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## Sir Christopher Hatton Elizabeth's Lord Chancellor

A. G. Vines

On April 29, 1587 Sir Christopher Hatton reached the pinnacle of his career when he was appointed Lord Chancellor of England by Queen Elizabeth I. It was an astonishing height for the son of an obscure country squire to have reached.

Hatton was born in 1540 in Northamptonshire, the second son of William Hatton and his wife Alice. Little is known of his early life until he entered St. Mary's Hall, Oxford when he was probably fifteen or sixteen years old.<sup>1</sup> All that is known of his life there (although much has been conjectured by Victorian writers) is that he left without taking a degree which was not unusual for young gentlemen at the time. Advancement would come by acquaintance with London and the royal court, not from the holding of degrees, as every young, ambitious man knew.

Hatton entered the Inner Temple on May 26, 1560 where again he did not become the serious legal student authors have wished for him to have been.<sup>2</sup> Thomas Fuller in his *Worthies of England* writes that "he rather took a bait than made a meal at the Inns of Court whilst he studied the law therein."<sup>3</sup> Lord Campbell, Victorian author of *Lives of the Lord Chancellors and Keepers of the Great Seal of England*, again makes unsupported assumptions in describing Hatton as

"in truth a noted roisterer; hearing the chimes at midnight, knowing where the *bonas robas* were, and sometimes lying all night in the Windmill in St. George's Fields; but where he spent much of his time in dicing and gallantry, there were two amusements to which he particularly devoted himself, and which laid the foundation of his future fortune. The first was dancing, which he studied under the best masters, and in which he excelled beyond any man of his times; and the other was the stage: he constantly frequented the theaters . . . and he himself used to assist in writing masques, and took a part in performing them."<sup>4</sup>

It was accepted that the Inns of Court were a proper beginning for any public career, not exclusively the law. William Harrison in his *Description of England* written in 1577 calls them the third university. It was true even a hundred years earlier when Sir John Fortescue described them as places where young gentlemen could learn all the commendable qualities needed for their rank and hopes of fortune. It is possible that Christopher seriously studied law or just as possible that it was seen to be the best setting for a young, handsome, clever, ambitious man from a small gentry family to make a career in whatever area he could. London was the place to be. There is no proof one way or the other about his being called

to the bar. He was eligible to be called within five years of his entrance but because no books registering calls to the bar were kept until 1567 the fact cannot be proved.

In any case he learned the social graces so well that we next hear of him appearing in a splendid masque given by the Inner Temple students at the Christmas revels of 1561. The old custom was to celebrate the season with revels until Candlemas Day (February 2). The fact that dancing was an important skill for the students and not just wastrel activity on the part of Hatton is shown by a note of criticism in 1610 to the effect that

the under-barristers of Lincoln's Inn were, by decimation, put out of Commons for example's sake, because the whole bar offended by not dancing on Candlemas Day preceding, according to the ancient order of this society.<sup>5</sup>

Hatton was Master of the Games in the masques of 1561, apparelled in green velvet with a hunting horn around his neck. He was also a participant in the performance of a play given by the Inner Temple members before the Queen at Whitehall on January 18, 1562. It is assumed by most writers that it was at "the mask of 18th January that Hatton danced his way into Elizabeth's heart,"<sup>6</sup> although it is not until 1564 that official record shows his appointment to a select group of personal guards of the queen, the Gentlemen Pensioners.

From this time Hatton's career was ever upward, becoming Captain of the Guard in 1572, member of Parliament from 1571-1591, member of the Privy Council (1577-1591), and the recipient of a flow of land grants and favours from the Queen. (Example: 400 ounces of silver plate given by the Queen as New Year's gifts year after year—double the size of any other royal awards.) Hatton remained a favourite of the Queen until his death in 1591, the only courtier who remained steadfastly a bachelor, devoting his life to her service.

This paper will examine how this particular Elizabethan courtier attained and exercised the role of Lord Chancellor, the topmost legal office in England.

