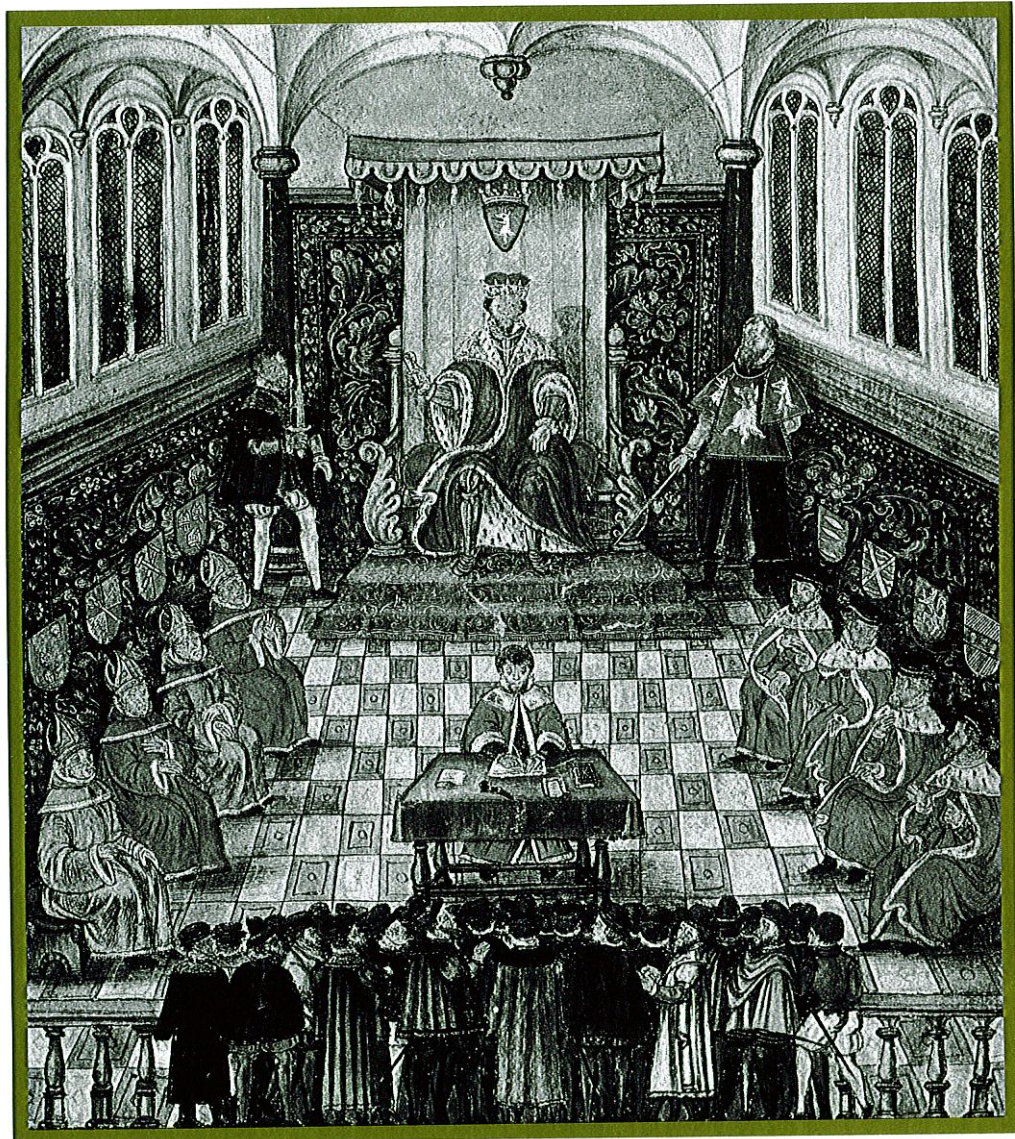


CHESHIRE AND THE TUDOR STATE, 1480-1560



TIM THORNTON

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1480–1560

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CHESHIRE AND THE TUDOR STATE
1480–1560

Tim Thornton



THE ROYAL HISTORICAL SOCIETY

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A late sixteenth-century representation of Hugh Lupus, 1st earl of Chester
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Preface

This book began in the early 1980s, when devolution had disappeared from the Westminster political agenda and elected local and regional government was under serious challenge. It was finished in the week that the first meeting of the Council of the Isles brought together representatives of the Westminster administration with Welsh and Scottish ministers, and those from Eire and Northern Ireland, Jersey, Guernsey and Man. That transformation might obscure the context in which it was initially imagined. Yet even as the Council of the Isles met, regional government remained one of the two pledged reforms for which Tony Blair's government admits actions have not even begun to be taken. The book sprang initially from a determination, originally formed during my A-level years, to examine the centralist assumptions of the vast majority of the scholarly work to which I was exposed, not just on 'British' history but on English. Nick Henshall's teaching supported it. My ambition was further encouraged as I went through undergraduate study, especially by Penry Williams, and it finally took shape as a DPhil. thesis begun in 1989. Chris Haigh was an excellent supervisor, with a deep knowledge of the subject and the willingness to encourage me into the unorthodox. Steve Gunn proved the perfect internal examiner, offering comments that immeasurably improved the work over the last few years; and now as the editor in charge of this book always a friendly source of advice. Cliff Davies's generosity in discussing early Tudor politics and society has been particularly stimulating and helpful.

I have been fortunate to work in some very supportive environments. The sources for this book have their homes in excellent archives and libraries. Whatever one thinks of the Citizen's Charter, the staff of Cheshire County Council Record Office deserve their Charter Mark, and not just for their patience with young researchers. The staff of Chester Archives, the John Rylands University Library Manchester (Special Collections; especially Peter McNiven and Dorothy Clayton), and the Bodleian and Brotherton Libraries in Oxford and Leeds also deserve a special mention. Further, New College, Oxford, and the History Faculty there provided a good place to begin the work. Reading University provided many good colleagues among whom to continue it, especially Professor Michael Biddiss and Professor Donald Matthew who had the courage to invest in me, and Anne Curry, Ralph Houlbrooke and Brian Kemp who helped me in my first months in the profession. I am proud to have finished the book at Huddersfield among colleagues who for sheer concentration of talent and dedication to a transforming vision of higher education cannot be equalled. In particular, Pauline Stafford was a

constantly supportive and extremely acute sounding-board for my views, and Bertrand Taithe a room-mate always brimming with ideas and enthusiasm.

I am grateful to E. J. Bourgeois II, Anne A. Cardew, Dorothy Clayton, J. P. D. Cooper, Sean Cunningham, Anne Curry, J. R. Dickinson, Catherine M. F. Ferguson, R. Fritze, R. A. Griffiths, A. M. Johnson, Melanie Lloyd, Patricia J. Marriott, Deborah Marsh, P. T. J. Morgan, P. R. Roberts, R. S. Schofield, Joanna M. Williams and Paul Worthington for permission to quote from their unpublished theses.

It is my good fortune to have parents who value this work and who in so many ways made it possible; and to have as my wife Sue Johns, a woman who, not least in her own writing, is an inspiration and a constant reminder of the responsibilities we have in the work we do. Carys will understand one day how important she was to the completion of the book.

Tim Thornton
December 1999

Abbreviations

APC	<i>Acts of the privy council of England</i> , n.s., ed. John Roche Dasent and others, London 1890–
BIHR	<i>Bulletin of the Institute of Historical Research</i>
BJRL	<i>Bulletin of the John Rylands Library</i>
BL	British Library
Bodl. Lib.	Bodleian Library, Oxford
BRUO	A. B. Emden, <i>A biographical register of the University of Oxford to AD 1500</i> , Oxford 1957–9
BRUO, 1501–40	A. B. Emden, <i>A biographical register of the University of Oxford, AD 1501–1540</i> , Oxford 1974
CCR	<i>Calendar of close rolls</i> , London 1902–
CCRO	Cheshire County Record Office
CChR	<i>Calendar of charter rolls</i> , London 1903–16
CCityRO	Chester City Record Office
CDRO	Chester Diocesan Record Office
CFR	<i>Calendar of fine rolls</i> , London 1911–
CJ	<i>Journals of the House of Commons</i> , London 1803
CP	G. E. C[okayne], <i>The complete peerage</i> , rev. Vicary Gibbs and others, London 1910–59
CPR	<i>Calendar of patent rolls</i> , London 1901–
CSPD	<i>Calendar of state papers, domestic series</i> , London 1856–
DKR	<i>Annual reports of the deputy keeper of the public records</i> , London 1840–
DNB	Leslie Stephen and S. Lee (eds), <i>Dictionary of national biography</i> , repr. 1949–50
EETS	Early English Text Society
EHR	<i>English Historical Review</i>
HBC	E. B. Fryde, D. E. Greenway, S. Porter and I. Roy (eds), <i>Handbook of British chronology</i> , 3rd edn, London 1986
HJ	<i>Historical Journal</i>
HMC	<i>Historical Manuscripts Commission</i>
JRUL	John Rylands University Library, Manchester
L&C Star Chamber	<i>Lancashire and Cheshire cases in the court of Star Chamber</i> , i, ed. R. Stewart Brown (RSLC lxxi, 1917 [1916]; no further volumes published)
LJ	<i>Journals of the House of Lords</i> , London 1771–
LP	<i>Letters and papers, foreign and domestic, of the reign of Henry VIII, 1509–47</i> , ed. J. S. Brewer, J. Gairdner and R. H. Brodie, London 1862–1910; <i>Addenda</i> , i, London, 1929–32

