

**FIFTEENTH-CENTURY DURHAM AND THE PROBLEM OF PROVINCIAL
LIBERTIES IN ENGLAND AND THE WIDER TERRITORIES OF THE ENGLISH
CROWN**

Proxime Accessit, Alexander Prize 1999

By Tim Thornton

It is remarkable when an historical interpretation has stood almost unchallenged for one hundred years. Yet this is the case with the approach to the history of the county palatine of Durham outlined by G. T. Lapsley in 1900; it is a story of the steady decline of this once highly autonomous jurisdiction which has been retold by virtually all those who have written on the subject since.¹ It is even more remarkable when that interpretation has acted as a vital support for two much more far-reaching paradigms. In the case of Lapsley's interpretation of Durham, these extend not just elsewhere in the British Isles but also to North America. On the one hand is the approach to the territories of the English crown as a precociously centralised polity, characterised by the effective authority of the crown's institutions and the rapid decline of what little provincial particularism had once been present.² With Lapsley's Durham a pale shadow of its former self by the fifteenth century, historians have been able to propose that even the strongest of the ancient palatinates was effectively defunct and the power of the centre unopposed.³ On the other hand, there is the paradigm which sees English North America as the scene of a conflict between the direct authority of an ambitious crown and a burgeoning desire for local self-government which was eventually successful.⁴ If Durham's palatinate was an archaism by the fifteenth century, then its use in the early seventeenth century as a model for the proprietary charters, beginning in Maryland and which rapidly succeeded chartered companies as the main form of government for the new colonies, was no obstacle to the growth of local political confidence and assertiveness as against Westminster.⁵ Fundamentally, both paradigms

are accounts of state-formation with the state totalising and individualising, in England to produce a relatively homogeneous national state, in North America to provoke rebellion and independence.

In theory, at least, at their height the bishop's regalities in Durham were even more extensive than those of the other palatine lords in England, the earl of Chester and the duke of Lancaster.⁶ They included a Chancery and an Exchequer, and a court system; and unlike the earl of Chester, the bishop had his own mint. Like the earl of Chester, the bishop of Durham issued his own writs and excluded those of the king. And like the people of Cheshire, the community of Durham did not send representatives to the English parliament. There were differences between the palatinates of Chester and Durham, of course: the bishop was not a member of the royal family, and Durham's administrative system resembled that of a neighbouring English shire while Chester's was similar to that of a Welsh marcher lordship. Hence in Durham, the bishop appointed his own justices of assize and of the peace, his own sheriff, coroners and other officers. Yet there were in both palatinates the institutional trappings of power, authority and government: around Palace Green in Durham were the head offices of the administration of the palatinate. This physical apparatus of power was allied to a no-less-impressive set of cultural traditions supportive of the palatine community and its privileges. These traditions had at their heart St. Cuthbert, but they encompassed the leading members of the palatine community, the barons, and, for example, the myths surrounding the Conyers of Sockburn family.⁷

Lapsley believed that the impact of Edward I's policies on Durham, and especially of his relations with Bishop Antony Bek, produced both an expression of advanced claims for palatine liberties and clear signs that their days were numbered. Others who have examined the development of political relationships in the British Isles more recently have placed great

significance on the same period. Rees Davies, for example, based his presidential lectures on the observation that ‘[i]n 1400 the British Isles and Ireland were still a collection of peoples, albeit now much more clearly of four peoples than had been the case in 1100.’⁸ Robin Frame has concluded that in place of a relatively loose assemblage of political power across these islands, the realms of England and Scotland reinforced their grip on their core territories while losing the borders and peripheries, especially Gaelic Ireland, to unstable and disorganised local rule.⁹ So powerful and striking was King Edward’s intervention in Durham, as in other territories as diverse as Wales and the Isle of Wight, that it seems almost futile to continue the story of local autonomy.¹⁰ Whilst the shell of privilege remained, the substance had been hollowed out by the unstoppable centralising forces of the English crown, the Westminster administration and national politics. For Lapsley, the fourteenth century saw a ‘perplexed toleration’ of the Durham palatinate. Thereafter, ‘the logical consequences of clearer vision were delayed by the disorders of the fifteenth century; and when, under the vigorous policy of the Tudors, the blow fell, the Bishops no longer had any care to avert it’.¹¹ That assumption has never been thoroughly tested. Given its immense importance in the historiography of England and North America, it is time that it was.

The tests we may apply are based on the three predominant strands in the current debate on state-building in early modern Europe. The first assesses such issues as dispute resolution and control over economic resources, especially through fiscal means, seeking to find the source of the authority expressed thereby.¹² The second strand is a longer-standing one: it examines the decisions of major ‘national’ representative institutions in legislating local jurisdictions out of existence and expressing through themselves the collective identity of the whole.¹³ The third looks to personal relationships, especially in fora such as the court, whereby powerful individuals in the localities were recruited to central political alignments, whatever the apparent

continuities of local political structures.¹⁴ There is no doubt that challenges possibly related to these issues took place. But what is more important is their limitations and specific nature: none seriously challenged the fundamental position of the palatinate.

First, jurisdiction and dispute settlement. Sovereignty was closely allied to the role of supreme arbiter in conflicts and this was a major reason for the growth of equity jurisdictions at Westminster in the fifteenth and sixteenth centuries. Chancery and Star Chamber dealt, among other things, with challenges to lesser jurisdictions, denial of justice in franchisal courts being a common theme of bills in both central courts.¹⁵ Yet litigation involving Durham seems to have been virtually absent from either court until well into the sixteenth century.

Before 1485, just seven Chancery cases are attributed to Durham.¹⁶ Even so, many of these attributions are dubious. Some cases do not really affect Durham's jurisdiction, for example those suits which challenged the activities of officials of Newcastle-upon-Tyne.¹⁷ Others dealt with issues of church property which were pleaded in Chancery without regard to jurisdictional boundaries affecting non-clerical cases.¹⁸ Before 1485, in fact, we have evidence of only two cases which seem to affect Durham's jurisdiction.¹⁹ Even when, after 1485, cases relating to Durham came before Chancery, there was a likelihood that the court would refuse to deal with them. Where Chancery action is recorded in one case, concerning lands in Yorkshire, Leicestershire, Nottinghamshire and Durham, the injunction related to land in the first three counties but was silent on the subject of land lying in Durham.²⁰

Bundles	Dates	Durham
3-29	10 Ric. II - 5 Ed IV	1 (0.0142%)
30-67	1463-85	5 (0.0543%)
68-75	Uncertain	1 (0.0700%)
76-377	1485-1515	19 (0.124%)
378-457	1515-18	3 (0.122%)