Queen Elizabeth handed the Great Seal of England to Hatton on May 29, 1587 at the palace of the Archbishop of Canterbury at Croydon where the court was presently staying. The ceremony took place in a private gallery where she gave the seal in its red velvet bag to Hatton and "there and then made and constituted Sir Christopher Hatton Lord Chancellor of England."<sup>7</sup>

As was to be expected, the appointment of any but an eminent lawyer to this office caused astonishment and dismay among lawyers, but their reactions have undoubtedly been exaggerated. William Camden wrote that

the great lawyers of England took it very offensively, for they, ever after the ecclesiastical men were put from this degree, had with singular commendations for equity and wisdom, borne this highest place of gowned dignity, bestowed in old time for the most part upon churchmen and noblemen. But Hatton was advanced thereunto through the cunning Court practices of some, that by his absence from Court, and troublesome office of so great a magistracy, for which they knew him to be insufficient, his

favour with the Queen might be abated. Yet bare he the place with the greatest state of all that ever we saw, and what was lacking in him in knowledge of the law, he laboured to supply by equity and justice.<sup>8</sup>

Thomas Fuller continued the tale of the unhappy lawyers:

The gowmsmen, grudging thereat, conceived his advancement their injury, that one not thoroughly bred to the laws, should be preferred to the place. How could he cure diseases, unacquainted with their causes, who might easily mistake the justice of the Common Law for rigour, not knowing the true reason thereof? Hereupon it was that some sullen Serjeants at the first refused to plead before him, until partly by his powers, but more by his prudence, he had convinced them of their errors and his abilities.<sup>9</sup>

Contrary to Camden's reason for the appointment of Hatton to this high position, it is likely that Elizabeth was motivated by political needs in her choice. This is the opinion of Sir George Paule, biographer of Archbishop Whitgift, who wrote that Hatton was recommended by Whitgift. Whitgift and Hatton had worked well together and the archbishop had been especially chosen to restore order in the church, which at this time meant control of the Puritans. Whitgift had been named to the Privy Council, partly through Hatton's influence in 1586. The purported commendation by Whitgift is disputed by later sources which point out, on the basis of a letter of Robert Dudley, Earl of Leicester and two letters from the Burghley State Papers, that Hatton had asked for the position and that Leicester, Burghley, and Walsingham were strongly in favour of his appointment. It would seem that Elizabeth had committed herself to this choice about the middle of April and then had some doubts as to the appropriateness of Hatton's choice, but was not able to resist the pressure from this formidable combination of supporters of Hatton.

That Hatton had some doubts also is indicated in his answer to a member of Lord Burghley's household who took congratulatory messages to Hatton. (Lady Burghley had sent her felicitations on April 30 by her son, Robert, from whom we learn that Hatton had changed his costume from hat with feather to wear a flat velvet cap such as Lord Burghley wore.) The messenger from Hatton reported:

His Lordship willed me to let your lordship understand that he findeth himself much troubled and grieved with a message his servant Mr. Varneie brought to him yesterday from Court, from divers of his good friends there; which was that her Majesty should (i.e. did) much repent of her committing of the Great Seal unto him, as than an occasion was thereby given to the world to talke diversely thereof; which should be (i.e. was) often and publically spoken by her Majesty; and therefore he is this afternoon gone to the Court (as he willed me also to let your lordship know) with a resolution that if he found her Majesty to continue that conceit, to deliver up the Seal again, rather than to keep it with her discountenance to his disgrace . . ."<sup>10</sup>

Elizabeth must have reassured him for on the first day of Trinity, May 3, 1587 a

stately procession made its way from Ely House (Hatton House) in Holborn to Westminster where Hatton took his oath as Lord Chancellor. Before him went forty of his gentlemen in blue livery and chains of gold, and Gentlemen Pensioners and other gentlemen of the court on foot. Also attending him were the officers and clerks of the Court of Chancery. Hatton rode in state behind them, having on his right hand the Lord Treasurer, Lord Burghley and on the left the Earl of Leicester. Following him were some of the nobility, judges and many knights with their retinues.<sup>11</sup>