NH	<i>Northern History</i>
Ormerod, Chester	George Ormerod, <i>The history of the county palatine and city of Chester</i> , 2nd edn, rev. and enlarged by Thomas Helsby, London 1882
PRO	Public Record Office, London
RP	<i>Rotuli parliamentorum</i> , ed. J. Strachey and others, London 1767–77
RSLC	Record Society of Lancashire and Cheshire
Sheaf	<i>Cheshire Sheaf</i>
SR	<i>Statutes of the realm</i> , London 1810–28
THSLC	<i>Transactions of the Historic Society of Lancashire and Cheshire</i>
TRHS	<i>Transactions of the Royal Historical Society</i>
VCH	<i>Victoria History of the Counties of England</i>
WHR	<i>Welsh History Review</i>

Introduction:

The Historiography of Centralisation and the Palatinate in the Fifteenth Century

[T]he seide comite [of Cheshire] is and hath ben a comite palatyne als well afore the conquest of Englonde as sithen distincte & sep[ar]ate from youre coron of Englonde[.]¹

Late medieval Cheshire was a palatinate, a strong and vital political entity based upon a potent local identity and community. In judicial, legislative, fiscal and administrative terms the county had considerable autonomy. In the fifteenth century the people of Cheshire were extremely proud and assertive of their privileges.² They rejected the need for involvement with the central institutions of the English monarchy and demanded their exclusion from the shire. It was the palatinate, not Westminster, which was central to political life in late medieval Cheshire. The most striking evidence for this is the petitions which representatives of the county presented in defence of its privileges on at least three occasions in the middle of the fifteenth century, in 1441, 1450 and 1451, uniting as they do the cultural and theoretical foundations of the county's autonomy with its practical implementation.³ It must be admitted immediately that these petitions will be – and where they have been discussed, have been – treated with great scepticism, for they appear to contradict some of the key tenets of English and British historiography. The reasons for this scepticism will be treated in the central section of this introduction; in the meantime, a suspension of disbelief, if only temporarily, will allow the reader to understand something of, at the very least, the potential power of particularist sentiment in late medieval England. It makes sense to take the petitions in turn, for each sets out and demonstrates a key aspect of the palatinate's powers.

The events of 1441 demonstrated the independence and strength of the

¹ Henry Davies Harrod, 'A defence of the liberties of Chester, 1450', *Archaeologia* 2nd ser. vii (1900), 75–7.

² Cheshire was intimately connected with neighbouring Flintshire; many privileges were common to both. This was because the palatine earldom of Chester included the county of Flint after its annexation in 1284. However, Cheshire's community tended to deploy and defend its privileges without reference to Flintshire; throughout this study, therefore, the prime emphasis will be on Cheshire alone, although Flintshire is occasionally brought into the discussion.

³ For the context for these petitions, usually taxation demands, see ch. 3.

county's fiscal position, as well as its ability to stand aside from legislative and other provisions common throughout the rest of England. During the fifteenth century, the county's form of taxation, the mise, was voted, assessed and collected through local mechanisms; Westminster taxation was not effective in the shire. In 1441 the Cheshire mise was voted only following the redress of a set of grievances.⁴ County representatives made several requests associated with the confirmation of their charter. They wanted an acceptance 'that no mon of the Countie of Chester shall be compellet by the kings priuie seale at the sute of the party for to appeare at London or at any other styde afore the kinges counsell out of the said County', except for offences committed outside the county. On the same theme, they demanded that all forfeited sureties of the peace, fines for breaches of the statutes of liveries and 'all maner of yssues by the gentils of the shyre afore this tyme forfeit by cause the come not to London to take the order of knyghthood' should be pardoned. Further, they required an acknowledgement that the mise would not be levied again, confirming the principle of payment only at the accession or first entry of the earl to his earldom. In response, offences against the Statute of Liveries committed before 10 July 1441 were pardoned, and the law on liveries was eventually changed to exclude Cheshire.⁵ The call for an end to privy seals summoning individuals out of the county palatine to the king's council produced on paper a more grudging concession – that none should be issued against anyone from the county for anything done there 'unless it be necessary' – but in practice the already limited number of Cheshire cases in chancery dwindled and disappeared completely.⁶ The king also granted pardon, as requested, for all sureties of the peace forfeited before the same date.⁷ Finally, the king granted pardon for all trespasses and all sums forfeited for non-appearance by Cheshire gentlemen distrained of knighthood, a

⁴ D. J. Clayton, *The administration of the county palatine of Chester, 1442–85* (Chetham Society 3rd ser. xxxv, 1990), 49. On 5 March 1442 3,000 marks were granted to William Aiscough, bishop of Salisbury, and others; on 12 June 1442 collectors for the first tranche of the tax were appointed: CPR, 1441–6, 32, 50; CCRO, DSS, Vernon MS 3, fo. 190; CPR, 1436–41, 560–1; Tim Thornton, 'Political society in early Tudor Cheshire, 1480–1560', unpubl. DPhil. diss. Oxford 1993.

⁵ The law on livery had been extended to Cheshire in 1429, but the 1468 statute excluded the counties palatine: see p. 120 n. 3 below. See also M. A. Hicks, 'The 1468 Statute of Livery', *Historical Research* lxiv (1991), 15–28 esp. p. 21, although the emphasis on Durham, Lancashire and Cheshire seeking exemption because of a lack of confidence in their own judicial systems should be corrected.

⁶ Developed at pp. 103–6 below.

⁷ With the very limited exception of the surety forfeited by Hamo Massey of Puddington 'and other sureties of the like sort'. Hamo had been the subject of a series of recognizances to keep the peace against Richard de Hokenhull between 1438 and 1440: *Annual reports of the deputy keeper of the public records*, London 1840–, no. 37 (cited hereinafter in the form 37 DKR), 521. A possible reason for this exemption is that the forfeited bond had partly been granted away – the remaining money was granted to John Norreys, esquire, 8 Mar. 1446: *ibid.* 564.

process to which the county was not subject in the Tudor period.⁸ The document therefore asserted that Cheshire was a semi-autonomous territory and demanded that the king should respect its privileges: its closest parallels are petitions of the Irish parliament, such as that presented in England by Sir Gilbert Debenham in 1474.⁹

Despite the success of the 1441 petition, further confrontation occurred in 1450; this time a Cheshire petition successfully asserted the county's independence of English taxation. On 6 May 1450 the English parliament at Leicester approved a graduated tax on freehold estates, annuities and jointures valued at over £1 *per annum*; lands in Cheshire, Wales and the marches were included. Unpopular generally,¹⁰ in Cheshire the tax provoked particular outrage, since the county had long been exempt from English taxation, and another petition, perhaps the fullest exposition of Cheshire's rights.¹¹ It claimed that Cheshire had been a county palatine both before and after the Conquest, 'distincte & sep[ar]ate from youre coron of Englonde', within which the king had his own parliament, chancery, exchequer and justice for crown and common pleas. The king, as earl, had the right 'by auctoritee of such p[ar]liamentes to make or admitte lawes within the same such as be thought expedient & behobefull for the will of you and of the enh[er]iters & inh[ab]it[a]nts of the same comitee'; and the inhabitants of the county were

noght chargeable nor lyable nor have not ben bounden charged nor hurt of thaye londres, godes nor possessions within the same comitee nor the inh[ab]itants of the same comitee of thaye bodies afore this tyme by auctoritee of any p[ar]liamente holden in other places than within the same comitee by any acte but such as that by thaye owen co[m]mon[e] assent assembled by auctorite within the same comitee have agreeet unto.

It was further asserted that the king as earl of Chester had within the county 'Regalem potestatem jura regalia & prerogativa regia', for which reason suits and appeals were said to offend 'contra dignitatem gladii cestri'. The county's representatives, armed with the petition, were successful in asserting the county's freedom from English taxation – and by extension its wider legislative, fiscal, judicial and administrative autonomy. The king granted the petition on 8 March 1451.

