be defaced and made unserviceable And that no person or persons shall hereafter print or cause to bee imprinted nor shall forge put or counterfeit in or upon any Booke or Pamphlet the Name Title Marke or Vinnet of any other person or persons which hath or shall have lawfull Priviledge Authority or Allowance of sole printing the same without the free consent of the person and persons so priviledged first had and obtained upon pain that every person and persons so offending shall forfeit and lose all such Books and Pamphlets upon which such counterfeit Name or Marke shall be imprinted and shall further be proceeded against as an Offender against this present Act.

AND be it further enacted by the Authority aforesaid That no Haberdasher of Small Wares Ironmonger Chandler Shopkeeper or other person or persons whatsoever not being licensed in that behalfe by the Lord Bishop of the Diocese wherein such Booke or Bookes shall be having been Seven yeares Apprentice to the Trade of Book seller Printer or Bookbinder nor being a Freeman of the City of London by Patrimonial Right as Son of a Book. Seller Printer or Booke binder nor being a Member of the said Company of Stationers shall within the City or Suburbs of London or any other Market Towne or elsewhere receive take or buy [or] barter sell againe change or doe away any Bibles Testaments Psalm books Common Prayer books Primers Abcees Licensed Almanackes Grammar School books or other Book or Books whatsoever upon pain of forfeiture of the same

AND for that printing is and for many yeares hath been an Art & Manufacture of this Kingdom Therefore for the better encouraging thereof and the prevention of divers Libels Pamphlets and Seditious Books printed beyond other the Seas in English and thence transported into this Realm Be it further enacted and ordained by the Authority aforesaid That no Merchant Bookseller or other person or persons whatsoever shall imprint or cause to be imprinted beyond the Seas nor shall import or bring nor knowingly assist or consent to the importation or bringing from beyond the Seas into this Realm any English Booke or Books or part of any Booke which is or shall bee or the greater part thereof is or shall be English or of the English Tongue whether the same Booke Books or part of such Book have been here formerly printed or not upon pain of forfeiture of all such English Books so imprinted or imported contrary to the tenour hereof And that no Alien or Forreigner whatsoever shall hereafter bring in or be suffered to vend here within this Realm any Book or Books printed beyond the Seas in any Language whatsoever either by himselfe or his Factor or Factors except such only as bee Free Printers or Stationers of London or such as have been brought up in that Profession without the special License of the Archbishop of Canterbury and Bishop of London for the time being or one of them who are hereby authorized to grant Licenses for that purpose upon like pain of forfeiture
Archbishop, &c
Penalty

IX
No Person to erect a Printing Press or House, or let Premises for Printing, without giving Notice to the Stationers' Company.

No Carpenter, &c. to make a Printing Press, or cut Letters, nor import Letters; without first acquainting Stationers' Company.

Penalty

X.
No Person to be admitted a Master Printer till the Master Printers be reduced to Twenty, (Exception) which number is to be continued, and Four Master Letter Founders.
In case of Death of any Master Printer or Founder, the

AND be it further enacted by the Authority aforesaid That no person or persons within the City of London or the Liberties thereof or elsewhere shall erect or cause to be erected any Presse or Printing House nor shall knowingly deme or let or willingly suffer to be held or used any House Vault Cellar or other Room whatsoever to or by any person or persons for a Printing House or Place to print in unlesse he or they who erected such Presse or shall so knowingly deme or let such House Cellar Vault or Room or willingly suffer the same to be used shall first give notice to the Master or Wardens of the said Company of Stationers for the time being of the erecting of such Presse or of such demise or suffering to worke or print in such House Vault Cellar or Room

And that no Joyner Carpenter or other person shall make any Printing Presse no Smith shall forge any Iron worke for a Printing Presse no Founder shall cast any Letters which may be used for printing for any person or persons whatsoever neither shall any person or persons bring or cause to be brought in from any parts beyond the Seas any Letters founded or cast nor shall buy any such Letters for printing Printing Preses or other Materials belonging unto printing unlesse he or they respectively shall first acquaint the said Master and Wardens of the said Company of Stationers for the time being or some or one of them for whom the same Presses Iron Worke or Letters are to be made forged cast brought or imported upon pain that every person who shall erect any such Printing Press or shall demise or let any House or Room or suffer the same to be held or used and every person who shall make any Printing Press or any Iron worke for a Printing Presse or shall make import or buy any Letters for printing without giving notice as aforesaid shall forfeit for every such offence the sum of Five pounds the one Moyety whereof shall be to the use of our Soveraign Lord the King His Heires and Successors and the other Moyety to the use of such person or persons as shall sue for the same