Hatton's conduct in office must have disappointed his enemies. Regarding the appointment a recent writer, L. C. Jones comments, "By a want of behavior and competence, Hatton could have dammed the Queen's decision, but in the circumstances his appointment must rank as one of her more complimentary achievements."<sup>13</sup> This modern view agrees with Camden's earlier judgment that although Hatton was criticised for his lack of legal training "Yet executed he the place with the greatest style and splendour of any that ever we saw, and what he wanted in knowledge of the law he laboured to make good by equity and justice."<sup>12</sup> Throughout Hatton's career he had displayed a measure of ability that led him above the level of favourite and courtier, and he continued to show this competence in his highest and most trying position.

An important and no doubt the primary reason for his appointment by the queen was surely that he was reliable to her point of view in religious matters. In this period following the execution of Mary Stuart (Feb. 8, 1587) and the anticipated approach of the Armada combined with the threat presented by the Puritans, Hatton's well-known moderate reputation would serve him well in this new job.

Also, in a recent parliament Hatton had given an unusually impressive speech in the service of the Crown. Given his experience in religious problems, political expertise and his ability to work with groups holding opposed opinions, his appointment does not justify the expressions of surprise and ridicule that Lord Campbell allowed to distort his short, highly critical work on Hatton. Indeed, his personal contact and favour with the queen made him impervious to pressures from others and he became noted for the fairness of his decisions. Jones quotes from a Welsh manuscript a remark from a poor litigant upon Hatton's death: "The old Lord Chancellor is gone that esteemed neither letters nor would be carried with any means of rewards."

Dunkel likewise points out important qualities of Hatton's character which made him valuable in this position. He believed that Hatton had "tact and intelligence beyond most men and he had a genius for getting men to work together with common purpose."<sup>14</sup> Hatton could also rely on support from Lord Burghley, Archbishop Whitgift, Lord Hunsdon, Sir Charles Howard, Admiral of the Fleet. Dunkel believed that in the important year of 1587 men such as Hatton were needed "Who perhaps lacked nearly all the talents required in their important parts, except the supreme ability of gaining cooperation among men who had the necessary skills in abundance."<sup>15</sup>

That Hatton felt the need of having "men who had the necessary skills" around him is evident. He brought to London from Cambridge his friend, Richard Swale and through Hatton's influence he was appointed a Master in Chancery in May, 1587. Hatton also ordered four Masters in Chancery to be in daily attendance on him in court or in the sessions held in his house. Thus he always had legal advice and guidance and was careful, "not venturing beyond the shallow margin of equity, where he could distinctly see the bottom"<sup>16</sup> Despite the fact that only one decision of Hatton's has been found, Campbell maintains that he "committed absurd blunders and sometimes injustice."<sup>17</sup> Campbell does grudgingly admit that Hatton showed great industry and made himself well acquainted with the practices of the Court of Chancery and that he issued several new orders to improve it.

There is not a great deal known about his court work but he did use common sense to achieve some order in areas of chancery. There had been little previous attempt to organize the daily handling of work, especially the allocation of hearings. In his first year in office Hatton assigned some days of the week to hearings, reserving others for orders and interlocutory work. He was accustomed to the work of Star Chamber where he had sat as a Privy Councillor. To this court he now devoted Wednesdays and Fridays. On other days he sat for equity in the Court of Chancery, in Westminster Hall in the mornings and at his house in Holborn in the afternoons. He thus displayed a businesslike and efficient attitude in arranging his busy schedule.<sup>18</sup>

Hatton took action against the encroachment of Masters Extraordinary who had been appointed to expedite work in remote parts of the country but who had begun to work near London. In 1588 he issued an order restraining them from acting within three miles of London and from doing any act of "exercising any authority belonging to the office and room of a Master of Chancery."<sup>19</sup> This order seems to have been especially aimed at those who had taken the oath as a Master in Chancery in order to be able to receive certain kinds of legal work. These men were not really a part of the Chancery but were regarded as extraordinary masters and certainly seen as potential interlopers.

