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Abstract of Ph.D. thesis: 'The Dean and Chapter of Durham
by David Marcombe'

THE DEAN AND CHAPTER OF DURHAM

1558-1603

by

David Marcombe

Ph.D. thesis, 1973.

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Abstract of Ph.D. thesis: 'The Dean and Chapter of Durham, 1558-1603',
by David Marcombe.

This thesis provides the first comprehensive study of the role of an Elizabethan Cathedral in society, perhaps doubly significant because it deals with the only diocese in which, according to Dr Collinson, the puritans had 'unfettered control'. How this outpost of radicalism came to be located at Durham and the way in which the puritans used their positions of authority are both questions which are dealt with, but the scope of the study is much wider than this. The Cathedral is examined as a complete unit by following the interests and activities of the individual prebends as well as of the corporation in general: indeed, it is only when these 2 aspects of the Cathedrals work are examined together that meaningful conclusions can be drawn. The involvement of the Cathedral in national and local politics and the contributions which it made to the spiritual and economic life of the diocese are examined in some depth, and in this way a picture is built up of a vigorous organisation with involvements in many aspects of government and society often far removed from prevailing notions both of Cathedrals and of the Elizabethan clergy in the localities. The reign of Elizabeth was in many ways the vital formulative period for the attitudes and institutions which came to characterise the Church of England and the Cathedral represents one area which up until now has been largely ignored: the conclusion which emerges is of an institution which was still basically rooted in the past yet which became in itself something new, owing little to traditional concepts of either the monastic or collegiate life.

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PREFACE

In quoting from books and documents I have used a standard form of reference whenever possible and when this has not been possible I have cited the relevant document with a brief description of the location of the quotation. For example, in unpaginated Consistory Court records the date of the cause is given along with the names of the parties involved and in the Receivers Books the name of the appropriate estate is given. Modern spelling and punctuation has been used throughout and the new style of dating has been adopted.

I would like to extend my thanks to all those who have assisted me in the preparation of this thesis, especially the staffs of the libraries and record repositories in which I have worked: Roger Norris of the Cathedral Library, Pat Mussett of the Priors Kitchen, and Linda Drury of South Road have been especially kind and helpful and I express my very sincere thanks to them. Finally, I would like to acknowledge my debt to Dr Claire Cross, who first fostered my interest in the Elizabethan Church, and to Dr David Loades, my supervisor, whose constant, constructive, and cheerful advice has been immeasurably helpful and encouraging.

David Marcombe.

Chester-le-Street.
April 23rd 1973

STANDARD ABBREVIATIONS

AA	Archaeologia Aeliana.
APC	Acts of the Privy Council.
B	Borthwick Institute.
BCR	Berwick Corporation Records.
BM	British Museum.
BMCPB	BM Catalogue of printed books.
CL	Cathedral Library (Durham).
CS	Camden Society.
CRO	County Record Office.
CPR	Calender of Patent Rolls.
CSP	Calender of State Papers.
CScotP	Calender of Scottish Papers.
CBP	Calender of Border Papers.
CRS	Catholic Record Society.
DUJ	Durham University Journal.
DUL	Durham University Library.
DNB	Dictionary of National Biography.
EHR	English Historical Review.
HMC	Historical Manuscripts Commission.
IHR	Institute of Historical Research.
JEH	Journal of Ecclesiastical History.
JPHS	Journal of the Presbyterian Historical Society.
M + S	Mickleton and Spearman Mss.
NRL	Newcastle Reference Library.
PK	Priors Kitchen (Durham).
PDM	Post Dissolution Muniments.
PDMR	Post Dissolution Halmote Rolls.
PS	Parker Society.
PRO	Public Record Office.
RDK	Report of the Deputy Keeper.
RSCHS	Records of the Scottish Church History Society.
RB	Receivers Book.
SR	South Road (Durham).
SS	Surtees Society.

TB	Treasurers Book.
TRHS	Transactions of the Royal Historical Society.
VCH	Victoria County History.
YAJ	Yorkshire Archaeological Journal.
YAS	Yorkshire Archaeological Society.
YML	York Minster Library.

- 119 In the use of the word 'ultraism' I adopt contemporary usage to describe a left wing Protestant. For a discussion of this question see, Studies in Church History Vol 1 p.381/97 (A. Hall, Ref. section, the problem of definition).
- 120 H. D. Parker, Puritanism in Tudor England p.157 (Oxford, A study in English thought).
- 121 C. E. Collingwood, Principles of History p.106.

INTRODUCTION

Tudor Cathedrals in general and the Durham Chapter in particular have had a remarkably bad press. Although Henry VIII thought it worthwhile to convert several of the larger monasteries into Cathedrals, Field and other puritan⁽¹⁾ writers doubled the relevance of both old and new foundations describing them as one of many 'popish abuses' still polluting the Church during the reign of Elizabeth. According to Field they were 'dens of all loitering lubbers' where the clergy lived in 'great idleness', institutions with very little relevance to the society around them the chief benefit of which was to provide sinecures for court racketeers or convenient repositories for decaying and idle reactionaries:⁽²⁾ even Grindal, more charitable in his judgements than Field, condemned the pluralistic incumbent who 'longed for a prebend also, there to spend at ease the milk and the fleece of the flocks he had never fed'.⁽³⁾ This picture of idleness and decrepitude, which has endured in popular literature to the present day, explains in part why historians have been discouraged from undertaking detailed studies and consequently Cathedrals have become one of the few 'dark corners' in the comparatively well researched field of Elizabethan history. What little research which has been done on the subject is summed up by R.B. Walker who concluded that, 'it was the fate of the Elizabethan Cathedral to be the spiritual home of neither

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- (1) In my use of the word 'puritan' I adopt contemporary usage ie. to describe a left wing Protestant. For a discussion of this question see, Studies in Church History Vol 2 p.283/97 (B. Hall, Puritanism: the problem of definition).
- (2) H.C. Porter, Puritanism in Tudor England p.133 (Field, A view of popish abuses).
- (3) C.S. Collingwood, Memoirs of Bernard Gilpin p.106.

(4) Hutchinson, History of Durham Vol II p.1678.

of the two wings, puritan and Roman, which included many, perhaps most, of those most sincere and conscientious in religion ... the Cathedral appears as a clerical backwater not characteristic of the forceful currents that refreshed the established Church'.⁽¹⁾

History has been even less kind to the Durham Chapter, the reputation of which stemmed largely from one of the two 'forceful currents' which Mr Walker alleged that Cathedrals lacked. Puritan extremism was certainly one of the issues which caused Bishop Barnes to refer to the Cathedral as an 'Augean stable' and to mutter 'Sodom and Gomorrah' whenever the unpleasant spectre of the Chapter crossed his mind.⁽²⁾ Bancroft in his 'False Positions' condemned Whittingham as 'the false and unworthy Dean of Durham', an epitaph which has tended to stick despite the eulogies of his biographer.⁽³⁾ The eighteenth century Tory establishment saw him as a sort of Calvinist bogeyman, 'a great villain of the Geneva gang' and 'a rank Whig',⁽⁴⁾ prejudices which were embellished by later antiquarians who invariably added censorious moral judgements to the common theme of condemnation. Puritans in general were seen as 'repulsive, as well as inhuman',⁽⁵⁾ and Hutchinson believed that Whittingham was guilty of 'profanation' and 'acts of violence and irreligion' which made him 'the mark of public reprehension' and set him beneath 'the most ignorant of savages'.⁽⁶⁾ Ignoring for a moment the tirades of political and religious bigots, even comparatively sober historians have added their voices to the

(1) J.E.H. Vol 11 p.200/01 (R.B. Walker. Lincoln Cathedral in the reign of Queen Elizabeth).

(2) PK. York Bk f. 72. Chapter 7 p.251.

(3) Wood, Athenae Oxonienses, Vol 1. p448/9. CS. Misc. VI.

(4) SS. 107 p.169.

(5) AA. New Series. Vol 20 p.170 (Hodgson, The Church of St Andrew Auckland).

(6) Hutchinson, History of Durham, Vol II p.187/8.

(5) TMS. 5th Series Vol 13 p.93. (C. Hall, Puritans and the dark corners of the land).

(6) Deben, The Reconstruction of the English Church, Vol 1 p.201.

general criticism, Trevor-Roper concluding that the religious history of the area was 'not a very edifying subject'.⁽¹⁾

Similarly the Society in which the Cathedral operated is still generally seen as barbarous and backward and hardly characteristic of the rest of Elizabethan England: indeed, what better place of banishment was there for the often embarrassing exports of Strasburg and Geneva? Horne, Pilkington and Barnes all complained, with varying degrees of hysteria, about the superstition and irreligion which they thought characterised the North of England,⁽²⁾ and in 1597 an anonymous complainant alleged that in Northumberland 'most of them die and cannot say the Lords Prayer ... they are fit for any religion and the old tradition called Papistry fitteth them best'.⁽³⁾ All this, of course, was seen as a natural consequence of the failure of the clergy. In 1595, for example, John Ferne claimed that 'there is no religion in that country for all Northumberland hath but 4 preachers',⁽⁴⁾ and in 1646 the Mayor of Sunderland said that there had been no preaching in the 10 or 12 adjoining parishes 'ever since any of us who are now breathing was born'.⁽⁵⁾ Anticlericalism and the condemnation of the clergy was not a peculiarly Northern phenomenon, but if contemporaries are to be believed many of the abuses which led to these complaints were especially deep rooted there.

Modern historians have generally followed this broad pattern. Usher believed that the parish clergy were 'for the most part ignorant and without degrees' and that 'in the North the ignorant formed an overwhelming majority'.⁽⁶⁾ Hill saw the North as a 'dark corner' of

(1) DUJ. New Series. Vol 7 p.45 (H.R. Trevor-Roper, *The Bishopric of Durham and the capitalist Reformation*).

(2) See, for example, PRO. SP/12.11.16 20.25. BM. Lans. 25 f161/2.

(3) CBP. Vol II No. 881

(4) HMC. Salisbury Mss. Vol V p.493. Ferne was Secretary of the Council of the North.

(5) TRHS. 5th Series Vol 13 p.95. (C. Hill, *Puritans and the dark corners of the land*).

(6) Usher, The Reconstruction of the English Church. Vol 1 p.207.

the land,⁽¹⁾ and argued more generally that the social and educational standard of the clergy was deteriorating because of creeping secularization, impropriation, and the decay of tithes and parish fees: inevitably the poverty and increased court orientation of the clergy was leading to an upsurge in the old abuses of pluralism and non-residence.⁽²⁾ Even a specialist in the field concluded that 'poverty and destitution were ... the aftermath of the Reformation in the churches of Durham and Northumberland'.⁽³⁾ To be fair some historians have begun much needed reevaluations both of the clergy and of the North of England during this period,⁽⁴⁾ but a good deal of work still remains to be done. My purpose is to examine a fairly limited field and attempt to answer some of the questions raised by this brief synopsis of the historiography of Cathedrals, the Durham Chapter, and the clergy in general: what, for example, was the real role of an Elizabethan Cathedral in society, why was their reputation so bad, and how conscientious were the clergy attached to them? The conclusions drawn do not claim to be wholly representative, but it is hoped they might suggest some profitable lines of research for Cathedrals elsewhere.

(1) TRHS. 5th Series Vol 13 p.77/102 (C. Hill, Puritans and the dark corners of the land).

(2) C. Hill, Economic problems of the Church.

(3) B. Wilson, The Reformation in the diocese of Durham p.704.

(4) See, for example, YAS. Vol 37 (A.G. Dickens, the extent and character of recusancy in Yorkshire), Northern History Vol. 4 (B.W. Beckingsale, The Characteristics of the Tudor North), SS. 163 (M.E. James, Estate accounts of the Earls of Northumberland), P. Tyler, The Ecclesiastical Commission for the province of York.

CHAPTER 1

THE CATHEDRAL AND ITS CLERGY

'The general parish church of the diocese.'

Legal opinion concerning the dispute *sede vacante*

(SR.DR/XVIII/3 f.146)

(1) SS 143 p.5

(2) *Ibid.* p.14/81

(3) See especially Chapter 8

(4) SS 143 p.22/181

On December 31st, 1539, the monks of Durham surrendered their Church into the hands of Henry VIII 'supreme head on earth of the Church in England' and an interim constitution was drawn up making Prior Whitehead its guardian. Seventeen months later, on May 12th 1541, the Cathedral Church of Christ and the Blessed Virgin Mary was founded by letters patent, apparently with the pious intention of restoring true religion and the primitive purity which had been corrupted by the abuses of the monastic life. The King's declared objective was to promote preaching and the administration of the sacraments and to provide a moral example to the area, as well as supplying education for deserving children and charity for the aged, especially those who had served the Crown in either administration or warfare. Moreover, the Cathedral was to be responsible for the distribution of alms to the poor, the repair of roads and bridges 'and all other pious duties of every kind to the glory of Almighty God and to the common profit and happiness of our subjects'.⁽¹⁾ On May 16th the King gave back practically the whole of the old monastic endowment⁽²⁾ and Whitehead along with a select band of ex-monks began to settle in as the newly erected Dean and Chapter: that new Cathedral was but old abbey writ large was evident in many facets of its foundation as well as its subsequent history.⁽³⁾

Although basically organised in the same way as other new foundations Durham had evolved a unique constitution by the second half of the century, partly because of the peculiarity of its Statutes, delivered by Queen Mary under the great seal in 1555,⁽⁴⁾ and partly because of the changes made by

(1) SS 143 p.5

(2) *ibid.* p.14/63

(3) See especially Chapter 6

(4) SS 143 p.72/182

the royal visitors in 1559.⁽¹⁾ At this stage a brief survey of the general organisation will suffice.⁽²⁾ At the head of the corporation came the Dean who was invested with 'ordinary and immediate power' within the Church and was entrusted with the general supervision of both the personnel and property of the Chapter. The prebends, twelve in number, owed implicit obedience to the Dean, but like him they formed an integral part of the corporation and their agreement was required in all business effecting the common good or temporal prosperity of the Church. Thus, although the Dean was endowed with extensive powers as president and head of the Chapter, consent was necessary in all important dealings and safeguards against his arbitrary rule were built into the constitution:⁽³⁾ an indication of this co-operation was the chest in which the Chapter seal, funds and important documents were kept and for which the Dean, Vice Dean and Treasurer all had keys, each being unable to open it without the consent of the other two. Similarly, in matters such as presentations and the election of minor canons, the Dean was supposed to act with the consent of the Chapter, though he did have arbitrary powers of election and discipline over the most inferior members of the Church. Patronage of the Deanery always remained with the Crown but after 1556 the prebends came to be nominated by the Bishop, who was also given the task of visiting the Cathedral and exercising discipline upon refractory prebends:⁽⁴⁾ apart from this the diocesan had no power to interfere with the internal running of the corporation.

(1) PK. York Bk. f.50/2

(2) Unless otherwise stated these facts are derived from the statutes. SS. 143 p.72/182

(3) See Chapter 7

(4) Allan, Collectanea. (1556. Grant of presentation to Bishop Tunstall)

Chapter meetings were supposed to be held once a fortnight to discuss common business and once a year on November 20th a General Chapter was held at which prebends were chosen to fill the offices of Vice Dean, Receiver and Treasurer, and after 1559 that of Divinity Reader. Technically, all these offices were delegations of authority vested in the Dean, the Receiver being responsible for the oversight of all Chapter property, lands and rents, and the Treasurer for paying out stipends & the costs of repairs and law suits. Also elected at the General Chapter were the Precentor and Sacrist, chosen from amongst the minor canons. The Precentor, 'one of riper age and special distinction in character and learning', was given undisputed authority in the choir and had the additional function of recording attendance at services by which the quotidians were calculated.⁽¹⁾ The Sacrist had a dual function: firstly, as the Treasurer's deputy, he was responsible for the furniture of the Church and for providing the necessities for the services, and secondly he had a pastoral role in that he was expected to visit the sick on the Cathedral close and administer the sacraments to them. Under his supervision he had two subsacrists or vergers, and two bellringers who were responsible for numerous small tasks in the Cathedral. Although these offices were subject to annual election, competent men such as Thomas Little and Michael Patteson often held them for prolonged periods.

Chief among the extra capitular members of the Cathedral were twelve minor canons whose duty it was to perform services in the Church and who remained in office so long as their behaviour was good. In addition provision was made for a deacon and subdeacon to read the lessons during service time, and a choir consisting of ten lay clerks and ten choristers,

(1) See below p. 20.

the latter having their own master who also served as organist.

Unconnected with the liturgical function of the Church, but also included in the foundation, were a schoolmaster and usher, eighteen scholars, and eight almsmen whose duties will be discussed in more detail later.

Finally, there were a number of butlers, cooks, porters, and other servants who were necessary for the collegiate life envisaged for the minor canons and for the numerous menial tasks necessary for the smooth running of the Cathedral. All of these lesser officers, from the minor canons downwards, were expected to wear a livery and allowances were given so that their appearance would always be smart and a credit to the Church.

To provide a show of conformity and obedience to the outside world was indeed an important part of the Cathedrals function. This was done chiefly through its services and sermons which invariably carried a political as well as a religious message and were seen as an important means of implementing the Elizabethan Settlement in the localities. Each day three services were held, the first of which 'common morning prayer', was performed at 6 o'clock by the minor canons in rota 'to the intent that the scholars of the Grammar School and other well disposed artificers may resort daily thereunto'.⁽¹⁾ Under Whittingham this service was also attended by the children of the Song School and all the servants of the Church and usually lasted about half an hour.⁽²⁾ At 9 o'clock and 3 o'clock the regular daily services were held in the presence of the minor canons, choir, and such prebends as felt inclined to attend, special orders being given in 1559 that prayers should be said for the prosperity of the Queen.⁽³⁾ Whittingham who was himself 'skilled in music' and had

(1) PK. York Bk. f.50/2

(2) BM. Lans. 7 f.24

(3) PK. York Bk. f.50/2. BM. Lans. 7 f.24.

been associated with Sternhold and Hopkins translation of the psalms took special interest in the music used in the services and 'was very careful to provide the best songs and anthems that could be got out of the Queen's Chapel to furnish the choir with all'.⁽¹⁾ Moreover, while he was Dean, Wednesdays and Fridays were given over to 'a general fast with prayers and preaching of God's word' and on Sundays and holidays sermons were organised in the morning and in the afternoon there was general instruction in the catechism.⁽²⁾ In addition, special services were sometimes arranged to provide ostentatious displays of loyalty to the Crown or to emphasise the evils of dissent, such as the annual services for the Assize Judges in the summer and a special service of thanksgiving in 1586 following the successful discovery of the Babington plot.⁽³⁾ Perhaps most important in this category were the general communions of the 1590's on which Huntingdon placed such emphasis:⁽⁴⁾ in 1592 such a multitude of people attended that benches had to be brought in from the town to seat them all.⁽⁵⁾

The Marian Statutes had laid great emphasis on the importance of the sermon, ordering the Dean and prebends to 'diligent in season and out of season in sowing the word of God both in the country and especially in this Cathedral Church'.⁽⁶⁾ The prebends were each supposed to deliver at least four sermons a year in the Cathedral and the Dean was expected to preach on major feast days and whenever else he felt inclined: in 1585, for example, Dean Matthew preached 28 sermons in the Cathedral, 19 in the following year and 27 in 1587.⁽⁷⁾ Even non-resident Dean Wilson took this

(1) CS. Misc. VI p.23. See also Chapter 5, p.207.

(2) BM. Lans. 7 f.24

(3) PK. Misc. Ch. 3143

(4) For a complete discussion of the career of the Earl of Huntingdon see M.C. Cross, The Puritan Earl.

(5) PK. Misc. Ch.3240

(6) See also Chapter 8, p.306.

(7) Y.M.L. Add. Ms.18

part of his duty seriously and sent a preacher to Durham to deputise for him.⁽¹⁾ In addition, a Divinity Lecture was founded in 1559 to be

delivered on three mornings a week in the Chapter House 'openly so that all people may come to it'.⁽²⁾ Although evidence suggests that by 1584/5

it was only delivered twice a week⁽³⁾ attendance was compulsory for the prebends and minor canons and services were suspended while the lecture

was in progress. The lecturer, who was one of the prebends, received a stipend of £20 a year and in 1579 Hugh Broughton was considered to be

fulfilling the function exceptionally well with the result that 'many more do daily repair to hear him than were wont to resort to the said lecture, which we trust in time shall greatly profit the Church of God in these

parts'.⁽⁴⁾ Self help was also encouraged and after 1559 large Bibles and the Paraphrases of Erasmus were placed in the choir and the body of the Church for the edification of both the clergy and the congregation.⁽⁵⁾

In all, given a diligent Dean and prebends, there should have been in excess of 170 sermons and lectures in any given year,⁽⁶⁾ which,

considering the general ability of the preachers, was a formidable barrage by any standard. Whether or not this effort was well spent considering the size of the city is a question which will be dealt with later.⁽⁷⁾

(1) Roger Wilson STB, Vic. of Kelloe, 1579-1625. PK. D and C. Act Bk. f.29.

(2) PK. York Bk. f.50/2

(3) PK. York Bk. f.41/2

(4) PRO. SP/12. 133. No.3. Fuller acknowledges that his sermons were popular though 'on subjects rather for curiosity than edification'. The History of the Worthies of England, Vol.2, p.567.

(5) PK. York Bk. f.50/2

(6) This figure assumes that only 2 lectures a week were delivered: if 3 were delivered, as specified by the 1559 visitors, the number would be increased to 222.

(7) In 1563 Whittingham complained that 'this town (Durham) is very stiff, notwithstanding they behandelld with all lenity and gentleness: the best hope I have that now of late they begin to resort more diligently to the sermons and service'. BM. Lans.7 f.24.

Alongside orthodoxy came education and charity as part of the *raison d'être* of the Cathedral. Either directly or indirectly the Chapter was responsible for the running of three schools in Durham all of which had antecedents long before the Reformation.⁽¹⁾ Directly connected with the Cathedral from an early date was the Cathedral Song School which was supposed to train boys for the choir and came under the supervision of the Master of the Choristers. Each of the ten choristers educated there received a stipend by virtue of his service in the choir and was expected to receive 'education and liberal instruction in letters ... as well in gentle behaviour as in skill in singing'. Quite separate was Cardinal Langley's Song School which was founded in 1414 and survived until the late seventeenth century. Although there was no formal connection with the Cathedral the masters were invariably minor canons or lay clerks and in 1582 the School's purpose was stated to be 'for bringing up of young children to be instructed in the catechism and further made fit to go to the Grammar School, and likewise to be taught their plainsong and entered in their pricksong'.⁽²⁾

The Grammar School had been refounded as part of the Cathedral foundation in 1541 combining the old monastic Almonary School and Langley's Grammar School, and according to the statutes 18 poor children were supposed to be maintained there along with the paying pupils. The headmaster, who taught the senior boys, was to be 'learned in Latin and Greek', while the usher, who took charge of the juniors, was only required to be 'learned in Latin'. Whether or not the masters matched up to these standards in the 1560's is doubtful. In 1559 the headmaster, William

(1) For a general discussion of the Durham schools of this period see G.B. Crosby, 'Studies in the history of the Song School at Durham'. Durham MA. 1966.

(2) SR. DR/1/3 f.11.

Thewles, was deprived by the Queens' Commissioners and was succeeded by Thomas Reve who held the post for nearly ten years:⁽¹⁾ neither of these men had degrees, as far as is known,⁽²⁾ and there is evidence to suggest that Reve's usher, Thomas Iveson, was involved in the 1569 rebellion along with John Brimley, Master of the Choristers, and John Pearson, a minor canon and master of Langley's Song School.⁽³⁾ It was doubtless the incompetence or religious conservatism of these men that caused Whittingham to write to Cecil in 1563 telling him that 'because we lack an able schoolmaster I bestow daily 3 or 4 hours in teaching the youth till God provide us of some that may better suffice'.⁽⁴⁾

God's provision was not long in coming, because certainly after the rebellion, or rather just before it, there is a marked improvement in the quality of the masters of the Grammar School. Robert Cooke, Francis Key, James Calfhill and Peter Smart, headmasters in succession until the end of the century, were all M.A.'s of either Oxford or Cambridge⁽⁵⁾ and two of them were leading Protestant clergymen in the diocese:⁽⁶⁾ Peter Smart, a Protestant with extreme views, was deprived from the post in 1610 because of non-conformity after 13 years as headmaster.⁽⁷⁾ Amongst the ushers Robert Murray and Charles Moberley were known to be men of marked Calvinist views.⁽⁸⁾ Religious training, indeed, came to be an important part of the curriculum and in the new statutes for the School in 1593 it

(1) See Chapter 5, p.166.

(2) Unless Reve was the 'chaplain' who graduated B.A. at Oxford in 1541. Durham School Register, p.2

(3) See Chapter 5, p.175,177.

(4) BM. Lans. 7 f.24

(5) Forster and Venn, Alumni.

(6) Francis Key, Vicar of Heighington 1584-93, Vicar of Northallerton 1593-1624, James Calfhill, Vicar of St. Oswald's 1593-1602.

(7) Durham School Register, p.2.

(8) For their association with Whittingham's circle see N.R.L. Raine, Testamenta Dunelmensis, F.77.

was stated that the headmaster should be an abhorrer of Papistry and should take care for 'the planting of true religion in the scholars': moreover, the boys were to attend weekly lessons on the established Church, learn an authorised catechism, and take notes on all sermons they attended.⁽¹⁾ The connection between the school and the Cathedral was always close and the Chapter exercised a close supervision which occasionally verged on trivial interference with the authority of the headmaster: in 1581, for example, Francis Key, was ordered not to allow the children to play without the express permission of the Dean, Vice Dean or prebends.⁽²⁾ But more often than not Chapter influence was beneficial, and under Whittingham, who had a special interest in education, the Grammar School became a flourishing centre of humanist studies and the Dean appears to have been highly respected by at least some of his pupils.⁽³⁾

Unfortunately the rigid orthodoxy of the Grammar School was not always reflected in its pupils. James Younger, for example, who was a Queen's Scholar under Robert Cooke and Francis Key, left Durham under colour of going to Cambridge but in fact went to the English Seminary at Rheims where he met other pupils of the Grammar School who had become priests: the only comfort his old teachers could draw from this unfortunate incident was that Younger was obviously a young man of some ability and probably taught for a time at the English College in Rome and preached before the Pope there.⁽⁴⁾ In rather different circumstances, George Dobson who was a chorister and briefly a scholar at the Grammar School apparently embarked on a life of crime and was imprisoned for a time in York Castle.⁽⁵⁾ Certainly the last reference to him in the Treasurers Book

(1) V.C.H. Durham Vol.1, p.377.

(2) PK. D and C. Act Bk. f.62.

(3) D.U.L. Misc. Ms. (Letter from Miles Bodley to Thomas Lawson)

(4) G. Anstruther, The Seminary Priests, Vol.1, p.391/3

(5) Dobsons Drie Bobbes, Ed. E.A. Horsman.

of 1568/9 describes him as 'a fugitive'.⁽¹⁾ On the other hand many scholars of the Grammar School can be traced as holding responsible positions in both Church and State and these provide a much more typical picture than either Younger or Dobson: the school, for example, provided numerous clergymen and ecclesiastical administrators,⁽²⁾ and a random check on secular employment reveals a member of Lord Burghley's household and a successful notary public.⁽³⁾ The conclusion that must emerge is that certainly after 1570 the Durham Schools appear to have been functioning well under efficient and orthodox masters.

The charitable functions of the Dean and Chapter were twofold. Firstly, a total of £66.13.4 was reserved out of their revenues to be paid to the poor each year and a further sum of £20.0.0 was set aside for the repair of roads and bridges. Out of the first sum fairly regular payments were made to poor scholars at the Universities, prisoners, or the deserving poor travelling away from Durham to find work or apprenticeships, but the distribution was governed by no rigid rules and the money could be used when and where it was needed most: typical recipients of random donations were Philip Glaifield 'who was nine years a prisoner in Barbary', a lame man who met Dean Whittingham in the cloister, and a poor French scholar shipwrecked on Holy Island.⁽⁴⁾ Whittingham especially had highly idiosyncratic notions of deserving cases and during his time as Dean substantial sums were given to the Church of the French Huguenots in London, doubtless in memory of his own days as an exile.⁽⁵⁾ The £20.0.0

(1) PK. TB. 6 (stipends)

(2) e.g. William James, prebend of Durham, Richard Mann, prebend of Chichester, Robert Prentice, Official of the Dean and Chapter of Durham

(3) Thomas Speede, servant of Lord Burghley, George Cuthbert, notary public. SR.CC. Box 210/190282. Other notable scholars at this time were Chris. Lever, the author and poet, and Christ. Watson, historian and translator.

(4) PK.TB. 10 (alms money). Misc. Ch.3352.