Yet although the king accepted Cheshire's fiscal autonomy, Henry VI's government had not properly recognised Cheshire's control over legislation.

⁸ See p. 23 below.

⁹ Donough Bryan, *Gerald Fitzgerald: the great earl of Kildare*, Dublin 1933, 18–22.

¹⁰ Ralph A. Griffiths, *The reign of Henry VI: the exercise of royal authority, 1422–1461*, London 1981, 381, 396; Roger Virgoe, 'The parliamentary subsidy of 1450', *BIHR lvi* (1982), 133; RP v. 172–4.

¹¹ Harrod, 'Defence of the liberties of Chester', 75–7; Ormerod, *Chester*, i. 45–6. Key sections are printed in Clayton, *Administration*, 126–7.

This was achieved later in 1451. A writ for resumption of royal grants in Cheshire according to a recently-enacted English statute, passed the palatine seal on 6 September 1451.¹² It produced an outraged response from the gentry of Cheshire which once again set out the tenets of county autonomy. The new petition was in many respects similar to that of 1450, but it did add significantly to the description of the workings of the Cheshire 'parliament'. The 1451 petition thus stated that if the introduction of an act like the resumption was proposed in Cheshire, representatives of its people should be summoned to meet 'Infra Castrum Cestrie in quadam domo ibidem consueta, vel in aliquo alio loco infra dictum Comitatum per Comitem eiusdem Comitatus assignato', where they would then agree to the act.

This episode was also notable for the way the clash between the government and the Cheshire community developed. The events of 1451 demonstrated the breadth and depth of commitment to the county's privileges among Cheshire's inhabitants. Perhaps mindful of the successful 1450 petition, the government consulted the gentry on a hundred-by-hundred basis, presumably to weaken resistance. They also chose much larger groups than before: ninety-three men from areas outside Wirral hundred were consulted, and an initial group of fourteen there, compared to thirty nobles and gentry from the whole county in 1450. The first group to be summoned was that from Macclesfield hundred, which met at Macclesfield on Monday 20 September 1451.¹³ The Macclesfield gentry produced an answer which stated quite clearly that the county was not subject to English legislation and that such an act should be considered by a sitting of Cheshire's own parliament. The next hundred to meet was Broxton, on 27 September; they replied as Macclesfield had done. Nantwich followed on 2 November, Eddisbury on 4 November, Northwich the next day and Bucklow on the seventh: all followed Macclesfield's example. Wirral's meeting was arranged for Knutsford, well outside the hundred, in a final effort to break resistance. Even then the failure of representatives to appear drew out the process. The government was not amused by the gentry's refusal: the sheriff of Cheshire handed over the Macclesfield representatives to the keeper of Macclesfield gaol, Richard Hunter. The men of the other hundreds met and continued their defiance under the shadow of imprisonment and duly suffered, being handed over to the deputy constable of Chester Castle, Philip Aldersey. It was perhaps this fate that led to reluctance on the part of the Wirral representatives to appear before the sheriff. Thomas Poole, John Troutbeck and Henry Litherland, three of the most senior men summoned, failed to appear on 1 May and were each fined 1s. The next meeting, arranged for 1 September, saw them joined in their defiance by William Whitmore, and a similar fine was imposed. The

¹² BL, MS Harleian 2009, fos 40–1, printed and discussed in Tim Thornton, 'A defence of the liberties of Chester, 1451–2', *Historical Research* lxxviii (1995), 338–54.

¹³ The strength of royal lordship in the hundred may have suggested it as a weak point at which to begin the persuasion of the county.

summons for 2 November, this time to Northwich, they again ignored. All were fined 1s., but John Troutbeck suffered an additional fine of £100, because, as chamberlain of the county palatine, 'habuit maiorem noticiam de materiis et articulis'. The sheriff had also summoned an additional group of six Wirral gentry to this meeting, headed by William Stanley of Hooton and John Massey of Puddington; they too failed to appear and were fined 1s. each. Yet at this point the administration's will gave out. Nor was it only a few members of the political elite in the county who were willing to defend their privileges. Several were men who played little or no role in the activity of the county's courts; one, John Cryor of Dunham Massey, was described elsewhere as a chapman.¹⁴

There were, therefore, at least three occasions in the fifteenth century on which Cheshire asserted its privileges: it was not subject to ordinary English taxation or legislation, it was judicially and administratively autonomous, and it possessed a parliament which both legislated for the county and determined what taxation was paid there.¹⁵

These claims have posed problems for historians, coming as they do from a county in England, allegedly the most centralised political entity in western Europe. The petition of 1450, the best known, has been dismissed as irrelevant, an aberration or even as a misunderstanding of the contemporary constitutional position.¹⁶ This book will argue that this historiography is fundamentally misconceived; it will demonstrate that Cheshire's claimed autonomy was not wishful thinking; and it will examine the ways in which that autonomy was shaped and altered under the early Tudors to emerge adapted but not fundamentally undermined at the accession of Elizabeth I.

An unwillingness to treat Cheshire palatine autonomy seriously runs deep in our major historiographical traditions. Whig history, which tells how English freedoms, of Germanic origin, were oppressed by the Normans but survived and then flourished in the parliamentary monarchy of the Lancastrians, which itself was overthrown by the New Monarchy of the Yorkists and Tudors but revived in the convulsions of the Stuart age,¹⁷ has had a particularly powerful influence on views of the semi-autonomous regions with privi-

¹⁴ Thornton, 'Defence of the liberties of Chester', 341–2, 352.

¹⁵ A possible petition of Edward IV's reign, which may date to c. 1463 when parliament had granted a special levy for war, and a resumption had been agreed, on balance is simply another copy of the 1450 petition, wrongly ascribed: CCRO, DSS, box 22, 2 of 3 (Liber Comitatu' Cestriae 2), fo. 345; BL, MS Harleian 2155, fo. 66r–v. See also C. D. Ross, *Edward IV*, London 1974, 54, 348; RP v. 497–9; B. P. Wolffe, *The royal demesne in English history: the crown estate in the governance of the realm from the Conquest to 1509*, London 1971, 143–58.

¹⁶ Dorothy Clayton wondered 'why Henry VI, in his reply of 1451, did not deliver a more accurate history lesson to the people of Cheshire than they had to him': *Administration*, 50.

¹⁷ See also, especially for its association of the revolutions of 1399 and 1688, George Macaulay Trevelyan, *History of England*, London 1926, 3rd edn with corrections London 1952, 251–7, and also William Stubbs, *The constitutional history of England in its origin and development*, Oxford 1880, iii. 2–6.

leged jurisdictions within the boundaries of England, especially the palatinates of Durham and Chester. Two of the essential pillars of the Whig interpretation are that England differed from its continental neighbours in the Middle Ages first in its strong monarch and second in its lack of compact autonomous fiefs that might have produced a truly exclusive nobility of the blood. Centralisation, fluidity and service were the keynotes.¹⁸ Regional and provincial liberties such as the Cheshire palatinate were therefore atypical and limited in their significance.¹⁹ Although the 'differentness' of these franchises had been reduced by the Angevins and their successors, the Lancastrian constitutional experiment had led to them being tolerated and even encouraged, partly because of its exponents' belief in constitutionalism, but more importantly because behind that political principle lay an utter dependence on the support of major noblemen. Local autonomous jurisdictions, which might be controlled by these nobles, were part of the payment they demanded for supporting the Lancastrian regime.²⁰ From the perspective of the common Englishman and woman, these were dubious protectors of liberties.²¹ One of the greatest Whig historians, George Macaulay Trevelyan, referred directly to Cheshire when he argued that justice was particularly corrupted by the retainers of great men when they could operate from semi-autonomous areas.

In Cheshire, Lancashire and other franchised places where special local privilege rendered the course of royal justice even more difficult than in the rest of

¹⁸ Trevelyan, *History of England*, 255. See also Stubbs on the palatinate of Chester in *The constitutional history of England*, 5th edn, London 1891, i. 393–4, and the summary of the development of McFarlane's views in the context of Stubbs, Gneist, White, Stenton, Maitland and Denholm-Young in K. B. McFarlane, *The nobility of later medieval England*, Oxford 1973, pp. xxi–xxii. See also David Cannadine, 'British history as a "new subject": politics, perspectives and prospects', in Alexander Grant and Keith J. Stringer (eds), *Uniting the kingdom?: the making of British history*, London 1995, 13–17.