The tightening up of the office of usher figured in Hatton's directive of 1590 in which he set down regulations for conduct of court officials. The usher had a duty to attend the Lord Chancellor. He sat within the bar and was considered an official of the court. His earlier job of keeping the door was performed by a subordinate in Elizabethan times. He was directed to

cause the door so to be kept as none suffered to come into the said court in the sitting time but such as be attorneys and officers in the same court whose attendance is necessary, and such as be of her majesty's council learned in the laws, as heretofore hath been used.<sup>20</sup>

Perhaps many curious people were crowding in to see the famous and handsome Sir Christopher in new role of judge.

Order continued to be a problem as a further directive was issued on March 21, 1590

for avoiding of such great numbers of suitors and others as do daily pester the Court in the time of sitting, by reason whereof heretofore it hath many times happened that the due reverence and silence which ought to be kept and observed in that honourable Court hath been undutifully neglected, and contrariwise much unmannerly and unseemly behavior and noise hath been there used, to the hindrance of the due hearing of such matters and causes as were there to be handled, and to the great derogation of the honour of this Court and due reverence belonging to the same.

Other rules issued to restore order concerned the numerous clerks that attended attorneys.

That the six clerks who be attorneys in that court shall so orderly place themselves in their attendance there, as all those that be Masters in the said Court sitting on the bench may have the view and hearing of the councillors at the bar without any let of the said attorneys or any of them, and that none of the asaid attorneys shall be suffered to have or bring any more of his clerks to attend upon him in that Court than only one at the most during all the time of the Court sitting there.<sup>22</sup>

Parties to stay no longer in court than while their case is in hearing.

All others (except noblemen and councillors) are to stand without Court.

If usher shall break any of these orders he shall for the first offense pay 6s 7d which shall be given to the poor in the parish of St. Margaret. For the second offence he shall be committed to prison to remain there during the pleasure of the said Court.

Hatton made positive contributions to court procedures. On November 30, 1588 he spoke to the court on the fact that the court had been abused by persons of wealth who pretended extreme poverty and had been allowed to plea in *forma pauperis*. He ordered that no one should be allowed to plead in that way henceforth without a certificate first brought from a Justice of the Peace from the suitor's area testifying to the need for this aid. He would have to certify that he did not have belongings to the value of 5 pounds or lands worth 40 shillings per year.<sup>23</sup>

We know of only one case tried before Hatton as Lord Chancellor and this was the trial of a friend of his from the county of Northhampton. This man, Sir Richard Knightley was one of Hatton's deputy lieutenants for the shire and a Puritan. Hatton had stood godfather to one of his sons. Knightley had become involved with the printing of the Martin Marprelate tracts which had been criticizing the prelates of the Church of England.

The government had been hunting in vain for the source of these papers. Knightley, Roger Wigston and wife and John Hales were tried before Hatton in the Court of Star Chamber in February 1590 for harbouring the presses. Heavy fines were assessed: Knightley, 2,000, Hales 1,000 marks, and Wigston on (who

was deemed under the control of his wife) was fined 500 marks "for obeying his wife and not discovering it."<sup>24</sup> At the end of the trial Hatton made a speech:

The Lord Chancellor gave the assembly that stood by the note that these prisoners were not the devisers and makers of these books, for if they had, another place had been fit for them, and not this; but the county of Northampton did swarm with these sectaries . . . whereby he concluded it was necessary to prevent such mischief and to make example of it, and desire the judges to notify his action herein in their circuits abroad, to the end that the whole realm might have knowledge of it, and the people no more seduced with these lewd libelers.<sup>25</sup>

Hatton with others of the Privy Council was part of the examining group for Henry Barrowe, a Puritan. He was suspected of being the author of some of the *Matinist* tracts. He was hanged in 1593. At one point he was being questioned by Hatton, Burghley, Whitgift and Aylmer in Hatton's chamber in the Court at Whitehall. To Barrowe's view that the English church was governed by Romish courts, Hatton replied, that, "he had never heard such stuff in all his life." Later he said there must be "straiter laws" made for such fellows. Aired also was a difference of opinion concerning the meaning of the word "presbyter". Hatton maintained the word was Latin for priest, while Barrowe contradicted him by saying it was not a Latin word, but of Greek derivation and meant "elder".<sup>26</sup>

Hatton's attitude towards law is perhaps best given in this speech on the elevation of Robert Clark to Serjeant-at-Law, prefaced by remarks concerning gratitude to her Majesty for such distinctions.