(5) In 1568/9, for example, £6.13.4 was given to the poor of the French Church. PK.TB.6 (alms money). Whittingham, of course, had had close connections with France and his wife came from Orleans.

reserved for roads and bridges was also distributed annually where it was needed most: in 1571/2, for example, £6 was spent on paving part of Framwellgate and in 1588/9 an exceptionally detailed account records the 'mending of Newton bridge's pillar'.⁽¹⁾

Secondly, the Cathedral was expected to maintain 8 almsmen 'oppressed with poverty or crippled and mutilated in warfare or worn out with old age'.⁽²⁾ The almsmen were appointed by letters patent from the Queen and to emphasise their status and the royal munificence wore gowns embellished with roses of red silk, a uniform which they were to take special care to wear whenever they appeared in public. They were generally expected to make themselves useful around the Cathedral and were normally allowed 20 days absence a year with the permission of the Dean. The system functioned fairly efficiently until the 1580's and 90's when Elizabeth's military expeditions provided a dramatic upsurge in the number of places required. Letters patent registered by the Dean and Chapter comprise only 3 in the period 1560-80, and an astonishing 29 for the period 1580-1603.⁽³⁾ This created a huge waiting list, because, except in special circumstances, the letters patent took effect on the first vacancy after the implementation of all previous grants.

In 1586 the Privy Council attempted to ease the situation by ordering the Dean and Chapter to maintain John Conway, a soldier from Ireland, pending the vacation of an almsroom.⁽⁴⁾ Dean Matthew protested strongly that such an allowance was contrary to the statutes⁽⁵⁾ and with

(1) PK.TB. 9,14 (roads and bridges)

(2) For a general consideration of the problem of providing for the poor in this period see, J. Pound, Poverty and Vagrancy in Tudor England. (Seminar Studies in History)

(3) Letters patent registered by the Dean and Chapter did not necessarily correspond to those actually issued by the Crown, but the figures nevertheless serve to indicate the prevailing trend.

(4) APC Vol.XIV October 2nd 1586, March 14th 1587

(5) Despite the fact that the Dean and Chapter had authorised similar provision for one Edward Cookson in 1580. PK. D and C. Act Bk.f.33. On the other hand the Chapter had always resisted interference from outside: see, for example, the dispute over the new House of Correction in 1581. PK. York Bk. f.64.

the help of Valentine Dale persuaded Walsingham to let the matter drop, probably because Conway had gained possession anyway during the course of the dispute.⁽¹⁾ Nevertheless, in the winter of 1590/1 a similar request was made in favour of three soldiers from the Netherlands and the Cathedral was threatened with a visitation if it refused to comply.⁽²⁾ The Chapter replied that a letter from the Privy Council was not sufficient authority for such an allowance, but the Council remained adamant and pointed out 'that it was Her Majesty's express pleasure that they should relieve these 3 poor soldiers'.⁽³⁾ Under this pressure the Chapter gave way and in the Treasurer's Book of 1594/5 one of these soldiers, Ralph Wade, receives a payment of 30/6d as a 'stipendiary bedesman'.⁽⁴⁾ In 1596 and 1600 further orders for temporary maintenance were sent to the Dean and Chapter and in other cases similar warrants were sent to the Bishop and the secular authorities in the soldiers' home county.⁽⁵⁾

The almsmen were evidently a fairly troublesome group of men and in 1587 Valentine Dale had spoken of 'these open mouthed fellows whose tongues be full of teeth', apparently with reference to Conway.⁽⁶⁾ In 1592 George Holiday and Robert Tenant were said to have been involved in 'divers suits and controversies' concerning an almsroom occupied by Tenant,⁽⁷⁾ and in 1579 Thomas Jackson was suspended for his 'stubbornnes and contempt' to

(1) PK. York Bk. f.31. Valentine Dale was a lawyer, courtier and diplomat who included amongst his preferments the Deanery of Wells and the Mastership of Sherburn Hospital. See D.N.B.

(2) APC. Vol. XX November 4th 1590. December 16th 1590. January 24th 1591. January 30th 1591.

(3) Ibid. Vol. XXI April 30th 1591. May 5th 1591.

(4) PK. TB. 15 (almsmoney)

(5) APC. Vol. XXVI September 8th 1596. December 2nd 1596. March 20th 1597. XXVII July 24th 1597. XXIX November 1st 1598. XXX October 19th 1600.

(6) PK. York Bk. f.31.

(7) PK. D and C. Ref. F. f.8

Dean Whittingham in leaving the Cathedral without permission.⁽¹⁾

Although the majority of the almsmen were bona fide cases, sometimes with severe mutilations, this was not always the case. In 1571, for example, Thomas Ducket 'having other good means to live' and being 'wholly absent' was ordered by the Queen to be removed in favour of a more deserving case,⁽²⁾ though the Crown was prepared to permit non-residence in respect of its own servants: in 1570 Andrew Tughell was ordered to be paid even though he was absent⁽³⁾ and in 1574 he finally left his almsroom to serve in Ireland, giving over his place to Gilbert Spence, an eminent notary public who was certainly not so disabled as to prevent him fighting with Henry Kent, though we do know that Spence carried 'a walking wand' probably because of slight lameness.⁽⁴⁾ Similarly, there is little evidence to suggest that John Horne and George Holiday were seriously disabled, the former being a Durham yeoman and a relation of Dean Horne and the latter a wealthy city draper and brother of Adam Holiday.⁽⁵⁾

One of the problems caused by the huge waiting list of almsmen and by the charitable donations of the Chapter in general was that 'rascals' were encouraged,⁽⁶⁾ and this tendency, aggravated by the general poverty of the 1590's, led to a situation in which the Cathedral was forced to employ a 'beadle of the poor for keeping the beggars quiet within the College', presenting him with a staff and frese coat as visual and physical indications of his authority.⁽⁷⁾ Clearly the distribution of charity created its own very special problems.

(1) PK. D and C. Act.Bk. f.6/7,8

(2) PK. D and C. Reg.C f.34/5. Thomas Ducket was a yeoman at East Merrington in occupation of a farm leased from the Chapter. Ibid f.31/2.

(3) APC. Vol.VII. November 13th 1570.

(4) PK. D and C. Reg.C. f.76. SS. 21 p.295/7. Spence was Deputy Registrar to the Bishop, Vicar of Tynemouth 1583-1607, and Reader of the Gospel in the Cathedral. (oc. 1594/5 - 1603/4)

(5) PK. D and C. Reg.B. f.112.

(6) PK. York Bk. f.31

(7) PK. TB. 16. 18. (necessary expenses)

How then did the Elizabethan institution match up to the laudable intentions of its founder? Certainly as a bastion of orthodoxy its achievements appear to have been considerable, even though its doctrinal solidarity was occasionally threatened by crypto-Catholics or radical Protestants within the Chapter.⁽¹⁾ In the fields of education and poor relief the Cathedral played a significant role both in providing money for necessary social amenities and for deserving cases of hardship, though, as always, there was never enough money to satisfy everyone: nevertheless, poor scholars with real ability could be ensured of a good education and support from the Chapter up to University level, while the wounded victims of Elizabeth's wars were given charitable relief, if somewhat grudgingly, and an environment in which they could live out their lives in peace and security. There were, of course, problems. Although a detailed account of the almsmoney was supposed to be kept there is evidence to suggest that it was sometimes tampered with under Whittingham,⁽²⁾ though on the other hand Walsingham was quick to commend Toby Matthew for his scrupulous honesty in this respect.⁽³⁾ Likewise, scholarships which should have gone to the poor were occasionally occupied by the sons or relatives of prebends,⁽⁴⁾ though it must be stressed that the majority educated their extensive families independently. Almsrooms, too, occasionally went to undeserving cases, but all of these abuses were in proportion with the petty corruption which permeated all levels of Elizabethan Society, and on the whole the level of dishonesty was not alarmingly high. Broadly speaking the right people were receiving the

1. See Chapter 5.

2. See Chapter 7, p.258.

3. PK. York Bk. f.31.

4. e.g. William James, nephew of Dean James, William Ewbank, John and Anthony Tunstall.

right benefits and in terms of its foundation the Cathedral was fulfilling the social and educational role intended for it.

The origins of the ex-monks who made up the Chapter in 1541 were generally obscure, reflecting the reliance of the monasteries on the rural and urban middle classes for their recruitment: of the 6 old prebends who survived the 1559 Visitation only Stephen Marley bears the name of a family of local gentry and there is no proof that he was anything but a colateral descendant, perhaps only very distantly related.⁽¹⁾ The relatives of prebends like William Todd and George Cliffe were invariably of yeoman stock, having more in common with the families of the minor canons than those of their Protestant colleagues.⁽²⁾ Once the necessity for providing for redundant monks had vanished, however, the social complexion of the Chapter changed dramatically. Anthony Salvin, presented by Tunstall in 1556, was the first member of an eminent county family to enjoy a stall in the Cathedral and this set a pattern which was to last certainly until the late nineteenth century.⁽³⁾ The Pilkingtons and Levers, for instance, were important Lancashire families, the Swifts and Bunnys were Yorkshire gentry, while the Blakistons and Tunstalls came from Durham, the former being a family of great antiquity and the latter settling in the county as part of Bishop Tunstall's retinue.⁽⁴⁾

Northernness, as well as gentility, therefore, came to be a feature of the Chapter, though this was as much due to the regional origins of the bishops who presented the prebends as to a desire to procure men with an understanding of some of the specifically local problems they

(1) Surtees, History of Durham, Vol.II, p.256.

(2) D and C. Reg.B. f.195/6. Durham C.R.O. D/Sa/h 12/20.

(3) SS.161 p.107. One of the original prebends, Robert Dalton, was a scion of the family of Dalton of West Auckland, though they did not have the prominence in county society enjoyed by the Salvins. J. Foster, Durham Visitation Pedigrees, p.183.

(4) Surtees, History of Durham, Vol.III, p.162,272.

might have to face in the course of their work.⁽¹⁾ Yet even though the Chapter came to be dominated by men of comparatively high social status their monopoly was not entirely at the expense of their less exalted neighbours, because men from more humble origins, given the correct education and contacts, were still capable of reaching Cathedral stalls. Adam Holiday and William Stevenson, for example, both came from yeoman families, and James Rand, who succeeded Robert Swift in 1599, was the son of a Gateshead tanner.⁽²⁾ Even though if by the end of the century men of this sort were the exception rather than the rule, their presence in the Chapter proves that after the satisfaction of nepotism and the demands of county factions the chief criteria for preferment were education and ability, though as always the rich were in a much better position to obtain these assets than were the poor.

The abilities of the 7 Deans and 40 prebends who enjoyed stalls during the reign of Elizabeth were, in general, varied and extensive. Dean Skinner was a lawyer and politician deemed by Parker to be 'learned, wise and expert',⁽³⁾ while Whittingham was a soldier, diplomat and linguist who counted among his friends such diverse persons as Theodore Beza and Carricioli, and Italian nobleman and nephew of Paul IV.⁽⁴⁾ Thomas Wilson, the only non-resident Dean, was a privy councillor, diplomat and ultimately Secretary of State. In addition to his political activities he wrote books on logic, rhetoric and usury, as well as writing poetry and translating part of Demosthenes.⁽⁵⁾ Whittingham, however, far

(1) Of the 12 prebends presented by Pilkington, for example, 7 came from Lancashire

(2) Venn, Alumni. PK. D and C. Reg.B. f.195, 200/1.

(3) Forster, Alumni. PS. Parker Correspondence p.124.

(4) Forster, Alumni. CS. Misc. VI, p.1/40. DNB etc.

(5) Venn, Alumni. DNB BM.CPB.

surpassed Wilson as an author, being responsible for an entire translation of the New Testament as well as important parts of the Geneva Bible and the Psalms.⁽¹⁾ Horne, Matthew and James were more obviously ecclesiastical figures and all moved from the Deanery to bishoprics, Matthew ending his days as a much respected Archbishop at York famous for his learning, wit and skill as a preacher.⁽²⁾

The prebends too were generally men of real ability many of whom had enjoyed highly successful University careers. Leonard Pilkington, for example, had been Regius Professor of Divinity at Cambridge and Thomas Sampson, Thomas Lever and John Foxe were all internationally known divines.⁽³⁾ Amongst the second generation of Elizabethan prebends High Broughton was generally recognised as the most eminent Hebraist of his day and Francis Bunny, whom Eades thought to be the most learned of the Durham prebends, was responsible for at least 8 theological works.⁽⁴⁾ But even at this early date the Chapter was much more than a mere repository of divines and theologians: Swift and Colmore were active and able lawyers, Robert Bellamy was a doctor,⁽⁵⁾ and Ralph Lever wrote books on chess and logic.⁽⁶⁾ In addition, William Stevenson was a playwright and author of the comedy 'Gammer Gurtons Needle',⁽⁷⁾ and John Rudd was a mapmaker who travelled widely in pursuit of his trade and apparently taught Christopher Saxton his basic skills.⁽⁸⁾ The cosmopolitan interests of the Chapter are

(1) BM. CPB

(2) Forster and Venn. Alumni. DNB. BM. CPB. Examples of Matthews' art are numerous. One amusing anecdote recalls how 'Being Vice Chancellor of Oxford some slight matters and men came before him (and) the Vice Chancellor hearing said 'who is your Council?' The man said, 'Mr. Leasted'. 'Alas', said the Vice Chancellor 'no man can stand you in less stead'. 'No remedy', says the other, 'Necessity hath no law.' 'Indeed', quoth he, 'no more I think hath your councillor'. YML. Add. Ms. 18.

(3) Forster and Venn. Alumni. DNB.

(4) Forster and Venn. Alumni. DNB. For a list of Francis Bunny's published works see Bibliography.

(5) Forster and Venn. Alumni

(6) BM. CPB.

(7) Peile, Biographical Register of Christs College, Cambridge, Vol. I, p. 41.

(8) PK. D and C. Reg. B. f. 135. In 1569/70 Saxton described Rudd as his 'master'. PK. TB. 7 (stipends).

indicated by the library of William Birche which included books in Hebrew, Greek and Latin and covered numerous subjects including divinity, law poetry, history, logic, arithmetic, cosmography and astronomy.⁽¹⁾

Educationally the Elizabethan prebends were probably of a higher standard than their Catholic predecessors. Three members of the original Chapter of 1541 did not have degrees⁽²⁾ and in 1552 the Duke of Northumberland complained that Thomas Sparke was a poor preacher who lacked learning and honesty and that the country hated his perversity and evil qualities:⁽³⁾ of the prebends deprived in 1559 Robert Dalton and Nicholas Marley were thought to be 'unlearned' and Antony Salvin only 'meanly learned'.⁽⁴⁾ On the other hand the wills of Thomas Sparke and John Crawforth make mention of a number of theological works and the valuation of William Bennet's library at only 5s is probably explained by the fact that he sold a good deal of property when he resigned his prebend and went into semi-retirement at his Vicarage of Aycliffe in 1579.⁽⁵⁾ Nevertheless, despite allowances made for over harsh criticism it seems likely that the abilities of the Protestant prebends were generally greater and more varied. Only two prebends were presented under Elizabeth without degrees, John Henshaw and Adam Holiday: Henshaw's origins are obscure, but Holiday had already studied at the University of Basle and continued his studies at Cambridge in the 1560's gaining an MA and a BD.⁽⁶⁾ But with the Protestant prebends as well as the Catholics a balanced analysis is difficult and this cannot be undertaken by simply counting degrees.

(1) SS. 22 p.cxii/iii

(2) Ralph Blakiston, Robert Bennett, and William Watson. SS.143 p.7.

(3) PRO.SP/10. 15.35. Northumberland, however, was hardly an impartial judge. For a more favourable opinion of Sparke see SS.9 p.156.

(4) CSP Domestic. Addenda (1547-65). Vol.XI, No.45.

(5) SS. Wills and Inv. Vol.1, p.195, Raine, North Durham, p.128. SS.22. p.CXXI.

(6) B. HC Act Bk. 3 f.79. C. Garrett, The Marian Exiles, p.186/7. CSP. Domestic (1547-80) Vol.XXII No.14. See also Chapter 5, p.184, 189.

Thomas Eades, while recognising the achievements of men like Matthew and Bunny, was critical about other of the prebends. Henry Naunton he recognised as an excellent preacher, 'a Tully of the North', but Ralph Tunstall, Archdeacon of Northumberland, he thought was a 'tall dunce': taking the text 'come unto me all ye that labour and are heavy laden' the venerable Archdeacon had apparently gone on to give it the extraordinary interpretation that 'all who labour' meant labourers.⁽¹⁾ Similarly, Eades satirizes Emmanuel Barnes ungainly appearance and lack of erudition and criticises Henry Ewbank for failure to convey the full force of his preaching because of his own cold and haughty bearing.⁽²⁾ Certainly not all of the prebends can have achieved the highest academic standards, but in all of Eades criticisms there is a vein of intellectual snobbery which was perhaps intensified by personal animosity towards some of the prebends he had met. Given that Tunstall and Barnes were probably prone to the occasional blunder it should perhaps be pointed out, in fairness to them, that the former was a University preacher at Cambridge in 1568 and a domestic Chaplain of Archbishop Grindal, while the latter was a Basle DD and author of a theological work in Latin.⁽³⁾ Even if in some cases high academic qualifications did not indicate a comparable level of ability the problem is rendered largely unpenetrable because of the lack of relevant evidence. What we can be more sure of is that there was very little actual moral reproach that could be brought against the Elizabethan prebends. William Todd, when he was deprived by the High Commission for Catholicism in 1567, was also said to have 'used himself so excessively in drinking that he hath been miskempt and drunk',⁽⁴⁾ and charges of drunkenness and adultery were brought against Whittingham in

(1) AA. 3rd Series Vol.XIII, p.111. DUL M and S 62.

(2) *ibid*

(3) Forster and Venn, Alumni. BM.CPB.

(4) C.L. Hunter 18a, f.115. *Clerical marriage and the law, 1525-1600*.

1579, the former apparently being proved and the latter partly proved.⁽¹⁾ The only case which got as far as the Consistory Court, though it was tactfully dealt with by the Bishop in private, was a brawl which broke out between Henry Naunton and Henry Dethick in 1581:⁽²⁾ as a result of it Naunton was suspended for a time and the two combatants were ordered to 'live in love and charity ... as becometh good Christians'.⁽³⁾

Marriage, as well as birth, provided another major social difference between the Elizabethan prebends and their predecessors, because now, despite the personal opposition of the Queen, the clergy were apparently legally allowed to marry. The element of doubt was caused by the fact that Edward VI's legislation in favour of clerical marriage had been repealed by Mary and that Elizabeth's ruling rested only on the Injunctions and 39 Articles and not Statute Law. The problems this raised for the prebends were considerable, because doubt was cast on the legality of inheritance by their wives and children. Swift, who investigated the problem in some depth, drew a fundamental distinction between 'priests' to whom the Edwardian and Marian legislation had applied, and the 'ministers' of the Elizabethan church to whom no legislation technically applied 'because the order of making them was not then devised'. Concerning ministers, he thought, there was no doubt, because in the absence of any legislation their marriage was lawful 'as the marriage of other sorts of person is lawful', and as far as priests were concerned the ratification of the 39 Articles by the Queen in 1571 gave them the force of an Act of Parliament.⁽⁴⁾ William Stevenson, evidently fearing his death was imminent, took independent legal advice on exactly the same subject in 1574, and although his lawyer encountered difficulties in that 'no man will

(1) CS. Misc. VI. p.47.

(2) SS. 22 p.130.

(3) *ibid*

(4) For Swift's argument on clerical marriage see C.L. Raine 124. f.160/1.

subscribe his name to his opinion' the general conclusion reached was the same as Swift's, that marriage of priests or ministers was lawful 'their wives endowable and their children inheritable'.⁽¹⁾ Even given this comfort, doubt still existed in the minds of some who took great care of the way in which they referred to their wives in legal documents,⁽²⁾ and the prebends, like other clergy, still had to submit to the indignity of having their prospective wives examined by the Bishop and 2 J.P.'s to ensure she was 'of honest conversation and virtuous life without being detected, defamed or suspected of any notorious crimes or evil demeanour, but embracing Gods true and sincere religion now established'.⁽³⁾

Despite these uncertainties practically all of the Elizabethan prebends were married, including the ex-monks William Bennett and George Cliffe,* and the numerous women which this inevitably brought onto the Cathedral close led to a number of changes in an institution which for centuries had been a bastion of mysogony.⁽⁴⁾ Generally the prebends looked to their own social class for their wives and some of the Cathedral women seem to have been very remarkable people indeed. Toby Matthew's wife, Frances, was the daughter of William Barlow, Bishop of Chichester, and she especially seems to have helped to bring an atmosphere of refinement onto the Close: Fuller describes her as "a produent and provident matron",⁽⁵⁾ & an anonymous seventeenth century writer says she was 'a very gallant woman and a great housewife, insomuch that

(1) *ibid.*

(2) In 1579, for example, Whittingham referred to his wife as 'Katherine Whittingham, alias Jaqueman, my wife'. SS. Wills and Inv. Vol.II, p.15.

(3) C.L. Surtees 42 f.110/11 1597. Certificate of 2 JP's to Bishop Matthew prior to Richard Fawcetts marriage to Eleanor Blakiston of Hedley, widow.

(4) St. Cuthbert was supposed to have had a special disliking of women.

(5) T. Fuller, The Church History of Britain, Book XI p.133/4.

* Bennett, indeed, had married soon after the dissolution giving rise to the popular rhyme: "The Prior of Finchale has got a fair wife,
And every monk will soon have one"

those who had a desire to bestow good breeding upon their daughters thought themselves happy if they could get them entered into Mrs. Matthew's service'.⁽¹⁾ In addition, she seems to have been on good terms with a

Queen, a considerable feat for the daughter and wife of a cleric, and they exchanged gifts on more than one occasion.⁽²⁾ Katherine Whittingham, the

daughter of a French landowner, Louis Jaqueman,^{*} was remarkable for her courage, fire and determination, and under women like these the households of the Deans and prebends became well ordered establishments providing examples of godly living and enlightenment: certainly these households had an educational role and Whittingham, as he lay dying, 'would call his servants, which were many and would exhort them for an hour together in the fear of God and privately would call them one by one and tell them of such faults as he had suspected them to be guilty of and did admonish them to leave them'.⁽³⁾ Godly exhortation probably had its effect,

because we know that Robert Corby, one of the Dean's servants, left a will 'renouncing all Papistry, superstition and idolatry', while another Simon Comin, was a puritan who later became Registrar of the Dean and Chapter amongst other offices.^{**}

Women, though, provided their own problems as well as benefits, as the Queen doubtless realized when she ordered their removal, unsuccessfully, from Cathedral Closes in 1561.^{***} A brief examination of the Durham Consistory Court records will indicate that the contentiousness of Elizabethan men was only surpassed by that of their womenfolk and cases

(1) D.U.L. M and S. 23. f.124/5

(2) *ibid.*

(3) CS. Misc. VI, p.37.

* Perhaps Mrs. Whittingham was related to Calvin, though she was certainly not his sister as used to be claimed. A.A. 3rd Series Vol. XXI p.198/9 (J.C. Hodgson, *The Diary of Timothy Whittingham of Holmside*).

** NRL. Raine, *Testamenta Dunelmensis*, F.77. PK. D and C. Act Bk. f.54. For a brief notice of Comin's career, see Chapter 3, p.97.

*** See W.P. Haugaard, *Elizabeth and the English Reformation*, p.200/5.

such as defamation and arguing about stalls in church are extremely common. With this in mind one wonders about the part played by the petty squabbles and jealousies of the prebendal wives in the factions which rent the Durham Chapter, because certainly there is evidence on more than one occasion of bitterness between the women on the close. In 1588, for example, Mrs. Whittingham was accused by Margaret Key, wife of Francis Key, Headmaster of the Grammar School, of defaming her character by suggesting that she had had a child before marriage: 'ask the boys of the Grammar School', replied the redoubtable Mrs. Whittingham when tackled by an aggrieved Francis Key, 'and sue me at York, sue me at London, I will answer you'.⁽¹⁾ Another incident developed out of the prolonged jealousy which existed between Mrs. Matthew and the young wife of Henry Ewbank, the Dean's chaplain, and eventually prebend of the 12th Stall: Toby Matthew who 'loved a girl well' was obviously suspected by his wife of some sort of liaison with Mrs. Ewbank, and when Matthew became Bishop his gift of the rich living of Elwick to Ewbank seemed to confirm her suspicions. In all innocence the new parson came to offer thanks for his preferment but Mrs. Matthew 'suddenly and angrily replied to him that he might thank the hot arsed queen, his wife, and not her for it'.⁽²⁾ Clearly, even the refined Mrs. Matthew was apt to forget her manners at times and as an influence on the Chapter clerical marriage had both its advantages and disadvantages.

Another result of marriage was that it led to a much greater degree of interrelationship between the prebends than had hitherto existed. Many of the old Lancashire families promoted by Pilkington had ties of kinship from an early date, but closer relationships were encouraged by

(1) SR. DR.V/3 f.127.

(2) D.U.L. M and S. 23. f.124/5.

the proximity of the families to each other on the Close and by alliances brought about by Chapter politics. Robert Swift and Adam Holiday, for example, were both married to daughters of Ralph Lever's cousin,⁽¹⁾ and the Pilkington were directly related to the Huttons, Ewbanks, Sampsons, and Jameses: more loosely, because of a marriage between Leonard Pilkington and Jane Dillicotes, Bishop Barnes' second wife, they were linked to the Barnes and Bellamys also.⁽²⁾ On a lower level exactly the same sort of intermarriage was taking place between the families of minor canons and lay clerks, and occasionally the gap between the two groups was bridged: Hen. Naunton, for example, married the widow of Robert Murray, a prominent and wealthy minor canon, and Robert Prentice was related to Swift, Lever and Holiday.⁽³⁾ Tentative alliances could also be made by making one prebend the godfather of another's child, a practice which seems to have been quite common despite the opposition of many advanced Protestants to it: Whittingham was godfather to sons of John Pilkington and William Bennett,⁽⁴⁾ while the godparents of Clement Colmore's huge brood included a Bishop, a Dean, 5 prebends and 3 wives of Deans or prebends.⁽⁵⁾ These relationships, especially those sealed by marriage could be of great importance to be prebendal families or of almost no consequence at all: Ralph Lever, Robert Swift and Adam Holiday were frequently at loggerheads despite their relationship,⁽⁶⁾ but the Pilkington/Hutton alliance seems to have been important, especially in providing a spokesman in the Chapter to champion the cause of the Pilkingtons after the deaths of the old prebends Leonard and

(1) CL. Surtees 47, f.350/1. SR. Probate Reg.VI. f.183. PK. Misc.Ch.5902.

(2) Surtees, History of Durham, Vol.1, p.lxxix, lxxxii, 149 IV, p.141.

(3) C.L. Hunter 32, f.206. See also the parish registers of St. Mary le Bow and St. Mary the Less.

(4) SS. Wills and Inv. Vol.II, p.17. It is uncertain whether the Jacob Pilkington mentioned was a son of John or Leonard Pilkington since both had children of this name.

(5) SR. DR/XVIII/3 f.262. A long list of Colmore's children recording the precise time of both and the names of their godparents.

(6) See Chapter 7.

John.⁽¹⁾ Thus, in some cases, marriage provided a link between the Chapter and prebendal families whose direct connection with the Church had long since vanished.

The income of the prebends was considerable and accrued from a number of sources. Firstly, the Dean received an annual stipend of £266.13.4 and each prebend £33.6.8, paid quarterly except in the case of notorious non-residence,⁽²⁾ non-payment being apparently justified by a clause in Statute 39 which said that if the Dean or any prebend was absent from the General Chapter in November, without a lawful excuse, 'he shall altogether go without the whole sum of money which he would be entitled to receive as the bodily substance of his prebend.'⁽³⁾ Flagrant absenteeism of this sort was rare, yet between 1568/9 and 1576/7 Longworth, Sparke, Marley and Shaw all lost all or part of their stipends at different times.⁽⁴⁾ Secondly, and at least potentially most important, the Dean and prebends enjoyed certain lands and tithes known as corpes and bye corpes, which, under certain stipulations, they were allowed to farm for their own profit: the problems raised by this source of income were both long lasting and complex and one dealt with in a separate Chapter.⁽⁵⁾ Thirdly, came the daily distributions, or quotidians, to which all prebends resident on the close were entitled: attendance at any one service in the Cathedral qualified a man for payment of quotidians, the Dean receiving 12s 5d per day and each prebend 1s 4½d:⁽⁶⁾ Finally, amongst the major sources of Cathedral income, came the common dividend

(1) The connection is evident from the will of Joseph Pilkington of Middleton, gent., and that of John Pilkington of Durham. SR. Records 1609, 1622.

(2) PK. TB's (stipends)

(3) SS.143 p.175.

(4) PK.TB.6,7,8,9,10 (stipends)

(5) See Chapter 4, p.123|141.

(6) SS.143. p.115.

which was distributed annually and shared between the Residents, the Dean receiving a double share provided he fulfilled the necessary obligations. The dividend comprised unclaimed quotidians, fines imposed on transgressors, a fee of 16s 8d levied each time the Chapter seal was used, and vacancies of Cathedral preferments, potentially the most lucrative source, if, for example, the Deanery was vacant:⁽¹⁾ in 1576/7, an exceptionally good year for vacancies, £70.3.0. went to the dividend from this quarter including the stipends of 4 minor canons.⁽²⁾ Finally, the dividend included a number of miscellaneous sources, and the interpretation of what precisely these were caused a good deal of disagreement in the Chapter.