458-600	1518-29	2 (0.0419%)
601-694	1529-32	9 (0.381%)
695-712	1532-33	1 (0.187%)
713-934	1533-38	9 (0.126%)
935-1094	1538-44	9 (0.153%)
1095-1172	1544-47	5 (0.159%)
1174-1186	1547	1 (0.235%)
1188-1267, 1269, 1316-17, 1271-85	1547-51	19 (0.560%)
1286-1315, 1268, 1270, 1318-24	1551-53	4 (0.308%)
1325-1397	1553-55	6 (0.230%)
1398-1488	1556-58	11 (0.339%)

In the sixteenth century, however, there was undoubtedly a growth in the number of cases from Durham dealt with in Chancery. This growth has, however, been exaggerated in recent work: Christopher Kitching's essay on this period masks details of this growth by using a broad statistic for the entire sixteenth century of 'up to' two hundred cases; his assertion of the popularity of Chancery needs to be qualified. The situation in which the county contributed very few cases to Chancery indeed continued into the 1540s.²¹ Even in that decade the growth that occurred was very limited: it was only really in the reign of Edward VI that the county palatine was referred to in more than one-third of one per cent of Chancery cases.²² This was, however, a fourfold increase in proportionate terms on the period 1538-47. The difficulties of Bishop Tunstall at this point were responsible. The crisis in Tunstall's authority, worsening through 1550 and ending in his deposition in December of that year, left a vacuum. There is no doubt that John Dudley, duke of Northumberland, intended to retain the palatinate, if in the crown's hands and not those of the bishop, but there are signs that this produced a slight increase in the numbers seeking justice in the Westminster Chancery.²³ Thereafter, even though Mary restored Tunstall and his diocese, the trail for litigants to Westminster had been opened.²⁴ Their number did not, however, dramatically increase: even under Elizabeth there were only seventy-three cases from Durham treated in Chancery.²⁵

A similar situation existed in Star Chamber. Among the cases in the Public Record Office class known as 'Star Chamber Proceedings: Henry VII' Durham is unrepresented.²⁶ Among the cases allocated to Henry VIII's reign, Durham attributions appear very infrequently, in six cases to be precise. Again, some of these can be excluded since they either raise clerical issues or do not in fact relate to Durham itself.²⁷ And unlike Chancery, in Star Chamber there is little sign of even the slightest increase in Durham litigation in the reign of Edward VI.²⁸

A major reason for this failure to take the route to Westminster was the success of the Durham Chancery's equity jurisdiction. This directly contradicts the tendency of writers such as G. V. Scammell to emphasise the institutional infertility of the palatinate.²⁹ In the fifteenth century the chancellor of Durham took over from the bishop's council the role of giving judgement, and by 1478 there are signs of recognisable actions in equity there, and even of a decree under Bishop Fox (episcopate 1493-1502). Decrees were systematically entered from 1519.³⁰

Thomas Wolsey's position as bishop of Durham (1523-9) and lord chancellor played some part in the number of Durham cases coming to Chancery and Star Chamber during the years to 1529; what is perhaps surprising is that this influence acted to *reduce* the number of cases, not to increase them. In Chancery, Durham cases represented a lower proportion of the court's business under Wolsey than at any time since the beginning of Edward IV's reign. A problem-solver like Wolsey, if he held both local and central office, did not inevitably seek central solutions,³¹ and Wolsey may have been responsible for a major reorganisation of the Durham Chancery.³²

A study of equity jurisdiction therefore suggests the degree to which Durham jurisdiction was unchallenged in one field until at least Elizabeth's reign.³³ Contrary to received opinion, a study

of taxation, another crucial expression of political power and identity, shows that challenges could occur, often driven by elites in England who wished to spread their common burdens wider, but that they were defeated, often through the direct intervention of the king and those around him. In Durham, the fourteenth century saw the emergence of a discrete taxation system that excluded the rapidly developing mechanisms of Westminster parliamentary taxation.³⁴ A charter of 1302 suggests procedures for allocating common obligations already existed there, and in 1314 a tax was voted to the bishop.³⁵ In 1344, the community voted the bishop contributions towards his expenses in buying off the Scots, and in 1348 for defending the county's privileges.³⁶ It is hard to find signs of regular local taxation thereafter, as for example developed in Cheshire; Durham had not only established its independence from English taxation but also from a parallel system that might ultimately be driven from Westminster.³⁷

Faced by fiscal experimentation late in Edward III's reign and in that of Richard II, the Durham community persisted in its attempts to exclude English taxes. Initially the county was subject to common English levies, such as the tax of half the country's wool in 1338.³⁸ Yet the government was willing to recognise the county's privileges, and when the fifteenth and tenth emerged as the standard form of parliamentary subsidy, Durham was excluded.³⁹ Many authorities, most recently Mark Ormrod writing of the English parish subsidy of 1371, have assumed that areas like Durham were effectively part of the English grants of this period. Yet although the occasions for taxation might be the same, and in this case Durham's contribution was included in the overall target of £50,000, Durham insisted on agreeing its own taxes and, for example, assessing, collecting and spending them.⁴⁰ More importantly, whatever was done in 1371, the regime guaranteed that it would not be a precedent,⁴¹ a guarantee effective against the poll taxes of 1377-81.⁴² Another parish-based subsidy in 1427-8 attempted to tax all householders 'withyene . . . this saide Royaume', but its general failure included a lack of

response from Durham.⁴³ The income tax of October 1435 covered ‘every Shire of Ingelond’, but in 1436 the people of Durham eventually made their own grant. In return, in 1437, they again received letters of indemnity.⁴⁴ In 1450, a subsidy again intended the inclusion of Durham, for all ‘withyn youre said Royalme’ were liable.⁴⁵ This tax is crucial to Lapsley’s account, for he believes it was met only by ‘ineffectual protest’.⁴⁶ Yet although the government tried to impose the tax in Durham, it failed.⁴⁷ Unpopular generally, in November 1450 the subsidy had still not been apportioned.⁴⁸ While many shire officials were distrained in March 1451, those of Durham were not: the attempt had been abandoned.⁴⁹ Durham was included in the grant of archers made to Henry VI in 1453, but only on its own terms.⁵⁰ The next income tax was attempted in 1472, and this time the intention to involve Durham was absolutely specific and insistent. Commissioners were to be appointed ‘as Commissions have been custumably used to be sent for the levye of xv^{mes} and x^{mes} afore tyme graunted, and into the Bisshopriche of Durham and all other places necessary’.⁵¹ But on 8 January 1474 there were still no returns from a group of northern counties, including Durham. The grant was therefore transmuted to 590 archers, of which Durham was to provide 300.⁵²