No man can live without Law, therefore I do exhort you that you have good care of your duty in the calling, and that you be a father to the poor; that you be careful to relieve all men afflicted. You ought to be an arm to help them; a hand to succour them. Use uprightness and follow truth. Be free from cautel (quibble). Mix with the exercise of the law no manner of deceit. Let these things be far from your heart. Be of an undaunted resolution. Be of good courage, and fear not to be carried away with the authority, power or threatenings of any other. Maintain your client's cause in all right. Be not put to silence. Know no man's face. Go on with fortitude. Do it in uprightness. He not partial to yourself. Abuse not the highest gifts of God, which no doubt is great in equity. These things be the actions of nobility. He that doth these things duly deserves high honour, and is worthy in the world to rule. Let truth be familiar with you. Regard neither friend nor enemy. Proceed in the good work laid upon you. And the last point that I am to say to you, use diligence and carefulness. And although I have not been acquainted with the course of the Law, albeit in my youth I spent some time in the study thereof; yet I find by daily experience that diligence brings to pass great things in the course and proceeding of the Law; and contrarily, negligence overthrows many good causes. Let not the dignity of the Law be given to men unmeet. And I do exhort you all that are here present not to call

men to the Bar, or the Bench, that are so unmeet. I find that there are no more at the Bar in one House than there were in all the Inns of Court when I was a young man . . .

We sit here to help the rigour and extremities of the Law. The holy conscience of the Queen for matters of Equity in some sort is by her Majesty's goodness committed to me, when *summum jus doth minister summam injuriam*. But the Law is the inheritance of all men. And I pray God bless you, and send you as much worship as ever had any in your calling.<sup>27</sup>

With this dignified and solemn exhortation of the responsibilities of the law we see one side of Hatton. Surely this little story which illustrates another side of Hatton must also characterize this worthy member of a witty court.

In Chancery, one time when the counsel of the parties set forth the boundaries of the land in question, by the plot; and the counsel of one part said, 'We lie on this side, My Lord'; and the counsel of the other side said, 'And we lie on this side': the Lord Chancellor Hatton stood up and said, "If you lie on both sides, whom will you have me believe?"<sup>28</sup>

In the latter part of 1591, Hatton, then 51, began to decline in health. He wrote to the English ambassador to France, Sir Henry Unton on September 5: "I have been visited myself of late with some distemperature of body . . ."<sup>29</sup> In October he became seriously ill with a disease of the kidneys called diabetes by Camden, identified as cystitis by modern authors. He had had previous bouts of illness of a similar nature. Fuller conjectures that he was "cast into a mortal disease"<sup>30</sup> by the Queen's unexpected demand for a full repayment of some of his debts to the state. To an Elizabethan used to living in such high estate, being in debt was a chronic condition hardly likely to send him into a serious decline. In any case, Queen brought him broth to his house in Holborn.

Sir Christopher Hatton died on November 20, 1591 and was buried with great ceremony in St. Pauls. The funeral procession consisted of one hundred poor people who had caps and gowns given them; and more than 300 gentlemen and yeomen, Lords of the Council and 10 of the Queen's guard. Sir William Hatton, his nephew and heir had an elaborate memorial tomb built which was destroyed in the Great Fire of 1666.