The amendments to the Statutes had been quite clear that fines and other casual profits of the estates 'shall go to the common use of the Church ... and shall not be turned to the private advantage of the Dean and Chapter or any one of them'.⁽³⁾ Although this seemed categorical enough a problem was caused when it was found that the fines were often superfluous to the immediate needs of the Church and as a result disagreement broke out concerning the real meaning of the Statute.⁽⁴⁾ Despite the protests of the Residents, Dean Wilson's executors succeeded in securing a 'grant' of £65.9.4 for the profits of fines since he had been Dean,⁽⁵⁾ and in 1585, along with other proposals, Ralph Lever suggested that fines should become a regular part of the dividend, a plan which the remainder of the Chapter thought would be 'odiously taken'.⁽⁶⁾

(1) *ibid.* p.117.

(2) PK. TB.10 (stipends)

(3) SS.143 p.187

(4) See, for example, BM.Lans. 902 f.329 (Gowlands Collection).
PK. D and C. Act Bk. f.107,115/7.

(5) PK. D and C. Act Bk. f.120.

(6) PK. York Bk. f.41/3.

Nevertheless, in 1594 an agreement was reached by which the fines were to be divided into 3 equal parts, 2 of which were to be given to the Dean and Residents and the 3rd to the non-Residents;⁽¹⁾ although this act finally diverted 2/3 of the fines into the Residents dividend, there was probably an understanding that in the event of the Cathedral not being able to meet its commitments out of surplus revenue then this part of the dividend was to be drawn upon. Certainly, the permanent addition of fines to the dividend must have greatly augmented its size, though before 1594 it is likely that this money was coming to the prebends in a semi-official fashion anyway.⁽²⁾

The size of the dividend obviously depended upon a number of factors and could either be a great deal or very little. Unfortunately no comprehensive accounts of the dividend have survived, although there are accounts of portions of it which are not particularly helpful in attempting to assess overall sums. In 1579/80, for example, at least £102.1.4 was due to the 6 Residents and in 1577/8 Swift and Lever each received £9.4.2 as part of their dividend.⁽³⁾ At the turn of the century another account shows Dean James receiving £5.5.10 and each of the 6 Residents £2.12.11, again as part of their dividend: the same account also mentions a payment of £15.0.0. made on behalf of Emmanuel Barnes 'to be allowed out of his dividend', illustrating that in that year the Resident prebends must have received at least £17.12.11 each.⁽⁴⁾ Excluding his 'grant' for fines, Wilson seems only to have received £28.6.10½ for his 15 months as Dean,⁽⁵⁾ but that Deans were capable of making much more than

(1) BM. Lans. 902, f.329. (Gowlands Collection)

(2) See, for example, PK. D and C. Act Bk. f.104/9. See also Chapter 7, p.261.

(3) PK. D and C. Act Bk. f.115/7. TB.11 (Miscellaneous)

(4) PK. TB. 18 (Miscellaneous)

(5) PK. D and C. Act Bk. f.120.

this from the dividend is indicated by some early seventeenth century accounts which exist for Dean Adam Newton. In 1612/13 Newton received £114.10.6½ as his dividend, £200.4.0 in the following year & £105.17.10 in 1617/18.⁽¹⁾ This suggests an average of something like £100 p.a. for the Dean and £50 p.a. for the Residents, including fines, a figure which compares with Dean Wilson's £81.16.2½ for 'ordinary' dividend and 'extraordinary' fines: if these figures are correct then the dividend formed a significant part of the overall income of the Dean and Residents.

The whole question of residence which qualified the prebends for these various benefits was a rather complex one. The Dean and prebends were each expected to maintain households on the Cathedral Close and during their time there they were expected to keep hospitality, the Dean being responsible for the entertainment of visiting dignitaries such as Walsingham and Huntingdon.⁽²⁾ The main burden of housekeeping, however, fell on the Residents several of whom resided in any given year on a strict rota basis, it being expressly forbidden for two to keep hospitality together. As Resident a prebend was supposed to be present at divine service and to maintain his household for 21 days in a 'more sumptuous' fashion than usual, 'giving meat to the choir and inviting in citizens and strangers'.⁽³⁾ The royal visitors of 1559 were well aware of the dangers implicit in crypto-Catholic prebends holding court in this fashion and decreed that hospitality should be kept 'reasonably, without excess',⁽⁴⁾ but the lasting problem seems to have been one of stinginess rather than excess, indicated by Ralph Levers proposals concerning the

(1) PK. PDM. Box 13.

(2) SS.143 p.109/15. Walsingham stayed with Dean Matthew in 1583 following his return from Scotland and Huntingdon was entertained in 1592. For an interesting account of Walsingham's visit see AA. 3rd Series Vol.XIII, p.112/15, and for Huntingdon's see PK. Misc. Ch.3240.

(3) SS. 143.p.113. The rule at Chapter meetings was certainly much higher.

(4) PK. York Bk. f.50/2.

quality of the 'flesh potage' to be dispensed by the Residents.⁽¹⁾ In addition to his obligations during the 21 day period as Resident a prebend who remained in residence for the remainder of the year was also obliged to entertain the choir and almsmen twice, or once if he remained in residence for less than the whole year.⁽²⁾ Special provision was made for less well off prebends, who, in the event of not having £40 p.a. over and above their Cathedral income, were released from the obligation of maintaining a household and were allowed to eat in private, or with a fellow prebend, or in the minor canons hall. If, however, 2 or 3 of these 'poor' prebends wished to join forces they were allowed to keep a common household and receive the emoluments of 1 Resident.⁽³⁾ Thus, although there could be several prebends in residence at any given time, all bound to hospitality and entitled to quotidians, there could be only one Resident and it was the Residents of the year who were entitled to a share in the common dividend.

The number of Residents varied from year to year, the usual number comprising the Dean and 6, 7, or 8 prebends.⁽⁴⁾ Ideally it was thought that there should be about 4 prebends on the close together, and this figure usually seems to have been made up of the Resident, Vice Dean, Treasurer and Receiver, who, by virtue of their office, were more tied to the Cathedral than were the other prebends.⁽⁵⁾ Each year the Dean was allowed 100 days absence without loss of any of his emoluments and the

(1) *ibid.* f.41/2

(2) SS.143 p.113

(3) *ibid* p.109/11

(4) These figures are taken from notifications of residence in the Act Books (1578-83) and in the Registers between 1580 and 90: before and after these dates it was not customary to record residence in the Register even though, in strict obedience to the Statutes, this should have been done.

(5) Their attendance rate at Chapter meetings was certainly much higher than usual. See Chapter 8, p.293/4.

prebends 80 days each, though actual absence was permitted for longer periods so long as the prebends were prepared to forfeit their quotidians.⁽¹⁾ What is clear is that attendance at Chapter meetings cannot be taken to indicate actual residence, because many examples exist of notes from the Dean ordering individual prebends to return from their cures to attend Chapter meetings at Durham.⁽²⁾ Some prebends did not fulfil the functions of a Resident at all, but those who did were quite capable of forming a balance between attendance at the Cathedral and time spent in their parishes: prebends like George Cliffe, who seems to have spent much of his time loitering around the Cathedral Close, were very much in the minority.⁽³⁾ Complete non-residence, on the other hand, was equally unusual, the only blatant case being that of Richard Longworth who in 1570 was said to have spent only a week at Durham in 3 years and was subsequently deprived in 1572.⁽⁴⁾ John Foxe who succeeded Thomas Sparke in the same year resigned after less than 12 months, probably after realizing that at least a minimum period of attendance would be required.⁽⁵⁾

Although stipends, corpses and dividend formed the basis of the 'official' income of the Chapter certain other perquisites were available to augment the incomes of the prebends. All of the various offices for which the prebends were eligible, for example, had their own salaries*, and on top of these the Dean and Receiver could claim expenses of 6s 8d and 4s a day respectively while they were performing Chapter business.⁽⁶⁾

(1) SS.143 p.101,107.

(2) e.g. PK. PDM. Box 25. Misc. Ch. 3199.

(3) See Chapter 8, p.295.

(4) SS.21. p.215/7. Longworth was Master of St. Johns College, Cambridge (1564-69), Vice Chancellor (1567-8), prebend of Worcester (1568-79), and Dean of Chester (1573-79) Venn. Alumni.

(5) He was also a prebend of Salisbury and had scruples about pluralism. See J.F. Mozley, John Foxe and his book, p.84.

(6) SS.143. p.93.

* Vice Dean £2.13.4, Receiver £6.13.4, Treasurer £2.13.4, Divinity Reader £20.0.0

In addition the major coalmines of the Cathedral at Rainton and Spennymoor were invariably leased to trustees of the Chapter and were worked for the benefit of the prebends.⁽¹⁾ In 1574 a new pit was opened at Wardley, and although it made a loss of £8.10.0. in its first year,⁽²⁾ two years later the prebends were showing a marked eagerness that it should be kept in their own occupation.⁽³⁾ At Spennymoor at least one new mine was opened in 1592/3 when payments were made to the bankman, Richard Key, and to the Dean and Leonard Pilkington for surveying it.⁽⁴⁾ Substantial profits were also made for individuals by the sale of leases to Chapter tenants claiming by tenant right⁽⁵⁾ and sometimes customary lands, as well as corpes, came to be occupied by prebends and their families: occasionally this was done by evicting the sitting tenants,⁽⁶⁾ but more often than not the prebendal families gained occupation by peaceful succession after the death of a tenant without heirs or by purchasing his interest.⁽⁷⁾ The ability of the prebends to secure leases of Chapter property benefited their relatives, families and friends, and by the end of the century there were Whittinghams, Matthews, Tunstalls, Pilkingtons, Fawcetts, Ewbanks, Huttons, Levers, Bennetts and Stevensons all established on the Chapter estates.⁽⁸⁾ If all this was not enough the Cathedral also offered credit to its personnel in that it was accepted

(1) e.g. Pk. D and C. Reg.D. f.16.

(2) PK. PDM. Box 10, Misc. Ch. 3078.

(3) BM. Lans. 902, f.329 (Gowlands Collection)

(4) PK. Misc. Ch.3275, 3293.2. Further information about the Spennymoor pits in PRO.E.134.37 Eliz.H2.

(5) See Chapter 4, p.143/5.

(6) See Chapter 4, p.145/7.

(7) Leonard Pilkington, for example, bought out John Robinson of Mid Merrington for £60 giving the tenement to his son Jacob. SS.82.p.237/8.

(8) PK.RB.26. Other families, such as the Holidays, had come and gone by this date.

policy to make short term loans, not only to the lay clerks and minor canons, who were often in desperate need of money, but also to the prebends. In the late 1560's, for example, William Stevenson was paying back a debt of more than £87 to the College,⁽¹⁾ and in 1579 Richard Fawcett and Robert Bellamy both received loans.⁽²⁾ There was a quid pro quo to this, however, because in times of general hardship some of the wealthier prebends extended loans to the Cathedral out of their own private resources.⁽³⁾

The overall wealth of the prebends is very difficult to estimate because of the numerous different sources which made up their incomes. Quite apart from money accruing by virtue of their position in the Chapter, many of them had lands and leases from other sources too. Robert Swift and Emmanuel Barnes both had valuable leases from the Bishop,⁽⁴⁾ Ralph Lever and the Pilkingtons enjoyed leases from St. John's College, Cambridge,⁽⁵⁾ and Whittingham collected a portion of the tithes of Mitford.⁽⁶⁾ Similarly, a search of the first 'Index and Alphabet Book' of the Bishops Halmote Court has revealed that Robert Hutton, Leonard Pilkington and Robert Swift all held copyhold lands from the Bishop.⁽⁷⁾ Whittingham purchased the manor of Balk in Yorkshire and East Dalton in Richmondshire was bought by John Pilkington:⁽⁸⁾ in Durham Francis Bunny purchased the manor of Newsham⁽⁹⁾ and Henry Naunton owned at least a part of Hetton.⁽¹⁰⁾

(1) PK.TB. 7,8,9 (stipends)

(2) PK. D and C. Act Bk. f.10,17.

(3) See, for example, PK.TB.11 (necessary expenses)

(4) 37th RDK p.81. PK. D and C. Reg.B. f.186, Reg.C f.24. SS.22. p.xv.

(5) T. Baker, History of St. John's College, Cambridge, Vol.1, p.153,363, 387,389,397. Vol.II, 582.

(6) SS. Wills and Inv. Vol.II, p.18.

(7) SR. HC/VII/1 (1594-1605)

(8) YAS. Vol.V. p.46, Vol.VIII p.17. Whittingham's gains in Yorkshire were partly at the expense of the Menells of North Kilvington, a recusant family who had been involved in the 1569 Rebellion and were forced to sell land to meet their heavy debts.

(9) See SR/BRA.1260. Documents relating to the Bunnys of Newsham 1602-92. Esp. No.47.

(10)

Occasionally when these private interests collided with the general interests of the Cathedral or with those of the local clergy the prebends showed themselves much more willing to uphold their own rights than those of the Chapter or the local Rector, an ironic situation when one considers the lengths to which they went to defend the very same issues when personal profit was not involved.⁽¹⁾ Quite apart from land ownership their ecclesiastical livings must be considered too, because the prebends had a virtual monopoly of the richest benefices in the diocese.⁽²⁾

That many of the prebends were extremely wealthy men is undeniable, and a brief examination of the inventories of Thomas Sparke and William Bennett will reveal something of the comfort in which they lived: Bennetts goods totalled £203.6.6, while Sparke, amongst a great sea of wealth, had plate valued at £64.16.1, including 'a mitre set with stones, pearl, silver and gilt' valued at £13.6.8.⁽³⁾ Similarly, the wealth of Whittingham and Leonard and John Pilkington is evident from their wills,⁽⁴⁾ the Deans goods being worth over £600 excluding the profits of his lands. In the 1590's Francis Bunny was capable of extending a loan of £600 to Robert Bowes⁽⁵⁾ and Leonard Pilkington gave each of his two daughters a dowry of £200, also bestowing at least £1,000 in lands, stock and money on his sons Barnaby and Joseph:⁽⁶⁾ when his widow died in 1605 her inventory totalled £997.6.8d.⁽⁷⁾ Some prebends, on the other hand, were almost entirely incapable of managing their affairs. Robert Bellamy seems

(1) eg. PRO. Durham 7. Box 2, pt.1. Durham 2. Box 1 (Dispute between Robert Hutton and Isabel Stevenson concerning Rainton mill). SR.DR/III/5 (Dispute between Roger Acroid STB, Rec. of Winston and Francis Bunny concerning tithes of Newsham 1599).

(2) See Chapter 8, p.277.

(3) Raine, North Durham, p.128/9. SS.22. p.cxviii/xxii.

(4) SS. Wills and Inv. Vol.II. p.14/19. SS.22 p.cxxxiv/ix. SR. Probate Records 1603.

(5) 37th RDK. p.122.

(6) SS.22. p.cxxxiv/ix

(7) SR. Probate Records 1605.

frequently to have been in debt and in 1590 the Privy Council intervened to ensure the payment of his creditors:⁽¹⁾ in rather different circumstances Ralph Lever consumed the greater part of his wealth in costly litigation, and timid Adam Holiday fell an easy prey to his rapacious relatives declaring in his will that 'I have many times rewarded my other friends as George Holiday, Matthew Holiday, John Holiday etc. with more than either came to their portions or my ability, which hath made me poor law and brought me into great debt, whereby I think they ought to be content and praise God'.⁽²⁾ A cautious estimate for the early 1590's indicates that Toby Matthew was probably in receipt of over £1,000 p.a. from all sources, while a wealthy prebend like Leonard Pilkington could probably expect well over £800 p.a.⁽³⁾ On the other hand a prebend like Richard Fawcett, who during this period did not have occupation of his corpes, was not a Regular Resident, and did not enjoy leases from the Chapter, was probably receiving little more than his basic stipend from the Cathedral: add to this his income from the Rectory of Boldon and we are faced with an overall income of somewhere in the region of £130 p.a. That Fawcett was not a wealthy man compared with Pilkington or Bunny is confirmed by his will in 1610.⁽⁴⁾

How the prebends spent their money is by no means certain, but from the sources which we do have it does not appear that their contribution to the social and educational well being of the community was outstanding. In 1566 Rivington Grammar School in Lancashire was founded on the

(1) APC.Vol.XVIII Feb.1,1590. Vol.XIX June 23 1590.

(2) SR. Probate Reg.VI. f.183.

(3) These estimates are based on valuations of corpes lands in the York Book and early seventeenth century valuations of livings in CL. Hunter 22 as well as miscellaneous sources.

(4) SR. Probate Reg.VI. f.255.

instigation of Bishop Pilkington with the help and support of his brothers Leonard and John who maintained an interest in the school after his death, but although the impetus and drive came from the Pilkingtons the money to support the school came from the estates of the Bishopric and Dean and Chapter and not their private fortunes.⁽¹⁾ Robert Swift was perhaps more generous when he purchased property in Sedgefield in 1596 and gave it to the twenty four of the parish 'to be bestowed to the use of the parish clerk of Sedgefield ... to dwell in and to teach and instruct in the principles of Christian religion and of grammar all such poor mens children as ... are not deemed able to pay for their school hire'.⁽²⁾ In 1600/1 a remote relation of Swifts, Elizabeth Jenison of Walworth, founded a Grammar School at Heighington, but although the Chapter was given power to appoint the Master and Trustees there is no evidence that it played any active part in its foundation or support.⁽³⁾ It was as death approached that the consciences of the prebends became stirred and nearly all the prebendal wills distributed a respectable amount of charity to the Universities, the poor, and other worthy causes,⁽⁴⁾ though at least 3 prebends seem to have been supporting scholars at the Universities during their lives.⁽⁵⁾ The only truly outstanding will from this point of view, however, is that of William Birche, deprived for non-conformity in 1567, whose testament forms a model of enlightened godly charity.⁽⁶⁾ Amongst his numerous benevolent legacies are payments to thrifty craftsmen and householders 'not common beggars', poor scholars, and prisoners whose money was to be distributed 'by a preacher that will

(1) CPR. (1563-66) No.2831. CL. Sharpe 94, f.165/71.

(2) Surtees, History of Durham, Vol.III p.419.

(3) B. Wilson, The Reformation in the diocese of Durham, p.654.
PK. D and C. Reg.F. f.148/9.

(4) See, for example, the will of Leonard Pilkington. SS.22 p.cxxiv/ix

(5) William Birche, Thomas Sparke, William Todd.

(6) SS.22.p.cx/xiv

give them godly council', a task Birche seems to have delighted in during his own life: any surplus left over after the payment of his legacies was to go 'to help poor neighbours, partly by gifts and partly by lending freely to the needy, especially the godly, for they are but stewards under God the true owner, as I was and am'.⁽¹⁾ The Pilkingtons would doubtless have agreed with these sentiments, but for men like Birche and Bernard Gilpin, who founded Kieper Grammar School and distributed a small fortune in charity,⁽²⁾ the alienation of their wealth after their deaths was a comparatively painless exercise, because unlike the majority of the prebends neither had families to support and provide for.

Just as the marriage of the prebends brought some noticeable changes onto the Cathedral Close, so it had repercussions on the Chapter estates in general and the way in which the clergy utilized their surplus cash. Generalisations about prebendal families are difficult, because although the objective of the gentry born prebends was to maintain a similar status for their children this was not always possible because of the sheer size of their families: Ralph Lever, for example, had 10 children, John Pilkington 9, and Whittingham 7, a forbidding problem for any father attempting to found a prosperous dynasty or secure profitable marriages for his daughters. As the prebends showed by their determination to purchase lands for their families, a permanent place in county society was the ideal for which they strove, and in some cases this was achieved: Whittingham's son, Timothy, was knighted in 1604 and purchased the Durham manor of Holmside largely on the strength of wealth left him by his father.⁽³⁾ Despite the fact that one of Robert Hutton's sons 'took a very strange affection to robbery' and became the leader of a gang

(1) *ibid.* p.cxiii

(2) SS. Wills and Inv. Vol.II, p.83/94.

(3) Surtees, History of Durham, Vol.II, p.330. J. Peile, Biographical Register of Christs College, Cambridge, Vol.1 p.122. In 1594 Timothy's younger brother was described as Daniel Whittingham of Burrell (Yorks), gent. PK. D and C. Reg.E. f.375.

known as 'Luke Hutton and his 12 apostles',⁽¹⁾ his respectable brother, Robert, became a substantial gentleman at Houghton and laid the foundations of an immensely important County family.⁽²⁾ At Newsham the Bunnys became respected gentry,⁽³⁾ while Henry Ewbank's son, Toby, secured a prestigious marriage with a daughter of Sir Henry Grey of Chillingham.⁽⁴⁾

But that it was difficult to provide well for all ones sons is illustrated again by the Pilkingtons. Of Leonard Pilkington's 6 sons only 3 survived him and of these 2 were able to establish themselves as gentlemen.⁽⁵⁾ Barnaby, a Cambridge MA, inherited his fathers copyhold lands at Cleadon and Whitburn, while Joseph seems to have enjoyed a comfortable living from 3 Chapter leases left him by his father and one left by his brother Nehemiah.⁽⁶⁾ Nehemiah, the youngest of the family, it was planned should establish himself as a draper with money left him by his father, but he died in 1603 before his apprenticeship was completed.⁽⁷⁾ John Pilkington, Leonard's brother, was succeeded by 7 sons, the eldest of whom, John, another Cambridge MA, inherited the manor of East Dalton, purchased by his father, and the rich Chapter lease of Coatsay Moor, thus establishing himself as a fairly wealthy gentlemen.⁽⁸⁾ His brother Thomas also appears to have achieved gentry status as the farmer of certain Chapter property at West Rainton.* The problem now was

(1) T. Fuller, The Church History of Britain, Book X, p.38/9.

DUL M and S.23. f.123. States, incorrectly, that Luke was son of Matthew Hutton, Bishop of Durham.

(2) Surtees, History of Durham, Vol.1, p.149.

(3) *ibid.* Vol.IV, p.41.

(4) *ibid.* p.141.

(5) SS.22.p.cxxxiv/ix

(6) *ibid.* Inv. of Barnaby Pilkington of Whitburn, gent. SR. Probate Records 1607. Will of Joseph Pilkington of Midleston, gent. SR. Probate Records, 1622.

(7) Will of Nehemiah Pilkington. SR Probate Records, 1603.

(8) Will of John Pilkington. SR. Probate Records, 1609.

* *ibid.* Will of Thomas Pilkington of West Rainton, SR. Probate Records, 1619.

that there was very little left in the way of land for the other 5. Abraham, another Cambridge graduate, undertook a career in the Church, and became Rector of Rous Lench, Worcs.,⁽¹⁾ and Noah seems to have gained possession of lands in Aislabye by virtue of his marriage to the daughter of a local yeoman:⁽²⁾ Jacob died soon after his father,^{*} but what became of Samuel and Isaac is uncertain. Similarly, William Bennett was capable of establishing his son Isaac as a prosperous yeoman at Aycliffe on the strength of Chapter leases,⁽³⁾ but again nothing is known of his younger sons, Robert and John, who certainly outlived their father: the problem was precisely the same as that faced by the middling and lesser gentry and the solutions to it were well tested expedients of that class. Some prebends sons, presupposing a modicum of ability, followed their fathers into the Church,⁽⁴⁾ while others, like Robert Swift and Samuel Rand, became successful professional men.⁽⁵⁾ This still leaves a significant number who, like Samuel and Isaac Pilkington and Robert and John Bennett, are difficult to trace, but no doubt a number of these were absorbed into trades of various sorts or the agricultural ventures of relatives: Nehemiah Pilkington, as we have seen, became a draper, while Antony Cliffe, one of George Cliffe's sons, was a tailor.⁽⁶⁾ The gulf between knight, tailor and bandit was a broad one, but it was between these extremes that the sons of the prebends were to be found, reflecting in their later lives the ability or non-ability of their fathers to grasp the opportunities presented to them by the post Reformation Church.

(1) Venn. Alumni.

(2) Surtees, History of Durham, Vol.1. p.lxxix

(3) See, for example, PK. RB26 (Aycliffe)

(4) e.g. Thomas Colmore, Rec. of Brancepeth, Chris. Lever, Vic. of Heighington.

(5) SS. Wills and Inv. Vol.III, p.174/6. Samuel Rand was a doctor and eventually Master of Greatham Hospital. Surtees, History of Durham, Vol.III, p.137.

(6) CL. Raine 57. Conyers-Surtees, History of Brancepeth Church, p.19.

* Inv. of Jacob Pilkington. SR. Probate Records, 1603.

Despite the important part they played in the day to day running of the Cathedral, the minor canons were very much the poor relations of the prebends both socially, educationally, and economically. Basically Northern in origin, the majority seem to have been born into the husbandman/artisan class, a similar status to that usually enjoyed by their children.⁽¹⁾ Their Cathedral duties/^{which}required their attendance at services, demanded that they should be little more than efficient liturgical machines, the Statutes adding, almost as an after thought, that they should be 'of honest conversation and as far as may be well learned'.⁽²⁾ Certainly the minor canonries were too poor to attract men of outstanding ability, and the routine nature of the work, coupled with the strict discipline and communal life, meant that their appeal was a very limited one: although marriage was not forbidden many of the minor canons remained bachelors, living a secure if largely unexciting life.⁽³⁾ After the deprivations of 1570, following the Rebellion of the Earls, there seems to have been a real problem of recruitment which endured certainly until the end of the century: in 1576/7 no fewer than 4 stalls were vacant⁽⁴⁾ and after this date it seems to have become accepted policy to provide augmentations for poor lay clerks out of the vacant minor canonries.⁽⁵⁾ On two occasions laymen were presented on anticipation of their ordination.⁽⁶⁾

University education was rare, only two examples having come to light in the whole Elizabethan period. John Allanson, a product of the

(1) See, for example, the will of John Bindley, SS. Wills and Inv. Vol.1. p.217/8. For their regional origins see depositions in CL Hunter 32. f.204, 209, 213, 215, 217, 221.

(2) SS.143.p.133.

(3) The incidence of marriage is much lower amongst the minor canons than amongst the prebends.

(4) PK.TB.10 (stipends).

(5) See, for example, TB.14 (stipends): Matthew Tailfaire and William Harrison, lay clerks, received £6.13.4 and £3.6.8 respectively out of vacant canonries: the remainder went to the dividend.

(6) 1596/7. Chris. Smith. TB.16 (stipends) 1603/4 John Hawkins TB.19 (stipends).

Pilkington's household, held a minor canonry between 1579 and 1581 while taking his degrees at Cambridge and eventually became an eminent puritan divine editing the works of his old tutor Dr. William Whitaker.⁽¹⁾

German Gardiner, the son of a Berwick notary and customs official and certainly one of the more interesting minor canons, studied at the Song School and Grammar School at Durham before matriculating at Caius College, Cambridge, in 1561:⁽²⁾ leaving without taking a degree he sought his fortune in the diocese of Norwich where his brother, George, commanded extensive patronage as Archdeacon, Chancellor and finally Dean.⁽³⁾

After holding 4 livings there he returned to Durham in the 1580's and was given a minor canonry and later the Vicarage of Eglington:⁽⁵⁾ despite

his University education the puritan compilers of "A Second Part of a Register" had a low opinion of his ability, describing him as a non-⁽⁴⁾ preacher who had 'run away to Durham'. The more usual pattern was for the minor canons to have enjoyed a grammar school education, often, like German Gardiner, having been choristers and scholars at Durham

before taking up their preferments. Their competence varied greatly, some like, Christopher Boucke and Robert Murray, being men of considerable ability who helped out in the schools and the ecclesiastical courts,⁽⁶⁾ and others, like Richard Bankus, being persistent reactionaries of little

(1) Venn. Alumni. D.N.B.

(2) SR. DR/V/4 f.51 Durham School Register p.62. SR.CC.Box 210/190282 (TB for 1554/5).

(3) D.N.B. Amongst his other preferments Geo. Gardiner was Vic. of Chatton for a time.

(4) A. Peel. A Second Part of a Register, Vol.II, p.149.

(5) In 1584 he occurs as curate of St. Margaret's Durham and first appears as a minor canon in the TB of 1587/8, though he was probably given the preferment earlier: he became Vicar of Eglington in 1587 and probably died soon after.

(6) Robert Murray usher of the Grammar School in 1568/9 and a surrogate in the Consistory between 1576 and 89. Ch. Boucke was a surrogate in the Consistory between 1599 and 1603 and Official of the Archdeacon of Durham during the same period.

obvious distinction.⁽¹⁾ Two outstanding minor canons were William Harding and Robert Prentice, both of whom held important parochial cures and served as Officials of the Dean and Chapter and as surrogates in the Archdeacons Court and the Consistory.⁽²⁾ Apart from providing a source of patronage for useful administrators, minor canonries were often occupied by men with interests and abilities beyond the obvious limits of their vocation: William Smith was a composer and amateur organ builder, Christopher Smith was a bookbinder, and John Todd wrote anthems, each using his individual talent as a means of augmenting his slender income.⁽³⁾ The minor canons, then, were not a group of men completely without ability.

Each minor canon received a stipend of £10.0.0 p.a.⁽⁴⁾ as well as monthly payments of 6s for 'commons'. These payments, which were also given to the other minor officers of the Church, were supposed to go to the maintenance of the common table where all the minor canons were expected to eat under the supervision of the Precentor,⁽⁵⁾ passages from the Bible being read at mealtimes in order to avoid 'all other slanderous and unfruitful talking'.⁽⁶⁾ The common hall was administered by a yearly steward elected from amongst the minor canons and by 12 monthly stewards responsible to him, the steward of the year being expected to render a

(1) See Chapter 5, p.180; his appalling handwriting might indicate that he was semi-literate, though equally it could be a sign of advanced age or infirmity.