There are signs that subsequent regimes had begun to learn this lesson. The income tax of 1489 was based on that of 1472: the act was to apply to all ‘issues and profyttes in England, Wales and the Marches of the same’. Commissions were to be sent ‘into every shire, and to every Cyte . . . , as Commissions have been custumably used to be sent, for the Levye of xv^{es} and x^{es} afore tyme graunted, and to all other places necessarie’, although, significantly, this time none was specified.⁵³ The Lords made a separate grant of their own taxation, but this specifically excluded Northumberland, Cumberland and Westmorland, while it explicitly included Wales and the marches.⁵⁴ Resistance included the murder of the earl of Northumberland, and Polydore Vergil

says that the Durham palatinate was involved. The tax was translated into a fifteenth and tenth in 1490, thereby excluding Durham.⁵⁵

By the end of Henry VII's reign, the king and his ministers had stopped trying to include Durham in national taxes. A crucial factor was probably the arrival of Richard Fox as bishop of Durham in 1493. The levy of 1497 from its conception had no application in Durham: it was based on 'every shire chargeable with the seid xv^{mes} and x^{mes}', and no commission was appointed for Durham.⁵⁶ The pattern of acts explicitly excluding Durham was continued with the grant in 1504 of a sum of £30,000 in lieu of feudal aids. No commission was appointed for Durham, although the act stated that 'every Shire w^tin this Realme' should contribute.⁵⁷ This is suggestive, since the purpose of the tax was not exclusively financial. Henry intended to survey tenures, a foundation of his policy of exploiting feudal rights. If a latter-day Domesday Book was intended, it was to include the northern counties, but not Durham. In fact, the antiquarianism of the Westminster grant of 1504 followed experimentation in the mapping of feudal rights by Bishop Richard Fox in the palatinate of Durham through a *quo warranto* enquiry.⁵⁸

In 1512 a grant of subsidy was explicitly intended to cover all counties, including 'liberties frauncheses sayntuaries auncient demeane and places exempte', yet no commissions were appointed for Durham, the other northern counties or Cheshire.⁵⁹ A similarly inclusive clause was a feature of the 1513-14 act, but this again failed to produce commissions for Durham.⁶⁰ By the time the 1514-15 parliament came to pass its subsidy act, an exclusion clause for Durham and the rest pronounced them 'utterly acquyted and discharged'.⁶¹ There was perhaps an attempt to include Durham during the drafting of the 1512 and 1513-14 acts, but one that was successfully resisted early enough to

prevent commissions being appointed to assess the taxes. Durham's position was accepted in time for it to be written into the 1514-15 act; the 1523 subsidy also included an exemption.⁶²

Most notably, Durham sustained its exemption from English subsidies through the 1530s and 1540s, when Wales and Cheshire were for the first time included.⁶³ The 1534 statute, atypical in its drafting,⁶⁴ included Cheshire, if only by implication, but Durham had explicit exemption. The 1540 subsidy confirmed that Westminster taxation was here to stay in Wales and Cheshire, but Durham's privileges were confirmed.⁶⁵

Legislative interference was even less threatening. Durham remained unrepresented in the Westminster parliament until after the Civil War.⁶⁶ In general, English statutes were observed,⁶⁷ but there might be special provision in general legislation to take account of Durham's privileges. For example, in Edward IV's last parliament, an act making Berwick the staple, along with Carlisle, for the Scottish trade, included a saving clause for Bishop William Dudley.⁶⁸ And many legal innovations respected palatine liberties with the result that Durham did not feel their force. Even on such a controversial issue as liveries, in 1468 a statute stated that no action was to lie within the counties palatine of Lancashire, Cheshire or Durham.⁶⁹

If Antony Bek had suffered under the scrutiny of Edward I's officers, then in many areas the bishops of Durham had successfully reasserted their rights. Bek had lost the right to an independent customs system in Hartlepool; but the right was recovered in the 1330s.⁷⁰ While the lands of rebels such as Bruce and Balliol had been taken by the crown, the bishops continued to assert their rights of forfeiture through the next centuries, and the oft-repeated claim that Elizabeth's seizure of the earl of Westmorland's lands in 1570 was the end of the privilege is exaggerated at least.⁷¹

It is therefore hard to see the fifteenth and early sixteenth centuries as a period of institutional centralisation weakening the Durham palatinate. If anything, the trend was towards a confirmation of its powers in jurisdiction, taxation and statute. This might still allow for the working out of perhaps the greatest threat to the autonomy of the palatinates, that which might be effected through the political authority which the king possessed there. Whatever the jurisdiction of the courts and parliament at Westminster, the king appointed the bishop and royal patronage and political authority might brush aside the apparent boundaries of jurisdiction. One of the major strands in the historiography of the palatinates has been the insistence that factional politics at court meant that the personnel and powers of the administration became an arm of court politics.⁷² Equally, the prime focus for local identification might be the connection of a nobleman, and as his fortunes revolved increasingly round the court, so ‘bastard feudal’ connections might undermine palatine autonomy. In other words, the prime focus for politics in the shire might become the same alignments of curial and noble politics that mattered, we are told, everywhere else. We should be careful before assuming this. First, we must deal with the argument that says that the palatinate decayed because it became too close to the crown. It has been suggested that the course of English politics interrupted the proper influence of the crown in the Durham palatinate in the appointments of Bishops Dudley (1476) and Shirwood (1484). Professor Pollard has pointed out how in both cases the king passed over the keeper of the privy seal, the post-holder who had frequently received the bishopric previously, and chose instead someone close to him personally. Dudley had no experience of public administration, but in him Edward IV was selecting a man who was among his closest servants, as dean of the chapel royal. In Shirwood, Richard III chose the archdeacon of Richmond and a member of his close clerical connection.⁷³ To suggest that Dudley weakened the palatinate because he co-operated closely with Gloucester begs the wider question of the reasons for Edward’s allocation of immense

power in the north to his brother: the bishop worked with the king's power in the north, as Edward chose to constitute it. Of course, when Edward made Richard his commander in the north for the Scottish wars of the 1480s, Dudley followed suit in making him his lieutenant - not to do so would have been more destructive of royal authority in the region.⁷⁴ If there is something odd in these appointments, it is in Richard III's acceptance that Shirwood would remain in Rome, and his assumption of control in Durham other than through the person of the bishop. Yet although the king kept the temporalities in his own hands until August 1485, he did not, as he might have, merge the administration with that of the council in the North, but ruled the area through the structures of the palatinate, with Sir Richard Ratcliffe probably appointed steward of Durham. It has been argued that close royal servants brought the palatinate into the crown's orbit. As in Ives's Cheshire, courtiers prospered in the locality due to their contact with the king, and in the court their influence was supported in part by the knowledge of their powerful local roots: Ratcliffe is a classic example.⁷⁵ Given this it is significant that Henry VII chose not to appoint another absentee diplomat to Durham, but an activist bishop. Replacing Shirwood with Fox was hardly an example of Tudor centralisation. Dudley and Shirwood may not have represented the succession of keepers of the privy seal - this is to place too much emphasis on the office and not what the office represented. They were what keepers had been: close, trusted clerical servants of the crown and this was not destruction by the crown but support for palatine autonomy, since these bishops, and arguably even a man like Ratcliffe, did not subject the palatinate to the centre but brought a commitment to palatine privileges to the heart of court and government.