¹⁹ Trevelyan, *History of England*, 122–3. See also Henry Hallam, *The constitutional history of England from the accession of Henry VII. to the death of George II.*, 4th edn, London 1842, i. 7; Edward Creasy, *The rise and progress of the English constitution*, 10th edn, London 1868, 89–91; Edward A. Freeman, *The growth of the English constitution from the earliest times*, 3rd edn, London 1898, 92–3. Cheshire and Shropshire were seen as exceptions that prove the rule by George Burton Adams, *The history of England from the Norman Conquest to the death of John (1066–1216)*, London 1905, 56–7. See also Rudolph Gneist, *The history of the English constitution*, trans. Philip A. Ashworth, 2nd edn, London 1889, i. 139–40; F. W. Maitland, *The constitutional history of England*, Cambridge 1908, 41, 162–4; J. Franck Bright, *A history of England*, 5th edn, London 1897, i. 51.

²⁰ For example, Dudley Julius Medley, *A student's manual of English constitutional history*, 6th edn, Oxford 1925, 310–14. Only the accession of marcher lords themselves to the throne replaced this phase of development with a return to central power: R. F. Hunnisett, *The medieval coroner*, Cambridge 1961, 140.

²¹ C. L. Kingsford, *Prejudice and promise in XVth century England: the Ford lectures, 1923–24*, Oxford 1925, 75, or in more extreme vein, William Denton, *England in the fifteenth century*, ed. Charles A. Denton, London 1888. The territories of Cheshire, Wales and Ireland had, of course, also threatened English liberties in royal hands when Richard II had planned a 'military despotism' based there: Anthony Steel, *Richard II*, Cambridge 1941, 128, 263–4.

England, gentlemen robbers lived in safety, and issued forth at the head of squadrons of cavalry to rob and plunder the midland counties. They murdered men or held them to ransom. They carried off girls to the counties where no constable could follow, married them there by force and extorted extravagant dowries from the unfortunate parents.²²

'The exclusion of the aristocracy', and by extension the reduction of the liberties from which they flouted the common law of the realm, was, therefore, 'a first principle of Tudor statecraft'.²³ Along with fear of the poor, popular mistrust of the nobility, especially when they operated from franchised lairs, provided some reason for popular acquiescence in Yorkist and Tudor 'absolutism', and for general acceptance of the reduction of local liberties that went with the destruction of the 'over-mighty' subject.²⁴ When English liberties flowered in the seventeenth century, their defender had clearly become the Westminster parliament; local franchises were now even more clearly revealed as a threat to the people's rights. Their decline was therefore hastened further.²⁵ The act of the Long Parliament which swept away the Star Chamber was also welcomed by Henry Hallam for its abolition of the Council in the Marches of Wales, the Council in the North, and the jurisdiction of the Chester exchequer, thereby finally ending what he indignantly described as a situation in which one third of the realm had been denied proper recourse to the common law by the 'arbitrary jurisdiction of . . . irregular tribunals'.²⁶

The Whig emphasis on remorseless centralisation in the early modern period is echoed in Marxist historiography.²⁷ Whether it is an interpretation that describes the state as an organ of coercion, or an analysis with a more Gramscian emphasis on the creation and maintenance of consensus, Marxist historiography focuses on the unity of the state and the drive toward centralisation. The transition from feudalism to bourgeois rule entailed, among other things, the creation of a unified economic space, in which capitalism could operate efficiently; it therefore required the eradication of anything that smacked of political disunity. The Yorkists and Tudors were allies of the bourgeoisie and destroyed provincial privilege. Perry Anderson found the absolutist state harnessing the nobility rather than destroying it outright in a doomsday confrontation, but Anderson's absolutist state was still centralising, drawing the nobles to court or to posts responsive to the demands of the centre.²⁸ Perhaps the most impressively wide-ranging and considered of these interpretations was that of Philip Corrigan and Derek Sayer. For them, the

²² George Macaulay Trevelyan, *England in the age of Wycliffe*, London 1899, 4th edn London 1909, 60.

²³ *Idem*, *History of England*, 275.

²⁴ John Richard Green, *A short history of the English people*, London 1878, 282, 285–6.

²⁵ R. R. Reid, *The king's Council in the North*, London 1921, 54–7.

²⁶ Hallam, *Constitutional history of England*, London 1876 edn, ii. 99 (16 Charles I, c. 10).

²⁷ As in A. L. Morton, *A people's history of England*, London 1938, 61.

²⁸ Perry Anderson, *Lineages of the absolutist state*, London 1974, 118–19.

fundamental truth was that 'state formation is a totalising project, representing people as part of a particular community', at the same time as being a process which 'individualises people in quite definite and specific ways'. The individual and the nation are the only results of this process; local autonomy and regionalism are its enemies. Their account therefore moved from the 'remarkably centralized country' of medieval England, through the revolution of the 1530s and the 'Elizabethan consolidation', to bourgeois revolution and the national machine of the 'old corruption'.²⁹

Given the influence of these 'national' historiographies, particularly in the late nineteenth and early twentieth centuries, it is unsurprising that the historiography of Cheshire tended to dismiss the evidence for the richness of the county's political culture and the community it supported in favour of a concentration on the disorder allegedly consequent upon archaic privilege and of a belief in the inevitability of the palatinate's demise.³⁰ Cheshire's palatinate in the late Middle Ages has therefore been seen as a pale shadow of its former self; for writers of a Whiggish or sub-Marxist outlook it was simply a mask for gross disorder. The debased privileges of this enfeebled constitutional dinosaur allowed the expression of some of the worst excesses of the social system described as bastard feudalism. This had political implications, as social dislocation led rapidly towards civil war. James H. Ramsey described Margaret of Anjou in 1456, engaged in 'nursing a party among the warlike gentry of the Palatinate'.³¹ In a career of writing on Cheshire which spanned from the 1920s through the following forty years, H. J. Hewitt emphasised the militarisation of the county's society, the restlessness of its population springing from what he saw as its predominantly pastoral economy and special features such as the avowries which provided sanctuary for the most violent of its own people and the most lawless fugitives from neighbouring shires.³² A. R. Myers, selecting documents to illustrate disorder for the late medieval volume of *English historical documents*, chose two pieces from Cheshire, more than for any other county but Norfolk. Amongst his documents illustrative of 'the government of the realm' appeared one to illustrate 'the Cheshire institution of avowries', linked by association with disorder.³³

²⁹ Philip Corrigan and Derek Sayer, *The great arch: English state formation as cultural revolution*, Oxford 1985, 4–5, 14. The authors quoted Foucault with particular approval: 'I'd like to underline the fact that the state's power (and that's one of the reasons for its strength) is both an individualizing and a totalizing form of power.'

³⁰ For the crucial issue of disorder in Cheshire society see pp. 189–91 below.

³¹ James H. Ramsey, *Lancaster and York: a century of English history (AD 1399–1485)*, Oxford 1892, ii. 200.

³² H. J. Hewitt, *Medieval Cheshire: an economic and social history of Cheshire in the reign of the three Edwards* (Chetham Society n.s. lxxxviii, 1929); *The Black Prince's expedition of 1355–1357*, Manchester 1958; *The organisation of war under Edward III*, Manchester 1966; and *Cheshire under the three Edwards*, Chester 1967.

³³ *English historical documents, 1327–1485*, ed. A. R. Myers, London 1969, items 343, 721, 724. The last, a petition of William, bishop of Coventry and Lichfield to the king in 1449, does not relate to criminal violence but to 'advowers, fornicators, and other misdoers against

Such views have found continued expression, for example in J. A. Tuck's explanation of the Cheshire rebellion of 1393 as the response of a warlike people to the possible peace of that year with France.³⁴ Paul Booth's writing about Cheshire has the objective of explaining what he sees as a growing separation between Cheshire and the rest of England apparent from the fourteenth century, a separation expressed in increasingly large-scale raiding into neighbouring areas, beginning with poaching in Bromfield in 1355 and an attack on the lordship of High Peak in 1357.³⁵ Michael Bennett's account of 'Northwest' society, while emphasising the coherence and relative order of county communities, relies on restless militarism as one of the main motors for careerism and the county's reputation as a 'seed-plot of gentility'.³⁶ Hence also the emphasis on violence and disorder in Cheshire used to explain the Tudor desire to end its privileges, seen in Joan Beck's *Tudor Cheshire* and in some of Eric Ives's work on Cheshire perceived through the lives of Henry VIII's courtiers Sir Ralph Egerton and William Brereton.³⁷

Whig and Marxist historiographies of the late Middle Ages and Tudor period have, of course, been criticised. One of the most important of these critiques, that of Geoffrey Elton, in fact represents only a minimal departure from its predecessors in its treatment of provincial liberties.³⁸ While Elton generally accepted that Henry VII's main challenge was to provide strong leadership, not to reshape social alliances, he believed there was 'only one problem [that] could not be solved by mere restoration or revival, and that was the problem of franchises and feudal courts': the 'untamed passions and disorganised liberties of the Welsh Marches' had been unleashed upon

the laws of God'; the bishop desired the right to cite them out of the county and city into any other place in his diocese. See also Peter Heath, 'The medieval archdeaconry and Tudor bishopric of Chester', *Journal of Ecclesiastical History* xx (1969), 245–6, 248.