(2) See Chapter 9, p.311.

(3) PK. TB.18 (repairs to Church). SS.22.p.cx/v PK. Misc. Ch.3198.

(4) PK. TBs: in addition the Precentor and Sacrist each received stipends of £2.0.0.

(5) SS.143.p.151/3.

(6) PK. York Bk. f.50/2.

(7) SS.143 p.133.

(8) Ibid. p.133.

full account of the whole body at the end of his period of office.⁽¹⁾ In addition, each minor canon received a payment of 2s for every week he was responsible for the early morning service in the Church,⁽²⁾ and each year a distribution was made of all money accruing from forfeitures by minor canons who failed to attend services or who were disobedient to the Precentor in the choir.⁽³⁾ Apart from their official income the minor canons also enjoyed certain perquisites, though on a greatly reduced scale to those enjoyed by the prebends. Sometimes, to augment their housekeeping, for example, they held the Rectory of Dalton corporately,⁽⁴⁾ and as individuals they occasionally secured small leases from the Chapter,⁽⁵⁾ loans, or scholarships at the Grammar School for their children. None of these sources, however, represented a significant addition to their stipends.

As with the prebends a decisive factor in the wealth of the minor canons was the value of the parochial cures enjoyed by them. The Statutes had demanded that their prescence at the Cathedral should be 'perpetual' and absence even for a day or night was only allowed with the permission of the Dean.⁽⁶⁾ Nevertheless, the Statutes had allowed the minor canons to hold one benefice so long as it was not more than 24 miles from Durham,⁽⁷⁾ and with a decline in the importance attached to intercessionary liturgy

(1) SS.143.p.151.

(2) See, for example, PK.TB.18 (repairs to Church)

(3) SS.143 p.135.

(4) PK. D and C. Reg.B. f.112. D and C. Act Bk. f.34.

(5) Usually of Burgages in Durham in which to house their families e.g. D and C. Reg.E. f.365. In 1590 the Chapter made a payment 'for the bringing up and nourishing of one infant or child of Robert Masterman, lately deceased'. Masterman had been a lay clerk. PK. PDM. Box 25.

(6) SS.143 p.133.

(7) *ibid.* p.135.

under Elizabeth, the minor canons were freed, to a greater extent, to undertake longer periods in their cures. Minor canons were common in the 6 City livings, which could be served in conjunction with their Cathedral stalls, and in Chapter livings on the outskirts of Durham such as Witton Gilbert and Pittington: occasionally they are to be found in parishes outside the 24 mile limit such as Muggleswick, Billingham and Eglington both within and without the Officially. Compared with the prebendal benefices Cathedral livings were not valuable, but they did provide significant additions to the slender resources of the minor canons: the vicarage of Billingham was probably worth about £30.0.0. p.a. to William Smith at the turn of the century, for example, while the Rectory of Dinsdale probably brought Robert Prentice about £20.0.0 p.a.⁽¹⁾ On the other hand the Rectory of St. Mary-the-Less, Durham, held by the Precentors William Lee and Thomas Little, was almost worthless,⁽²⁾ and many of the curacies were little better endowed. The wealthiest minor canons, such as William Harding and Robert Murray, were invariably those with fairly substantial outside benefices,⁽³⁾ while those who relied solely on their Cathedral stalls for support could expect free board and lodgings and an income not much in excess of £10.0.0. p.a. Robert Murray, Vicar of Pittington, who was a successful sheep farmer, left goods valued at over £200,⁽⁴⁾ while John Welles apparently had all his worldly goods in one chamber at Durham valued at only £2.16.2d.⁽⁵⁾

(1) These figures are based in the seventeenth century valuations in CL. Hunter 22. See Chapter 8, p.291.

(2) PRO. SP/15 12.108. valued at £30.0.2d. 50.22.6 on 1270.

(3) Robert Murray was Vicar of Pittington, while William Harding held Hart, Hartlepool and Heighington at his death.

(4) Will and Inv. of Robert Murray, SR. Probate Records, 1594. In 1582 Thomas Harrison, a lay clerk, left major legacies to his children comprising £360 in cash. SS. Wills and Inv. Vol.III, p.93/4.

(5) SS. Wills and Inv. Vol.1, p.274.

The bulk of the minor canons fell between these two extremes and the inventory of Christopher Smith seems to have been a fairly typical one, illustrating that, with care and a sideline, the minor canons could live comfortably though by no means ostentatiously.⁽¹⁾

Contemporaries tended to see minor canons, and their colleagues the Vicars Choral in the old foundations, as ignorant layabouts, underworked and underpaid. That this generalisation seems harsh in face of existing Durham evidence is clear, yet the 1559 visitors hinted at similar abuses when they gave the Bishop power to make inquiry into how the minor canons spent their time and ordered that every minister under the degree of BD. should have his own Bible in Latin and English and the Paraphrases of Erasmus, presumably in the hope that leisure hours would be taken up with some useful self-instruction.⁽²⁾ Despite these orders there is little evidence of alarming disorder at Durham in the later sixteenth century. In 1580 Robert Murray and Robert Prentice were in trouble for not attending service often enough and in the same year 3 minor canons along with the Headmaster and Usher of the Grammar School were ordered 'to keep house together as the petty canons are bound to do', an indication of the breakdown of communal life which was inevitable once some of the minor canons acquired families and households of their own.⁽³⁾ Similarly, there is no outstanding evidence of immorality which can be brought against the minor canons: William Murray's wife was pregnant when he married her,⁽⁴⁾ Charles Moberley was fined by the Halmote Court

(1) Smith left goods valued at £50.0.2d. SS.22.p.cx/ii/v.

(2) PK. York Bk. f.50/2.

(3) PK. D and C. Act Bk. f.23,34.

(4) The parish registers of St. Giles record a time lag of only 5 months between his marriage and the birth of his first child. SS.95. p.124,129.

for an assault on Thomas Syme,⁽¹⁾ and William Lee and one William Bailey were said to have 'chide and brawled like wives' during an argument in Claypath.⁽²⁾ If we extend our search to the masters of the Grammar School we find Robert Cooke cited before the Consistory Court in 1571 for committing a technical incest,⁽³⁾ and Robert Bolton, an usher, successfully purging himself when accused of fornication in 1598:⁽⁴⁾ if Dobson is to be believed an earlier usher, 'Sir William', was in the habit of fornicating with 'a merchant's daughter of the town, a pretty filigig girl'.⁽⁵⁾ This evidence is by no means conclusive, much of it being trivial and circumstantial, and when we consider it against the backcloth of a period of almost 50 years it gives the minor canons a remarkably clean bill of health.

How then did the Elizabethan minor canons match up to their critics? Although, in general, their ability was not exceptional they did perform the tasks committed to them in what seems to have been an efficient and inoffensive fashion, though we must bear in mind the conservative and Catholic opinions of some which will be dealt with in a separate Chapter.⁽⁶⁾ Their Cathedral income provided them with the bare minimum with which to maintain a tolerable household, though they did have the added security of the Cathedral behind them and the more ambitious were able to augment their resources with money from parochial cures or other

(1) PK. PDHR (1583 Elvet)

(2) SS.21.p.65.

(3) He married two sisters. SR.DR/V/2 f.209/10. CL. Hunter 13, f.60.

(4) SR. DR/IV/4 (1598 Judge v Janet Yowle)

(5) DUT 43 (Dobsons Drie Bobbes) p.80.

(6) See Chapter 5, p.162|181.

activities. Some of the minor canons and lay clerks led active lives as parish priests, schoolmasters, or secular and ecclesiastical administrators, but amongst others, especially the poorly paid lay clerks, there must have been a measure of idleness, though this does not appear to have manifested itself in some of the scandals associated with other Cathedrals.⁽¹⁾ Christopher Smith, for example, seems to have known well the dangers of laziness and provided himself with a number of healthy diversions including reading, bookbinding, archery, board games and playing the virginals.⁽²⁾ Given that the Cathedral was necessary in the first place, and this is an assumption which many contemporaries would have challenged, the minor canons formed the backbone of its routine administration, a role they filled with quiet competence, rather than with outstanding flair or scandal.

(1) For Chichester, see R.B. Manning, Religion and Society in Elizabethan Sussex, p.170/71.

(2) SS.22. p.cx(ii/v.

CHAPTER 2

PATRONAGE AND POLITICS

"He that hath ability given unto him of God to execute more offices than are with as much expedition ... ought ... not to refuse to take the same in hand. A man may bear office in a Christian society and yet be a preacher of the word too, especially where his office is no hindrance but a furtherance to his ministry."

Statement by Ralph Lever, 1585.
(PK. York Bk. f.38).

(1) For example, the circumstances surrounding the execution of Mary Queen of Scots in 1587.

The relationship between patron and client was a fundamental aspect not only of Tudor ecclesiastical history but also of the broader social and administrative bonds which linked the court with the localities during this period. How much direct influence the Queen had over the use of her patronage is now generally considered to be a subject of debate, because the pressures of the various court factions upon her were sometimes so intense as to cloud, or even to deliberately misrepresent, the realities of a given situation:⁽¹⁾ the bestowal of crown patronage was a complex and sometimes blatantly dishonest affair dominated by the attempts of magnates and courtiers to secure their own spheres of influence in the localities on the strength of royal or ecclesiastical revenues. The Deanery of Durham, only surpassed in value by those of York and Canterbury and certainly more lucrative than some of the smaller Bishoprics, represented one potential sphere of influence as did the 12 prebends of the Cathedral whose patronage remained not with the crown but with the Bishop of Durham: it is the aim of this Chapter to examine the sort of men advanced to these preferments, the means by which they achieved them, and the administrative or political duties which fell to them as part of their office.

Whittingham, the most long serving of the Elizabethan Deans, was in many ways the most untypical. The son of a Cheshire gentleman he had studied at Oxford as a young man before travelling abroad to extend his education in the Universities of France, Germany and Geneva, acting for a time as interpreter to Sir John Mason, English ambassador

(1) For example, the circumstances surrounding the execution of Mary Queen of Scots in 1587.

to France.⁽¹⁾ Returning soon before the accession of Mary he was before long forced to travel abroad once again, this time because of his Protestant convictions which had been reinforced by his stay on the continent: at Frankfurt he became deeply involved with the radical wing of the English exiles and following the bitter disputes there he seceded to Geneva with Knox and others in 1555 where he remained until 1560, taking a French wife and engaging himself in Biblical translations until the accession of Elizabeth in 1558 made possible his return to England.⁽²⁾ It was, in fact, the brief period between 1558 and 1560 which in many ways dictated the course of his future career. Since his arrival at Geneva he had been a senior of the English congregation and after the departure of the two ministers, Knox and Goodman, in 1558, Calvin suggested that Whittingham should take on their responsibilities, a task he was most reluctant to perform because 'in his former travels and observations and learning the languages he had fitted himself for state employments and had not bended his intentions that way':⁽³⁾ Calvin, however, was insistent and 'resolved not to accept of any refusal, but by continued importunity and urging his gifts and fitness did in the end, rather by conjuring him than persueding him, prevail'.⁽⁴⁾ In 1558 a reluctant Whittingham became deacon of an already depleted congregation and served it, either in that capacity or as minister, until he eventually left for England on May 30th, 1560, over a year and a half after the accession of Elizabeth.

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- (1) CS Misc. VI p.1/3. For his university career see Forster, Alumni, 1540 Commoner at Brasenose, BA 1540, Fellow of All Souls 1545, MA 1547, Senior Student of Christchurch 1547.
 (2) CS Misc. VI p.3/10 C. Garrett, The Marian Exiles, p.327/30.
 (3) CS Misc. VI p.9
 (4) Ibid.

The whole question of Whittinghams ordination will be discussed in more detail later,⁽¹⁾ but the events of 1558 had clearly left him uncertain as to the lines on which his career would develop. As early as 1550 he had had contacts with Sir John Mason, and Mason's influence on foreign policy was still strong when in January 1561, at the request of Bedford, Whittingham was chosen to accompany the Earl on an embassy to France to offer the Queen's condolences on the death of Francis II.⁽²⁾ For a year after the completion of this mission his movements cannot be traced, until, in May 1562, an attempt was made by Bedford, Leicester, and Richard Goodrich⁽³⁾ to secure the Rectory of Loughborough for him, a cure held by the Scottish preacher John Willock who was then Chaplain to the English ambassador in Edinburgh, Thomas Randolph.⁽⁴⁾ Willock, although he had been prepared to resign in favour of Whittingham, quickly changed his mind when he found that the patron, Lord Hastings, despite the pressure exerted on him, had determined to present a 'papist priest' and the whole scheme fell through.⁽⁵⁾ His association with the Dudleys continued, however, and on October 3rd of the same year Whittingham sailed from Portsmouth to Newhaven as Chaplain of the English expeditionary force at the request of its commander Ambrose Dudley, Earl of Warwick.⁽⁶⁾ At Newhaven, Whittingham showed outstanding courage and ability often preaching in his armour so that 'when any alarm came ... he would be on the town walls as soon almost

(1) See Chap. 7 p. 254/7.

(2) CS Misc. VI p. 10/11.

(3) See DNB: an ecclesiastical commissioner under Edward VI and Elizabeth.

(4) Ibid for Willock and Randolph.

(5) CSP. Foreign (1562) No. 113.

(6) Ibid No. 755.

(7) CSP (1560-61) p. 491. On Sept. 2, he preached before the Queen at Whitehall prior to his departure for the North.

(8) See also CSP. Foreign (1561) No. 1058/7.

(9) See Chap. 5 p. 63.

* Rhineland Philip Francis, Minister Palatine of the Elector.

as any man'.⁽¹⁾ His courageous handling of the Rheingraf,^{*} his exposure of a plot to burn the English ships in the harbour, and his selfless work amongst soldiers dying of the plague soon convinced Warwick that his 'dear friend' was indispensable.⁽²⁾ In November, for example, he wrote to Cecil expressing gratitude 'in having such a man amongst us as Mr Whittingham' and in the following month he described him as 'so excellent a man indeed as that I would not for nothing in the world spare him'.⁽³⁾

Whittinghams preferment had been mentioned as early as November when Warwick hinted that 'he doth well deserve great thanks at her Majestys hands',⁽⁴⁾ and in June 1563 he was finally sent back to England followed by a letter from Warwick asking that the vacant Deanery of Durham should be bestowed on him:⁽⁵⁾ on July 14th, Leicester wrote back to his brother telling him that the Queen had consented, 'which she would not, I assure you, do neither at mine or Mr Secretary's suit',⁽⁶⁾ and on July 19th the Deans letters patent were issued.⁽⁷⁾ But that Elizabeth had misgivings about Whittinghams promotion is evident from Leicesters letter and his insistence that Warwick should thank the Queen for her kindness.⁽⁸⁾ His radical political beliefs had been amply illustrated in his introduction to Christopher Goodman's 'How superior powers ought to be obeyed', his religious extremism, if ever in doubt, had been confirmed by his activities at Newhaven,⁽⁹⁾ and

(1) CS Misc. VI p. 11

(2) Ibid p.12

(3) CSP. Foreign (1562) No. 1081/4.1363/3

(4) Ibid No. 1081/4.

(5) CSP. Foreign (1563) No.907/1. 1058/2.

(6) LHR.Sp.Sup. No 5. Letters of Thomas Wood, puritan. Ed P. Collinson p.9.

(7) CPR (1560-63) p493. On Sept 2, he preached before the Court at Windsor prior to his departure for the North. Strype, Annals, Vol 1 Pt II p.88.

(8) See also CSP. Foreign(1563) No. 1058/2.

(9) See Chap. 5 p.122.

* Rheingraf Philip Francis, Elector Palatine of the Rhine.

the Deanery had already been promised to Thomas Wilson, Master of Requests, anyway.⁽¹⁾ Against this Whittingham had a powerful lobby in his support including Warwick, Leicester, Bedford and Cecil, and his skill as a soldier and diplomat could be of immense use on the borders, especially in view of Bishop Pilkingtons continued complaints about the lack of competent administrators and the loss of just such a man in Dean Skinner: given that extremists like Whittingham were going to be in circulation anyway, the Queen probably calculated that the likelihood was that their opinions would mellow once wealth and office were offered them, especially when geographically isolated from London and the prevailing trends of radical Protestant thought.⁽²⁾ At best, therefore, the Deans election was a gamble brought about by outside pressures which in some ways was to prove beneficial and in others detrimental to the authority of the crown, but it was perhaps a relief to the government that he never seems to have had any ambition to rise above the office of Dean: in 1576, during the vacancy of the Bishopric of Durham and the Archbishopric of York, Leicester sent a message to Whittingham via Sir Edward Horsey⁽³⁾ telling him to come to court 'and he should not fail to have one of those places', but the Dean replied that 'he felt himself very unfit to undertake so great a place ... and that her Majesty had so graciously and liberally already recompensed his services as he should show himself unthankful if he should not seem satisfied with so good a bounty'.⁽⁴⁾ Obviously confused about what

(1) CS Misc. VI p.14.

(2) This theory of course, had been annunciated and used as early as the fourteenth century: see, for example, the cases of the Lollards Hereford and Repton.

(3) See DNB: Governor of the Isle of Wight and commander of horse during the 1569 rebellion. A companion of Whittingham at Newhaven.

(4) CS. Misc. VI p.25/6.

precisely was the role he should have been fulfilling, Whittingham clearly seems to have been a man who had greatness thrust upon him by an enthusiastic patron, more typical of Elizabeth's first generation of Bishops than the careerist clergy who emerged once the 1559 settlement had been finally accepted.

Whittingham took some pride in the fact that he 'got not his preferment ... by following the court, nor by such real gratifications as are said to be the oil that doth facilitate the way to preferment,'⁽¹⁾ a feat which became progressively more difficult to achieve as the reign of Elizabeth progressed. In sharp contrast to Whittingham, Toby Matthew, who can fairly be described as a second generation Elizabethan cleric, secured all his preferments 'by following the court', and his career is for that reason probably much more typical in terms of the mechanics of Sixteenth and seventeenth century court patronage than that of his predecessor. Matthew was another Oxford Scholar who had matriculated at University College in 1559 aged only 13: a long and successful University career was to follow⁽²⁾ and in the year of his ordination, 1566, he achieved the distinction of taking part in a disputation before the Queen at Oxford and delivering an oration bidding her farewell when she left the University.⁽³⁾ Some of his success at Oxford undoubtedly stemmed from the fact that he was a cousin of James Calphill, a canon of Christchurch and Lady Margaret Professor of Divinity, and it is from this quarter that his first introduction to Leicester probably came.* Leicester, quick to recognise a young man of

(1) Ibid p.12/13

(2) Forster, Alumni. BA 1564 MA 1566. BD 1573. DD 1574.

(3) DNB.

* Leicester was Calphill's patron and it was on Calphill's instigation that Matthew became ordained, apparently against his parents' wishes. Calphill was a noted Calvinist who was Archdeacon of Colchester (1565-70) and who died soon after having been nominated to the bishopric of Worcester (1570). Hutchinson, History of Durham, Vol II. p.197, Wood, Athenae Oxonienses, Vol 2 p.870. For Calphill's career see DNB.

potential, made him one of his chaplains and in the early 1570's Matthew began to accumulate minor preferments⁽¹⁾, eventually becoming Dean of Christchurch in 1576 and Vice Chancellor of the University on the nomination of Leicester in 1579.⁽²⁾ Certainly in 1580 Matthew was in correspondence with Leicesters Secretary, Arthur Atey, with whom he had a frank and friendly relationship,⁽³⁾ but when precisely his interest in the Deanery of Durham developed is difficult to determine. Rather than being a carefully planned campaign, like his later preferments, his promotion to the Deanery seems to have been brought about as much by the machinations of others as by his own designs, though naturally once the process was set in motion Matthew showed a marked desire to push his candidature through to its conclusion.

Initially the key to the situation lay in happenings at Durham, because soon after Wilsons death early in 1581 Hunsdon had written to Leicester, Burghley and Walsingham on behalf of Robert Bellamy, the Vice Dean, a close ally of Dean Wilsons and an implacable enemy of Whittinghams followers in the Chapter: Bellamy looked a strong candidate, because as well as the support and personal friendship of Hunsdon, who thought he was 'a very honest and learned man and a good housekeeper', he also had the backing of Archbishop Sandys and Bishop Barnes.⁽⁴⁾ His main obstacle, however was that he had nothing like unanimous support from his fellow prebends and his enemies in the Chapter, searching for a suitable candidate to oppose him, picked on Matthew, who, by his defence of the suspended Archbishop Grindal and other factors had indicated that

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- (1) 1569-72 Public orator of the University 1570. Canon of Christchurch 1572 Archdeacon of Bath. 1572 Prebend of Salisbury. Royal Chaplain. 1572 President of St Johns. 1571 Rector of Algarkirk, Lincs.
 (2) For this and preceding information see DNB and Forster, Alumni.
 (3) PRO. SP/12. 136.76
 (4) C. Scott, Vol VI. No. 24. PRO. SP/12. 162. 48II.

his ideas were more in line with theirs than those of the Barnes/Bellamy faction.⁽¹⁾ Matthews' nomination soon attracted a good deal of support from the Privy Council who realized that the disturbances at Durham would only continue with renewed ferocity if Bellamy became Dean, and in February 1582 Matthew heard from Huntingdon and Roger Manners⁽²⁾ that Burghley approved of his removal to Durham and from Leicester and Walsingham that the Queen approved,⁽³⁾ Hunsdon having been persuaded 'upon earnest request of some of my friends' to drop his suit in favour of Bellamy.⁽⁴⁾ But approval did not constitute election and for over a year and a half Matthews appointment remained unconfirmed: he was especially concerned that his youth and marriage might be proving an obstacle, and at discreet 3 monthly intervals he wrote to Burghley reminding him of his interest in the Deanery and pointing out the abuses which were being perpetrated on the living because of continued delay.⁽⁵⁾ Eventually, on August 9th 1583, Burghley caused letters patent to be issued nominating Toby Matthews to the Deanery of Durham,⁽⁶⁾ and in September of that year he travelled North to assume his new office:⁽⁷⁾ it was doubtless his long drawn out suit for the Deanery which later caused Matthew to refer to 'my very hard passage, as it were, through the pricks, for every suit that ever I obtained at court'.⁽⁸⁾

(1) For a full account of Chapter politics at this period see Chap 7 p. 264/7.

(2) BM. Lans. 34 f. 37/8.

(3) Ibid.

(4) CSP. Domestic Addenda (1580-1625) Vol xxx. 79.

(5) BM. Lans 36 f. 124/5, 126/7, 139/40.

(6) CL. Hunter 38.

(7) For an account of his journey to Durham see AA. 3rd Series, Vol XIII p. 103/16.

(8) Strype, Annals, Vol III. Pt II p. 466.

Of Matthews 7 predecessors in the Deanery only 2 had been promoted to Bishoprics,⁽¹⁾ yet it was in their footsteps that the new Dean was determined to follow: the Deanery, which had been the height of Whittinghams ambition, was seen by Matthew as a lucrative and highly prestigious stop gap which gave him a certain bargaining power in the hunt for a Bishopric. It meant, for example, that he could afford to be selective about offers made to him, because certainly by the mid 1580's he had set his sights on the Bishopric of Durham, still a comparatively wealthy see from which Bishops showed a marked reluctance to move: when Matthew was finally translated from the Bishopric of Durham to the Archbishopric of York in 1606 he is said to have remarked that although York was the higher stall Durham was the deeper manger, his move being prompted because 'I wanted Grace'.⁽²⁾ Matthews first opportunity to satisfy his ambitions was presented by the death of Bishop Barnes in August 1587, although even before the old Bishop was buried at least one other candidate was in the field in the person of Richard Fletcher, Dean of Peterborough.⁽³⁾ Another early candidate was William Day, Dean of Windsor, who had been a contender for the Bishopric as early as 1576 and who later claimed that his promise of Durham by the Queen in 1587 had been 'overthrown' by Leicester.⁽⁴⁾ Hunsdon, Matthews' old enemy who thought he had been 'hardly requited' for his earlier support of the Dean, was also working against his candidature: as Governor of Berwick his working relationship

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- (1) Thomas Watson, Bishop of Lincoln. Robert Horne, Bishop of Winchester. See D.N.B.
 (2) A typical example of Matthews wit. DUC. M and S. 23 f. 124/5.
 (3) C. Scott P. Vol IX No. 390.
 (4) HMC. Salisbury Mss. Vol V. p.8. PS. Zurich Letters (1558-1602) p. 270.

with Matthew seems to have been poor and in September he wrote to Burghley asking him to ensure that Matthews ambitions on the Bishopric were not satisfied because 'her Majesty will repent it and the country will smart for it. I assure your Lordship he is not fit for it'.⁽¹⁾ Huntingdon, on the other hand, as Lord President of the Council of the North, was one of Matthews earliest supporters,⁽²⁾ and by late November the Deans old ally, Walsingham, anticipating the support of Leicester, had written to him promising to use his influence to secure the Bishopric.⁽³⁾

Matthews most important contact was Francis Milles, Walsinghams secretary, and an old acquaintance who had helped him in his earlier suit for the Deanery. Milles was a vital intermediary who was 'inward' with Walsingham yet who could be approached without fear of giving offence and who could be questioned on matters important to the Deans suit but far too trivial for Walsingham to waste his time on: physically isolated from the court at Durham Matthew needed an agent who could prod Walsinghams memory, keep him informed on the activities of other candidates, and give advice as his suit developed.⁽⁴⁾ Leicester, Walsinghams patron, and Matthews 'singular good Lord and old master',⁽⁵⁾ was the final link in the chain because it was he, even more so than Walsingham, that had access to the Queens ear and who ultimately governed the distribution of at least some preferments: Essex, at that time a rising star in the Leicester/Walsingham circle, played a similar role,

(1) CBP. Vol 1 No. 548. CSP Domestic Addenda (1580-1625) Vol XXX. 79.

(2) CBP. Vol 1 No. 548.

(3) Strype, Annals, Vol III pt III p.466.

(4) Strype, Annals Vol III pt II p.467. BM Cotton Titus B. VII f. 425/6. Cotton. Titus B II f. 366/7.

(5) BM. Cotton Titus B II f. 314/5

and towards the end of the year Walsingham for the first time recommended Matthew to him.⁽¹⁾ The problem was that somewhere along the line there was a strong possibility of communications breaking down: the weak link in this particular campaign seems to have been between Walsingham and Leicester, because although Walsingham dealt fairly with the Dean he does not appear to have known the inner workings of Leicesters mind quite as well as he supposed he did. Leicester had contacts and interests quite independent of Walsingham, had been out of direct contact with him for some time during his campaign in the Netherlands, and was notoriously self willed anyway. Matthews failure in this particular attempt was caused basically by his absence from court, his over reliance on intermediaries, and his failure to make direct representations to Leicester until it was too late. Nevertheless, in November Matthew felt so confident of success that in a letter to Milles he asked for an 'honest sufficient man' to succeed him in the Deanery 'for I can assure you there is not a place in this land ... more worthy to be well bestowed.'⁽²⁾

On December 9th Walsingham informed Matthew that he and Leicester had returned to court and hoped to secure the Deans promotion with the help and support of Essex.⁽³⁾ But as early as December 23rd despite Walsinghams promise, the Dean already had doubts, having heard a rumour that John Piers, Bishop of Salisbury, was the man really marked out by Leicester for Durham.⁽⁴⁾ he thought that perhaps his youth was again

(1) Ibid.

(2) Strype, Annals, Vol III pt II. p.468.

(3) BM. Cotton. Titus B VII f.425/6.

(4) BM. Cotton. Titus B VII f. 424, 427.

(5) CSP. Domestic Addenda (1540-1549) Vol XXX.79.

telling against him, but most frustrating of all was his uncertainty. Since his only communications so far had been with Walsingham and Milles he only had second and third hand accounts of Leicesters opinions, and early in the new year he wrote to Milles asking whether or not he should approach the Earl directly and if so what was the most tactful fashion to do it in: should he perhaps write to Leicester congratulating him on his return from the Netherlands and making no mention of his own suit, or should he just write to Essex, passing over Leicester - 'what jealousy that might breed if such a letter should come to light'.⁽¹⁾ The obvious solution was to come to court himself but he was reluctant to do this without more definite hope of preferment, especially in view of problems at Durham which were taking up a good deal of his time.⁽²⁾ As a compromise he sent his servant and confidant, Robert Harrison, and did in fact write to Leicester on February 18th with the assumption that the Earl approved of his removal to the Bishopric:⁽³⁾ unknown to Matthew, however, Leicesters secretary, Atey, had despatched a letter to Durham on February 16th confirming the Deans worst suspicions and telling him that Leicester had promised Durham to Piers but was offering Matthew Piers' old Bishopric of Salisbury.⁽⁴⁾

The proposals were by this time common knowledge and Hunsdon was already underway with another suit to attempt to place Bellamy in the Deanery.⁽⁵⁾ Far from being pleased at the prospect of moving to Salisbury

(1) BM. Cotton Titus B VII f. 425/6.