The other side of this argument is that involvement in the normal patterns of English politics meant that the palatinate was undermined when it became enmeshed in the noble feuding of the

fifteenth century. Ralph Griffiths has recently attempted to provide a territorial context for the Wars of the Roses:

Some historians lay responsibility squarely on the nobility and greater gentry, their fluctuating fortunes and in some cases, echoing the opinions of contemporaries, their overweening power and ambition and their mutual jealousies. But if that explanation is to hold water, it must be given a territorial and governmental context, and the most satisfying one lies in the more distant provinces of the realm and the dominions.⁷⁶

This causes us to turn to the case of Robert Neville, significant in that his elevation to Durham is often seen as the low point of the independence of the bishopric - *vis-à-vis* the nobility - in the fifteenth century. Yet we must be cautious: the most obvious cause for this caution occurred during the period of Henry VI's minority. The death of Bishop Langley in 1437 coincided with a difficult period in Henry's transition to full powers, and the result of the activity of Cardinal Beaufort in the council was the appointment of Robert Neville to the bishopric. This was, on the most immediate level, a piece of family aggrandisement on behalf of the sons of Joan Beaufort and the Nevilles of Middleham. But did that make the bishop the 'lackey' of an 'over-mighty subject' and the Neville connection?⁷⁷ In spring 1439, after the appointment of his brother George, Lord Latimer as Durham chamberlain and the grant of an annuity there to another brother, Edward, Lord Abergavenny, Robert Neville attacked Barnard Castle with a great multitude of men, banners flying.⁷⁸ What is most notable is that Bishop Robert did this after the death of Richard Beauchamp, earl of Warwick, when the successors to his interests in Barnard Castle and elsewhere were the Nevilles of Middleham: Richard's heir was married to Salisbury's daughter. In this case, only a few months after his appointment to the bishopric on the basis of his Beaufort/Neville connections, Robert Neville was acting for the bishopric's interests against those of his own family. Of course, in the subsequent history of his episcopacy, Neville never

again acted so directly against his own kin, but the interests of the palatinate remained central to his actions. After 1448 the Scots had the advantage in border conflicts. In 1449-50 it was in Durham itself that a truce was signed, but James II broke it with impunity in 1455. In the 1450s, when the Scottish border was so often under threat, the bishop's actions, albeit in support of Salisbury and his allies, were driven in large part by a concern for the security of his own palatinate.⁷⁹ In local tradition, Neville was remembered as a bishop who built a new home for the palatine administration's Chancery and Exchequer; his was also the successful defence of the palatinate's exemption from Westminster taxation in 1450.⁸⁰

It is significant that political challenges from the crown and nobility tended to centre not on the palatinate's status and internal operation but on its boundaries. Even there, palatine authority retained strength. The overlordships of Barnard Castle and Hart were particularly controversial. Although Edward I had declared them forfeit to the crown as a consequence of the resistance of Balliol and Bruce, the bishops of Durham never accepted that they were rightfully the crown's. The story of Barnard Castle is relatively well known. The crown resisted challenges to its position there, and the lordship became part of the royal demesne in 1483. That said, when the Beauchamp succession was thrown into doubt in 1459 by the rebellion of the earl of Warwick, it was Bishop Neville who enacted the confiscation.⁸¹ In 1470 Bishop Booth recovered his rights there, and when Gloucester took control of the lordship in 1474 he did so without a clear grant on the king's patent roll.⁸² A deliberate refusal to confront the issue finally in the king's favour is also apparent in the phraseology of the licence to Gloucester to found his college there in 1478, when Barnard Castle was said to lie in 'the Bishopricke of Duresme', although it was the king who made the grant.⁸³ And in reality it was the bishop's administrative and judicial system which operated there, not the king's.⁸⁴ Less well known, but equally important, is the story of

Hart and Hartlepool. In 1461, Edward IV recognized Bishop Booth's right in Hart, and in 1485 Lord Clifford was restored to the lordship by Bishop Shirwood.⁸⁵

We are therefore left with the conclusion that the real constraint on the palatinate was its relationship with the crown, as had always been the case,⁸⁶ and yet also with a recognition that this relationship in practice meant a high degree of independent action on the part of the palatinate and its communities. This can only be understood if we reinterpret the nature of kingship and the kingdom in fifteenth-century England away from a rigid polarity of interest between centre and locality and between crown and nobility. To propose that some of the palatine officers and bishops 'went native' is to assume an opposition between the free and forceful operation of the prerogatives of the bishopric, on the one hand, and the interests of the Westminster administration and the crown, or of the nobility, on the other. This is plainly not the case. Hence the record of Bishop Booth, who was close to Queen Margaret of Anjou, and has been described recently as Edward IV's 'loyal and trusted agent in the North'.⁸⁷ He took on the prior of Durham and asserted his feudal rights over the convent's lands; he revived the Durham mint and added the prerogative of coining half-pennies to that of minting pennies. In 1466 he appointed a lawyer, Thomas Morslaw, as his steward, thereby ending a period in which important noblemen, such as Morslaw's predecessor, John Neville, at that time earl of Northumberland, had held the post. Yet of course Booth pressed particularly firmly for his rights over Barnard Castle. This was a campaign to remove the lordship from royal control, and hence might be seen as 'going native'. In the 1470s Booth duly received a grant from the king of Barnard Castle 'according to your rights and title'.

Booth's case is a reminder that we should be aware of other ways of reading the experiences and interests of those in power in Durham. Four of the fifteenth-century bishops suggest another

context in which these men operated: the culture of palatinate administration and society. Bishop Langley's background was in Lancashire and the service of the Duchy and palatinate there.⁸⁸ Bishop Neville's ancestry and connections were obviously primarily aristocratic, but as a scion of the earls of Westmorland he had forebears who had been at the centre of Durham society for many generations. Bishop Booth was closely related to some of the most important administrators in the fifteenth-century Cheshire palatinate, the Booths of Dunham Massey, a family steeped, in both lay and clerical life, in the culture of palatine privilege, especially given their origins in Lancashire.⁸⁹ So too was Bishop William Dudley, as the third son of John, Lord Dudley, who possessed estates in Cheshire. After Oxford, William's first benefice was at Malpas in south-west Cheshire in 1457. Lord Dudley himself had been prominent in the resistance to the 1450 subsidy in Cheshire.⁹⁰ For all four, palatine liberties were an essential part of their outlook on political life.