AND be it further enacted by the Authority aforesaid That for the time to come no man shall be admitted to be a Master Printer untill they who are now actually Master Printers shall be by death or otherwise reduced to the number of twenty and from thence forth the number of Twenty Master Printers shall be continued and no more besides the Kings Printers and the Printers allowed for the Universities to have the use and exercise of printing of Books at one time and but four Master Founders of Letters for printing The which said Master Printers and four Master Founders of Letters for printing shall be nominated appointed and allowed by the Lord Archbishop of Canterbury and Lord Bishop of London for the time being And in case of death of any one of the said four Master Founders of Letters or of the said Master Printers or of Forfeiture or avoidance of any of their Places and Privileges to print by vertue of this Act for any Offence contrary to the same or otherwise that then the Lord Archbishop of Canterbury and Lord Bishop of London for the time being or one of them shall nominate and appoint such other fit person or persons to succeed and supply the
said Archbishop, &c. to appoint another.

Persons allowed to have a Printing Press &c. to give security of £300

XI
The Number of Presses which Master Printer are allowed to keep.

AND be it further enacted by the Authority aforesaid That none of the said Master Printers to be allowed from time to time as aforesaid shall keep above Two Printing Presses at once unless he hath been Master or Upper Warden of the Company who are hereby allowed to keepe Three Presses and no more unless for some great and special occasion for the Publique he or they have for a time leave of the said Lord Archbishop of Canterbury or Lord Bishop of London for the time being to have or use one or more above the aforesaid Number as their Lordships or either of them shall thinke fit

AND be it alsoe enacted by the Authority aforesaid That no Printer or Printers (except the Kings Printer) nor Founder or Founders of Letters for printing shall take or retain any more or greater number of Apprentices than is herein after limited and appointed (that is to say) every Master Printer and Master Founder of Letters for printing that is or hath been Master or Upper Warden of his Company may have three Apprentices at one time and no more

Proviso respecting replacing runaway Apprentices.

XIII
Master Printer and Master Letter Founders to take care that Journeymen are employed; and if Journeyman be out of Employ, he is on

AND because a great part of the secret Printing in corners hath been caused for want of orderly imployment for Journey men Printers The said several Master Printers and Master Founders of Letters for Printing so to bee allowed as aforesaid are hereby required to take special Care that all Journey men Printers and Journey men Founders of Letters for printing who are lawfully Free of the said respective Mysteries be set to worke and employed in their respective Trades And if any such Journey man Printer or Journey man Founder of Letters being of honest and good behaviour and able in his Trade do want Imployment he shall repair to any of the said Master Printers or Master Founders of Letters
Application to be received, if Master Printer have not a Journeyman, though himself and his Apprentices can do his Work. Penalty £5.

Journeymen refusing Employment, or neglecting Work

Imprisonment

Masters not to employ any but Englishmen and Freemen, or Sons of Freemen, and Apprentices.

AND for the better discovering of printing in Corners without License Be it further enacted by the Authority aforesaid That [one or more of the Messengers of his Majesties Chamber by Warrant under His Majesties Sign Manual or under the Hand of one or both of His Majesties principal Secretares of State or] the Master and Wardens of the said Company of Stationers or any one of them shall have power and authority with a Constable to take unto them such assistance as they shall thinke needfull and att what time they shall thinke fitt to search all Houses and Shops where they shall knowe or upon some probable reason suspect any Books or Papers to be printed bound or stitched especially Printing Houes Booksellers Shops and Warehouses and Bookbinders Houses and Shops and to view there what is imprinting binding or stitching and to examine whether the same be licensed and to demand a sight of the said License and if the said Booke soe imprinting binding or stitching shall not be licensed then to seize upon so much thereof as shall be found imprinted togethether with the several Offenders and to bring them before one or more Justices of the Peace whoe are hereby authorized and required to commit such Offenders to Prison there to remaine untill they shall be tried and acquitted or convicted and punished for the said Offences And case the said Searchers shall upon there said Search find any Booke or Bookes or part of Bookes unlicensed which they shall suspect to

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If Searchers find unlicensed Book which they suspect, they may seize and take it to Archbishop, &c. Proceedings.