(2) Notably the dispute over jurisdiction *sede vacante* with the Archbishop of York. See Chap. 6 p. 232/8.

(3) BM. Cotton Titus. B. II f. 316/7.

(4) Ibid.

(5) CSP. Domestic Addenda (1580-1625) Vol XXX. 79.

and of being succeeded in his Deanery by Bellamy Matthew was highly annoyed at both suggestions: none of the existing prebends, he thought, were fit to hold the Deanery,⁽¹⁾ and showing uncharacteristic anger he wrote to Walsingham asking him to 'interrupt' his proposed removal to Salisbury 'as no such remove be tended unto me, having accomodated myself and my things to the most commodity and service of these rude remote parts ... so that if by any such plot I should be as it were discarded out of this country to make another mans game the fairer and mine own the worse ... I could not take it but for a disadvantage with a disgrace ... I possess this place to my contention which I shall be hardly persueded to depart with but for that Bishopric only which your honour hath dealt in for me.'⁽²⁾ Piers and his followers, he was convinced, wanted him removed because 'they desire some other in my place here who were more likely to serve his and their turns more readily than they think I will.'⁽³⁾ Whether Leicester actually knew of Matthews determination to keep the Deanery failing his appointment to the Bishopric, or whether, in fact, the affair was a 'plot' and an elaborate double cross on the part of the Earl is uncertain: as early as November 1587 Matthew had told Milles that he wanted to remain in the Deanery if his suit failed,⁽⁴⁾ but whether or not this was ever communicated to Leicester is uncertain. Once

(1) Strype, Annals, Vol III pt II p.468.

(2) BM. Cotton. Titus B II. f. 316/7.

(3) BM. Cotton. Titus B II. f. 366/7.

(4) Strype, Annals, Vol III pt II p.468.

Matthew had made his position clear, however, Walsingham did do his best to ensure that the Dean remained where he was, though even in April the matter was still under discussion and Matthew had not entirely given up hope of the Bishopric: Piers' friends, he had heard, 'do much relent and ... have a purpose now for me', a rumour which the Dean found 'very strange'.⁽¹⁾ Now, as earlier, Matthew seems to have been thoroughly perplexed as to what precisely was going on, an indication which suggests that the earlier blunder too was caused simply by a problem of communication.

But the question remained unsettled throughout 1588. The deaths of Leicester and Edwin Sandys, Archbishop of York, gave the situation new dimensions and the Armada crisis in the summer gave everyone something much more important to think about, at least until the autumn. In October Matthew was sent for to come to court by the Queens order to Sir Christopher Hatton and Walsingham,⁽²⁾ presumably in the hope of securing the Bishopric of Durham now that the elderly Bishop Piers was emerging as a strong candidate for the vacant Archbishopric of York: amongst the 37 sermons which the Dean preached during his stay in London 5 were delivered at court and 1 each at the houses of Warwick and Walsingham, yet despite these efforts before the Queen and his patrons all that Matthew managed to collect were 2 bouts of illness, one of which laid him dangerously sick in the Savoy for 20 days.⁽³⁾ Proposals put forward for the distribution of the vacant Bishoprics in the Spring

(1) BM. Cotton. Titus B II f. 366/7.

(2) Y ML. Add. Ms 18.

(3) Ibid.

of 1589 did not include Matthew and the coveted Bishopric of Durham went to Matthew Hutton, Dean of York, through the influence of Burghley and Whitgift.⁽¹⁾ On June 9th, 1589 Hutton was finally elected and he was confirmed and consecrated in the following month, the same month in which Matthew returned to Durham.⁽²⁾ His suit had lasted almost 2 years and his unwillingness to move anywhere but to the Bishopric of his choice had meant that at the end of it he was precisely where he had been at the beginning, wiser, if poorer, for his experience.

The next 5 years formed an important transitional period for Matthew, because with the deaths of his old patrons, Leicester and Walsingham, and the emergence of the conflict between Essex and the Cecils in the 1590's, he was forced to make a fundamental re-evaluation of his position. The North, indeed, represented an important aspect of the Essex/Cecil feud, especially after Francis Dacre had fled to Scotland in 1589 stirring up the Dacre tenants and putting the English and Scottish Catholics in touch with Essex through his spy, Antony Bacon: the obvious risk was of James VI falling prey to these Catholic factions which in turn raised the possibility of a Spanish backed invasion from Scotland, a rebellion of the Northern Catholics, and the overthrow of Protestantism in England. With these dangers on the horizon, the Cecils were determined to use all their influence to appoint only their own trusted followers and vigorous anti-Catholics to key positions of authority in the North.⁽³⁾ Although he had been recommended to Essex in 1587, and may well have met him during his time at Court in 1588/9,

(1) PRO SP/12. 174. 39.

(2) SS 17 p.20. YML. Add Ms 18.

(3) See R.R. Reid, The Kings Council in the North, p.230/35.

(4) See DNB.

(5) DNB. Lane. 77 E. 153/4.

(6) DNB. Lane. 77 E. 36/7, 153/4.

(7) DNB. Lane. 77 E. 153/4.

it was basically with the Cecils that the Dean identified himself in the 1590's: Burghley had approved of him from an early date, his ^{hostility} hospitality to Catholicism had never been in doubt, and in the early 1590's his intelligence and administrative work in the North had gradually pushed him into a closer relationship with Sir Robert Cecil.⁽¹⁾ By 1594, when Archbishop Piers died, Matthew was the ideal Cecil candidate to take over Durham in a proposed reshuffle which planned to move Hutton to York.

After his failure in 1587/8 Matthew was quick to come to court and further his suit in person,⁽²⁾ though he did inevitably place a good deal of trust in Michael Hickes, Cecils Secretary:⁽³⁾ Hickes, as Matthews intermediary, fulfilled the same functions as Milles had done - 'I am but as one that giveth aim,' he said, 'and can but wish well and hope well where preferment is so well deserved ... of me you shall have a poor friend ready to hold the candle to give light to the game whilst others play it'.⁽⁴⁾ On the morning of September 1st, 1594 Hickes delivered a secret letter from Matthew to Burghley with special instructions from the Dean 'to take good order that my letters come not to the view of every common eye', 'or any eye besides' Hickes added in what is probably a cryptic reference to Essex.⁽⁵⁾ It is a credit to Hickes that the letter hasnot survived, but we know that Burghley read it, apparently favourably: 'I doubt notbut my Lord doth well apprehend the matter therein contained and doth so well conceive of the writer as there will not want his good furtherance'.⁽⁶⁾ The letter doubtless

(1) See p. 85/7.

(2) Y.MC. Add Ms. 18

(3) See DNB.

(4) BM. Lans. 77 f. 153/4.

(5) BM. Lans. 77 f. 36/7, 153/4.

(6) BM. Lans. 77 f. 153/4.

contained Matthews renewed application for the Bishopric as well as promises of further service and rewards if his suit was successful, in the hope of which he was prepared to bide his time at court because 'causes of this quality be not commonly accelerated over fast'.⁽¹⁾ Matthews major supporter, however, was Burghleys son, Sir Robert Cecil, 'my most honourable and assured good friend and favourer',⁽²⁾ who was tirelessly working in favour of the Deans candidature: in another secret letter to Hickes, written after Matthews appointment had been arranged, Cecil asked his secretary to ensure that 'I may not be known to have had any particular dealing in the matter ... for it will disable me to do him or others pleasure hereafter in my access to her Majestys ear ... her Majesty cannot suspect that I looked to anything but her service, which as I profess and protest I did and do most of anything in all my recommending'.⁽³⁾

Despite a brief flurry in October during which it appeared for a time that William Day was moving to Durham and Matthew was to be translated to Worcester, apparently through the influence of Burghley, his election looked virtually certain from the start.⁽⁴⁾ By mid November the matter seemed finally settled with a reluctant Hutton being moved to York, Matthew succeeding at Durham, and William James, Dean of Christchurch, taking over the Deanery.⁽⁵⁾ Matthew now felt secure enough to return home for Christmas leaving a final letter with Hickes offering his thanks to Burghley and Cecil for their help.⁽⁶⁾ Huttons removal to

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- (1) BM. Lans 77 f. 147/8
 - (2) BM. Lans. 77 f. 174/5.
 - (3) BM. Lans 77 f. 192/3.
 - (4) HMC. Salisbury Mss. Vol V. 7/8. BM Lans. 77 f. 40/1.
 - (5) SS 17 p.87, 90.
 - (6) BM Lans 77 f. 174/5.

York was finalised in February 1595 and Matthews to Durham in the following month during which time he made another brief visit to court and preached before the Queen on Palm Sunday, a sermon which was later to provoke reaction from James VI 'as if ... I had used some bitter invective against Scots and Scotland'.⁽¹⁾ This, though, was in many ways the whole point of his election, which had been a victory for the Cecils and especially for their Scottish policy. The Dean, however, was shrewd enough not to become entirely involved with the workings of one party and to maintain at least a working relationship with Essex too: on December 15th, for example, he had written to the Earl saying that he understood that his recent preferment was 'not only with your Lordships good liking but by your especial furtherance'.⁽²⁾ It is doubtful whether Matthew was playing a double game, but his 'passage through the pricks' at Court must have taught him the dangers of making enemies, like Hunsdon, who might prove an embarrassment later: 'new friends are not like the old', he wrote to Hutton in January 1595, 'neither so well known, nor so easily kept, nor so assuredly to be trusted if and when a man hath or may need them'.⁽³⁾

Matthews proposed successor, William James, was another Cecil candidate and an Oxford scholar of great eminence, having taken his MA in 1566 and his DD in 1574:⁽⁴⁾ subsequently, he became Master of University College, Archdeacon of Coventry, and Rector of Kingham, Oxfordshire, before succeeding to Toby Matthews old offices of Vice

(1) YML. Add. Ms. 18. CBP Vol II No. 102.

(2) BM. Lans. 77 f. 42/3.

(3) SS. 17 p.95.

(4) DNB. Forster. Alumni. BA 1562, MA 1566, BD 1572, DD 1574.

Vol. CIV. 25, 26.

(5) Salisbury Mss. Vol 93 p. 117.

(6) Hutchinson, History of Durham Vol II p. 155.

Chancellor and Dean of Christchurch.⁽¹⁾ Like Matthew, he owed a good deal of his early success to the influence of Leicester whose chaplain he was: his closeness to the Earl is indicated by Fullers statement that 'if it pleased God to impart any mercy to him [Leicester] ... it was by the especial ministry of this man who was the last of his coat that was with him in his sickness'.⁽²⁾ But even though James had been marked out for the Deanery in December 1594, or even earlier, no action was taken to implement the appointment for some time. In March 1595 Sir Julius Caesar wrote to Lord Charles Howard asking him to use his influence to procure James parsonage of Kingham for his brother, assuming that he would resign on his election to the Deanery,⁽³⁾ but as time passed it became clear that James promotion was by no means a foregone conclusion. In the autumn of 1595 Christopher Parkins, late ambassador in Denmark, was in correspondence with Cecil attempting to secure the Deanery and a dispensation for non-residence for himself:⁽⁴⁾ Parkins eventually received the Deanery of Carlisle, despite his opinion that Durham was nearer to the value of his services, and his persistence caused alarm amongst James' supporters, chief of whom was Archbishop Whitgift who in March 1596 asked Cecil to speed up his promotion 'lest Dr James might be disappointed ... to his utter discredit, being a very worthy man'.⁽⁵⁾ Eventually his appointment was confirmed on June 5th 1596, almost 2 years after his name had first been proposed as successor.⁽⁶⁾

(1) Ibid.

(2) T. Fuller, The History of the worthies of England. Vol 1 p.185.

(3) HMC. Salisbury Mss. Vol V p. 148.

(4) See DNB. HMC. Salisbury Mss. Vol V p.369. CSP Domestic (1595-97) Vol. CCLIV. 28,36.

(5) HMC Salisbury Mss. Vol VI p. 117.

(6) Hutchinson, History of Durham Vol II p. 153.

At the foundation the crown had reserved the patronage of the 12 prebends as well as the Deanery for itself, but following a deal made between Bishop Tunstall and Mary in 1556 the right of presentation to the Cathedral stalls fell to the Bishop.⁽¹⁾ These were amongst the most valuable livings in the Bishops gift and were therefore frequently used as rewards for his relatives, friends and administrators: this process, still often uncharitably referred to as nepotism, represented no more than the Bishops attempt to build up his own sphere of influence in the diocese which was necessary if he was to free himself from over dependence on the local gentry and a consequent involvement in their squabbles. Bishop Pilkington, by far the most prolific distributor of prebends, promoted his two brothers and 7 known kinsmen and friends, whilst his successors Barnes and Hutton presented a son and a nephew respectively.⁽²⁾ But, like the crown, the Bishop too was open to outside influence in the use of his patronage and through a number of different channels the laity came to exert some real influence on appointments. Firstly, presentation fell to the crown *sede vacante* and in 1560, before the election of Pilkington, 6 prebends were filled in this fashion, although only 2 of those elected were to have a lasting influence on the Chapter:⁽³⁾ one good illustration of how episcopal patronage was used during a vacancy is provided by the case of Adam Loftus,

(1) Allan, Collectanea No. 24 (Grant of presentation to Bishop Tunstall)

(2) Pilkington bestowed 12 prebends, Barnes 4, Hutton 2, and Matthew 4 (Figures include Robert Hutton and Henry Ewbank amongst the nominations of Bishop Hutton and Matthew: for the peculiar circumstances of their elections see below).

(3) The prebends elected during this vacancy were Thomas Sampson, Adam Shepherd, Thomas Horton, William Stevenson, John Henshaw and Adam Holiday - only Stevenson and Holiday remained prebends for more than 3 years.

subsequently Archbishop of Dublin who was presented to the Rectory of Sedgfield in 1560.⁽¹⁾ First of all Loftus promised a lease of the parsonage to one Philip Bainbridge if he would persuade Dean Horne to exert influence at court for him, but difficulties were immediately encountered because Sedgfield had already been promised to a chaplain of Lord Arundel or Lord Lumley: fearing that the backing of Horne would not be adequate against these odds Loftus approached Thomas Dudley, 'my Lord Roberts man', and promised him 100 marks or a lease of the benefice for 21 years 'whichever he would choose when time served'. In addition, he made numerous promises to other prospective helpers and amongst other bribes gave Thomas Dudley £20 in old angels, all of which seems to have had the desired effect because on June 10th he was presented to the benefice.⁽²⁾ Secondly, on at least 2 occasions Bishop Barnes made grants of presentations to laymen, though he did specify in them the person who was to be presented: one, for example in 1583 gave Robert Tailbois and others power to present Emanuel Barnes, the Bishops son, and another in the following year permitted Hunsdon to present Thomas Clerke, Vicar of Berwick, a safeguard against the unexpected death of the Bishop which probably would have destroyed their chances of preferment.⁽³⁾

Thirdly, and most important of the three, was the influence exerted by the laity on an unofficial level. Leicester, for example, by engineering the appointments of key figures in the localities such as Pilkington, Whittingham and Matthew, also, through them, bought himself

(1) See DNB which does not mention his promotion to Sedgfield.

(2) CL. Hunter 18a CPR (1558-60) p.426.

(3) PK. D and C. Reg. E f. 80.

a certain influence at a lower level. Pilkington, to take one important example, tended to prefer ministers favourable to Leicester, not because of any real sense of dependence, but because, by sharing similar religious opinions, they tended to know and approve of the same people. Of the 28 ministers whose names were presented to Leicester early in the reign as being 'godly learned preachers which have utterly forsaken Antichrist and all his Romish rags', 7 eventually secured preferments at Durham:⁽¹⁾ Pilkington and Whittingham, we know, went North as Bishop and Dean through Dudley influence, while Sampson, Horton and Holiday all secured prebends during the vacancy of 1560, again probably through pressure brought to bear from the same quarter, though Adam Holiday, Cecils' Chaplain, doubtless owed as much, if not more, to his old master.⁽²⁾ The remaining 2 whose names appeared on Leicesters list, Thomas Lever and John Foxe, were both presented to prebends by Pilkington, though there is no doubt that Lever, at least, certainly felt a deep sense of obligation to Leicester too, saying in 1565 that 'I and many others have by your means had quietness, liberty and comfort to preach the gospel of Christ'.⁽³⁾ Quite apart from these 7 there is little doubt that Leicester also approved of almost all Pilkingtons other appointments, many of them eminent preachers at an early date who were doubtless amongst the 'divers whose names I do not presently remember', included, but not mentioned by name, in the memorandum quoted earlier. Other nobles too exercised a similar

(1) HMC. Pepys Mss p.2/3.

(2) CSP, Foreign (1564-5) No. 337/2.

(3) Strype, Life of Parker, Vol III p. 138.

influence on episcopal patronage. Bedford, a close friend of Pilkingtons, probably played an important part in persuading the Bishop to present his Chaplain, Francis Bunny, to a prebend in 1572, and Huntingdon and Essex both had an interest in the preferment of Hugh Broughton, presented by Barnes in 1578:⁽¹⁾ in addition we know that Sampson and Colmore both had connections with Rutland and Ralph Lever with Essex.⁽²⁾

But to overestimate the influence of courtiers on the Bishops use of his patronage would be a mistake, because, with the possible exception of Barnes, the Elizabethan Bishops of Durham were remarkably self willed men who were prepared to heed the advice of their patrons only when it coincided with what they conceived to be the correct use of their patronage. There is no evidence of any of the Bishops presenting a prebend he actively disapproved of because of pressure exerted on him, though Bishop Hutton came perilously close to this situation in 1589 in a case involving Sherburn Hospital. On November 18th of that year, the day following the death in London of the non-resident Master, Valentine Dale, Walsingham wrote to Hutton asking him to use his patronage to secure 'a learned preacher and a good man that may by doctrine and hospitality do good in those parts'.⁽³⁾ Perhaps as a result of this letter, or knowing that the Queen had some other purpose for the Hospital, the Bishop acted with uncommon haste, and within a few days had presented his nephew Robert Hutton, a fellow of Trinity College, Cambridge. Hutton, however, being a 'mere scholar' had soon concluded an exchange deal with Robert Bellamy, prebend of stall 3, whereby Bellamy,

(1) PRO. SP/12. 136.31.

(2) HMC. Rutland Mss. Vol 1 p.73. CBP Vol 1 No. 364. Lever was tutor to Walker, Earl of Essex. See, The art of Reason ... (Introduction).

(3) SS. 17 p.77.

in return for giving up his prebend and benefice of Houghton, was to receive Huttons Mastership of Sherburn Hospital: Bellamy, indeed, was the ideal man for the job, being 'an honest man, a preacher and a physician to have charge both of the souls and bodies of the poor impotent sick persons of that Hospital'.⁽¹⁾

The Bishop was quite content with this arrangement, which may well have been intended from the start, but while the transaction was in progress another letter arrived from Walsingham saying that the Queen wished the Hospital to be bestowed on Sir Henry Lee with a dispensation for non-residence, a man, who, as the Queens Champion, had had little formal training either in preaching or the care of the aged.⁽²⁾ Despite Huttons explanation of the incident, the Queen declared she was 'greatly offended' and that she thought that the matter had been dealt with in such haste to frustrate her intention: the Bishop replied that he had known nothing of the Queens wishes and had acted for the best, but Elizabeth retorted that she was 'nothing satisfied' and demanded that Hutton should restore Bellamy to his former livings and send his nephew to court to compound with Sir Henry Lee for the Hospital. Showing marked courage Bishop Hutton pointed out that since the new incumbents were canonically possessed of their benefices and neither agreed to give them up there was very little he could do, sending a plea to Burghley that the Hospital 'may not be converted to worse uses, which it is like to be if Sir Henry Lee be compounded withal'.⁽³⁾

(1) Allan, Collectanea No. 1 (Sherburn Hospital).

(2) See D.N.B.

(3) Allan, Collectanea No. 1 (Sherburn Hospital).

Perhaps through the influence of Huttons patrons, Whitgift and Burghley, whose help he craved 'more than ever in my life' the matter was allowed to drop and Lee was made Master of the Ordinance, a position which was much more in line with his martial talents anyway. As compensation the Queen was awarded the presentation of the next vacant prebend, and in February 1593 both she and Essex wrote to Hutton asking him to bestow the 12th stall on Henry Ewbank, Rector of Washington, and a chaplain of Essex.⁽¹⁾ This presented the Bishop with another apparently insoluble problem, because although the incumbent of the stall, George Cliffe, was a shaky 84 and not likely on that reckoning to live much longer, he had made no formal move to resign in favour of Ewbank. Ewbank, backed by his court patrons, became increasingly impatient at Cliffe's refusal to succumb to death, and in April 1595 he commenced a suit in the Consistory to remove him on the grounds that he had never submitted to the articles of 1571.⁽²⁾ The suit was unsuccessful and Ewbank was only finally installed in April 1595 after Cliffe's eventual demise.⁽³⁾ The incident illustrates that when the interests of courtier and Bishop came into collision, some Bishops, at least, were prepared to show considerable courage and independence, though it was perhaps coincidental that in this particular dispute the dynastic ambitions of the Huttons happened to correspond with the good of the diocese of Durham.

There had, of course, always been two sides to the ancient patron/client relationship and the courtiers who expended time and effort in

(1) CL. Sharpe 48 f. 189. BM. Add. Mss. 33207, f. 17/18.

(2) SR. DR V/6 (1594 Judge v. George Cliffe: depositions). DR XVIII/3f. 212/14.

(3) PK. D and C. Reg. E f. 469.

attempts to prefer men like Whittingham and Matthew clearly often had an ulterior motive in so doing and expected some reward for their services. Occasionally this took the form of outright bribery as in the case of Adam Loftus quoted earlier or when in 1595 Toby Matthew sent his patron, Lord Burghley, £100 in gold 'a slender token of my duty most bounden to your Lordship and a pledge of my service always to be at your Lordships commandment afore and above any man alive.'⁽¹⁾ It was, in fact, 'service' rather than money that many of the patrons were looking for, and the clergy were under no illusions as to what was expected of them in return for preferment: largely cut off from the country by continual attendance at Court, Elizabethan politicians like Leicester and Cecil needed eyes and ears in the localities if they were ever to succeed in their broader schemes. Sir Robert Cecil, especially, realised the value of such contacts and his success against Essex in the 1590's was brought about largely by his control of the localities through men like Matthew whom he had preferred to important offices. But the policy was a tried and tested one long before this. In the 1560's, for example, Whittingham had given Burghley 'promise of my service where you shall appoint',⁽²⁾ and when James came to Durham in 1596 it was after being told by Burghley that he might do 'some good service' there.⁽³⁾ Matthew, especially, made extravagant promises of what could be expected of him in return for preferment: in 1582, for example, he promised Burghley that he would be 'most bounden to do your Lordship all honour and service in those parts',⁽⁴⁾ and in 1587 he made

(1) BM. Lans 79 No. 40.

(2) BM. Lans 7 f. 24.

(3) CSP Domestic (1595-97) Vol. CCLXIII. 55.

(4) BM. Lans 34 f. 37/8.

a similar promise to Walsingham through Milles 'to do his honour any service or you any friendship so long as I shall live'.⁽¹⁾ Certainly before he left court to take up the Deanery we know that Burghley took him aside to deliver 'grave and godly council' to him, advice which Matthew promised to follow as if delivered by 'the Socrates or Soloman of our age'.⁽²⁾ The quid pro quo arrangement which existed between the courtiers and the men in the localities is neatly illustrated by a letter from Valentine Dale to Dean Matthew in 1587 in which Dale promised to use his influence with Walsingham in a suit concerning the Cathedral almsmoney if in return the Dean would help in a suit which Dale was prosecuting in the Durham Consistory, 'and so you may make account to use me in anything here towards the best, to your credit or profit at all times'.⁽³⁾

'Service' had a number of implications in sixteenth century terminology quite apart from the obvious prestige which it gave great men both to engineer appointments and to have people representing their interest in the localities. By 1600 the 'Tudor revolution in government' had not altered the fact that a good deal of important administration was still conducted on a private enterprise basis through the households of men like Leicester and Burghley: as we have seen, the Deans of Durham and some of the prebends had contacts with these men, and it was as administrators, linked to the magnates by greater or lesser ties of loyalty, that the Elizabethan Chapter fulfilled one important function.

(1) Strype, Annals, Vol III pt III p.468.

(2) Strype, Annals, Vol III pt II p.266.

(3) PK. York Bk. f. 31 Dale as Master of Sherburn Hospital was prosecuting Margaret Lever, his predecessors widow, for dilapidations. SR DR/V 3 f. 27/32. DR/III.4 (1585 Valentine Dale v. Margaret Lever).

Administrative work, of course, was not a new development, because for centuries the Priory of Durham had been involved with border administration and even in the early sixteenth century Prior Castell had led his tenants into Scotland 'for the casting down of Cesford and other fortresses': nor was this an attitude of mind which was repugnant to Protestant thought, as is well illustrated by Ralph Levers quotation which forms the introduction to this Chapter. What was considered undesirable, by Lever and others, was not that the Dean should engage in some administrative work, but that he should perform this to the exclusion of his Cathedral duties, a practice which was quite common, because Deaneries, being usually lucrative and without cure of souls, were sometimes given to non-resident lay administrators such as Sir Thomas Smith and Valentine Dale.⁽¹⁾ At Durham this happened only once in the sixteenth century when Thomas Wilson, Secretary of state and another ally of Leicester and Walsingham, secured the Deanery and a dispensation for non-residence in 1580:⁽²⁾ during his time as Dean the problems in the Chapter reached crisis point and there was justified criticism of Wilsons absence, even though he was in a position to help the Church in ways that other Deans could not.⁽³⁾ Fortunately his incumbency was a short one, but Christ. Parkins had a similar plan in mind when he wrote to Cecil in 1595 pointing out that 'the Deanery of Durham hath of times been given to such as have attended to public affairs'.⁽⁴⁾ He was, of course, correct: there was a strong

(1) Smith was Dean of Carlisle and Dale Dean of Wells. DNB.

(2) CL. Hunter 38. PRO SP/12. 136.18

(3) See Chap. 3 p.97.

(4) HMC. Salisbury Mss. Vol V p.369.

tradition of administration at Durham, but non-residents were unpopular, not only because of the disruption they were likely to cause within the Chapter, but also because the very act of non-residence, while providing for a court administrator, left a gap in the administrative structure of the North. At the time of Parkins application for the Deanery, with the prospect of the Scottish succession seeming inevitable, the preservation of a solid administration in the North was by far the more important priority.

A successful Dean, therefore, was a man who could form a balance between ecclesiastical and secular administration with a degree of evangelical fervour included for good measure. The Dean, by virtue of his office, was a member of the Council of the North and a JP in Northumberland, Durham and the North Riding of Yorkshire.⁽¹⁾ What evidence we have suggests that the Elizabethan Deans were fairly conscientious members of the commission of the peace⁽²⁾ and although not amongst the full time staff of the Council of the North who resided at York, they did play a part in its activities. In August 1569, for example, Whittingham was amongst a group of councillors who travelled to Carlisle to investigate a serious riot which had taken place in Westward forest.⁽³⁾ Broadly speaking, however, the Deans contributed according to their abilities and as the needs of the moment dictated. In 1560, for example, Horne was charged with the keeping of George Graham the 5 year old son of the Earl of Monteith who was a Scottish hostage,⁽⁴⁾

(1) See for example, CPR (1560-63) p.437,445. (1563-66) No. 499.

(2) Eg. the frequency of Dean James signature on recognizances of the late 1590's. PRO. Durham 17 (indictments).

(3) CSP Domestic Addenda (1566-79) Vol XIV. 87.

(4) CSP. Foreign (1559-60) No. 903/5.

(5) CSP Misc. VI p.24.

and his successor, Ralph Skinner, was a lawyer sent North in the same year in response to complaints about the lack of loyal and competent administrators there.⁽¹⁾ During his 2 years as Dean he became temporal Chancellor of Durham and was consequently concerned with a number of minor administrative matters:⁽²⁾ William Fleetwood in his temporary appointment as Steward of the Bishops Halmote Court was ordered to consult the Dean in complicated cases,⁽³⁾ yet despite his basically administrative training and activities we know that Skinner was also capable of delivering a 'godly sermon'.⁽⁴⁾

Whittingham too had successfully, if rather reluctantly, bridged this same gap between minister and administrator at an early date, but during his stay at Durham he was given almost no opportunity to display his military and diplomatic skills. This did not indicate that his competence had in any way waned, because left to his own devices Whittingham was still capable of demonstrating the same flair which had won him renown at Newhaven. Several weeks before the outbreak of the Rebellion of the Earls, for instance, he had gone to Pilkington to urge him to assemble the tenants of the Bishopric along with those of the Dean and Chapter, armed, at Durham castle 'which would be a means to awe the collecting rebels and be a stay and refuge for many gentlemen of the country to resort unto'.⁽⁵⁾ The Bishop, however, neglected his advice, but undeterred the Dean rode to Newcastle where he warned the

(1) For his earlier career see Forster, Alumni. Parker thought he was 'learned, wise, and expert'. See Chap. 1.p.21.

(2) BM. Lans. 902 f.37 (Gowlands Collection). One of his involvements was a dispute concerning sea coal and another concerned the boundaries of the manor of Gateshead. 37th. RDK p.75 CL. Sharpe 17.

(3) 37th RDK p.79.