This is, of course, not true of Richard Fox, but like the others he was provided to Durham as one of the most trusted servants of the king. Yet he pursued the interests of the bishopric in ways that some might see as being against those of the Westminster administration. Fox's period in control of the bishopric saw him attempting to use the power of the bishopric to put down the nuisance of the men of Tynedale and Redesdale, perhaps a classic central government objective;⁹¹ but at no point did he ever allow the priorities of Westminster to outweigh those of the bishopric. One of the most striking phrases from his letters of the period is his warning to Thomas Castell, prior of Durham: 'Doubte you not, broder, I shall no thyng desyre you to doo that shall be hurt or preiudice to the mitre of that my church'. As Marjorie Howden, the editor of his episcopal register commented, 'the dignity of the mitre was never forgotten or made subservient to secular business'.⁹² As we have seen, Fox's episcopacy saw the end of efforts to tax Durham from Westminster. Fox was responsible for a *quo warranto* campaign in the

bishopric which clarified and strengthened the bishop's position. Fox was particularly insistent on his rights in Hart, which offended the Cliffords. At least one writer in Durham, the chronicler associated with the name of William de Chambre, believed that his translation to Winchester was due to the devotion of this key minister of the crown to the rights of his bishopric: *ratione controversiæ ortæ inter eum et comitem Cumberlandiæ pro jure de Hartilpoole*.⁹³

Fox was an exceptional man, but his interest in Hart is not so inappropriate a point at which to conclude. Durham's palatinate status, if understood in the way suggested here, was not seriously undermined in the fifteenth century and emerged from Henry VII's reign strengthened. Michael Hicks has recently posed the question of why, in Barnard Castle and Hart, the nobility preferred powerful crown authority to that of a more easily overawed bishop.⁹⁴ The answer, it seems on reflection, is that they did not. All parties preferred what seems to us to be ambiguity, sometimes tense, more often not. In the contemporary mind this was a respect for palatine privilege which was not unchallengeable, especially at the margin, but which was thoroughly supported by the contemporary legal and political culture of custom and particularism. In that environment, the palatinate could only thrive. In particular, the palatinate was the obvious model to turn to when territorial expansion demanded the establishment of forms of authority and government. It was natural that Durham should be explicitly used as a model when statute was used in 1483 to extend new palatine powers for Richard of Gloucester in areas of southern Scotland to be conquered by him; it was just as natural in the grants in the new world in the early seventeenth century as English America took shape.⁹⁵ In both these contexts, strong provincial jurisdictions were neither archaic nor simply necessary but an obvious solution to the challenges of the fifteenth and the seventeenth centuries.

REFERENCES

-
- ¹ Gaillard Thomas Lapsley, *The County Palatine of Durham: A Study in Constitutional History* (1900); Constance M. Fraser, 'Prerogative and the Bishops of Durham, 1267-1376', *English Historical Review* [hereafter *EHR*], 74 (1959), 467-76; Jean Scammell, 'The Origin and Limitations of the Liberty of Durham', *EHR*, 81 (1966), 449-73. I would like to thank Cliff Davies, Ralph Griffiths, Mark Ormrod and Tony Pollard for their patient and helpful comments on this paper.
- ² Marxist work, e.g. A. L. Morton, *A People's History of England* (1938); Whig historiography, e.g. George Macaulay Trevelyan, *England in the Age of Wycliffe* (1899, 4th edn 1909); his *History of England* (1926, 3rd edn with corrections 1952); and more recent influential interpretations such as Mervyn James, *Family, Lineage and Civil Society: A Study of Society, Politics and Mentality in the Durham Region, 1500-1640* (Oxford, 1974); Philip Corrigan and Derek Sayer, *The Great Arch: English State Formation as Cultural Revolution* (Oxford, 1985).
- ³ E.g. recently D. M. Loades, *Power in Tudor England* (Basingstoke and London, 1997), 33.
- ⁴ Jack P. Greene argued for the acceptance of considerable autonomy in early seventeenth-century America thanks to the distance from the centre and lack of an effective force that could be deployed by the central authority: *Peripheries and Center: Constitutional Development in the Extended Politics of the British Empire and the United States, 1607-1788* (Athens, Ga., and London, 1986), esp. chapter I. Greene developed the approach of Charles H. McIlwain, *The American Revolution: A Constitutional Approach* (New York, 1923). Cf. Stephen Saunders Webb, who emphasised strong central rule through military governorships: 'Army and Empire: English Garrison Government in Britain and America, 1569 to 1763,' *William and Mary Quarterly*, 3rd series, 34 (1977): 1-31; *idem*, *The Governors-General: The English Army and the Definition of Empire, 1569-1681* (Chapel Hill, NC, 1979).
- ⁵ William Hand Browne, *Maryland: The History of a Palatinate* (Boston and New York, 1912) 20, saw the lord's powers as potentially 'oppressive'; Bernard C. Steiner, 'Maryland's First Courts,' *Annual Report of the American Historical Association*, 1

-
- (1901): 213-29, esp. pp. 221, 228, as ‘quaint’ and ‘archaic’. Even A. F. McC. Madden, a believer in the relevance to America of medieval ‘empire’, relied for his account of Durham on Lapsley: ‘1066, 1776 and All That: The Relevance of English Medieval Experience of ‘Empire’ to Later Imperial Constitutional Issues’, in *Perspectives of Empire*, ed. John E. Flint and Glyndwr Williams (1973), 9-26.
- ⁶ Lapsley, *Durham*, chapter 2; R. L. Storey, *Thomas Langley and the Bishopric of Durham, 1406-1437* (1961), chapter 2; A. J. Pollard, *North-Eastern England during the Wars of the Roses: Lay Society, War, and Politics 1450-1500* (Oxford, 1990), 160-3.
- ⁷ St. Cuthbert’s day gathering: *Registrum Palatinum Dunelmense*, ed. T. D. Hardy, Rolls Series (1873-8) [hereafter *RPD*], IV, 435; Lapsley, *Durham*, 108. Barons: *ibid.*, 63-7; Robert Surtees, *The History and Antiquities of the County Palatine of Durham* (1816-40), III, 243-5.
- ⁸ *Domination and Conquest: The Experience of Ireland, Scotland and Wales, 1100-1300* (Cambridge, 1990); ‘The Peoples of Britain and Ireland, 1100-1400, I: Identities’, *Transactions of the Royal Historical Society*, 6th ser., IV (1994), 1-20; ‘II: Names, Boundaries and Regnal Solidarities’, V (1995), 1-20; ‘III: Laws and Customs’, VI (1996), 1-23; ‘IV: Language and Historical Mythology’, VII (1997), 1-24 (quotation at 6th ser., IV, 20)
- ⁹ *The Political Development of the British Isles 1100-1400* (Oxford, 1990).
- ¹⁰ N. Denholm-Young, *Seignorial Administration in England* (Oxford, 1937), 99-108.
- ¹¹ Lapsley, *Durham*, 76.
- ¹² Esp. Michael Braddick, ‘State Formation and Social Change in Early Modern England: A Problem Stated and Approaches Suggested’, *Social History*, 16 (1991), 1-17.
- ¹³ E.g. G. R. Elton’s *The Tudor Revolution in Government: Administrative Changes in the Reign of Henry VIII* (Cambridge, 1953).
- ¹⁴ A varied historiography stemming partly from Norbert Elias’s work on the court in early modern Europe: *Die höfische Gesellschaft. Untersuchungen zur Soziologie des Königtums und der höfischen Aristokratie mit einer Einleitung: Soziologie und Geschichtswissenschaft* (Neuwied and Berlin, 1969); and partly from K. B. McFarlane’s work on the English nobility, e.g. *The Nobility of Later Medieval England* (Oxford, 1973); *England in the Fifteenth Century*, intro. G. L. Harriss (1981).