AND be it ordained and enacted by the Authority aforesaid That all and every Printer and Printers of Books Founder and Founders of Letters for Printing and all and every other person and persons working in or for the said Trades who from and after the Tenth day of June in the Yeare One thousand six hundred sixty and two shall offend against this present Act or any Article Clause or Thing herein contained and shall be thereof convicted by verdict confession or otherwise shall for the first offence be disenabled from exercising his respective Trade for the space of three yeas and for the second offence shall for ever thence after be disabled to use or exercise the Art or Mystery of Printing or of Founding Letters for Printing and shall alsoe have and receive such further punishment by Fine Imprisonment or other Corporal Punishment not extending to Life or Limb as by the Justices of the Court of Kings Beach or Justices of Oyer and Terminer or Justices of Assize in theire several Circuits or Justices of the Peace in theire several Quarter Sessions shall be thought fit to be inflicted The which said Justices of the Peace in theire several Quarter Sessions shall have full power and authority to heare and determine all and every offence and offences that shall be committed against this Act or against any branch thereof upon indictment or information by any person or persons to be taken before them in theire Sessions of Peace respectively and shall yearely certifie into the Court of Exchequer as in other like Cases they are bound to doe the Fines by them imposed for any the offences aforesaid and shall and may alsoe by vertue hereof award process and execution for the taking or punishing such Offenders as in any other Case they lawfully do by any the Lawes and Statutes of this Realm

AND be it further enacted by the Authority aforesaid That every Printer shall reserve three printed Copies of the best and largest Paper of every Book new printed or reprinted by him with Additions and shall before any publick venting of the said Book bring them to the Master of the Company of Stationers and deliver them to him one whereof shall be delivered to the Keeper of his Majesties Library and the other two to be sent to the Vice-Chancellors of the two Universities respectively for the use of the Publique Libraries of the said Universities

PROVIDED alwaies That nothing in this Act contained shall be construed to extend to the prejudice or infringing of any the just Rights and Priviledges of either of the two Universities of this Realm touching and concerning the licensing or printing of Books in either of the said Universities
XVIII
No Search in Houses of Peers, or of Persons using other Trade, without special Licence.

XIX
Bookseller may Import certain Books ready bound, not formerly prohibited

XX
Proviso for Persons who have sold Books or Papers in Westminster Hall, Palace of Westminster, &c.

XXI
Proviso for Grantees under the Great Seal, &c.

XXII
Proviso for John Streater, Stationer

XXIII
Proviso for keeping and using a Printing Press in the City of York with Conditions.

Provided always That no search shall be at any time made in the House or Houses of any the Peers of this Realm or of any other person or persons not being free of or using any of the Trades in this Act before mentioned but by special Warrant from the Kings Majestie under His Sign Manual or under the Hand of one or both of His Majesties principal Secretaries of State or for any other Books then such as are in printing or shall be printed after the Tenth of June One thousand six hundred sixty two Any thing in this Act to the contrary thereof in any wise notwithstanding

Provided alsoe That neither this Act nor any thing therein contained shall extend to prohibit any Booke seller who hath served seven yeares and is free of the Company of Stationers London from importing or bringing into this Realme any Bookes ready bound not formerly prohibited which have beene printed ten yeares before the said importation Any thing in this or any other Act to the contrary notwithstanding

Provided alsoe and be it further enacted by the Authority aforesaid That neither this Act nor any thing therein contained shall be construed to prohibit any person or persons to sell Books or Papers who have sold Books or Papers within Westminster Hall the Palace of Westminster or in any Shopp or Shoppes within twenty yards of the great Gate of Westminster Hall aforesaid before the Twentieth day of November One thousand six hundred sixty one but they and every of them may sell Books and Papers as they have or did before the said Twentieth Day of November One thousand six hundred sixty one within the said Hall Pallace and twenty yards aforesaid but not else where Any thing in this Act to the contrary in any wise notwithstanding

Provided alsoe That neither this Act nor any thing therein contained shall extend to prejudice the just Rights or Pririledges granted by His Majesty or any of his Royall Predecessors to any person or persons under His Majesies Great Scale or otherwise but that such person or persons may exercise and use such Rights and Priviledges as aforetaid according to their respective Grants Any thing in this Act to the contrary notwithstanding

Provided alsoe That neither this Act nor any thing therein contained shall extend to prohibit John Streater Stationer from printing Bookes and Papers but that he may still follow the Art and Mistery of Printing as if this Act had never beene made Any thing therein to the contrary notwithstanding