(4) CS. 42 p.261.

(5) CS Misc. VI p.24. MS. 136. CS. 42. Parker 1173-77 p. 131.

Mayor and Aldermen of the danger of a surprise attack and using his experience gained at Newhaven he supervised the organisation of the towns defences.⁽¹⁾ He finally left Durham on November 10th only 4 days before the Earls entered the city 'secret intelligence being brought unto him if he went not away that night he could not pass Southward for the bridges would be taken up the next night'.⁽²⁾ On November 15th he was at York giving advice to Sussex⁽³⁾ and on the 28th he was apparently seeking intelligence around the Yorkshire borders,⁽⁴⁾ eventually joining up with the Queens army under Warwick and Clinton and entering Durham with them in mid December.⁽⁵⁾ If the Queen had been doubtful about sending Whittingham to Durham and reluctant to employ him in a formal administrative capacity she had good reason to be grateful for his services in 1569, especially his fortification of Newcastle which helped deprive the rebels of an important sea port and access to a good deal of wealth. In 1572 the Dean was one of the candidates put forward to succeed Burghley as Secretary of State, but the Lord Treasurer thought 'that it was pity to call him to such employment being so well fitted to discharge his place in his function, neither did he think that he would accept thereof if it were offered him'.⁽⁶⁾ Three years later his name was put forward to Leicester and Walsingham by Sir Henry Killigrew as a possible Ambassador to Scotland because his 'ableness in all manner of ways cannot be denied by any that have skill'⁽⁷⁾ and even as late as 1579 it was suggested that he

(1) Ibid.

(2) Ibid p.25.

(3) CSP. Domestic Addenda (1566-79) Vol XV. 25.

(4) Ibid. 52.

(5) CS. Misc. VI p.25.

(6) Ibid p.21.

(7) C. Scot P. Vol. V No. 186. CSP. Foreign (1575-77) No. 292.

should be sent as Ambassador to France.⁽¹⁾ Nothing ever came of any of these suggestions, however, possibly because of the Queens continued fear of his radical political beliefs and Whittinghams own marked reluctance to move away from the Deanery.

But although Horne, Skinner and Whittingham all maintained contacts with Cecil and Leicester, giving them information about happenings in the North,⁽²⁾ none did this on the same scale as Matthew and James, and only Skinner matched up to their involvement as administrators. This increase in the administrative burden laid upon the shoulders of the Dean sprang from 2 fundamental causes: firstly, there was a general increase in governmental activity in the 1580's and 90's brought about by new political problems such as the growing threat from Spain and the seminary priests, and secondly the government had more confidence in the later Deans than ever it had had in Whittingham. In 1587, for example, Matthew was one of the arbitrators appointed by the Privy Council to settle a dispute between Bishop Barnes and Margaret Brough,⁽³⁾ in August of the following year during the Armada crisis he was helping to organise the musters at Newcastle,⁽⁴⁾ and in 1590 he was again engaged by the Privy Council to ensure that Robert Bellamy paid his debts to William Forthe:⁽⁵⁾ similarly in 1598 Dean James was chosen to head a commission to investigate complaints of corruption, embezzlement, and religious irregularity amongst the members of the Newcastle Corporation.⁽⁶⁾ It was, indeed, in religious or

(1) CS. Misc. VI p.32

(2) eg. CSP. Foreign (1560-61) No. 709.(1562)No.992. BM.Lans 7.f.24.

(3) APC Vol XIV. Jan. 19th 1587.

(4) PK. York Bk. f.54.

(5) APC. Vol. XVIII Feb. 1, 1590.

(6) CSP. Domstic (1598-1601) Vol CCLXVIII.57.

(3) C. Scot. P. Vol XI, No. 4.

quasi-religious activities, such as the suppression of recusancy and the discovery of seminary priests, that the Deans were able to make an especially valuable contribution, because, as High Commissioners and administrators of the Officialty, they had an intimate knowledge of the diocese which was invaluable to the government: one important example of this aspect of the Deans work was Matthews involvement in the discovery in 1591 of an extensive Catholic 'underground' organisation in Newcastle which was smuggling priests and illegal books in and out of England.⁽¹⁾

But it was Scotland, 'a court and Kingdom as full of welters and uncertainties as the moon of changes',⁽²⁾ which formed the link between Matthews purely administrative work in the North and the 'service' he rendered the Cecils in the 1590's. Since his arrival at Durham the Dean had inevitably been involved to some extent with the problems of the borders and of Scotland,⁽³⁾ but his involvement was made deeper when in January 1593 he received his first letter from John Colville, a Scottish politician currently in opposition to James VI and an English spy:⁽⁴⁾ 'although unacquainted by frequent speech and meeting', Colville wrote, 'yet upon good report and fame you have everywhere and by commandment of a special friend, I have presumed to signify to you a matter tending highly to the benefit of religion and the preservation of our sovereigns'.⁽⁵⁾ Colville enclosed a report which Matthew forwarded to Burghley adding his own opinion that 'the state of Scotland seems to be sore broken already and is like to grow very dangerous to all the favourers of the good cause there and perilous to this realm

(1) APC Vol XXI April 6 1591.

(2) CSP. Domestic Addenda (1580-1625) Vol. XXXII.63.

(3) HMC. Hastings Mss. Vol II p.41

(4) See DNB.

(5) C. Scot. P. Vol XI, No. 4.

unless timely seen into'.⁽¹⁾ The 'good cause' was James VI's continuance in the Protestant faith in face of Catholic pressures on him, a position the Cecils wished to preserve both for the security of the Northern border and the eventual succession: Matthews task was to keep the Cecils informed, so far as he was able, of the activities of the various factions at Edinburgh, at this time epitomized in the feud between Bothwell and Maitland.⁽²⁾ On August 2nd 1593, Bothwell, having fled from Scotland, took the unprecedented step of visiting Matthew at Durham 'as for that he understands I am one of her Majestys Council established in the North'.⁽³⁾ The Dean was understandably 'very loath' to become more deeply involved with matters of state 'yet could I not avoid it', and after a long conversation with the Earl he sat down at midnight to report the meeting to Burghley: 'I am most humbly to beseech your Lordship that in case it be not lawful for me to have talk with him or any from him, your Lordship will vouchsafe so much to signify unto me by your honourable letter or otherwise ... which letter I will esteem a special favour from your Lordship and as a good limit for me to live within the bounds of my vocation in prayer and study'.⁽⁴⁾ Far from being angry Burghley replied asking for further details⁽⁵⁾ and from then onwards the Dean became increasingly involved with Cecil machinations. In April 1594, for example, he sent more information to Burghley and Cecil claiming that

(1) CSP. Domestic Addenda (1580-1625) Vol XXXII 63.

(2) See DNB.

(3) Ibid No. 874.

(4) Ibid

(5) Ibid No. 880.

(6) eg. CSP Vol I No. 260. APC Vol XXXII 124. DNB 1593 XXXII 11

PR. York. B. 1.9376.

the King 'secretly hath mass and is Catholic and that he hath as sound intelligence in our court as Her Majesty hath in his':⁽¹⁾ in the Deans opinion James was 'a deeper dissembler ... than is thought possible for his years',⁽²⁾ 'the adversaries brag, the Protestants fear, he is too Catholic or too cunning'.⁽³⁾ In the same month he described Sir Robert Cecil for the first time as 'my master',⁽⁴⁾ and six months later Matthews 'service' was deemed sufficient to warrent his promotion to the Bishopric.⁽⁵⁾

Matthews relationship with his patrons remained equally close after his appointment as Bishop, and the new Dean, James, though by no means so deeply involved in politics, proved a thorough and competent compiler of information capable of giving bold and frank advice if the need arose. In 1597, his first full year in the Deanery, he wrote at least 4 letters to Cecil and 1 to Burghley emphasising the social and economic problems of the North, and it was partly as a result of the Deans advice that Cecil drafted a bill in the same year for the increase of tillage and reedification of houses in the border counties.⁽⁶⁾ The prebends too made a contribution to the secular administration but none on a scale approaching that of the Dean:⁽⁷⁾ Robert Swift, Clement Colmore, Leonard Pilkington and Francis Bunny all served as JPs during this period⁽⁸⁾

(1) Strype. Annals. Vol IV p.281.

(2) Ibid.

(3) CBP, Vol. 1 No. 942.

(4) Ibid No. 950.

(5) In Dec. 1595 Samuel Wharton, a spy employed by Cecil was apprehended at Plymouth suspected (wrongly) of being a Spanish agent: amongst other things he had on him a letter to the Bishop of Durham. HMC. Salisbury Mss. Vol. V p.488/90.

(6) CSP Domestic (1595-97) Vol CCLXII.10.11.

(7) As individuals some made a contribution towards the apprehension of seminary priests. In 1586, for example, Henry Ewbank had apprehended Bernard Patterson and later he attempted to trap the notorious priest John Boast: in 1596 Francis Bunny was making enquiries about 'secret places' in country houses and the location of seminary priests. CSP Domestic Addenda (1580-1625) Vol. XXXII.89. HMC. Salisbury Mss Vol. VI p.179.

(8) eg. CBP Vol 1 No. 260. APC. Vol XXIII Oct. 20. 1592 CCLXIII.55
CCLXV 36
PK. York Bk. f.95/6.

and occasionally Prebends were used either by the Bishops Halmote or the Exchequer Court in London as officials either to accept the surrender of lands or take depositions locally.⁽¹⁾ In 1593 the Dean was joined by John Pilkington and Clement Colmore in a commission to investigate the state of the Hospitals in Durham,⁽²⁾ but only Colmore seems to have made a contribution to administration on a higher level. In 1585 he was chosen as legal adviser to a commission under Lord Scrope to investigate the murder of Sir Francis Russell during a day of truce,⁽³⁾ and after further experience of border matters⁽⁴⁾ he was chosen as one of the 3 commissioners under Bishop Matthew to negotiate the Treaty of Carlisle with the Scots in 1597.⁽⁵⁾

Another aspect of a clients 'service' to his patron was the profit which some courtiers hoped to make for themselves through the bestowal of Bishoprics and Deaneries: for obvious reasons evidence of actual bribery is hard to come by but that it did go on, probably quite extensively, is illustrated by the two instances quoted earlier. Often, however, the patrons were interested in more long-term benefits. 'Leicesters commonwealth', for example, makes the accusation that profit from ecclesiastical lands was the chief motive behind the Earls use of his extensive patronage, and during a sermon preached at St Paul's Cross in 1589 Bancroft made a similar point when he said that 'I am fully of this opinion that the hope which many men have conceived of this spoil of Bishops livings, of the subversion of Cathedral churches, and of

(1) 37th RDK p.68,70.

(2) PK. York Bk. f.114/5

(3) CBP. Vol 1 No. 346, 359, 364.

(4) Ibid Vol II No. 151,171.

(5) Ibid. No. 400 etc.

(6) See Chap 4 p.119.

havoc to be made of all the church revenue is the chiefest and most principal cause of the great schisms that are here to this day in our church'.⁽¹⁾ Although outright secularization was still being advocated by some voices at court the majority were still satisfied with the substantial profits which were to be made from long leases of manors and rectories initially granted by the clergy to the crown and then regranted to court speculators. At Durham the Chapter had suffered from similar encroachments in the past,⁽²⁾ but in general Cathedrals did not present such tempting targets as Bishoprics, corporations being notoriously more difficult to handle than individuals: in addition to this the bulk of the Chapter estates were leased out in small portions to tenant farmers, while the larger units were either pledged to prebends as corpes lands or let out on long leases to the local gentry. Since many of the wealthiest Rectories had been subdivided at an early date and leased out by township the situation gave the potential speculator very little to hope for, especially in view of the very strict attitude which Whittingham adopted towards the whole question of encroachment.⁽³⁾ As a result the profit made by courtiers from the estates of the Dean and Chapter seems to have been negligible, although, on more than one occasion, there was interference in the form of pressure exerted by the crown to force the prebends to grant leases to certain members of the local gentry.⁽⁴⁾ Whether or not the Dudleys, with their undoubted interests in Durham, ever hoped

(1) W. James, A sermon preached At Paul's Cross.

(2) See, for example, Chap. 4 p.124.

(3) See Chap. 3p.119.

(4) See Chap 4 p.130.

for a direct profit from the Cathedral estates is uncertain, but their frustration in this sphere would be one explanation of their failure to show Whittingham much apparent support in 1579: certainly 5 years before this Thomas Wood, a close friend of the Dudleys, wrote to the Dean telling him that he had heard that Warwick did 'once or twice complain of your ingratitude'.⁽¹⁾ On the other hand Leicester was still apparently interested in Whittingham's preferment as late as 1576⁽²⁾ and in the Deans will 3 years later Warwick's wife received a book with a silver gilt cover valued at £10,⁽³⁾ so there cannot have been a complete breakdown in relations.

But in the whole question of court interference the Dean and Chapter had a relevance beyond the bounds of their own estates because 'a Bishop could not do anything at the common law to the prejudice of his successor unless it were confirmed by the Dean and Chapter'.⁽⁴⁾ In theory, at least, the Dean and Chapter was 'the Bishops council',⁽⁵⁾ and if the court had it in mind to fleece a compliant Bishop it was highly desirable for them to secure a tractable Dean and Chapter too: the lack of Chapter confirmation could invalidate an episcopal lease in law, although the Bishop could enforce confirmation by a suit in a court of equity, though he could not do this at the common law which saw the Bishop and Chapter as technically part of the same corporation.⁽⁶⁾

(1) I.H.R.Sp. Sup. No. 5, Letters of Thomas Wood, puritan. P. Collinson, p.6.

(2) See above p.57.

(3) SS. Wills and Inv. Vol II p.17.

(4) PK. Misc. Ch. 5902.

(5) SR. Cosins Survey f. 245/6.

(6) Ibid.

Although the issue was never stretched to this point at Durham there was really very little point in the Chapter resisting a determined Bishop so long as he had this trump card up his sleeve: when, however, the Bishop and Chapter saw eye to eye, as they did at Durham until 1576, they could form a powerful combination which was exceedingly difficult to crack. Pilkington, in close alliance with Whittingham, had taken a firm stand against court interference at an early date having refused the Bishopric of Winchester in 1560 because of proposed alienations to the crown:⁽¹⁾ once installed at Durham he complained vigorously until certain lands detained from him in 1561 were restored in 1566,⁽²⁾ and after the 1569 rebellion he took the singularly courageous step of suing the Queen in Kings Bench in an attempt to secure the rebellion forfeitures for himself.⁽³⁾ As early as 1561, during an attempt by Leicester to gain possession of the episcopal manor of Howden for Walter Jobson, he had realized that his relationship with 'good Lord Robert' was anomalous: 'we may preach here and do what we will', he wrote to Cecil, 'but if we fill not their bellies all is in vain'.⁽⁴⁾ By 1573 after united opposition by the Bishop and Dean and Chapter to further demands Pilkington was genuinely worried about the Queens attitude towards him,⁽⁵⁾ and his successor, Barnes, was carefully selected as being a man of much less independence of character. After 1576, therefore, the union between Bishop and Chapter was broken and with the

(1) BM. Cotton. Vespasian. FXII f.129.

(2) CPR (1560-63) p.120,167. (1563-66) No. 2777.

(3) G.T. Lapsley, The County Palatine of Durham, p.48/9.

(4) CSP. Foreign (1561-62) No. 371.1.3.

(5) BM. Lans. 17 f. 65, 108.

(6) BM. Lans. 60 f. 220.

threat of a royal visitation hanging over the Cathedral and increasing bitterness developing amongst the prebends Whittingham confirmed 4 leases made by Barnes to the crown before the summer of 1578:⁽¹⁾ one of these, the so called 'Grand lease' of the manors of Gateshead and Whickham, gave Leicesters servant, Thomas Sutton the control of what were probably the most valuable coal seams in England, thus taking their profits away from the Bishop and eventually into the pockets of the Newcastle aldermen.⁽²⁾

After the Deans death Whittinghams supporters in the Chapter continued to oppose the 'sinister dealing' of Bishop Barnes which they feared would eventually make havoc of the Cathedral estates as well as those of the diocese,⁽³⁾ but in Thomas Wilson the court had secured the tractable Dean it needed and a close alliance sprang up between the Bishop and Wilsons supporters in the Chapter.⁽⁴⁾ No further difficulties were now encountered and during his time as Bishop Barnes continued to pour forth grants to the crown, including a regrant of the 'Grand Lease' for 99 years, which Toby Matthew and the Chapter had little choice but to confirm.⁽⁵⁾ After Barnes death when it was considered that 'the spoil of this Bishopric be now very great'⁽⁶⁾ the situation reverted to a semblance of normality with Hutton and Matthew being much more conscientious about the defence of their rights and endowment and the Dean and Chapter

(1) SS. 17 p.269/70 PK D and C. Reg. C f.176,177/8, 182/3.

(2) DUJ. New Series Vol 7 p.53/7 (H. Trevor - Roper, The Bishopric of Durham and the capitalist reformation).

(3) PK. York Bk. f. 77/80.

(4) See Chap 7 p.263.

(5) SS. 17 p.269/78 These included a lease of Walsingham Park for 80 years, Howden for 90 years, and Crake for 80 years. PK. D and C Reg. E. f 30,32,141. For further details of the Grand Lease see BM Lans. 66 f.219,221. SR. CC. Box 205/244329 Box 203/244054.

(6) BM. Lans. 66 f. 220.

falling into line with this policy:⁽¹⁾ Huttons attitude to court interference is illustrated not only in the Sherburn Hospital incident quoted earlier, but also in his successful opposition to Sir Robert Cecils demand for a lease of Marten Priory, part of the estates of the Archbishopric of York, for a son of Lord Cobham in 1594/5.⁽²⁾ Coupled with his translation to York the lease looked far too much like simony for Huttons conscience, and during the dispute Dean Matthew wrote to him apparently advising him to give into Cecils demands, an indication, perhaps, of his eagerness to get Hutton away from Durham without any upset to his own plans: the letter also gives us a hint of the Deans attitude to court encroachment which doubtless lay behind his confirmation of Barnes long leases in the 1580's - 'God loveth, and so do princes, a cheerful giver. Things be not as they be, but as they be taken'.⁽³⁾ The truth was that the power of confirmation given to the Dean and Chapter was more apparent than real: to resist the crown and a determined Bishop was virtually impossible, especially for a Dean like Matthew with a constant eye on higher preferment, yet Pilkington and Whittingham had proved that a union between the two, with both corporations in fact working as one, could be a real block to the financial demands of the court and a consequent source of frustration to it.

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- (1) For example, Bishop Matthews prosecution of Arrowsmiths case against the crown and his opposition to the charter which Hutton had allowed the Queen to grant to Hartlepool.
 (2) SS 17 p.93/4 HMC. Salisbury Mss. Vol V p.49/50, 92,95.
 (3) SS. 17 p.95.

CHAPTER 3

ESTATE MANAGEMENT

"Suits are neither love nor yet they are meet for us, if otherwise quietly we might enjoy our own. But there is so many that at this day go about to take from the Church and have an eye to the poor livings of the same, that if your honour were not, we were like to sustain great loss and troubles."

The Dean and Chapter to Lord Burghley, 1578.
(HMC. Salisbury MSS. Vol.II, p.183)

(1) HMC. MSS. p.183.

(2) These included burglarized and poor and were not to be sold in England. C.I. George 47.1.2.1. The same was also supposed to be applied for commercial purposes.

(3) These were leased, some of them to the town of Northampton, 1578. Vill and Edward VI. There is no evidence for the same in the worked under Elizabeth. P.I. B and C. See p. 183.

(4) Notably Jesus MSS. on the West near the church. C.I. B. 1 and 2. Reg. B. 5.175.

* For comparison with a contemporary account of the same region, see 22.163. (M.E. James, Estate Accounts of the Earls of Northumberland 1562-1617). See also P.F. Bailey, The History of North and Wales, 1560-1640: social and economic conditions.

Like the Bishopric the Prior and Convent of Durham suffered only small financial losses during Henry VIII's Reformation, and when the letters patent founding the Dean and Chapter were drawn up in 1541 the new corporation was endowed with the bulk of the property formerly enjoyed by the monastery.⁽¹⁾ The most important section of the Dean and Chapter endowment consisted of landed estates in County Durham, the rents from which comprised approximately $\frac{3}{4}$ of the Chapters income: in addition, the Cathedral enjoyed some temporalities in Northumberland, but these were never very extensive and contributed only a small fraction of the overall income. The remaining $\frac{1}{4}$ came from the rents of tithes in Durham, Northumberland and Yorkshire, some parishes being leased in their entirety to a single farmer and others being leased by township. Miscellaneous sources of income comprised some important woods and forests 'the principal treasure of this Church',⁽²⁾ coal mines at Spennymoor, Rainton and Jarrow, lead and iron mining rights in Weardale,⁽³⁾ and some small quarries on the banks of the Tyne: in addition, the Chapter had fisheries on the Tyne, some valuable mills in Durham,⁽⁴⁾ and important salt pans at Shields and Wallsend. In all the estate should have brought in approximately £2,000 p.a. in the later sixteenth century.*

(1) SS.143 p.15/63.

(2) These included Muggleswick 'the goodliest wood in the North of England'. C.L. Sharpe 49 f.246/9. The woods of course, were not supposed to be utilised for commercial purposes.

(3) These were leased, some of them to the Duke of Suffolk, under Henry VIII and Edward VI: there is no evidence that the mines were being worked under Elizabeth. PK. D and C. Reg. A f.27,208.

(4) Notably Jesus Mill on the Wear near the Cathedral. See PK. D and C. Reg. B f.195.

* For comparison with a contemporary secular estate in the same region, see SS.163. (M.E. James, Estate Accounts of the Earls of Northumberland 1562-1637). See also P.M. Hembry, The Bishops of Bath and Wells, 1540-1640: social and economic problems.

The corporation as a whole was responsible for the administration of its estates and important decisions were taken by the Dean and prebends meeting together in Chapter.⁽¹⁾ Every year two prebends were chosen to fill the offices of Receiver and Treasurer which were the major executive posts under the Chapter. The Receiver was responsible for the collection of rents, the holding of the Halmote Courts, and the general care and oversight of Chapter property, while the Treasurer, apart from paying the stipends of all members of the Church, was responsible for providing money for repairs, law suits, and the general expenses of officers performing Chapter business.⁽²⁾ Obviously the competence of the prebends as administrators varied enormously and the general welfare of the Church always reflected their vigilance and honesty, or lack of it. William Bennett, for instance, was rarely out of office in the 1560's, and an examination of Table 1* will show that the same names tend to recur: on the other hand, Emmanuel Barnes never held either of these offices as far as is known, and George Cliffe, Francis Bunny and Richard Fawcett were all rare occupants.⁽³⁾ Because of the corruption which was endemic in Cathedral administration, the statutes of the new foundations gave the Dean wide powers of supervision: every year, for example, he was supposed to make a survey of the entire estate and meet the Receiver and Treasurer at least twice a year to examine their books and their estimates for repairs.⁽⁴⁾ The Dean, in fact, always retained ultimate control, and on at least one occasion Thomas Wilson was able to use his special influence

(1) For a typical days business see PK D and C. Act Bh f.6/7.

(2) SS.143 p.91/3, 127/31. See also PK. RBs and TBs.

(3) Doubtless because of Barnes' lethargy, Cliffe's old age, Bunny's academic and pastoral interests, and Fawcett's retiring nature.

(4) SS.143 p.91/3, 167/9.

* See Appendix.

at Court to the advantage of his tenants.⁽¹⁾ Occasionally special officers were chosen from amongst the prebends to collect and sue for arrearages, and under Whittingham and Wilson, to negotiate with the tenants about accepting leases.⁽²⁾

The Clerk of the Works, however, was the officer on whom the main burden of routine administration fell and for the entire Elizabethan period this office was occupied by Richard Johnson, a Yorkshireman from Hull, and a protege of William Bennett. Johnson, who also accumulated the offices of verger, auditor and supervisor of the woods,⁽³⁾ had an unrivalled knowledge of the Chapter estates⁽⁴⁾ and established the administrative continuity which was difficult to achieve at a higher level. Another officer who did the Chapter good service at this time was Simon Comin who began life as Dean Whittingham's factotum and later took over the Cathedral offices of registrar and attorney:^{*} while Johnson dealt with practical down to earth issues, Comin attended to a wide variety of legal matters and in 1592 was rewarded 'for the great pains and travel taken in the affairs of this Cathedral Church in defence of their privileges.'^{**} One of Johnson's tasks was the supervision of the bailiffs, greeves and keepers of the woods in the localities, some of whom enjoyed stipends from the Chapter as well as the perquisites of their offices.⁽⁵⁾ But like the

(1) PRO SP/R 146.38. A petition from the tenants of Cowpen to Thomas Wilson concerning the sale of salt at Yarm by Scots.

(2) e.g. PK D and C Reg. C f.34,45.

(3) After 1580 he enjoyed a stipend of £16.13.4 from these four offices PK TBs (stipends).

(4) Illustrated by his explanation of the bounds of Spennymoor in 1595 PRO.E.134. 37 Eliz. H2.

(5) The bailiff of Elvet, for example enjoyed a fee of £3.6.0. PK.TBs (stipends). The bailiff of Muggleswick received no fee. *ibid.* PDM (loose papers) Box 25.

* See, for example, PK.TB.15(stipends).

** PK. D and C. Reg. E f.304/5.

prebends some of these too were abusing their offices to enrich themselves and in 1589 Dean Matthew had cause to write to Richard Johnson concerning William Whitehead, the bailiff of Shields, who enjoyed a fee of £1.6.8.⁽¹⁾ 'look well and perfectly into his account as well for the receipt of our rent at the Shields as also that he pay his own rent. If he clear not all allow him nothing.'⁽²⁾

The general account, which was made once a year, was supposed to be a check on this sort of profiteering:⁽³⁾ evidence about the bailiffs and greeves is scarce, but that it was little deterrent to corrupt Receivers and Treasurers is certain. Receivers sometimes collected rents but then entered them under arrearages and simply failed to prosecute the suit,^{*} while Treasurers sometimes entered non-existent payments in their books.^{**} It was even suggested that some account books and rolls were completely rewritten.^{***} It was only in 1587, for example, that Peter Shaw handed over £120.9.0. to the Chapter which had remained in his hands since he had been Receiver in 1582.⁽⁴⁾ Despite these problems, and others which will be examined later, the administration of the estates seems to have functioned fairly efficiently throughout the second half of the sixteenth century, during which time some real improvements were made. In 1568/9 a new Exchequer was built over the Gate House to form a proper centre for the financial administration,⁽⁵⁾ and after 1576/7 a full time attorney was

(1) William Whitehead of Monkwearmouth, gent. A relation of Dean Whitehead and lessee of a salt pan, salmon fishing rights and a ferry boat at South Shields. PK. D and C. Reg.E f.456. See also Chap.5 p.180.

(2) PK. PDM (loose papers) Box 25.

(3) SS.143 p.167/9.

(4) PK.D and C. Reg.E f.163.

(5) PK. TB.6 (necessary expenses/repairs to church/repairs to tenements)

* This was a charge which was brought against Whittingham in 1578. See Chapter 7, p.258.

** Ralph Lever accused Holiday, Cliffe, Naunton and Tunstall of being guilty of this.

*** PK. York Bk. f.45/7. The source of these complaints was Ralph Lever.

engaged to take control of legal matters:⁽¹⁾ in addition, new officers were created to speed up the collection of burgage rents at Gateshead, Hartlepool and in the Bailey, and the new post of supervisor of the woods was created for Richard Johnson.⁽²⁾ The administration was active and open to change both in its activities and organisation.

The main area of contact between the Chapter and its tenants was in the Halmote Court which usually met once a year in the summer before the Receiver and Steward, occasionally assisted by the Dean, Vice Dean or Treasurer.⁽³⁾ Basically the court functioned in seven ancient manors,⁽⁴⁾ a circuit of which the Court made during one session hearing cases concerning all the various townships under its jurisdiction. These could be numerous: the Lordship of Westoe, for example, included at least ten sub-manors and Merrington seven, so that in all presentments were being heard from over 30 townships in any one circuit.⁽⁵⁾ Although it was usual for the court to sit at the manor itself and hear the various presentments there, this was not always the case: sometimes all the causes for the manor were heard at a sub-manor, for example, at Aycliffe and Bewley instead of Merrington and Billingham.⁽⁶⁾ This was doubtless done for mundane reasons of convenience, because by the sixteenth century the distinction between manor and sub-manor was by no means as rigid as it had been and many of the sub-manors were at least as important as the manors:

(1) PK. TB.10 (stipends)

(2) PK. TB.12 (stipends) C.L. Sharpe 48 (Randall Mss) f.179/83.
Transcript of 1587/8 TB (stipends)

(3) PK. PDMR

(4) Crossgate, Elvet, Westoe, Merrington, Billingham, Pitlington, Muggleswick. PK. PDM (loose papers) Box 6,7. RB 22 (Miscellaneous)

(5) *ibid.*

(6) PK. PDMR. (1576 Bewley) (1590 Aycliffe)

indeed, South Shields had long eclipsed Westoe as the focal point of the Chapters Northern possessions, and it seems to have been there that the Courts for this particular manor met.⁽¹⁾

The object of the Court was to achieve 'good neighbourhood' by enforcing and making bye laws and by dealing with minor civil suits between the tenants:⁽²⁾ by upholding the ancient customs of the manor and by creating new ones it safeguarded the rights of the lord and protected the tenants against anti-social behaviour on the part of their neighbours. Unlike the Bishops Halmote Court it made no formal demises and had only limited jurisdiction over tenure. Offences were presented for the various townships by a jury consisting of the greeve and swornmen and dealt with in court according to custom: in cases of doubt another jury was appointed to investigate and adjudicate and arbitrators were appointed in difficult cases between individuals.⁽³⁾ The bye laws which the court was enforcing usually concerned minor agrarian matters such as unlawful pasturing of animals, wrongful ploughing, and the regulation of dunghills: also they included what are best described as petty criminal offences such as assault, keeping 'unlawful women', and scolding.* The fines for these offences varied considerably. Failure to maintain and clean dikes carried a fine of 4d, failing to bury a dead animal 2s, and allowing pigs to wander in a cornfield 3s 4d: abusing the greeve cost 1s while causing a fray cost

(1) PK. D and C. Act Bk. f.15.