-
- ¹⁵ Nicholas Pronay, 'The Chancellor, the Chancery and the Council at the End of the Fifteenth Century', in *British Government and Administration: Studies Presented to S. B. Chrimes*, ed. H. Hearder and H. R. Loyn (Cardiff, 1974); Franz Metzger, 'The Last Phase of the Medieval Chancery', in *Law-Making and Law-Makers in British History: Papers Presented to the Edinburgh Legal History Conference*, ed. Alan Harding (1980); J. A. Guy, *The Cardinal's Court: The Impact of Thomas Wolsey in Star Chamber* (Hassocks, Sussex, 1977).
- ¹⁶ Figures based on the county allocations in the List and Index Society calendars. Cf. thirteen attributed to France outside Calais; Wales thirty; Channel Islands four.
- ¹⁷ The one relatively securely-dated case before 5 Edward IV, Public Record Office, London [hereafter PRO], C 1/12/144 (seizure of a ship freighted from Aberdeen to London, and carrying it to Shields) cannot be called a Durham case. C 1/64/291, /67/44 (Newcastle).
- ¹⁸ PRO, C 1/48/477; /66/382.
- ¹⁹ PRO, C 1/56/259; /69/416.
- ²⁰ PRO, C 1/402/44.
- ²¹ Cf. demands during the Pilgrimage of Grace that injunctions, *subpoenas*, and privy seals be sent less frequently into the more distant counties of the realm; Durham may have been part of this concern: *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII, 1509-47*, ed. J. S. Brewer, J. Gairdner and R. H. Brodie (1862-1910) [hereafter *LP*], xi. 1182, 2(7).
- ²² Cf. Christopher Kitching, 'The Durham Palatinate and the Courts of Westminster under the Tudors', in *The Last Principality: Politics, Religion and Society in the Bishopric of Durham, 1494-1660*, ed. David Marcombe (Nottingham, 1987), 49-70, at pp. 54-9. He conceals slow growth behind a statistic for the whole sixteenth century of 'up to' 200 cases (my calculation is 171).
- ²³ D. M. Loades, 'The Dissolution of the Diocese of Durham, 1553-4', in *Last Principality*, 101-16, at pp. 102, 104; *Calendar of Patent Rolls (1901-)* [hereafter *CPR*], *Edward VI*, v. 175, vi. 177.
- ²⁴ D. M. Loades, 'The Last Years of Cuthbert Tunstall, 1547-1559', *Durham University Journal*, 66 (1973), 10-22.

25 *Calendars of the Proceedings in Chancery in the Reign of Queen Elizabeth* (1827-32);
Kenneth Emsley and C. M. Fraser, *The Courts of the County Palatine of Durham from*
the Earliest Times to 1971 (Durham, 1984), 76.

26 There is only one non-English case: PRO, STAC 1/65 (Flintshire).

27 Kitching, 'Durham Palatinate and the Courts of Westminster', 58, with no precise figures,
again provides too enthusiastic an account of Durham involvement. Clerical case: PRO,
STAC 2/1/40. Murder in Scotland: /1/181. That leaves /5/22; /15/186-7; /20/52; /31/33.

28 Edward VI, two cases: PRO, STAC 3/5/69, /7/82; and /6/83. Philip and Mary, two
related cases: STAC 4/1/14; /6/63.

29 Scammell, 'Origins and Limitations of the Liberty of Durham', 463-4.

30 Emsley and Fraser, *Courts of Durham*, 75-8; Lapsley, *Durham*, 188-9. PRO, DURH 4/1
is the first surviving decree book, 1633; earlier material can be recovered from Durham
University Library, Mickleton MS 38 (index volume).

31 Noted Kitching, 'Durham Palatinate and the Courts of Westminster', 49. Cf. Wolsey's
assertion of his rights: W. Hylton Dyer Longstaffe, 'Cardinal Wolsey's Instructions to his
Officers at Durham', *Archæologia Æliana*, 2nd ser., II (1858), 39-40. When Wolsey
ordered a murderer seized from the Tynemouth sanctuary, it was to the Durham sheriff
that he was to be delivered: *LP*, iii(2). 3095 (12 June 1523).

32 John Spearman, *An Enquiry into the Ancient and Present State of the County Palatine of*
Durham (Edinburgh, 1729), 55-6; Lapsley, *Durham*, 189.

33 The council in the North's share of Durham business highlights further the absence of a
shift to dispute resolution through royal authority at the centre. On the council, Lapsley,
Durham, 259-63.

34 Durham was exempt as church land until William II's grant that no geld be levied in
Nordteisa, 1096x8: *Regesta Regum Anglo-Normannorum, 1066-1154* (Oxford, 1913-69),
I, no. 412.

35 1302: *RPD*, III, 43,64; Lapsley, *Durham*, 118-19, 272. 1314: *RPD*, II, 686; Lapsley,
Durham, 119, 272; *Scriptores Tres, Historiæ Dunelmensis*, ed. J. Raine, Surtees Society,
IX (1839), p. cxiii.

36 1344: *RPD*, IV, 273-7; Lapsley, *Durham*, 119, 272. 1348: DURH 3/31, m. 4d, curs. 30;
Lapsley, *Durham*, 119-20, 273.

37 Lapsley suggested taxation was unnecessary with defence handled through general border mechanisms: *Durham*, 120.

38 *RPD*, IV, 225-8; Lapsley, *Durham*, 298.

39 *Northern Petitions*, ed. C. M. Fraser, Surtees Society, CXCIV (1982 [1981]), 161, 271-2; cf. *Calendar of Close Rolls* (1902-) [hereafter *CCR*], 1346-9, 3. G. L. Harriss, *King, Parliament and Public Finance to 1369* (Oxford, 1975).