Hatton seems to have been sincerely lamented and a series of eulogies were printed for several years, the first one being printed on November 24, 1591. Only the title entered in the Stationer's Register is known, "A Lamentable Discourse of the Death of the Right Honorable Sir Christopher Hatton, Knight, late Lord Chancellor of England." On December 6, 1591 Robert Greene entered his "A Maiden's Dream upon the Death of my late Lord Chancellor" in which he praised Hatton's integrity, compassion and amiability as others had done. John Phillips wrote, also in 1591, "A Commemoration of the Life and Death of the Right Honorable Sir Christopher Hatton". A collection of poems written by men at Oxford called

*Musaron Plangores* was printed in 1592. In 1595 was published "*Polimanteia*, or the Means Lawful and unlawful to judge the Fall of a Commonwealth against the frivolous and foolish conjectures of the Age." Its eulogy reads: "Then name but Hatton, the Muse's favorite, the Church's music, learning's patron, my once poor Island's ornament, the courtier's grace, the scholar's countenance, the Guard's captain. Thames, I dare avouch, will become tears; the sweetest perfumes of the Court will be sad signs: every action shall accent grief; honour and eternity shall strive to make his tomb, and after curious skill and infinite cost, engrave this golden letters, *Minus merito*, the fainting Hind untimely chased, shall trip towards Heaven, and *tandem si* shall be virtue's mot."<sup>31</sup>

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## NOTES

- <sup>1</sup> Eric Brooks, *Sir Christopher Hatton* (London, 1946), p. 28.
- <sup>2</sup> W. H. Cooke, *Students Admitted to Inner Temple, 1547-1660* (London, 1877), p. 35.
- <sup>3</sup> Thomas Fuller, *The History of the Worthies of England*, Vol. II (London, 1811), p. 165.
- <sup>4</sup> Lord A. Campbell, *The Lives of the Lord Chancellors and Keepers of the Great Seal of England*, II, 7th ed. (New York, 1878), p. 451.
- <sup>5</sup> Sir Harris Nicholas, *Memoirs of the Life and Times of Sir Christopher Hatton* (London, 1846), p. 4. B.M. Add'l Mss 15.891.
- <sup>6</sup> Sir Edmund Chambers, *The Elizabethan Stage*, I (Oxford, 1923), p. 457.
- <sup>7</sup> Campbell, *op. cit.*, p. 147, in Rot. Claus. 29 Eliz., p. 42.
- <sup>8</sup> William Camden, *Annales* (London, 1625), p. 127.
- <sup>9</sup> Fuller, *op. cit.*, II, p. 165.
- <sup>10</sup> William Murdin, *A Collection of State Papers Relating to the Reign of Queen Elizabeth from the year 1571 to 1596* (London, 1759), p. 589.
- <sup>11</sup> John Stow, *A Survey of London* (London, 1603), p. 741.
- <sup>12</sup> Camden, *Ibid.*
- <sup>13</sup> W. J. Jones, *The Elizabethan Court of Chancery* (Oxford, 1967), p. 43.
- <sup>14</sup> William Dunkel, *William Lambarde, Elizabethan Jurist* (New Brunswick, N. J.; 1965), p. 103.
- <sup>15</sup> *Ibid.*
- <sup>16</sup> Campbell, *op. cit.*, pp. 149-151.
- <sup>17</sup> *Ibid.*
- <sup>18</sup> G. W. Sanders, *Orders of the High Court of Chancery and Statutes of the Realm relating to Chancery*, II (London, 1845), pp. 61-64.
- <sup>19</sup> Jones, *op. cit.*, p. 118-119.
- <sup>20</sup> Sanders, *op. cit.*, Vol. I, p. 63.
- <sup>21</sup> *Ibid.*
- <sup>22</sup> *Ibid.*
- <sup>23</sup> Sanders, *op. cit.*, p. 61.

<sup>24</sup> T. C. Howell, *A Complete Collection of State Trials*, I (London, 1816), p. 1264.

<sup>25</sup> Brooks, *op. cit.*, p. 340.

<sup>26</sup> *Ibid.*

<sup>27</sup> Brooks, *op. cit.*, p. 343.

<sup>28</sup> *Ibid.*

<sup>29</sup> Nicolas, *op. cit.*, p. 491.

<sup>30</sup> Fuller, *op. cit.*, p. 165.

<sup>31</sup> Brooks, *op. cit.*, p. 357.