³⁴ J. A. Tuck, *Richard II and the English nobility*, London 1973, 165–6. See also Anthony Goodman, *The loyal conspiracy: the lords appellant under Richard II*, London 1971, 31.

³⁵ P. H. W. Booth, 'Taxation and public order: Cheshire in 1353', *NH* xii (1976), 20, and *The financial administration of the lordship and county of Chester, 1272–1377* (Chetham Society 3rd ser. xxviii, 1981), 7–8. For the importance of the activity of Cheshiremen in the redefinition of 'riot' to cover the activity of gentlemen rather than peasants see John G. Bellamy, *Criminal law and society in late medieval and Tudor England*, Gloucester–New York 1984, 54–6.

³⁶ Michael Bennett, *Community, class and careerism: Cheshire and Lancashire society in the age of Sir Gawain and the Green Knight*, Cambridge 1983, esp. p. 189.

³⁷ Joan Beck, *Tudor Cheshire*, Chester 1969; E. W. Ives, 'Patronage at the court of Henry VIII: the case of Sir Ralph Egerton of Ridley', *BJRL* lii (1969–70), 346–74; 'Court and county palatine in the reign of Henry VIII: the career of William Brereton of Malpas', *THSLC* cxxiii (1971), 1–38; 'Faction at the court of Henry VIII: the fall of Anne Boleyn', *History* lvii (1972), 169–88, and 'Crime, sanctuary and royal authority under Henry VIII: the exemplary sufferings of the Savage family', in Morris S. Arnold, Thomas A. Green, Sally A. Scully and Stephen D. White (eds), *Of the laws and customs of England: essays in honour of Samuel E. Thorne*, Chapel Hill, NC 1981, 296–320.

³⁸ For Elton's account of English constitutional divergence from continental Europe see *England under the Tudors*, London 1955, repr. London 1967, 4.

English politics from the time of Edward II.³⁹ Elton replaced a historiography of constitutional or class struggle with one focused on institutional change. It was the achievement of the Tudors, and, for Elton, a major element of Thomas Cromwell's 'revolution in government', that they took a country which suffered from the limited remaining disunity and completed its unification.⁴⁰ One aspect of the sudden transformation from medieval to modern wrought in the 1530s was the systematic and principled destruction of provincial liberty, backed by an imperial ideology of unity and centralisation, an institutional revolution achieved through parliament and represented above all by the arrival of newly enfranchised representatives in the Commons.⁴¹

A more fundamental challenge to the Whig and Marxist historiography of liberties like the Cheshire palatinate has come from scholars working in the tradition of K. B. McFarlane, who adopted a more benign view of the activity of gentlemen and nobles. McFarlane replaced Whig and Marxist historians' dismay at bastard feudalism with a belief that it was political weakness and division at the centre – notably the fault of the 'imbecile' Henry VI – which produced the Wars of the Roses, not a collapse of medieval social systems.⁴² In work on Cheshire this has led to less emphasis on the county's innate militarism and violence. Philip Morgan, for example, has described the interaction of military activity and county society and concluded that Cheshire's militaristic tradition was a creation of the sixteenth- and seventeenth-century gentry's search to legitimate their status.⁴³ Interestingly, the powerful influence of McFarlane on late medieval and early modern history, although it did much to undermine the Whig interpretation, resulted in even less attention being paid to the importance of provincial privilege. The predominant spaces occupied by McFarlane's political figures were noble affinities and gentry connections which might be geographically either very localised

³⁹ Ibid. 4, 14–16. Elton does except (p. 15) a little from his strictures about franchises in crown hands.

⁴⁰ Ibid. 175–80.

⁴¹ Ibid. 178–9; 'Wales in parliament, 1542–1581', in R. R. Davies and others (eds), *Welsh society and nationhood*, Cardiff 1984, 108–21 (repr. in his *Studies in Tudor and Stuart politics and government*, Cambridge 1974–92, iv. 91–108), and 'Tudor government: the points of contact, I: parliament', *TRHS* 5th ser. xxiv (1974), 183–200. Elton's *The parliament of England, 1559–1581*, Cambridge 1986, unsurprisingly given its title, does not even mention issues raised by the relatively novel presence of Welsh representatives in the Commons. The imperial theme is developed most clearly in the work of Brendan Bradshaw, especially in *The Irish constitutional revolution of the sixteenth century*, Cambridge 1979, and 'The Tudor reformation and revolution in Wales and Ireland: the origins of the British problem', in Brendan Bradshaw and John Morrill (eds), *The British problem, c. 1534–1707: state formation in the Atlantic archipelago*, Basingstoke–London 1996, 39–65.

⁴² K. B. McFarlane, 'Bastard feudalism', *BIHR* xx (1945), 179 (repr. in his *England in the fifteenth century*, intro. G. L. Harriss, London 1981, 23–43).

⁴³ Philip Morgan, *War and society in medieval Cheshire, 1277–1403* (Chetham Society 3rd ser. xxiv, 1987).

or very extended. His most frequently used geographical terms, 'England' and 'English', were elastic in their application.⁴⁴ McFarlane's references to provincial privilege were few and often dismissive: in discussing parliament, he agreed that Lancashire's relationship with John of Gaunt might not have been typical of 'the less atavistic south and east'.⁴⁵ McFarlane was ready to accept the importance of 'neighbourhood', but this did not rise far above an appreciation that '[f]ourteenth-century society was strongly provincial and men believed that compatriots, those who come from the same "country" as they called each district, should stand together'.⁴⁶ Differences of geography, except, interestingly, Ireland and Calais in 1459–60, played little role in McFarlane's Wars of the Roses.⁴⁷ Although McFarlane himself held Henry VII's reign to be *sui generis*, his case in opposition to the previous interpretation of bastard feudalism contributed much to an increasing appreciation that the novelty of the new monarchy of Henry VII might have rested more on a forceful implementation of old-fashioned instruments of government than upon new social alliances for the monarchy. It was therefore inevitable that the lessons of his work would be taken up by Tudor historians; McFarlane's influence has meant that the alternative to a Whiggish, Marxist or Eltonian appreciation of the Tudors as destroyers of noble power and provincial privilege would be their recruitment to a world of noble affinities and gentry associations that paid little heed to conventional geographical boundaries.⁴⁸ This has been the case in much writing on Cheshire which adopts an ultimately McFarlane-ite approach. Those who have criticised an emphasis on palatine lawlessness and preferred to focus on the coherence and effectiveness of the community of the county have described the palatinate itself as the subject of little sentimental attachment.⁴⁹ These historians could draw on the weighty

⁴⁴ They happily cover activity in Wales, Ireland and even the Isle of Man: McFarlane, *Nobility of later medieval England*, 55.

⁴⁵ K. B. McFarlane, 'Parliament and "bastard feudalism"', *TRHS* 4th ser. xxiv (1944), 56 (repr. in his *England in the fifteenth century*, 1–21).

⁴⁶ Idem, 'Bastard feudalism', 32.

⁴⁷ Idem, 'The Wars of the Roses', *Proceedings of the British Academy* i (1964), 98 (repr. in his *England in the fifteenth century*, 231–61). A sensitivity to provincial differences is more evident in McFarlane's, *Letters to friends, 1940–1966*, ed. G. L. Hariss with a memoir by Karl Leyser, Oxford 1997.

⁴⁸ For example, G. W. Bernard (ed.), *The Tudor nobility*, Manchester 1992; C. S. L. Davies, *Peace, print and Protestantism, 1450–1558*, London 1976. An extreme example of the explicit denial of palatinate significance is David Loades, *Power in Tudor England*, Basingstoke–London 1997: 'more or less inconsequential anachronisms for some time to come' (p. 33).