40 W. M. Ormrod, 'An Experiment in Taxation: The English Parish Subsidy of 1371', *Speculum*, 68 (1988), 58-82, esp. pp. 77-9. Ormrod claims the 1371 precedent was used in fifteenth-century taxation demands, citing Storey, *Langley*, 55; Lapsley, *Durham*, 298-9, which do not show this but simply discuss what they wrongly see as the successful *Westminster* taxation of 1436 and 1450.

41 PRO, DURH 3/31, m. 5; *Scriptores Tres*, pp. cxlii-cxliii (20 Nov. 1374); cf. *Rotuli Parliamentorum*, ed. J. Strachey and others (1767-77) [hereafter *RP*], II, 461; Lapsley, *Durham*, 117, 298.

42 Cf. W. H. B. Bird, 'Taxation and Representation in the County Palatine of Chester', *EHR* 30 (1915), 303 (Cheshire, Durham and the 1379 tax). The 1380 parliament demanded the inclusion of the Cinque Ports, Cheshire and Durham; the king accepted the inclusion of the former, but not Durham or Cheshire: *RP*, III, 94. *CPR*, 1377-81, 628.

43 *RP*, IV, 318; *Inquisitions and Assessments Relating to Feudal Aids* (1899-) (nothing for Durham); cf. Roger Virgoe, 'The Parliamentary Subsidy of 1450', *BIHR*, 56 (1982), 124-38, at p. 127. The broadly-similar 1431 subsidy was completely withdrawn: *RP*, IV, 369-70, 409-10.

44 *RP*, IV, 486-7; PRO, DURH 3/44, m. 12, curs. 78; cf. *Calendar of Fine Rolls* (1911-) [hereafter *CFR*], 1430-7, 257-62, 267-9; *Proceedings and Ordinances of the Privy Council of England*, ed. N. H. Nicolas (1834-7), IV, 343. 1437: *CPR*, 1436-41, 4; Storey, *Langley*, 55. This came shortly after the successful defence of palatine privileges, including those relating to taxation, in 1433: *Scriptores Tres*, pp. ccxxviii-ccxxxv; Lapsley, *Durham*, 241-2; Storey, *Langley*, 116-34.

45 *RP*, V, 172-4; Virgoe, '1450', 133.

46 '[E]loquent of the change which had occurred within the government of the palatinate.' Lapsley dates the tax to 1449, when the parliament began: *Durham*, 118, 298-9. This became the point of reference for later writers, e.g. *Northern Petitions*, 161.

47 The 1437 indemnity was enrolled immediately after the demand for collection: PRO, DURH 3/44, m. 12, curs. 77-8.

48 Ralph A. Griffiths, *The Reign of Henry VI: The Exercise of Royal Authority, 1422-1461* (1981), 381, 396; Virgoe, '1450', 133; *RP*, V, 172-4. Cf. Cheshire's outraged response: Henry Davies Harrod, 'A Defence of the Liberties of Chester, 1450', *Archaeologia*, 2nd ser., vii (1900), 71-80, at pp. 75-7; George Ormerod, *History of the county palatine and city of Chester*, 2nd edn rev. and enlarged by Thomas Helsby (1882), i. 45-6; Dorothy J. Clayton, *The Administration of the County Palatine of Chester 1442-85*, Chetham Society, 3rd ser., xxxv (1990), 126-7.

49 *CFR*, 1445-52, 207; Virgoe, '1450', 133.

50 *RP*, V, 232; Griffiths, *Henry VI*, 432.

51 *RP*, VI, 4-5.

52 *RP*, VI, 113-15; C. D. Ross, *Edward IV* (1974), 214-18. The 1481 benevolence again saw the northern counties asked for men not money: Roger Virgoe, 'The Benevolence of 1481', *EHR*, 104 (1989), 28-30, at p. 37. Bishop Booth, chancellor (1473-4) during this negotiation, retired 'weary and tired by the endless task' of managing parliamentary business, of which it must have been an important part: *The Crowland Chronicle Continuations: 1459-1486*, ed. Nicholas Pronay and John Cox (1986), 133.

53 *RP*, VI, 420-1.

54 *RP*, VI, 423-4.

55 *RP*, VI, 438-9; *The Anglica Historia of Polydore Vergil AD 1485-1537*, ed. and trans. Denys Hay, Camden Society, 3rd ser., lxxiv (1950), 38-9; Raphael Holinshed, *Chronicles of England, Scotland and Ireland* (1807), III, 769; Lapsley, *Durham*, 299 (he dates this 1488); M. A. Hicks, 'The Yorkshire Rebellion of 1489 Reconsidered', *Northern History*, 22 (1986), 39-62. Hicks conflates the grant of £75,000 with the Lords' grant, for he suggests that the former, like the latter, exempted the border counties: pp. 40, 42, 47, 50. Only £27,000 of the £75,000 intended had been received.

56 *The Statutes of the Realm* (1810-28) [hereafter *SR*], II, 644-7.

57 *SR*, II, 675-82 (esp. p. 675) (Northumberland, Cumberland and Westmorland were included).

58 PRO, DURH 3/61, m. 11, curs. 48-9; Lapsley, *Durham*, 34-5. Cf. Harold Garrett-Goodyear, 'The Tudor Revival of Quo Warranto and Local Contributions to State