(2) For the following general observations on procedure see PK. PDMR.

(3) e.g. 1583 East Merrington: 'the jury of East Merrington shall go to Hett and view and set order in all grieves and matters in controversy among the tenants'. PK. PDMR.

* At Ferry in 1590 laws were passed against making contact with the plague in Newcastle and strict isolation was enforced on those who had been to the city. PDMR (1590 Aycliffe).

1s 8d. or 5s if blood was drawn and the victims head broken - raiding the Vicar of Merrington's orchard was considered a dire offence and carried a hefty fine of 10s. The civil suits, or 'plaints', invariably concerned small debts. In Elvet in 1583, for example, 14 plaints were laid of which 13 were for debts ranging from 1s to 28s 4d: the remaining one concerned trespass and damages.⁽¹⁾

The tenants seem to have been broadly content with the way in which the Chapter handled these sort of matters through the Halmote Court. What did cause discontent, however, was the determination of the Chapter to preserve its own rights and insist on a number of outmoded customary services and duties which it seems to have been Whittingham's policy to revive.⁽²⁾ These included an obligation on most of the tenants to grind their corn at the lords mill, carry materials for its repair, and to bake and brew at the common oven: the obligations concerning the mills not only provided a monopoly for profiteering Chapter backed millers,⁽³⁾ but also caused disruption on the tenants farms when they were expected to perform services in person.⁽⁴⁾ Evidence exists of discontent over milling, baking and brewing in a number of important townships,⁽⁵⁾ not to mention some comparatively obscure services such as that of carrying cripples between villages.⁽⁶⁾

(1) PK. PDMR (1583 Elvet)

(2) By their leases the tenants were bound to pay and perform all ancient customs and services

(3) The prebends themselves showed a marked eagerness to secure leases of Mills e.g. Adam Holiday and William Stevenson. See, for example, PK. D and C. Reg. B. f.195.

(4) Thus, at least, is what the tenants claimed: the Services, though inconvenient, cannot have been excessively onerous or disruptive.

(5) Aycliffe, Newton Ketton, Merrington, Wolviston, Hett, Burdon, Nether Heworth. PK. PDMR. Misc. Ch. 6546.

(6) PK. PDMR. (1590 Aycliffe).



In 1583, for example, the tenants of Hett were ordered to carry timber for the repair of the lords mill under pain of a fine of 10s.⁽¹⁾ Four years later the miller, William Clarkson, complained that the mill was in 'great decay' because the tenants had failed to help move his mill-stones and had ejected him from a piece of land belonging to his mill.⁽²⁾ Despite the support of the Chapter Clarkson's problems continued, and in 1590 he complained that the tenants were utterly denying to thatch his mill which they should have done according to 'an old custom'.⁽³⁾ Many of the tenants, such as those at Nether Heworth in 1585, attempted to grind their corn at other mills where presumably they could negotiate more competitive prices, but this was a tendency the Halmote Court was always keen to suppress.⁽⁴⁾ In 1585 the jury of Burdon headed by the greeve, Robert Ducket, complained that they were 'very hardly used' by Thomas Rawden, the miller, who sometimes kept them waiting for 2 or 3 days before he would grind their corn' and then not well served neither. The miller immediately replied by accusing Ducket and his predecessor of committing a number of assaults without ever being presented and of damaging the mill dam.⁽⁵⁾ As always the truth is hard to ascertain, but that a situation existed in which there was at least potential for all sorts of corruption on the part of the miller is undeniable: apart from the whole question of tenures, labour services and obligations were the major area of discontent between the Chapter and its tenants.

(1) *ibid* (1583 Aycliffe)

(2) *ibid* (1587 Aycliffe)

(3) *ibid* (1590 Aycliffe)

(4) *ibid* (1585 N. Heworth)

(5) *ibid* (1585 Burdon). Ducket was a notorious bully frequently in trouble for violence and other anti-social behaviour.

(6) *ibid*. 1.7 (Skelton)

* See Appendix.

The tenants, however, were in a very strong position vis-a-vis the Chapter and had few real grounds for complaint. Table II* illustrates the stagnation of the income of the Dean and Chapter: allowing for decayed rents, the overall expected income had risen by less than £20 in the period between the accession and death of Elizabeth. The rents of the tenants, in fact, remained constant until the Civil War, and only began to rise significantly in the 1690's:⁽¹⁾ even in 1700/01, although the position was by then improving, many rents still remained at their old levels.⁽²⁾ Only in very rare cases had rents changed between 1541 and the end of the century and there is evidence to suggest that even before the foundation there had been little change: certainly at East Rainton and in most of the manor of Westoe the Prior and convent had received exactly the same rent as did the Dean and Chapter between 1541 and the 1690s.⁽³⁾ In Dalton, the only township in which rents took on a uniformly upward turn, they were raised from £2.1.6d, paid between 1541 and 1559, to £2.9.10d, which appears in the 1564/5 Receivers Book and subsequently until the late seventeenth century.⁽⁴⁾ At Shincliffe rents had varied between £2.4.10½ and £2.18.0d in 1541, but by 1559 they had been regularised to a simple rate of £2.10.4½ per tenement:⁽⁵⁾ in this way the rent of some tenants, for example, the Wheatleys and Selbys, actually decreased, so that we are faced with the ludicrous situation of some tenants paying less in the 1690's than their predecessors had done in the 1540's, a period during which prices had

(1) PK. RB. 37,46,51,60,63,70

(2) *ibid* 70. The tenants of Monkton, for instance, still paid 36/10 as they had done in 1541/2

(3) C.L. Longstaffe 60 (1662 Deposition of Ralph Hedley). SR. Grey Mss. Misc. Bk. 6 f.112,125.

(4) PK. RB. 1,7,9,63 (Dalton)

(5) *ibid*. 1,7 (Shincliffe)

* See Appendix.

risen almost beyond recognition.

That the lands and tithes in question were worth much more than the rents being received for them is proved by the fact that the prebends were able to sublet their corpes, bye corpes, and customary tenements at rents far in excess of the ancient rent paid to the Church.⁽¹⁾ In view of this it would be tempting to argue that the Cathedral was making up the deficit by charging massive fines to offset small rents, but this is a theory which in no way squares with the facts: apart from the sums made by the prebends in selling leases to tenants who claimed by tenant right,⁽²⁾ the Chapter seem to have asked no more than a fine of 3 or 4 years ancient rent as laid down by their own Chapter Act of 1574 and the order of the Council of the North in 1577.⁽³⁾ This level of fine, which was decreased according to the number of years surrendered in a lease, was considered quite normal by sixteenth century standards.

On the surface this extraordinary stagnation of rents seems to go against all we know about the early Elizabethan Chapter, and simply to put such^a phenomenon down to the 'conservatism' of the clergy is quite unsatisfactory: the Durham Chapter, especially before 1580, was conservative neither in its composition nor in its attitudes towards estate management. Rather, the answer lies in the unusual position of the Chapter. Unlike a secular magnate, the Dean and Chapter owned their estates corporately and not personally: they owed their foundation and the rules for their governance to the Crown and not their individual whims. In fact, they had very little power to alter their basic organisation, and any

(1) See Chapter 4, p.136.

(2) *ibid*, p.145.

(3) *ibid*, p.155.

attempts to do so invariably created opposition within the Chapter and from the Government, as is amply illustrated by Ralph Lever's unsuccessful attempts to alter the statutes during his 18 years as a prebend.⁽¹⁾ At the time of the foundation and the making of the statutes the stipends of the prebends and minor officers of the Cathedral had been worked out in detail alongside the expected income, leaving a small margin for the financing of repairs, law suits, and other necessities: thus, from 1541 onwards the balance between income and expenditure was usually a comparatively fine one, and this was an arrangement the Dean and prebends had very little power to alter.

Thus, apart from a few minor changes, stipends and rents became fossilised at a low level while the prebends relied on other sources, over which they did have power, to augment their incomes. These sources, which were not effected by inflation, included their *corpes* lords, *bye corpes*, and some tenements which they held from the Church at ancient rents in just the same way as the bulk of their tenants did.⁽²⁾ Thus, a general increase in rents, quite apart from being extremely difficult to accomplish, would have been an attack on their own interests and on the interests of other prebendal families already established on the estates. Such an increase would have been pointless, because it would have meant that the whole establishment of the Cathedral, including the tenths paid to the Queen, would have had to have been scaled up and what the prebends gained in their stipends they would have lost on their *corpes* lands and customary tenements. The shrewd minds of the Pilkingtons and Levers must have mulled over these problems and come down in favour of the status quo,

(1) See Chapter 7, p. 244/5.

(2) For the income of the prebends from these sources see Chapter 4, p. 135/6.

especially when they were involved in bitter disputes with their tenants anyway and under pressure from the Privy Council to keep rents and fines at a reasonable level in order to preserve border service.⁽¹⁾ With notions of further secularization still very much in the air it was senseless to rock the boat too much.⁽²⁾

Beneath this general stagnation, however, there were fluctuations and slight changes of emphasis taking place. Along with the services and obligations a number of customary payments had survived into the sixteenth century, the most widespread of which were terrar silver and gilly corn.⁽³⁾ Terrar silver was the more important of the two and some townships such as Harton and Billingham paid quite significant sums: gilly corn had long been commuted to a money payment and the sums paid were in general small. In addition, there were a number of minor payments for eggs, hens, geese or capons. In 1585 a fairly typical village, Cowpen Bewley, paid £2.6.10d terrar silver, 3s 4d gilly corn, and 25s 11d for rent hens, geese, eggs, court duties and 'candlewick silver', a total of £3.16.1d which was shared between the tenants of the township.⁽⁴⁾ At the other end of the scale Hedworth paid only 1s 4d in customary dues.⁽⁵⁾ The most important single payment was the 'rent corn' or 'havermalts' of Billingham which was invariably leased to the Dean and by the end of the century had become an unofficial part of his corpes.⁽⁶⁾

(1) *ibid*, p.161/60.

(2) PK. York Bk. f.43.

(3) Gilly corn was a special due paid to the Almoner of the monastery: probably established c.1200, it was supposed to go towards alms. AA. 4th Series Vol.33, p.35/60. Similarly terrar silver was a payment made to the Terrar.

(4) PK. RB 16 (Cowpen Bewley)

(5) *ibid*.

(6) See for example, PK. D and C. Reg.B f.221/2.

Although the bulk of these payments had been made since the time of the Prior and Convent, a number of them were rediscovered by Whittingham and charged upon the tenants. At Westoe, for example, the total rent rose from £26.13.2½d in 1564/5 to £28.2.6½d in 1574/5: the tenants here had always paid 3s 11½d for rent hens, but now they were charged with new payments of 21s 10d for court oats, and 7s 6d. for capons, geese and hens.⁽¹⁾ Over the same period the rent of Sheelhugh rose from £8.0.0d to £8.6.6d for exactly the same reasons.⁽²⁾ The sums involved were not great⁽³⁾ and the revivals did not take place in all the townships, but the policy is indicative of the administrative efficiency of the Chapter within a limited field. In much the same way the efficiency of the Halmote Court seems to have been increased under the Stewards Antony Tailbois and Thomas Calverley who succeeded to the post in succession after Gerard Salvin's involvement in the 1569 rebellion. Unfortunately evidence for a thorough comparison is lacking because only 2 non-Elizabethan post dissolution Halmote rolls have survived⁽⁴⁾ and the Receivers Books, which record the income from the court, are not very extensive before 1558/9. Nevertheless, a brief glance at Table III* indicates that certainly after 1580 the Chapter was getting a much bigger return from the Halmote Court, even though it had problems in actually collecting the fines imposed. A revival of this nature would certainly

(1) PK. RB. 1,7,10 (Westoe)

(2) *ibid.* (Sheelhugh)

(3) In 1585, after Whittingham's revivals, customary dues brought in a total of c.£30, about 2/3 of which came from terrar silver. PK.RB.16.

(4) One dated 1544, the other 1616. PK. PDMR. The Elizabethan rolls are far from complete but they represent a fairly comprehensive cross section.

* See Appendix.

fit perfectly with the general policy of the Chapter of exploiting minor sources of income to the full.

On the estates in general there were some changes but not of a very dramatic nature. A few new burgages were erected in Durham,⁽¹⁾ the occasional rent readjusted to take account of wastage,⁽²⁾ and one or two new leases devised such as the stone quarry at Hayning and the fishlock on the Wear which make their first appearance in the Receivers Book of 1578/9.⁽³⁾ What new leases and improvements there were came in the industrial sector rather than the agrarian, most outstanding being the income from the salt pans at Shields and Wallsend which had more than doubled by the end of the century.⁽⁴⁾ Coalmining did not provide this same increase, even though there is evidence of expansion in this field.* The major pits of the Dean and Chapter at Spennymoor and Rainton were already in operation by 1559/60, and during the second half of the century only two new mines appear to have been opened. The most important of these, at Jarrow, never seems to have been a great success and the rents received by the Chapter were always small and irregular.⁽⁵⁾

(1) Doubtless the explanation of a rise in burgage rents in Elvet and the North Bailey between 1564/5 and 1574/5. RK. RB.9, 10 (Elvet, N. Bailey).

(2) e.g. Robert Slater's lease of some quarries at Hayning: his rent fell from £6 to £5 on account of 1.13.4 waste. PK. RB. 16,16 (Hayning).

(3) PK. RB.11 (Durham mills).

(4) Income from salt pans at Shields and Wallsend - 1559/60 £21.13.4; 1578/9 £22.6.4; 1590/1 £30.0.0; 1601/2 £44.10.0; 1639/40 £119.6.8. PK. RB. 7,11,26,37 (Shields/Shields salt pans/Wallsend).

(5) PK. D and C. Reg.C f.95, Reg.F f.61/2 SS.82 p.197. The lessee of the Jarrow pits was the Newcastle capitalist Henry Anderson. The other new mines were at Gateshead. PK.RB.17 (Gateshead).

* See Chapter 1, p.36. The profits of the mines were probably going directly to the prebends.

But all that these increases ever did were to offset losses and preserve the situation much the same as it had always been: decayed rents in the towns were rising steadily up until the mid 1580's and although they had decreased from this level by the end of the century they were still at a higher level than they had been in 1559.⁽¹⁾ A survey of Durham burgages taken in 1586 reveals a disturbing amount of decay, some of which was due to the tenants failure to undertake repairs and some to the Chapter.⁽²⁾ Between 1559/60 and 1564/5, for example, a decay of £4.6.8 had arisen at Scalfock mills in Durham 'by means of evil officers',⁽³⁾ and at the Tyne fisheries decays had risen from £3.18.4 in 1559/60 to £7.15.0 in 1590/1.⁽⁴⁾ In 1585 Ralph Lever attempted to impress upon the Dean the necessity of reviving decayed rents⁽⁵⁾ and his proposals may well have had some effect because after this date there are clear signs of improvement. Special officers were given power to enter and inspect any property of the Dean and Chapter and to take possession if the tenants had failed to maintain it according to the conditions of their leases.⁽⁶⁾ In this way wastage at the Tyne fisheries dropped to £5.8.4 by 1595/6,⁽⁷⁾ and by the end of the century the overall total was approximately £13 down on the 1585/6 level: this, however, still represented an increase of over £20 since 1559.

(1) See Appendix, Table II.

(2) PK. PDM (loose papers) Box 2.

(3) PK.RB. 7,9 (Durham mills) SS.82 p.195.

(4) PK.RB. 7,17 (Tyne fisheries)

(5) PK. York Book f.45/7

(6) PK. D and C. Reg.E f.199

(7) PK.RB 21 (Tyne fisheries)

Arrearages were another perennial problem which confounded any hope of anticipating a stable income.* Arrearages were rents which had still not reached the Receiver's hands before the General Account in November and were caused by 'undutifulness' and 'slackness in payment' not only of tenants, but also of bailiffs, collectors and other officers whose job it was to collect the rents in the localities.⁽¹⁾ Normally it was the task of the Receiver to collect arrearages, but after 1567 the problem had reached such proportions that special officers were appointed with this sole end in view.⁽²⁾ By the end of the century at least 17 of these commissions had been issued giving the officer power, in the event of not being able to recover the debt by persuasion, to sue the offender and take possession of his property.⁽³⁾ The majority of the arrearages were usually paid off soon after the November deadline and did not require prosecution, but at the other extreme there were some which lingered on for many years and eventually had to be written off by the Chapter.⁽⁴⁾ The amount recovered each year, which became a part of the overall budget, varied greatly depending on whether or not the Chapter was making an intensive effort to recover them or not: in 1571/2, for example, £435.16.0½ was recovered in a number of suits before the Council of the North, but in 1574/5 arrearages totalled only £2.12.8 of the overall income.⁽⁵⁾

(1) PK. D and C. Reg.E f.89.

(2) See, for example, PK. D and C. Reg.C f.34

(3) e.g. the prosecution of the Holidays concerning Norham Rectory. PK. D and C. Act Bk. f.6/7. Skirmingham arrearages PRO. E.112. Bundle 13. No.77. Holy Island arrearages PK. D and C. Reg.E. f.120. Wardley arrearages PK. D and C. Reg.F f.82.

(4) See, for example, PK. RB.8 (Arrearage lists). For separate Arrearage Books See PK. Misc. Ch.5829. 1,2,3. 5909/5917.

(5) PK. York Bk. f.14/18. The 1571/2 figure was exceptionally high partly because of the large arrearages of 1569/70, the year of the rebellion.

* Table IV (Appendix) gives the only contemporary statement of account for the Cathedral.

Occasionally the prebends used their privileged positions to run up long bills for arrearages in property leased to them by the Chapter,⁽¹⁾ but, in general, the major offenders were the burgage tenants in the towns and the tithe farmers in the localities, merchants and gentry who had much less to lose than the husbandmen who depended on their farms for their livelihoods.⁽²⁾ In the 1560's, for example, Edward and Thomas Reveley invariably failed to pay their rent for the tithe corn of Ancroft, and Thomas Whitehead fell into arrears in his payments for Billingham Rectory before it was recovered by the Dean.⁽³⁾ The most serious offenders, however, were the Earls of Westmorland and later Lord Hunsdon who both had supporters in the Chapter casting a blind eye to their debts. In 1565 Whittingham succeeded in collecting £71.3.4 for nearly 20 years arrears from Charles, Earl of Westmorland, a sum which had been allowed to accumulate during the dominance of the Catholic pro-Neville faction between 1541 and 1559:⁽⁴⁾ similarly, Dean Matthew recovered £124.17.4 from Hunsdon in 1584, a debt which had built up while Hunsdon's friend Robert Bellamy had virtual control of the Chapter between 1580 and 1583.⁽⁵⁾ These incidents certainly played important parts in the antagonism between Whittingham and the Nevilles and Toby Matthew and Hunsdon.*

The problem was most marked in the border regions of Northumberland where the Chapter owned important tithes at Norham, Berwick, and Holy Island: here the geography of the region and the unruly nature of the

(1) e.g. in 1580 John Pilkington and Robert Swift were accused of causing a decay of 10/8 at Swalloplees in Durham: Pilkington was said to be 7 or 8 years in arrears. SS. 82 p.192.

(2) For an illustration of this see almost any RB

(3) PK. RB. 7,8,9 (Holy Island Rectory/Billingham Rectory)

(4) For the rent of Staindropshire. PK. D and C. Reg.B. f.214.

(5) For certain tithe corn of Norham. PK. D and C. Reg.E. f.35/6.

* See Chapter 2, p.61/2.

(5) CSE Domestic (1572-1601) Vol. CCXV, 44.

gentry frustrated any attempt at efficient administration. In 1578 the Chapter complained that it had 'divers tenants who are indebted and do owe divers sums of money for their rents some whereof owing great sums and their leases being at an end are gone out of the country, but whither we cannot tell, nor know how by any means to come by the said rents and sums of money. Some other whereof also dwell in such places as process of law cannot well without danger be served upon them and therefore they the more boldly withhold the said rents and do not pay us, by means whereof a great part of our revenues are detained and kept from us.'⁽¹⁾ The Chapter's answer was to make a close alliance with William Selby, their tenant of Shoreswood and an important local gentleman, giving him authority and incentives to oversee all their Northumberland property.⁽²⁾ Selby's special brand of border gangsterism seems to have had the desired effect and in 1584 the Chapter gratefully acknowledged his help in the collection of rents and arrearages.⁽³⁾ Nevertheless, the problem remained, and it is difficult to assess whether or not the overall situation had improved significantly by the end of the century.⁽⁴⁾ Potentially more serious than the short term losses caused by arrearages were the permanent ones caused by the encroachments of the gentry on the Cathedral's endowment. Under Elizabeth the crown regarded ecclesiastical revenues almost as state property, and although government influence sometimes directed resources into 'beneficial' channels⁽⁵⁾ it more often than not used them as a means of augmenting the

(1) *ibid.* Reg.C f.173/4. D and C. Act Bk. f.38.

(2) *ibid.*

(3) PK. D and C. Reg.E f.40/1. This was not a new solution. During the border wars of the early fourteenth century the Prior and Convent leased all the property of the cell of Holy Island to Walter de Goswick for 5 years.

(4) It was certainly no worse.

(5) CSP Domestic (1598-1601) Vol.CCXXV.44.

Queen's income and that of her favourites and officials. Bishop Pilkington, a staunch opponent of interference with ecclesiastical revenues, thought that 'such plucking away defaces the doctrine of Christ',⁽¹⁾ an opinion which was certainly shared by Whittingham and his allies in the Chapter. Partly because of the vigilance of the Chapter interference with the estates of the Cathedral was never very extensive,⁽²⁾ but the prevailing climate of opinion was certainly one which favoured such profiteering and which provided tentative support for royal officials engaged in disputes with the clergy. In 1586, for example, Sir John Forster, warden of the Middle March, wrote to Walsingham asking him to 'write to the Dean of Durham that I may have my lease [of Bywell Rectory] renewed I should be loath to be prevented by any others having been tenant so long'.⁽³⁾ Similarly in 1591 Captain William Selby of Berwick recruited the support of the Privy Council against the Chapter when it showed reluctance to renew his lease of the tithe corn of Lowick.⁽⁴⁾

On an official level the Chapter was permanently harassed by a number of commissioners for concealments, whose task it was to hunt for concealed chantry property and other lands wrongfully withheld from the Queen. The Exchequer special commissions include numerous commissions for concealments for Durham and Northumberland, and it was inevitable that in any such search the Cathedral, with its extensive possessions, would play an important part.⁽⁵⁾ One area of conflict ranged around the possessions

(1) CSP Foreign (1561-2) No.371/3

(2) For examples of the Chapter paving way to royal pressure see Chapter 4, p.130,5. See also Chapter 2, p.90/3.

(3) CSP Domestic. Addenda (1580-1625) Vol.XXIX.86.

(4) APC. Vol.XXI. April 26 and 1591, May 26 1591.

(5) 38th RDK eg. p.16,18,19.

(6) PK. Misc. Ch. 2392.

* Brother-in-law of George Cliffe and father of his wife.

of the Chapel of Wolviston in the parish of Billingham. In 1576 one Percival Gunson prosecuted Whittingham in the Exchequer, alleging intrusion on certain 'concealed' lands in Wolviston:⁽¹⁾ the suit seems to have been indecisive and Gunson subsequently sold his interest to Richard Grene of Bewley Grange* who willed the interest to the Dean and Chapter in 1580.⁽²⁾ Meanwhile, however, another claimant had emerged in the person of John Aubrey, variously described as of Surrey or of Brome, Co. Hereford. Aubrey had once been an officer in the Court of Augmentations and seems to have made a full time occupation out of searching for concealed, forfeited, or recusant estates, especially in Durham.⁽³⁾ In October 1585 Aubrey, calling himself a commissioner for concealments, arrived at Wolviston Chapel with an armed gang threatening to pull down the chapel and carry away the lead, in anticipation of which he had brought a wayne. Led by Aubrey, 'having in his hand a dagge ready charged with gunpowder and shot', they forced their way into the Chapel threatening to shoot anyone who resisted them and uttering 'most shameful and reproachful words and speeches against the Chapter of the said Cathedral Church of Durham'. All this, of course, may well have been bluff, because after Aubrey had exacted a bond of 40 marks from the frightened parishioners to allow the Chapel to stand it was discovered that the property was not concealed and never had been. The remainder of the case which proceeded before the Council of the North, the common law and the Exchequer comprised Aubrey's attempts to enforce payment and the parishioners attempts, backed by the Chapter, to secure the cancellation of the bonds.⁽⁴⁾ Aubrey's interest

(1) PRO.E.123 Bk 5, f.231.

(2) SR Probate Reg.IV. f.166

(3) AA. New Series Vol.III p.20/25 (Chantry and forfeited lands in Durham and Yorkshire).

(4) PK. Misc. Ch. 2592.

* Brother-in-law of George Cliffe and farmer of his corpes.

in the land never lapsed, however, because in 1589 he made another attempt to gain possession, this time by more lawful means.⁽¹⁾

These essentially sixteenth century attitudes and the legal confusions caused by the transfers of land at the Reformation, lay behind the two important suits which the Dean and Chapter prosecuted for the ownership of the cell of Holy Island and some of its property and the parsonage of Brantingham in Yorkshire. Both deserve examination in some depth, not only because a good deal of effort and money was expended on them in the sixteenth century, but also because they are in many ways typical of the sort of cases going on elsewhere and the tactics employed by both clergy and gentry to achieve their aims. In 1541 Henry VIII's deed of endowment for the new Dean and Chapter had included the sites of the old cells of Holy Island and Farne as well as the tithe corn of 7 townships 'parcel of the Rectory of Holy Island',⁽²⁾ property which three years earlier had been leased by the Prior and Convent for life to Thomas Sparke, the last Prior of Holy Island and the first suffragan Bishop of Berwick.⁽³⁾ This all seemed fairly straightforward, until Sparke, who by this time had become a prebend and the Master of Greatham Hospital, took the unprecedented step of seeking confirmation of his lease not from the newly erected Dean and Chapter, but from the Crown.⁽⁴⁾

Subsequently, during Edward VI's war with Scotland, the Privy Council wrote to Sparke asking him to hand over the cell of Holy Island and its tithe corn to the Surveyor of Victuals at Berwick, 'and the Bishop should

(1) PRO.E.123 Bk.12 f.287.

(2) SS 124 p.27.

(3) For this and subsequent antecedents of the case see PK. Misc. Ch. 427 (Documents relating to Holy Island) 1-19.

(4) Sparke's lease was confirmed on February 12 1544. *ibid.*

* William Reed, alias Kimard, was a native of the cell of Holy Island and the first Suffragan Bishop of Berwick, and the nephew of the cell of Holy Island, and was transferred to the late cell of Holy Island in 1604.

be otherwise recompensed'. In obedience to these letters he left Northumberland and went to Durham, but after the crisis had passed did not return and the old monastery continued to be used as a storehouse for providing supplies for the navy and the Berwick garrison. Then, in 1564, apparently believing that the cell and its property belonged to the Queen, Captain William Reed of Berwick^{*} secured a lease of this and other property from the Crown to commence for 31 years after the death of Sparke,⁽¹⁾ and in 1579 he had his lease renewed 'for many years'. The result of all this was an extraordinary legal muddle which involved a proliferation of suits before most of the major courts of the land.⁽²⁾

The death of Thomas Sparke in 1572 brought about the inevitable conflict. Captain Reed at once laid claim to certain valuable salmon tithes of the south bank of the Tweed under colour of his lease, claiming them to be within the parish of Holy Island and not, as was traditionally supposed, in the parish of Norham.⁽³⁾ In 1574 Reed exhibited information of intrusion in the Exchequer against William Morton, John Denton and Katherine Forster, the Dean and Chapter's farmers of the disputed tithes: Morton and Denton, who the Chapter believed to be in league with Reed,⁽⁴⁾ both allowed him to evict them, but Katherine Forster, backed by the Chapter, pleaded her title and the matter was referred to a jury of Northumberland.⁽⁵⁾ When the matter came before the justices of Assize at Newcastle, Whittingham and some of his friends apparently appeared at

(1) See also CPR (1563-66) No.1041

(2) e.g. PRO. E.134.15 Eliz. E.2, 17 Eliz. E9 (Queen v Muschamp) 26 Eliz. M20. (Reed and Howborne). APC.Vol.XXIV. July 2 1593 (Muschamp v Reed).