⁴⁹ Especially D. J. Clayton, 'The involvement of the gentry in the political, administrative and judicial affairs of the county palatine of Chester, 1442–85', unpubl. PhD diss. Liverpool 1980, 81–100; 'The "Cheshire parliament" in the fifteenth century', *Cheshire History* vi (Sept. 1980), 13–27; 'Peace bonds and the maintenance of law and order in late medieval England: the example of Cheshire', *BIHR* lviii (1985), 133–48; and *Administration*, 45–67. See also B. E. Harris, 'A Cheshire parliament', *Cheshire Sheaf* 5th ser. i (1976–7), 1–2, and

opinion of Geoffrey Barraclough who asserted that most aspects of the palatinate of Chester were inventions of the lawyers of the late sixteenth and early seventeenth centuries, and that commitment to the late medieval palatinate was minimal.⁵⁰ They could also find parallels in the work of revisionists studying the late sixteenth and seventeenth centuries, who relied heavily on similar models when they came to replace Whig and Marxist portrayals of society polarising along ideological or class lines. The Leicester School of Hoskins and Everitt developed a range of interpretations based on the English county community, founded upon the coherence of gentry society.⁵¹ Some of the most important work in this field, notably that by John Morrill, took Cheshire as its subject; all paid little attention to questions of regional autonomy and difference and focused on their counties' essential unity in diversity.⁵² The limited signs of palatine vitality, most notably the petitions of the mid-fifteenth century, are, in the analysis of these historians, primarily an indication of unusual royal weakness.⁵³ Working after McFarlane, historians have therefore concluded that the palatinate finally disappeared, to all intents and purposes, in the early sixteenth century and that this was neither surprising nor likely to have been strongly contested.⁵⁴ Franchised provinces and liberties therefore remain, in most historians' eyes, phenomena which do not fit happily into their understanding of late medieval and early

'Cover illustration: the Cheshire "parliament"', *Cheshire History* ii (1978), 57–8; B. E. Harris and D. J. Clayton, 'Criminal procedure in Cheshire in the mid-fifteenth century', *THSLC* cxxviii (1979 [1978]), 161–72, and the volumes of the VCH for Cheshire edited by Brian Harris; Bennett, *Community, class and careerism*.

⁵⁰ Geoffrey Barraclough, 'The earldom and county palatine of Chester', *THSLC* ciii (1952 [1951]), 23–57.

⁵¹ Alan Everitt, *The community of Kent and the great rebellion, 1640–1660*, Leicester 1966 (based on his thesis written 1952–7); Thomas G. Barnes, *Somerset, 1625–1640: a county's government during the 'personal rule'*, Cambridge, Mass. 1961; A. Hassell Smith, *County and court: government and politics in Norfolk, 1558–1603*, Oxford 1974; Diarmaid MacCulloch, *Suffolk and the Tudors: politics and religion in an English county, 1500–1600*, Oxford 1986, and many others.

⁵² John Morrill, *Cheshire, 1630–1660: county government and society during the English revolution*, London 1974. Historians writing on the shire as such a community have therefore been open to the attack which has recently fallen on those who believe that England was a confederation of gentry republics: Clive Holmes, 'The county community in Stuart historiography', *Journal of British Studies* xix (1980), 54–73; Ann L. Hughes, 'Warwickshire on the eve of the civil war: a "county community"?', *Midland History* vii (1982), 42–72; Christine Carpenter, 'Gentry and community in medieval England', *Journal of British Studies* xxxiii (1995), 340–80.

⁵³ Barraclough, 'Earldom and county palatine of Chester', esp. p. 27; Clayton, *Administration*, 50–1. For Clayton royal weakness in 1450 was the key ('At this time the king had troubles enough': p. 50). In reality, Henry VI's government was attempting something new in 1450, the imposition of English taxation, something 'strong' royal government, under Edward III or Henry V for example, had never tried.

⁵⁴ Paul Worthington, 'Royal government in the counties palatine of Lancashire and Cheshire, 1460–1509', unpubl. PhD diss. Swansea 1990 (supervised by Ralph Griffiths).

modern England. Partly as a consequence of McFarlane's insights, many historians have begun to argue that the state might include local governors, broadly defined, and might serve local interests. Any expansion of its role might therefore occur as a result of local demand.⁵⁵ There were early signs of this in the examination of the way that central institutions, especially parliament, served local interests.⁵⁶ Another more recent consequence has been the introduction into Tudor historiography of the 'over-mighty courtier', a character through whom the centre might be colonised by men from the localities. Cheshire courtiers Sir Ralph Egerton and William Brereton, men backed by court politics and patronage, were able to achieve dominance back in their home area, it has been argued, and this allegedly brought their localities more closely under the control of the centre, possibly even through the destruction of the local liberties from which they had sprung.⁵⁷ Centralisation, if on local initiatives, is therefore still the keynote of this historiography.

This study seeks to explore a variety of routes away from these assumptions of centralisation. It attempts to develop the legacy of McFarlane's appreciation of the viability of noble and gentry society by adding to it an understanding that the ideas which shaped this society might include a powerful respect for provincial autonomy. Building on work on other elements of the territories of the English crown, it rejects the idea that autonomy and diversity were doomed in 1500, and it argues for the positive benefits of the system for all concerned, in the locality and at the centre.⁵⁸ It argues that such measures as were taken with regard to franchises were limited and intended to operate through existing political structures and systems. Further, the fundamental objectives of the crown and its representatives at the centre never included dramatic change, and the political culture of the time gave little scope for anyone else to push these objectives further. Success and failure depended on limited institutional change and redefinitions of autonomy, not

⁵⁵ Michael Braddick, 'State formation and social change in early modern England: a problem stated and approaches suggested', *Social History* xvi (1991), 1–17; Michael Mann, *The sources of social power, I: A history of power from the beginning to AD 1760*, Cambridge 1986.

⁵⁶ G. R. Elton, 'Tudor government: the points of contact, I: parliament', *TRHS* 5th ser. xxiv (1974), 183–200; 'II: council', xxv (1975), 195–211; 'III: court', xxvi (1976), 211–28.

⁵⁷ *Letters and accounts of William Brereton of Malpas*, ed. E. W. Ives (RSLC cxvi, 1976); Ives, 'Ralph Egerton'; S. J. Gunn, 'The regime of Charles, duke of Suffolk, in north Wales and the reform of Welsh government, 1509–25', *WHR* xii (1985), 461–94.

⁵⁸ In this it draws on the inspiration of some of the recent historiography of Ireland, for example Steven G. Ellis, 'Crown, community and government in the English territories, 1450–1575', *History* lxxi (1986), 187–204; 'England in the Tudor state', *HJ* xxvi (1983), 201–12; and 'Tudor state formation and the shaping of the British Isles', in Steven G. Ellis and S. Barber (eds), *Conquest and union: fashioning a British state, 1485–1720*, London 1995, 40–63. See also Ciaran Brady, *The chief governors: the rise and fall of reform government in Tudor Ireland, 1536–1588*, Cambridge 1994. The implications are further explored in the conclusion to this book.

subjection or rebellion. The stresses of the sixteenth century, religious, political, social and economic, meant that the Cheshire palatinate of 1500 emerged in 1560 adapted but not radically transformed, still less completely destroyed.

The first section of this book will therefore consider in detail three aspects of palatine vitality and continuity. There is a strong argument for treating Cheshire as a political community 'imagined' by its inhabitants and by outsiders, as discursive.⁵⁹ Placing Cheshire in the context of the other territories of the English king, a consideration of political culture will examine the traditions of the county's past and future which supported and were themselves nourished by the county's privileged position. This 'imagined' community was, however, also founded on political and social transactions and institutions, and so the following chapter, an examination of the taxation of the palatinate, will demonstrate the workings of Cheshire's independent fiscal system in the later Middle Ages. This will show how taxation was agreed and collected through local mechanisms. Change occurred in the 1520s with increased application of Wolsey's non-parliamentary grants in the shire, and especially in the 1530s as the English parliamentary subsidy was imposed. During this period, however, the primary form of taxation continued to be the Cheshire mise, and Cheshire remained exempt from the English fifteenth and tenth. The concluding chapter of the first part of the book will consider the activity of the earl's Cheshire council. It will examine the process whereby the chief means for the articulation of the earl's power in the county gradually gave birth to a court of equity, the Chester exchequer. Part two of the book will then consider some of the chief changes that the palatinate underwent in the eighty years from 1480 to 1560, focusing on the role of law courts outside the shire, parliament and office-holding. Jurisdiction and litigation, the first of these topics, provide a contrast between the almost complete absence of Cheshire cases from the courts at Westminster during the fifteenth century and their increasing frequency in the early sixteenth century. The experience of Cheshire's relationship with the English parliament also provides a contrast, with the increased involvement of the county in legislation and the enfranchisement of the county in 1543. Office-holding too suggests a change to a pattern much more analogous with that current in England. In all three cases, however, the adaptation of the palatinate's position did not mean the end of its special place in the polity of the English crown. Finally, questions of local politics will be considered: both how they were conducted in the context of the palatinate and were shaped by it, and their impact on the palatinate as a set of privileged institutions. This will help to emphasise the contingency and *ad hoc* nature of the changes the

⁵⁹ In the tradition of Benedict R. O'G. Anderson, *Imagined communities: reflections on the origin and spread of nationalism*, London 1983, rev. edn, London 1991; Andrew Hadfield, *Literature, politics and national identity: Reformation to Renaissance*, Cambridge 1994.