-
- Building’, in *On the Laws and Customs of England: Essays in Honor of Samuel E. Thorne*, ed. Morris S. Arnold, Thomas A. Green, Sally A. Scully and Stephen D. White (Chapel Hill, NC, 1981), 231-95, at p. 236; R. Stewart Brown, ‘The Cheshire Writs of Quo Warranto in 1499’, *EHR*, 49 (1934), 676-84; J. Beverley Smith, ‘Crown and Community in the Principality of North Wales in the Reign of Henry Tudor’, *Welsh History Review* [hereafter *WHR*], 3 (1966-7), 145-71.
- ⁵⁹ 4 Henry VIII, c.19; *SR*, III, 75; R. S. Schofield, ‘Parliamentary Lay Taxation, 1485-1547’ (PhD thesis, Cambridge University, 1963), 198-203.
- ⁶⁰ 5 Henry VIII, c.17; *SR*, III, 105-19 (a note of places ‘wherof there be no Comissioners returned and affiled to this acte’, listed Cheshire, Cumberland, Northumberland, Westmorland and Wight, but with no mention of Durham); Schofield, ‘Parliamentary Lay Taxation’, 204-9.
- ⁶¹ 6 Henry VIII, c.26; *SR*, III, 156-67. A proviso now dealt with those avoiding tax by ‘removing into the excepted Counties’.
- ⁶² 14 & 15 Henry VIII, c. 16 (*SR*, III, 230-41); Schofield, ‘Parliamentary Lay Taxation’, 213-18.
- ⁶³ 26 Henry VIII, c. 19; *SR*, III, 516-24. Cheshire: *LP*, vii. 1496; PRO, E 179/85/2-3. G. R. Elton argued this statute was revolutionary, but for different reasons: ‘Taxation for War and Peace in Early Tudor England’, in *War and Economic Development: Essays in Memory of David Joslin*, ed. J. M. Winter (Cambridge, 1975), 33-48. Wales (1543): Glanmor Williams, *Recovery, Reorientation and Reformation: Wales, c. 1415-1642* (Oxford, 1987), 267.
- ⁶⁴ Schofield, ‘Parliamentary Lay Taxation’, 215.
- ⁶⁵ 32 Henry VIII, c. 50; *SR*, III, 824. Only under James I did it fall: Schofield, ‘Parliamentary Lay Taxation’, 145. 3 Jac. I, c. 26 exempted Durham (*SR*, IV(2), 1108-26, esp. 1124-5); 7 Jac. I, c. 23 made no mention of it (*SR*, IV(2), 1187-1201).
- ⁶⁶ Andrew W. Foster, ‘The Struggle for Parliamentary Representation for Durham, c. 1600-41’, in *Last Principality*, 176-201.
- ⁶⁷ Lapsley, *Durham*, 125-7; Storey, *Langley*, 54-5.
- ⁶⁸ 22 Edward IV, c. 8; *SR*, II, 475-6.
- ⁶⁹ 8 Edward IV, c. 2; *SR*, II, 426-9. This confirmed existing laws against liveries (1 Henry IV, c. 7; 7 Henry IV, c. 14; *SR*, II, 113-14, 155-6), extended to Lancashire and Cheshire in

-
- 1429 (8 Henry VI, c. 4; *SR*, II, 240-1); but it stated no exigend should be awarded ‘by any of the Justices for the Time being, within the said Counties Palatine’ of Lancashire and Cheshire ‘against any Person or Persons, upon any Information, Suit, or Process to be made by Force of this Ordinance’ (p. 428). The statute instead provided that actions might be brought in the courts of Durham, Lancashire, Cheshire and Hexham (pp. 426-7). Cf. M. A. Hicks, ‘The 1468 Statute of Livery’, *Historical Research*, 64 (1991), 15-28, esp. p. 21, whose emphasis on Durham, Lancashire and Cheshire seeking exemption because of a lack of confidence in their own judicial systems should be corrected.
- 70 C. M. Fraser, *A History of Antony Bek* (Oxford, 1957), 86-7, 191, 199; *Northern Petitions*, 270-1 (no. 202); *RPD*, IV, 221-2, 264-5; *CCR*, 1337-9, 39; Lapsley, *Durham*, 276-7.
- 71 Lapsley, *Durham*, 42-50; *Northern Petitions*, 160, 240; *CPR*, 1266-72, 63; *RPD*, III, 28-32; PRO, DURH 3/77, m. 32 (1544). 1570 and after: 13 Elizabeth, c. 16, #6 (*SR*, IV(1), 551); M. J. Tillbroke, ‘Aspects of Government and Society of County Durham 1558-1642’ (PhD thesis, Liverpool University, 1982), 72. Lapsley, *Durham*, 47.
- 72 N.B. the ‘over-mighty courtier’ of the work of Eric Ives (e.g. ‘Court and County Palatine in the Reign of Henry VIII: The Career of William Brereton of Malpas’, *Transactions of the Historic Society of Lancashire and Cheshire*, 123 (1971), 1-38) and Steven Gunn (e.g. ‘The Regime of Charles, Duke of Suffolk, in North Wales and the Reform of Welsh Government, 1509-25’, *WHR*, 12 (1985), 461-94).
- 73 A. J. Pollard, ‘The Crown and the County Palatine of Durham, 1437-94’, in *The North of England in the Age of Richard III*, ed. A. J. Pollard (Stroud, 1996), 67-87, at pp. 83-4; A. J. Pollard, ‘St Cuthbert and the Hog: Richard III and the County Palatine of Durham, 1471-85’, in *Kings and Nobles in the Later Middle Ages*, ed. Ralph A. Griffiths and James Sherborne (Gloucester, 1986), 109-29, at pp. 115-23; Pollard, *North-Eastern England*, 374, 388-9.
- 74 PRO, DURH 3/54, m. 11; Lapsley, *Durham*, 307.
- 75 Pollard, ‘Cuthbert and the Hog’, 123: ‘overmighty household men’.
- 76 ‘The Provinces and the Dominions in the Age of the Wars of the Roses’, in *Estrangement, Enterprise and Education in Fifteenth Century England*, ed. Sharon D. Michalove and A. Compton Reeves (Stroud, 1998), 1-25, at p. 24.
- 77 Pollard, ‘Durham’, 77.

-
- 78 *CPR, 1436-41, 371-2, 408.*
- 79 Pollard, *North-Eastern England*, 221-4, surveys these border struggles; cf. Griffiths, *Henry VI*, 734, on Richard of York's concerns; Antonia Gransden, *Historical Writing in England* (1974-82), II, *c. 1307 to the Early Sixteenth Century*, 274-87, on Hardyng.
- 80 *Scriptores Tres*, 147; Lapsley, *Durham*, 190, 271.
- 81 Michael Hicks, 'The Forfeiture of Barnard Castle to the Bishop of Durham in 1459', *Northern History*, 33 (1997), 223-31.
- 82 Pollard, 'Cuthbert and the Hog', 110-11.
- 83 *CPR, 1476-85, 67*; William Dugdale, *Monasticon Anglicanum* (1673), III(2), 203; Pollard, 'Cuthbert and the Hog', 116.
- 84 Pollard, *North-Eastern England*, 149, n. 14.
- 85 Pollard, 'Durham', 69.
- 86 Esp. Scammell, 'Origin and Limitations of the Liberty of Durham'.
- 87 Pollard, 'Durham', 82.
- 88 Storey, *Langley*, 4-8.
- 89 Clayton, *Administration of Chester*, 173-5.
- 90 A. B. Emden, *A Biographical Register of the University of Oxford to A.D. 1500* (Oxford, 1957-9), I, 600; Clayton, *Administration of Chester*, 77-80, 84, 86, 89; Harrod, 'Defence of the Liberties of Cheshire', 71-80.
- 91 *The Register of Richard Fox, Lord Bishop of Durham, 1494-1501*, ed. Marjorie Peers Howden, Surtees Society, CXLVII (1932), 80-4.
- 92 *Register of Fox*, p. xxxii.
- 93 *Scriptores Tres*, pp. 150, ccccxlix-ccccliv.
- 94 Hicks, 'Forfeiture of Barnard Castle'.
- 95 *RP, VI, 204-5*; A. Grant, 'Richard III and Scotland', in *North of England*, 125-6.