Provided alsoe That neither this Act nor any thing therein contained shall extend to restrain the keeping and using of a Printing Press in the City of Yorke so as all Bookes of Divinity there printed be first licensed by the Archbisp of Yorke for the time being or such person or persons whom he shall appoint and all other Bookes whatever there printed be first licensed by such persons respectively to whom the licensing thereof doth or shall appertain by the rules herein before mentioned and so as no Bibles be there printed nor any other
Booke whereof the Original Copy is or shall be belonging to the Company of Stationers in London or any Member thereof and so as the Archbishop or Lord Mayor of Yorke for the time being do execute within the said City (which they are hereby impowered to do) all the Powers and Rules in this Act concerning Searchers for unlicensed Bookes and impose and levy the said penalties in the like cases Any thing in this Act to the contrary notwithstanding

PROVIDED That this Act shall continue and be in force for two yeares to commence from the Tenth of June One thousand six hundred sixty and two and no longer.
AN ACT for the Encouragement of Learning by vesting the Copies of printed Books in the Authors or Purchasers of such Copies during the Times therein mentioned s.

WHEREAS Printers Booksellers and other Persons have of late frequently taken the Liberty of printing and published Books without the Consent of the Authors or Proprietors of such Books and Writings to their very great Detriment and too often to the Ruin of them and their Families. For preventing therefore such Practices for the future and for the Encouragement of learned Men to compose and write useful Books May it please Your Majesty that it may be enacted and be it enacted by the Queens most Excellent Majesty by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the Authority of the same That from and after the Tenth Day of April One thousand seven hundred and ten the Author of any Book or Books already printed who hath not transferred to any other the Copy or Copies of such Book or Books Share or Shares thereof or the Bookseller or Booksellers Printer or Printers or other Person or Persons who hath or have purchased or acquired the Copy or Copies of any Book or Books in order to print or reprint the same shall have the sole Right and Liberty of printing such Book and Books for the Term of One and twenty Years to commence from the said Tenth Day of April and no longer and that the Author of any Book or Books already composed and not printed and published or that shall hereafter be composed and his Assignee or Assignes shall have the sole Liberty of printing and reprinting such Book and Books for the Term of Fourteen Years to commence from the Day of the first publishing the same and no longer. And that if any other Bookseller Printer or other Person whatsoever from and after the Tenth Day of April One thousand seven hundred and ten within the Times granted and limited by this Act as aforesaid shall print reprint or import or cause to be printed reprinted or imported any such Book or Books without the Consent of the Proprietor or Proprietors thereof first has and obtained in Writing signed in the Presence of Two or more credible Witnesses or knowing the same to be so printed or reprinted without the Consent of the Proprietors shall sell publish or expose to Sale or cause to be sold published or exposed to Sale any such Book Books without such Consent first had and obtained as aforesaid then such Offender or Offenders shall forfeit such Book or Books and all and every Sheet or Sheets being Part of such Book or Books to the Proprietor or Proprietors of the Copy thereof who shall forthwith damask and make Waste Paper of them. And further that every such Offender or Offenders shall forfeit One Penny for every Sheet which shall be found in his her or their Custody either printed or printing published or exposed to Sale contrary to the true Intent and Meaning of this Act the one Moiety thereof to the Queens most Excellent Majesty Her Heires and Successors and the other Moiety thereof to any Person or Persons that shall sue for the same to be recovered in any of Her Majesties Court of Record at
II. Proviso for Offender where Book not entered at Statione Hall

AND whereas many Persons may through Ignorance offend against this Act unless some Provision be made whereby the Property in every such Book as is intended by this Act to be secured to the Proprietor or Proprietors thereof may be ascertained as likewise the Consent of such Proprietor or Proprietors for the printing or reprinting of such Book or Books may from time to time be known

Be it therefore further enacted by the Authority aforesaid That nothing in this Act contained shall be construed to extend to subject any Bookseller Printer or other Person whatsoever to the Forfeitures or Penalties therein mentioned for or by reason of the printing or reprinting of any Book or Books without such Consent as aforesaid unless the Title to the Copy of such Book or Books hereafter published shall before such Publication be entred in the Register Book of the Company of Stationers in such Manner as hath been usual which Register Book shall at all Times be kept at the Hall of the said Company and unless such Consent of the Proprietor or Proprietors be in like Manner entred as aforesaid for every of which several Entries Six Pence shall be paid and no more which said Register Book may at all seasonable and convenient Times be resorted to and inspected by any Bookseller Printer or other Person for the Purposes before mentioned without any Fee or Reward and the Clerk of the said Company of Stationers shall when and as often as thereunto required give a Certificate under his Hand of such Entry or Entries and for every such Certificate may take a Fee not exceeding Six Pence