INTRODUCTION

palatinate underwent, and the continuing fundamental strength of the palatinate's privileges during the traumatic years of dynastic upheaval and Reformation. First of all, however, it is necessary to establish the *dramatis personae* of this story, the membership of the Cheshire political community.

The Aristocracy and Gentry of Cheshire

Investigation of the structure of Cheshire political society must begin with the aristocracy, the traditional leaders of society, and in particular with the most celebrated aristocratic family in late medieval and early modern Cheshire, the Stanleys of Lathom and Knowsley and their connections. Sir John Stanley's successful service to the crown meant he left his origins as a younger son of the Stanley of Storeton family in Cheshire and became established as an important gentleman in Lancashire.¹ Sir John had acquired Lathom in Lancashire following a fortunate marriage to Isabella, the heiress of the Lathom family, about 1385. He died in 1414, and his son John consolidated Stanley power in Cheshire, Lancashire and the Isle of Man.² John died in 1437, but his son Thomas was by then well established at the Lancastrian court, with all its opportunities for profit. In 1439 he became controller of the royal household. He was created a baron in 1456, but died in 1459.³ His successor, Thomas, second lord Stanley, prospered under the new Yorkist regime and was created earl of Derby by Henry VII.⁴

It has been forcefully argued that these men played a key role as brokers between the crown and Cheshire during the period 1480 to 1560.⁵ Yet the prevalence of Stanley power there can be questioned. There can be no doubt that the family achieved continuity in the male line over more than two centuries until 1593. The first earl died aged about sixty-nine in July 1504, to be succeeded by his grandson Thomas, the second earl.⁶ Thomas died in May

¹ Clayton, *Administration*, 69, 145; B. Coward, *The Stanleys, Lords Stanley and earls of Derby, 1395–1672: the origins, wealth and power of a landowning family* (Chetham Society 3rd ser. xxx, 1983), 3–5; Bennett, *Community, class and careerism*, 209–10, 217–18, and ‘“Good lords” and “king-makers”: the Stanleys of Lathom in English politics, 1385–1485’, *History Today* xxxi (July 1981), 12–13; Morgan, *War and society*, 88–91, 171–4, 195–7.

² Bennett, *Community, class and careerism*, 219–23; Coward, *Stanleys*, 6; Bennett, ‘“Good lords”’, 13–14.

³ Clayton, *Administration*, 145–8; Coward, *Stanleys*, 6–9; Bennett, ‘“Good lords”’, 13–14; Griffiths, *Henry VI*, 302–10.

⁴ Clayton, *Administration*, 150–5; CP iv. 205–7; Coward, *Stanleys*, 9–15; Bennett, ‘“Good lords”’, 14–17; Ross, *Edward IV*, 323, 334; D. A. L. Morgan, ‘The king's affinity in the polity of Yorkist England’, *TRHS* 5th ser. xxiii (1973), 1–25, esp. p. 19; Rosemary Horrox, *Richard III: a study in service*, Cambridge 1991, 67–70; S. B. Chrimes, *Henry VII*, 2nd edn, London 1977, 28, 39, 44–6, 49, 55, 58–60.

⁵ See, in particular, Bennett, *Community, class and careerism*, passim and pp. 215–23, where it serves to explain the transition from the centrality of the north-west to political life in the late fourteenth century to its later relative marginality.

⁶ CP iv. 208–9.

1521, and his eldest son Edward, born in May 1509, led the family until his death in October 1572.⁷ Edward too was succeeded by his eldest son, Henry, who died in 1593. It was only when Henry's son Ferdinando followed him to the grave a few months later that this continuity was interrupted and contested. The three daughters of Ferdinando and their mother Alice entered into a lengthy dispute with Ferdinando's brother William.⁸ Yet, even before this hiatus, Cheshire was not a county dominated by the Stanley family.

First, severe pressures were imposed on the Stanleys by Henry VII and his son. Thomas, first earl of Derby, had close ties to Henry Tudor through his marriage to the king's mother and his support for the king in 1485, but he did not escape the unwelcome attentions of his royal step-son. When he overstepped the mark in retaining in Warwickshire early in the reign, he was fined heavily.⁹ In Cheshire, the earl was the target of the justices in eyre who visited the county in 1499–1500 and was subjected to severe financial penalties.¹⁰ Thomas also suffered the loss of his son George, Lord Strange. Strange was already prominent in the politics of Henry VII's reign in the late 1480s, but he died in mysterious circumstances – allegedly by poison – at a banquet on 4 or 5 December 1503.¹¹ The dynasty therefore lost two key members in the space of eight months. The second earl 'was often tymes hardly intreated and to sore' by Henry VII, who imposed fines which remained unpaid at the king's death.¹² The pressure increased under Henry VIII: outstanding fines imposed under Henry VII were not pardoned, and a further fine of £1,000 was imposed for a riot, to be paid in instalments from November 1515. In 1517 2,500 marks were pardoned, but at the same time the earl had to assign lands for the payment of the 5,000 marks still owing.¹³ Second, the limited ability of leading members of the family restricted the role of the Stanleys. This was especially true when the family was headed by young men. The second earl, himself no more than twenty-five when he succeeded in 1504, died in May 1521 when his heir Edward was just twelve. Edward did not receive livery of

⁷ CP iv. 209–10.

⁸ CP iv. 211–12; Coward, *Stanleys*, ch. iv.

⁹ Sean Cunningham, 'The Stanley earls of Derby in the early Tudor period, 1485–c. 1536', unpubl. MA diss. Lancaster 1990, and 'The establishment of the Tudor regime: Henry VII, rebellion and the financial control of the aristocracy, 1485–1509', unpubl. PhD diss. Lancaster 1995; Christine Carpenter, *Locality and polity: a study of Warwickshire landed society, 1401–1499*, Cambridge 1992, 566–7.

¹⁰ PRO, SC 6/Henry VII/1495 (1505 – on Thomas late earl of Derby, £8,441); BL, MS Lansdowne 644, fo. 21v. In 1499 the vow of chastity taken by his wife Margaret Beaufort emphasised his isolation from the royal family: Michael K. Jones and Malcolm G. Underwood, *The king's mother: Lady Margaret Beaufort, countess of Richmond and Derby*, Cambridge 1992, 153–4.

¹¹ CP iv. 205–8; DNB xviii. 962–5, 937–9 (which gets the date wrong by following Stanley sources). Strange was about 43.

¹² C. J. Harrison, 'The petition of Edmund Dudley', *EHR* lxxxvii (1972), 88 (quotation).

¹³ Helen Miller, *Henry VIII and the English nobility*, Oxford 1986, 107, 208–9

his lands until January 1531, and even then his abilities were questioned: he was described in 1538 as 'a child in wisdom and half a fool'.¹⁴ Third, the Stanleys lacked land in Cheshire and depended on office as the basis for their power there. Stanley power in Lancashire, landed and otherwise, was immense, and was nicely summarised by Sir John Townley of Townley in explaining his refusal to co-operate with the visitation of Thomas Benolt the herald in 1533: 'ther was no more Gentilmen in Lancashire But my Lord of Derbye & Mountegle'.¹⁵ Yet the Stanleys had acquired little property in Cheshire until Richard III's reign, when they received lands taken from the duke of Buckingham and Sir Thomas St Leger. Even then, the accession of Henry VII meant the loss of much that had been gained in 1484, as former rebels came back into favour. Only in 1489 was compensation made, notably in grants of the lands of Francis, Lord Lovell, to Sir William Stanley.¹⁶ Yet it should be noted that Stanley landed power in Cheshire was concentrated in the person of Sir William, and, due to his attainder, all was lost in 1495.¹⁷ Stanley influence could be useful to people and institutions in early sixteenth-century Cheshire, but it was far from indispensable: in the 1530s the third earl held the stewardship of both St Werburgh's abbey and St Mary's nunnery in Chester, but he was an officer of no other Cheshire monastery.¹⁸

It was the influence derived from the Stanleys' office-holding, therefore, that lay behind their arbitration of many Cheshire disputes.¹⁹ It is, for example, misleading to cite as an example of Stanley dominance a letter written from Liverpool by James Stanley, archdeacon of Chester, to Sir William Stanley, chamberlain of Chester, concerning an arbitration between

¹⁴ CP iv. 208–10; LP xiii/2, 732. G. W. Bernard questions Anthony Budgegood's judgments: T. B. Pugh, 'Henry VII and the English nobility', in Bernard, *Tudor nobility*, 97.