PROVIDED nevertheless That if the Clerk of the said Company of Stationers for the Time being shall refuse or neglect to register or make such Entry or Entries or to give such Certificate being thereunto required by the Author or Proprietor of such Copy or Copies in the Presence of Two or more credible Witnesses that then such Person and Persons so refusing Notice being first duly given of such Refusal by an Advertisement in the Gazette shall have the like Benefit as if such Entry or Entries Certificate or Certificates had been duly made and given and that the Clerks so refusing shall for any such Offence forfeit to the Proprietor of such Copy or Copies the Sum of Twenty Pounds to be recovered in any of Her Majesties Courts of Record at Westminster by Action of Debt Bill Plaint or Information in which no Wager of Law Essoign Privilege or Protection or more than one Imparlance shall be allowed

III. Clerk of the Stationers Company refusing &c. to make Entry &c

PROVIDED nevertheless and it is hereby further enacted by the authority aforesaid That if any Bookseller or Booksellers Printer or Printers shall after the said Five and twentieth Day of March one thousand seven hundred and ten set a Price upon or sell or expose to Sale any Book or Books at such a Price or Rate as shall be conceived by any Person or Persons to be too high and unreasonable it shall and may be lawful for any Person or Persons to make Complaint thereof to the Lord Archbishop of Canterbury for the time being the Lord Chancellor or
Chancellor &c. in England
Lord Keeper of the Great Seal of Great Britain for the time being the Lord Bishop of London for the time being the Lord Chief Justice of the Court of Queen's Bench the Lord Chief Justice of the Court of Common Pleas the Lord Chief Baron of the Court of Exchequer for the time being the Vice Chancellors of the Two Universities for the time being in that part of Great Britain called England the Lord President of the Sessions for the time being the Lord Chief Justice General for the time being the Lord Chief Baron of the Exchequer for the time being the Rector of the College of Edinburgh for the time being in that part of Great Britain called Scotland who or any One of them shall and have hereby full Power and Authority from time to time to send for summon or call before him or them such Bookseller or Booksellers Printer or Printers and to examine and enquire of the Reason of the Dearnness and Inhauncement of the Price or Value of such Book or Books by him or them so sold or exposed to Sale; and if upon such Inquiry and Examination it shall be found that the Price of such Book or Books is inhaunced or any wise too high or unreasonable then and in such case the said Archbishop of Canterbury Lord Chancellor or Lord Keeper Bishop of London Two Chief Justices Chief Baron Vice Chancellors of the Universities in that part of Great Britain called England and the said Lord President of the Sessions Lord Justice General Lord Chief Baron and the Rector of the college of Edinburgh in that part of Great Britain called Scotland or any One or more of them so enquiring and examining have hereby full Power and Authority to reform and redress the same and to limit and settle the Price of every such printed Book and Books from time to time according to the best of their Judgments and as to them shall seem just and reasonable; and in case of Alteration of the Rate or Price from what was set or demanded by such Bookseller or Booksellers Printer or Printers to award and order such Bookseller and Booksellers Printer and Printers to pay all the Costs and Charges that the Person or Persons so complaining shall be put unto by reason of such complaint and of the causing such Rate or Price to be so limited and settled; all which shall be done by the said Archbishop of Canterbury Lord Chancellor or Lord Keeper Bishop of London Two Chief Justices Chief Baron Vice Chancellors of the Two Universities in that part of Great Britain called England and the said Lord President of the Sessions Lord Justice General Lord Chief Baron and the Rector of the College of Edinburgh in that part of Great Britain called Scotland or any One of them by writing under their Hands and Seals and thereof publick Notice shall be forthwith given by the said Bookseller or Booksellers Printer or Printers by an Advertisement in the Gazette; and if any Bookseller or Booksellers Printer or Printers shall after such Settlement made of the said Rate and Price sell or expose to Sale any Book or Books at a higher or greater Price than what shall have been so limited and settled as aforesaid then and in every such case such Bookseller and Booksellers Printer and Printers shall forfeit the Sum of Five Pounds for every such Book so by him her or them sold or exposed to Sale One Moiety thereof to the Queen's most Excellent Majesty Her Heirs and Successors and the other Moiety to any Person or Persons that shall sue for the same to be recovered with Costs of Suit in any of her Majesty's Courts of Record at Westminster by Action of Debt Bill Plaint or Information in which no Wager of
V.
Copies of Works
to be delivered
by Printer to the
different public
Libraries herein
mentioned.

VI.
How Penalties
recovered in
Scotland

VII.
Proviso for
Importation of
Foreign Books.

VIII.
In Action for
executing Act,
General Issue.

PROVIDED always and it is hereby enacted That Nine Copies of each
Book or Books upon the best paper that from and after the said tenth day of April
one thousand seven hundred and ten shall be printed and published as aforesaid
or reprinted and published with Additions shall by the Printer and Printers
thereof be delivered to the Ware-house-Keeper of the said Company of
Stationers for the time being at the Hall of the said Company before such
publication made for the use of the royal Library the Libraries of the Universities
of Oxford and Cambridge the Libraries of the four Universities in Scotland the
Library of Sion College in London and the Library comonly called the Library
belonging to the Faculty of Advocates at Edinburgh respectively; which said
Ware-house-Keeper is hereby required within ten days after demand by the
Keepers of the respective Libraries or any by them or any of them authorized to
demand the said Copy to deliver the same for the Use of the aforesaid Libraries;
and if any Proprietor Bookseller or Printer or the said Ware-house-Keeper of the
said Company of Stationers shall not observe the Direction of this Act therein
that then he and they so making Default in not delivering the said printed copies
as aforesaid shall forfeit besides the value of the said printed Copies the Sum of
Five Pounds for every Copy not so delivered as also the Value of the said printed
Copy not so delivered the same to be recovered by the Queen's Majesty Her
Heirs and Successors and by the Chancellor Masters and Scholars of any of the
said Universities and by the President and Fellows of Sion College and the said
faculty of advocates at Edinburgh with their full costs respectively.

PROVIDED always and be it further enacted That if any Person or
Persons incur the Penalties contained in this Act in that part of Great Britain
called Scotland they shall be recoverable by any action before the Court of
Session there.

PROVIDED That nothing in this Act contained do extend or shall be
construed to extend to prohibit the importation vending or selling of any Books
in Greek Latin or any other Foreign Language printed beyond the Seas Any
thing in this Act contained to the contrary notwithstanding.

AND be it further enacted by the Authority aforesaid That if any Action
or Suit shall be commenced or brought against any Person or Persons whatsoever
for doing or causing to be done any thing in pursuance of this Act the
Defendants in such Action may plead the General Issue and give the Special
Matter in Evidence; and if upon such Action a Verdict be given for the defendant
or the plaintiff become nonsuited or discontinue his Action then the Defendant
shall have and recover his full Costs for which he shall have the same Remedy as
a Defendant in any Case by Law hath.
IX. Proviso for Universities printing.

PROVIDED That nothing in this Act contained shall extend or be construed to extend either to prejudice or confirm any Right that the said Universities or any of them or any Person or Persons have or claim to have to the printing or reprinting any Book or Copy already printed or hereafter to be printed.

X. Limitations of Actions.

PROVIDED nevertheless That all Actions Suits Bills Indictments or Informations for any offence that shall be committed against this Act shall be brought sued and commenced within Three Months next after such Offence committed or else the same shall be void and of none effect.

XI. Further Term of Fourteen Years to Author.

PROVIDED always That after the Expiration of the said term of Fourteen Years the sole Right of printing or disposing of Copies shall return to the Authors thereof if they are then living for another Term of Fourteen Years.
# ANNEX C
## REIGN OF ENGLISH MONARCHS
### 1066 - 2011

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<tr>
<td>William I</td>
<td>1066-1087</td>
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<td>William II</td>
<td>1087-1100</td>
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<td>Stephen</td>
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<td>1189-1199</td>
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<td>1199-1216</td>
<td>James II</td>
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<td>1216-1272</td>
<td>William III &amp; Mary II</td>
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<td>Edward I</td>
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<td>Richard II</td>
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<td>Henry V</td>
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<td>Henry VI</td>
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<td>Edward IV</td>
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<td>Edward VII</td>
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<td>Edward V</td>
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<td>Richard III</td>
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<td>1936-1952</td>
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<tr>
<td>Henry VIII</td>
<td>1509-1547</td>
<td>Elizabeth II</td>
<td>1952-</td>
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OTHER COMPILER PRESS PUBLICATIONS

The Compleat Multilateral
Intellectual & Cultural Property Rights Series


Canada


Copyright Reform Research Notes:


Other Policy Research Notes


Equity & Aboriginal Title Compiler Press, January 31, 2008.