¹⁵ *The visitation of Lancashire and a part of Cheshire made in the twenty-fourth year of the reign of King Henry the eighth, AD 1533, by special commission of Thomas Benolt, Clarencieux*, ed. William Langton (Chetham Society xcvi, 1876), 43.

¹⁶ Sir William had gained an interest in the barony of Nantwich when he married Joan, widow of John, Lord Lovell, but lost this on her death in 1469.

¹⁷ CPR, 1485–94, 263–4; PRO, CHES 3/57 (20 Henry VII, no. 9); Ormerod, *Chester*, i. 647–50; Joanna M. Williams, 'The Stanley family of Lathom and Knowsley, c. 1450–1504: a political study', unpubl. MA diss. Manchester 1979, 303–21, 133, 182; Michael K. Jones, 'Sir William Stanley of Holt: politics and family allegiance in the late fifteenth century', *WHR* xiv (1988), 6, 10–12. Barry Coward's over-enthusiastic account (*Stanleys*, 11–13) is commented upon sceptically by Margaret Condon, 'Ruling elites in the reign of Henry VII', in C. D. Ross (ed.), *Patronage, pedigree and power in later medieval England*, Gloucester–Totowa, NJ 1979, 136 n. 20.

¹⁸ *Valor ecclesiasticus*, ed. J. Caley and J. Hunter, London 1810–34, v. 205–6, 209, 212, 217.

¹⁹ Sir William Stanley retained Piers Warburton on 27 Oct. 1461 and they remained strongly connected: JRUL, Arley charters 9/7, 30/1. Warburton was also employed by Eleanor, first wife of Lord Stanley, in the 1460s: *ibid.* 30/2. Warburton's son John married Stanley's daughter. Richard Cholmondeley called Sir William Stanley 'my master' when he appointed him his executor before his death in 1489: *Lancashire and Cheshire wills and inventories from the ecclesiastical court, Chester*, ed. G. J. Piccope (Chetham Society liv, 1861), 41–3.

the Maisterson and Marchomley families.²⁰ James explained in his letter that he wished to delegate the task because he had been summoned to Lathom by Lord Stanley. This has been presented as the simple reallocation of tasks among the Stanley family. In fact, the letter is addressed to both Sir William Stanley and William Venables. William Stanley is referred to in the letter in the third person, suggesting that the expected recipient was Venables, escheator of Chester until 1467.²¹ The text continues after the request 'I pray you will labour to the partyes yff they wyll abyde the dome of my broder chamberlayn . . .', with 'Nedam iustice and me or elles any lernetmon yt wold be egall be twene thaim'. James Stanley's redistribution of arbitration responsibilities took place in the context of local office-holding, for Sir John Needham held the post of deputy justice of Chester.²² Another example of the involvement of members of the Stanley family in the resolution of disputes as officers of the palatinate resulted from conflict between William Tatton and the city of Chester under Richard III, when Tatton was defending his administration of advowries in the city.²³ In this case William and Thomas Stanley acted explicitly as members of the king's council in Chester, in which they participated as chamberlain and justice of the palatinate.²⁴ Given this dependence on office to support their influence in Cheshire, it is especially significant that after 1504 the Stanleys held office hardly at all in Cheshire until the accession of Elizabeth, in spite of what they later claimed.²⁵ In particular, the influence enjoyed by the Stanley family through the lord-lieutenancy of Cheshire has been exaggerated. The commission granted to Edward Stanley in 1536 during the Pilgrimage of Grace did not become in any sense permanent for Cheshire until 1585. In April 1556, for example, he had to appeal to the master of the queen's horse for help in keeping the lieutenancy of Lancashire and Cheshire out of the hands of the earl of Shrewsbury.²⁶

²⁰ Jones, 'Sir William Stanley', 7; BL, MS Add. 34,815, fo. 5 (1476–80).

²¹ Clayton, *Administration*, 185–6; Worthington, 'Royal government', 359.

²² Needham was first appointed deputy justice on 28 November 1450. He was appointed one of three justices for the county court of 26 May 1461 and sole justice on 28 July 1461. On 1 January 1462 Thomas, Lord Stanley, became justice, and Needham returned to the post of deputy until his death in 1480: Clayton, *Administration*, 156; Worthington, 'Royal government', 346–7.

²³ JRUL, Tatton of Wythenshawe 444; Jones, 'Sir William Stanley', 9, again cites misleadingly.

²⁴ See ch. 4 below. The Marchomley–Maisterson arbitration may also have been linked to the council in Cheshire, on which the archdeacon might have sat.

²⁵ '[S]ince her [i.e. Queen Elizabeth's] grandfather's time': HMC, *Calendar of the manuscripts of the most hon. the marquis of Salisbury KG, etc.*, preserved at Hatfield House, Hertfordshire, London 1883–1976, iv. 378 (26 Sept. 1593).

²⁶ B. Coward, 'The lieutenancy of Lancashire and Cheshire in the sixteenth and early seventeenth centuries', *THSLC* cxix (1969 [1968]), 39–64, esp. pp. 46–8; Gladys Scott Thomson, *Lords lieutenant in the sixteenth century: a study in Tudor local administration*, London 1923, 16–40; HMC, *Report on the manuscripts of the late Reginald Rawdon Hastings, esq. of the Manor House, Ashby de la Zouch*, London 1928–, ii. 4. Shortly before, in the 1550s,

Other aristocratic families could have provided another pole of authority in the shire: both the Audley and Dudley barons had strong Cheshire connections. Both were, however, experiencing difficulties during this period. The Lords Audley originated from just over the Staffordshire border, but they had gained fame leading Cheshire men to war in the fourteenth century and they continued to hold the Cheshire manors of Tattenhall, Newhall and Buglawton.²⁷ James Touchet, Lord Audley died leading Cheshire supporters of the Lancastrian regime at Blore Heath in 1459, but his son John married Anne, widow of John Rogers of Bryanston, near Blandford Forum, and daughter and coheir of Sir Thomas Etchingham. Audley activity and interest shifted to the counties of the south coast. John's son and successor, James, led the Cornish rebels of 1497, and suffered attainder.²⁸ During the attainder, the Audley inheritance was looted, the advowson of Middlewich being transferred to Lenton priory in Nottinghamshire.²⁹ James's son John was restored in 1512 but, although he lived until 1556, he was penniless and this opened him to manipulation and involvement in violent disputes.³⁰ Much of the Audleys' Cheshire interest devolved upon the Mainwarings of Over Peover.³¹ Tattenhall, Newhall and Buglawton were the subject of recoveries in favour of royal servants in the early years of John Touchet's restoration, and by the reign of Mary the three manors had passed completely out of the family's hands.³² This loss of land in Cheshire was accompanied by a decline in Newhall Tower, the physical symbol of Audley power, which Leland noted was 'now doune'.³³ There are signs of a return of Audley interests to the north-west after John's death, for his heir George

the Privy Council's arrangements for lieutenancies gave Derby Lancashire, but Cheshire was covered by Pembroke's commission for Wales as Lord President: APC iii. 258–9; iv. 49–50, 276–8.

²⁷ Morgan, *War and society*, 75–6; PRO, CHES 3/52 (6 Henry VII, no. 4); Ormerod, *Chester*, ii. 717; iii. 41, 391. The Lords Audley were descendants of a younger branch of the Touchets of Nether Whitley; a settlement left them with Tattenhall and Buglawton: *ibid.* i. 660, 662.

²⁸ DNB xix. 1003–4.

²⁹ VCH, *Nottinghamshire*, ed. William Page, Oxford 1906–, ii. 93; Ormerod, *Chester*, iii. 180, 185–6; John Thomas Godfrey, *The history of the parish and priory of Lenton in the county of Nottingham*, London 1884, 171–2. Cf. the loss of Tarporley, Rushton and Eyton by the Greys, earls of Kent: PRO, CHES 31/37 (23 Henry VII, 2); C 1/761/45–9; C 1/1221/79–80; Ormerod, *Chester*, ii. 226–7, 235; G. W. Bernard, 'The fortunes of the Greys, earls of Kent, in the early sixteenth century', *HJ* xxv (1982), 674.

³⁰ LP iv/3, app. 245; v. 708, 734, 874, 875, 955, 1720.

³¹ John Mainwaring was appointed constable of Heighley Castle (Staffs.) and seneschal of Nantwich (26 Oct. 1512): JRUL, Mainwaring charters 323–4.

³² Buglawton was granted to Sir Nicholas Bagnall by Edward VI: Ormerod, *Chester*, ii. 717; iii. 41, 391.

³³ *The itinerary of John Leland in or about the years 1536–1539*, ed. Lucy Toulmin Smith, London 1964, v. 25; Niklaus Pevsner and Edward Hubbard, *Cheshire*, Harmondsworth 1971, 18.