(3) PRO. E.112. Bundle 13, No.23. Reed's answer is also included in Cl. Revue 121.

(4) Their rent was often in arrears

(5) PRO.E.112 Bundle 13, No.23.

* William Reed, alias Kinnard, was a soldier of obscure origins who became Captain of Holy Island and the Farne: He settled at Fenham, one of the manors of the cell of Holy Island, and was knighted in the late 1580's. He died in 1604.

Court and according to Reed agreed to a compromise, but although Reed stayed the suit no agreement was reached.⁽¹⁾ Eventually, in August 1576, the matter came before the Assizes again and despite overwhelming evidence offered by Katherine Forster to prove that the disputed tithes were in Norham parish⁽²⁾ judgement was given in favour of Captain Reed. Forster at once lodged a protest against the judgement⁽³⁾ and the Dean and Chapter made a separate complaint against Reed in the Exchequer, claiming that the judgement was void because a jury of Northumberland had no authority in matters concerning Norhamshire and Islandshire which were traditionally part of the County Palatine of Durham: the Northumberland jury, they claimed, apart from being illegal was prejudiced, because Captain Reed 'by reason of his continual abode is greatly friended with the gentlemen and freeholders'.⁽⁴⁾

For the next seven years the matter remained in the Exchequer and after numerous delays⁽⁵⁾ it was finally decided in 1584 that the disputed tithes were in the Palatinate of Durham and should be recovered at the common law before the Assizes there.⁽⁶⁾ But about the same time as he had claimed the Norham tithes Reed had utilized another part of his lease and entered Chapter property on Holy Island and the Farne Islands, thus provoking another suit against him in the Exchequer and one before the Council of the North.⁽⁷⁾ Eventually as a result of the 1584 judgement the whole matter of Reed's lease was brought before the Assizes at Durham where 'the title was tried

(1) *ibid.*

(2) C.L. Raine 121

(3) *ibid*

(4) PRO. E.112. Bundle 13 No.23

(5) See PRO.E.123. Book 7 f.167. Book 8 f.36, Book 9 f.10,49,117,140.

(6) *ibid.* Book 10 f.138.

(7) PRO.E.112. Bundle 13 No.33A. PK. Misc. Ch.427.

for the whole' and judgement given in favour of the Dean and Chapter.⁽¹⁾ Reed wasn't unduly disturbed, however, because in 1590, probably as part of a compromise deal, he received leases from the Chapter of all that he had claimed by virtue of his royal lease.⁽²⁾

The Brantingham case had a similar outcome. Here, by virtue of a monastic lease, Walter Jobson had gained occupation of Brantingham Rectory in Yorkshire, and once in possession apparently began to claim ownership by purchase.⁽³⁾ Jobson, who had the support of Dudley, was evidently attempting to build up a territorial interest for himself in Howdenshire at the expense of the clergy,⁽⁴⁾ but in Whittingham he found a staunch opponent who relentlessly prosecuted the case in the Exchequer throughout his time as Dean. Eventually, in 1580, after over 20 years of litigation, an arbitration was made by which Jobson gave up his claims and received a lease of the parsonage, initially granted to the Queen, for 50 years.⁽⁵⁾ Thus by fighting Reed and Jobson's encroachments the Chapter had safeguarded rents of over £25 p.a. for its successors.⁽⁶⁾

(1) PK. Misc. Ch.427

(2) PK. D and C. Reg.E f.222, 240/1. The crown, however, never lost interest in the lease and in the early seventeenth century Theophilis, Lord Walden, stripped Holy Island of valuable lead, timber and stone by virtue of a lease granted to his father-in-law George, Earl of Dunbar, by James I: on its way South, however, Walden's ship laden down with its illicit booty, sank with the loss of nearly all its crew 'whereof the wrongdoers, if God shall so touch their hearts, may and will make use'. PK.Misc. Ch.427.

(3) HMC Salisbury Mss. Vol.II p.182/3. PK. D and C. Reg.D f.13.

(4) CSP Foreign (1561-2) No.371/1,3. With the help of Dudley he was attempting to secure a lease of Howden from Bishop Pilkington.

(5) PK. D and C. Act Bk. f.36,37,39,40. D and C. Reg.D. f.13.

(6) i.e. a rent of £13.13.4 for Brantingham and £12.3.4 for the tithe fish of Sandstell, Blackwell and the Pool and Holy Island and the Farnes.

Jobson's case is also revealing in that it gives a strong indication of the attitudes of the Dean and prebends concerning the whole question of secular interference. Whittingham and his friends, for example, who seem to have shared a narrow legalistic approach to problems of this nature, were most dogged opponents of any sort of compromise, and when the arbitration was finally made they first of all made objections to it and then either refused to agree to the 50 year lease or absented themselves from the Chapter meeting when the matter came under discussion.⁽¹⁾

Wilson's allies, on the other hand, tended to be in favour of arbitration, and the Dean himself believed it was 'a thing of great indifference',⁽²⁾ exactly the same sort of attitudes as were being taken in the dispute with the Archbishop of York.⁽³⁾ These alignments reflect deep and complex divisions in the Chapter which will be discussed later, but they illustrate one of the practical problems of administration and also reveal the differing attitudes of advanced protestants and moderates to the question of encroachment; certainly the theory of a union between land-grabbing courtiers and the puritan clergy receives no confirmation from what was going on at Durham, either on the estates of the Bishop, under Pilkington, or on those of the Dean and Chapter.⁽⁴⁾

Quite apart from these two cases many more suits were prosecuted by the Chapter for the defence of their endowment, and other well documented examples concern the protection of their rights of wreck at Westoe in 1577 and the tithes of Magdalen Leazes in 1603.⁽⁵⁾ But the disputes did not

(1) HMC. Salisbury Mss. Vol.II p.182/3. PK. D and C Act Book f.36/40.

(2) PK. D and C. Act Bk. f.36/40.

(3) See Chapter 6, p.230/1.

(4) See C. Hill, Economic problems of the Church, p.39/49. IHR. Sp. Sup. No.5. Letters of Thomas Wood, puritan. P. Collinson p.xxxii/iii.

(5) PRO. E.112. Bundle 13. No.32A. PK. PDM (loose papers) Box 4.

always concern lands and rights. In 1551 Henry, Earl of Westmorland, had been granted a fee of £10.0.0d p.a. for leading the tenants of the Dean and Chapter in war, an office which the Nevilles had apparently enjoyed since the mid fifteenth century.⁽¹⁾ On the death of the old Earl in 1565, however, Whittingham ordered that the fee should be stopped, alleging that the Cathedral could not afford such an office and that 'such grants were not made to bind the successors thereunto'.⁽²⁾ This, coupled with the demand for arrearages on the new Earl, caused an almost complete breakdown in relations: Christopher Neville, brother of the old Earl, was said to be 'sore offended', and almost exactly a year before the 1569 rebellion he wrote to Cecil - 'sure I am that at this present they [the Chapter] are in as great wealth as ever they had since the suppression of the house ... their greedy covetousness is such that ten times so much as they have may not suffice themselves'.⁽³⁾ Despite these blusterings the Nevilles never regained their fee.⁽⁴⁾

On the surface Christopher Neville's assertion that the Chapter's wealth was the same as it had always been was about right. During the same controversy the Chapter wrote to Cecil and gave a precis of their problems over the preceding years, which, to their mind, consisted of 'our manifold suits, our great losses a few years ago by vehement floods, and our

(1) PK. D and C. Reg.A f.131.

(2) PRO SP/12 48.58.

(3) *ibid.*

(4) After 1568/9 a new fee of £6.13.4 was paid to Thomas Calverley perhaps for the same reason as the Neville fee. In 1578 the old fee was claimed, unsuccessfully, by Philip Bainbridge, servant of the Queen. APC. Vol.X. December 2 1578.

(5) In *Liturgy and Music*, respectively, also the issue of the new fee to the Dean and Chapter at York, and a statement at Northampton, 1578, that the fee was not to be paid.

(6) See C. Hill, *Economic problems of the Church*, 1578.

decayed rents in towns, with also great arrearages due unto us which we cannot recover'.⁽¹⁾ Most of these problems have been dealt with in some detail, and, taking into account the stagnation of rents, the situation as it existed meant that the Chapter had to work hard to remain exactly where it was. Indeed, in terms of actual money the Chapter was slightly worse off by the end of the century than it had been at the foundation when it was endowed with the Rectories of Frampton and Ruddington, lost sometime before 1550:⁽²⁾ the critical factor which Christopher Neville had not taken into account was inflation, which meant that in terms of real value their corporate income was substantially less. In a sense the Chapter was trapped in this situation and unable on its own initiative to undertake radical changes, though in its personnel it was not lacking in new ideas or the ability to carry them out. On this sort of evidence one would tend to question the traditional hypothesis of conservative clerical estate management or at least to modify it:⁽³⁾ the conservatism was caused by the position in which many of the clergy found themselves and not by the innate conservatism of the men themselves.

(1) PRO. SP/12. 48.58. That there were floods in 1564/5 is confirmed by TB 4 (repairs to tenements).

(2) In Lincs. and Notts. respectively: also the site of Durham College, Oxford and a tenement at Handborough, Oxford, had been lost.

(3) See C. Hill, Economic problems of the Church, p.35/8.

CHAPTER 4

CORPES LANDS AND TENURES

"While some few churchmen would have all or too much the profit of many is neglected, and whiles a few of our tenants are obstinate and wilful the greater part is hindered."

Ralph Lever to Lord Burghley. 1585
(BM. Lans. 43f.49)

(1) SS. 143 p. 116/117. For a list of corpse lands, their areas and values, see Table II.

By the 17th and 18th Statutes of the Cathedral certain lands were assigned to the Dean and Prebends to augment their stipends, though these lands had been assumed, either officially or unofficially, as part of their livings since the foundation. These *corpes* lands, as they came to be called, comprised many of the old domain lands of the monastery once held by the obedientaries and were expected to be kept in the private occupation of the Prebend or his farmers until Michaelmas day next following his death, deprivation or resignation: theoretically, then, the Dean or prebend could either farm these lands himself or let them out to trustees on an annual basis so long as he paid the accustomed rent to the Church. Thus, the Dean enjoyed the Priors old manor of Bearpark near Durham, the manor of Holme in Billingham parish, and tenements at Ravensflatt, Alansford, Shipley and Whitehall: in addition he collected the valuable tithes of the Rectories of Billingham and Merrington. The prebends all enjoyed manors of varying size and importance, most of them within a convenient distance of Durham and the less valuable ones, such as Sacriston and Witton Gilbert, having closes and tenements annexed to them to make up their value.⁽¹⁾

But when the statutes were made in 1554/5 the whole theory of *corpes* lands had already been rendered redundant, at least over the short term, by the leasing policy of the Prior and Convent immediately before the dissolution and by the activities of the Crown and the Dean and Chapter after it. Immediately before the dissolution, for instance, South Pittington was leased out for 53 years and Houghall and Witton Gilbert

(1) SS.143 p.114/121. For a list of *corpes* lands, their rents and values, see Table V.

(2) PL. D and C Reg. A f. 791, 797/8, 208-9.

(3) Ibid. f. 208/9.

(4) Ibid. f. 32/4, 157/1.

(5) SS. 143 p.114.

(6) PL. Misc. Ch. 247. This pension continued to be paid until 1577/8.

(7) SS. 143 p.114.

for 40 years each.⁽¹⁾ Similarly, in the interval between the dissolution and the refoundation the Court of Augmentations made a number of leases of domain property, usually to court speculators such as Sir Roger Lascelles and John Legh, one of Cromwells visitors of the Prior and Convent.⁽²⁾ Pressure from the Crown continued after the erection of the Dean and Chapter,⁽³⁾ but the main problem now was posed by the Dean and Prebends themselves who in 1546 leased out the remaining corpes lands for 21 years to their relations and friends without any proviso for them to be vacated on the removal of the prebend from his stall: in 1552 reversions of the same leases were made to commence for 21 years after 1566.⁽⁴⁾ Thus, as a seventeenth century commentator noted, the result was that the succeeding Dean and prebends 'had not any benefit from any corpes at all, nor were likely to have for many years, 30 or more'.⁽⁵⁾

Because of these developments Whittingham and the new Protestant prebends of the 1560's found themselves in occupation of preferments which had been greatly diminished in value. Dean Horne had attempted to recover Bearpark from Whiteheads lessees in 1553 by granting them a pension, but due to some sharp practice on his part the deal had fallen through and it was left to his successor, Thomas Watson, to reach a compromise by which the lessees were to enjoy a pension for 23 years in return for surrendering their leases of Bearpark to the Dean.⁽⁶⁾ Apart from this minor success little had been achieved. The rest of the Deans corpes remained in lease, much of it to Thomas Whitehead the late Deans cousin,⁽⁷⁾ as did all the manors of the prebends. It was probably

(1) PK.D and C Reg. A f. 201/2.210/11 SS.143p.233.

(2) PK. D and C Reg. A f. 201, 205/6, 208/9.

(3) Ibid. f. 208/9.

(4) Ibid. f. 32/4. 192/3.

(5) SS. 143 p.234.

(6) PK. Misc. Ch.207. This pension continued to be paid until 1577/8.

(7) SR. DRV/2. f.160. TB11 (stipends).

the prospect of the 1552 reversions coming into effect that decided Whittingham and his colleagues to take action, sometimes 'by giving something in compensation, but chiefly by force for ... they discovered such a flaw in their leases as to make them void in law'.⁽¹⁾ In the summer of 1565 proceedings were begun by Whittingham before the Council of the North for the recovery of Billingham Rectory and the manor of Holme, and in 1566 more suits were commenced for the recovery of Elvet Hall, Muggleswick, Finchale, Rilly and Bewley some of which lasted certainly until the end of 1567.⁽²⁾ The argument on which the Dean and Chapters case hinged was a technicality: 'out of some nicety in regard of the common people' the leases of the Dean and Chapter had always been made in English in the name of the 'Dean of the Cathedral Church of Durham and the Chapter of the same',⁽³⁾ not in the name of the 'Dean and the Chapter of Durham of the Cathedral Church of Christ and Blessed Mary the Virgin'. This cumbersome and awkward form, which must have caused Whittingham serious theological misgivings, was nevertheless the correct legal title of the corporation according to the foundation and had in fact always been used in the latin writings of the Chapter: in its English writings it came to be the usual form after 1565⁽⁴⁾, and although as a legal device it played its part in securing the recovery of many of the corpes lands it also had the effect of casting doubt on all the legal transactions of the Chapter between 1541 and 1565. But over the short term it had been a significant victory. The Dean regained possession of all his corpes except the tenement at Alansford, and Elvet Hall, Muggleswick, Finchale, Rilly and Bewley were all returned to the 8 relevant stalls.* On the other hand the cost

(1) SS. 143 p.234.

(2) PK. D and C Reg. Bf. 211, 215, 236, 239.

(3) Ibid Reg. A f. 17/18.

(4) Ibid Reg. B f. 212/3. The first use of the new style appears on Oct. 23 1565.

* PK. Rb. 10 (Elvet Hall, Muggleswick, Finchale, Rilly, Bewley, Alansford)

of the suits to the individual prebends had been high and success was not always absolute: by an order of the Council of the North in 1568 Leonard Pilkington was ordered to pay Christ. Athe, one of the old lessees of Finchale, an annuity of £6 pa for 14 years⁽¹⁾ and according to Katherine Whittingham her husbands suit for his corpse had only reached a final conclusion in 1577, two years before his death, and by that time had cost him in the region of £1,000.⁽²⁾ Certainly Whittingham's suit had extensive ramification, as is indicated by an entry on the Durham Chancery rolls in 1577,⁽³⁾ and even Dean Matthew was not completely free from trouble on this front. In 1587 he complained to Walsingham that Robert Carey, Hunsdons son, was attempting to take possession of Billingham and Holme as a Mr Brackenbury had done in the past.*

In September 1569 the Dean and the majority of the prebends who had thus regained their corpse, and some whose possessions was still in doubt, leased them out to their relatives and trustees for 21 years with the proviso that they should be vacated 12 months after the removal of the prebend from his stall:⁽⁴⁾ the exception was Ralph Lever who in strict obedience to the statutes made the proviso that his corpse should be vacated at Michaelmas next after his departure.⁽⁵⁾ Whether or not Whittingham intended this arrangement to be a lasting one is doubtful, because in the 'lotteries' of 1573 and 1575 many of the same leases were made again with no proviso at all, thus ensuring many of the prebends of continued possession for their families after their deaths. Robert Swift, John Pilkington and Leonard Pilkington, the Deans closest allies,

(1) Ibid Reg. C f. 11/12.

(2) PK. York BK. f. 20.

(3) 37th. RDK p.92

(4) PK. D and C Reg. C f. 10/11

(5) Ibid f. 15/16.

* BM. Cotton. Titus BII f. 314/5.

all received these quasi-legal leases of their corpses, but since they all enjoyed long lives the leases never took effect and served only as an insurance policy.⁽¹⁾ More serious was the case of William Stevenson who died almost immediately after the making of his second lottery lease in 1575 thus giving his widow the possession of the Manor of Rilly until 1595/6 and depriving his successor, Richard Fawcett, for 20 years.⁽²⁾ Likewise, Whittingham left his widow a lease of Merrington Rectory, Ravensflatt, Whitehall and Shipley, a fairly substantial part of the Deans corpses.⁽³⁾

This unlawful leasing of corpses became a major bone of contention in the Chapter. In 1577, for instance, Ralph Lever, always opposed to the leasing of corpses without a proviso, and Richard Fawcett, recently deprived of Rilly, joined in a complaint to the Privy Council because 'the Dean and certain prebendaries have contrary to the express letter and sense of the statute and contrary to their own doings in the Court of York ... letten their corpses in lease for term of 21 years without dispensation'.⁽⁴⁾ The conflict was especially marked between Katherine Whittingham and her husbands successor, Thomas Wilson, who wrote a blistering letter to John Pilkington accusing him along with his brother and Robert Swift of being 'great bearers of the widow Whittingham in maintaining her against my right, for you know that she cannot have any such leases being the corpses of my living'.⁽⁵⁾ Despite

(1) SS 82 p.191,206 PK. York BK. f 2/6. These 'illegal' leases were never registered.

(2) SS. 82 p.195/6 PK RB. 21 (Rilly).

(3) PK. York BK.f. 19/20.

(4) CSP.Domestic. Addenda (1566-79) Vol.XXV.7. (Complaint of Ralph Lever to the Dean and Chapter) CL. Longstaffe. 60 (Complaint of Ralph Lever to the Privy Council).

(5) PK. York BK. f.73/4. See also Chap. 7p.262.

his initial wrath Wilson apparently offered compensation, but must have died before the deal was finalised because in the vacancy Mrs Whittingham thrust herself into possession of part of the Deans corpses 'by a pretended lease made contrary to our statute'.⁽¹⁾

Wilson's offer of compensation indicates that the legal position was by no means as clear as he and Ralph Lever often implied it was. Firstly, the situation was complicated by the huge number of legal, illegal, and semi-legal leases in circulation, many of which the Chapter had totally lost track of: the 1580 survey, for example, speaks of South Pitlington as being in lease until 1587, yet in 1583 Dean Matthew mentioned 'a lease or two ... for many years yet enduring'.⁽²⁾ Secondly, the statutes were technically ambiguous on the matter. Although the broad sense was against the leasing of corpses without a proviso, even Bishop Barnes had declared in his Visitation that leasing was not against the strict grammatical sense of the statutes,⁽³⁾ a situation which is further confused by the fact that many of the Protestant prebends had not sworn to obey the statutes in their entirety anyway.* Finally, and most important, any lease sealed with the Chapter seal could not^{be} invalidated at the common law so long as it adhered to the basic precepts which governed all ecclesiastical leases, and these did not include an obedience to any private statutes. According to Leonard Pillington many learned judges and some of 'the best heads in this land' had considered the problem and it had never been found that any such lease was insufficient

(1) PRO SP/12. 149.36.

(2) SS.82 p.222. Strype, Annals. Vol III Pt II p.266/7.

(3) PK. York. BK. f75.

* See Chapter 7 p.243/4.

in the common law 'where without regard to our private statutes, they look only at the title and act of the College in general':⁽¹⁾ Indeed, when Mrs Whittingham applied to Dean Matthew for compensation for the surrender of her lease she had a strong case backed by such eminent lawyers as Thomas Egerton.⁽²⁾ Although the leasing of corpes without a proviso was against the broad sense of the statutes and everything the Dean and prebends had fought for in the 1560's, Whittingham and his friends were shrewd enough to realize that they had the strength of the common law to fall back upon and with this in mind were prepared to use these leases as a method of passing on choice lands to their families after their deaths, despite the friction and resentment which they knew this would cause within the Chapter.

But not all the prebends had regained their corpes in the 1560's and in the early 1570's four prebends were still not in possession, the problem being posed mainly by monastic leases which could not be challenged on the same legal technicality as the early leases of the Dean and Chapter. The campaign of the prebends to recover these lands brought renewed confrontations with certain sections of the Durham gentry and twice with the Privy Council.* South Pittington, for instance, described by Toby Matthew as 'the best thing belonging to this Church',⁽³⁾ had been leased for 53 years by the Prior Convent and then in reversion for a further 45 years by the Dean and Chapter. In about 1580 Hugh Broughton prosecuted the tenant, Nicholas Coxon, in Chancery⁽⁴⁾

(1) SS.143p.236. PK.York Bk.f.75.

(2) Ibid.f.21. For Egertons career see D.N.B.

(3) Strype. Annals. Vol III Pt II.p.267.

(4) PRO.C.2.Eliz.D.10/12.

* During the 1570's the Privy Council spent a good deal of time adjudicating Durham matters: for a general consideration of the Councils work, see M.B.Pulman, The Elizabethan Privy Council in the 1570's.

and the case was continued 'more earnestly' by his successor Ralph Tunstall who made physical attempts to enter his corpes in 1588 and 1597,⁽¹⁾ all in vain because the Coxon family remained in possession until the termination of their leases in the seventeenth century.⁽²⁾ Similarly, Houghall was in lease for 71 years to Roger and Robert Booth^{*}: in 1569 Adam Holiday made a lease of the Manor in the name of his brother and commenced suit for its recovery in 1572, apparently without any success, eventually selling his interest to Booth for £150. The manor was only finally recovered by Clement Colmore after a suit before the Council of the North in 1590.⁽³⁾

Leonard Timperley and George Frevile, however, were both men who had some degree of influence at court, and it was their cases which brought the Chapter into collision with the Privy Council. Timperley was a gentleman pensioner of Berwick who had the support of Hunsdon because of his service in the garrison there, and Frevile had been Clerk of the Ordinance under Sussex during the Rebellion of the Earls.^{**} Sometime before 1568 Timperley claimed to have bought a lease of Sacriston Hugh from a prebend, presumably Thomas Sparke, and procured the Queens letters ordering the Chapter to confirm it which they refused to do because it was the corpes of the 3rd. stall. Timperley then complained to the Privy Council, and as a result secured a lease in 1570 'by special dispensation and commandment'.⁽⁴⁾ But this was by no means the end of the case because in 1574 the new prebend, Robert Bellamy

(1) PK.D and C. Reg. E.f. 186/7 Reg. F f.30/1.

(2) SS. 143 p.235/6 PK.RB27 (S. Pittington).

(3) PK. D and C. Reg. E f. 243.

(4) PRO. SP/12. 48.58. PK D and C. Reg. C f. 14/15.

* Relatives of Lawrence Booth, Bishop of Durham 1457-76.

** HMC. Salisbury Mss. Vol 1 p. SP. Domestic Addenda
(1547-65) Vol.XV. No.52.

received authority from the Dean and Chapter to take possession of the Manor because Timperley had cut down trees contrary to the conditions of his lease.⁽¹⁾ Timperley again appealed to the Privy Council who wrote to Huntingdon ordering him to see that the lease was confirmed, as indeed it was early in 1576 for an extended period.⁽²⁾ For the next 20 years the rent was paid by a variety of people and the prebend, by then Robert Hutton, finally regained his interest in the mid 1590's, presumably by purchase.⁽³⁾ Similarly, George Frevile, a rich and influential Durham gentleman, laid claim to Witton Gilbert and half of Elvet Hall by purchasing earlier leases.⁽⁴⁾ Legal opinions were against Freviles claim^(4a) and in July 1580 the Dean and Chapter made moves to re-enter Witton Gilbert.⁽⁵⁾ Frevile at once offered to surrender both leases 'to avoid further unquietness ... so as some other good consideration may be had',⁽⁶⁾ and letters were sent by the Privy Council ordering the Dean and Chapter to see that this was brought about. Three months later the Chapter had still not replied, and the Privy Council wrote again 'wherein we must think and so plainly tell you that you have very much forgotten your duties'.⁽⁷⁾ In November Frevile was leased 4 tenements in West Merrington as compensation,⁽⁸⁾ but he refused to accept them because the tenants in occupation claimed to hold by tenant right and he knew that it would be virtually impossible to evict them.⁽⁹⁾ With the Chapter still refusing to confirm Freviles leases the

(1) Ibid f. 71,74/5, 76/7.

(2) APC. Vol. VIII. June 6 1575. PK. D and C. Reg. C f. 124.

(3) PK. RB 21 (Sacriston).

(4) PK. D and C. Reg. C f. 62/3. The lease of Witton Gilbert had been granted to John Gage of Sedgefield, Freviles brother-in-law, by order of the Queen. For another dispute involving Gage see Chapter 8 p.286/8.

(4a) APC Vol. XII July 3 1580.

(5) PK. D and C. Reg. D f. 12.

(6) APC Vol XII. July 28 1580.

(7) PK. D and C. Act Bk. f. 46/7.

(8) PK. D and C. Reg. D. f.22.

(9) PK. D and C. Act Bk. f. 56/7. For the implications of tenant right see below p.169/50,152/3.

matter was referred to the arbitration of Sir Walter Mildmay* who decided that Frevile should surrender both leases in return for lands of the yearly rent of £20 and the keepership of Aycliffe Wood for 40 years.⁽¹⁾ In the summer of 1585, 4 years after the arbitration, Frevile again brought the matter before the Privy Council:⁽²⁾ even though Henry Naunton had apparently gained occupation of Witton Gilbert the compensation had not been paid, and the Privy Council again wrote to the Dean and Chapter charging them with forgetfulness of their duties and 'small regard of Mr Freviles' satisfaction'.⁽³⁾ Finally, in December 1585, the Chapter granted Frevile 2 leases of lands to the yearly value of £31.18.5d for 21 years, instead of £20 value for 40 years, a compromise which Frevile accepted and in return for which he surrendered his leases.⁽⁴⁾ Frevile in fact came out of the deal very well, because in addition to the leases from the Dean and Chapter and the Keepership of Aycliffe wood he also received, as part of his compensation, the reversion of certain lands he held in Middleham and Auckland from Bishop Barnes.⁽⁵⁾ Thus, Witton Gilbert was recovered by Naunton and Swift was ensured of his continued possession of Hallgarth: moreover, the principle that corpses lands should not be leased and that existing leases should be redeemed by compensation, was firmly laid down by the Privy Council and enrolled in their order book.⁽⁶⁾

(1) APC. Vol. XIII May 12 1581. May 29 1581. BM. Cotton. Titus. BIII f. 55/6.

(2) PK. D and C. Reg. E f. 70.

(3) Ibid f. 94.

(4) Ibid f. 86/9, 92/4.

(5) APC Vol XIII June 8 1581. PRO SP/12. 149.45.

(6) APC. Vol XIII. May 29 1581. The incident had a sequel, because in 1597 Frevile complained to the Privy Council that the Dean and Chapter had broken Mildmay's order. APC. Vol. XXVIII. Nov 23 1597.

* Chancellor of the Exchequer. See D.N.B.

Another centre of controversy, both within the Chapter and with the local gentry, ranged around Bye corpes, or portions of Tithe supposed to be annexed to the various stalls. Since the making of the statutes the Dean had enjoyed the Rectories of Billingham and Merrington as part of his corpes while the prebends had been allotted their various lands and nothing more. In the amendments to the statutes in 1556, however, it was accepted in principle that the prebends should each hold portions of tithe on the same terms as the rest of their corpes,⁽¹⁾ though nothing could be done at once to implement this because almost all the tithes were let out on long leases often in reversion. Under Dean Skinner, however, it was agreed that every prebend should have certain tithes, and by a Chapter Act dated July 20th, 1567, apparently drawn up in the absence of the Dean, these tithes were listed and assigned to the various stalls, each paying rent of about £14 pa. Then, at the General Chapter in 1573, an Act purporting to confirm this division was drawn up, but though it says that the Dean and Chapter had subscribed their names no names appear and the whole entry, which takes up a page in the register, is crossed out with the note 'vacat hic actus' applying apparently to the earlier act as well as the later one.⁽²⁾ According to the seventeenth century ^{commentator} law this act was 'drawn up by some prebendaries and passed among them for some kind of settlement of those tithes,' much against the wishes of Dean Whittingham who 'neither did nor would subscribe to it at that time, being absent, nor ever after confirmed it'.⁽³⁾

(1) SS. 143 p. 189.

(2) PK. D and C. Reg. C f. 69.

(3) SS 143 p. 243.

That there was 'a dissent' between the Dean and prebends over bye corpses, claimed by the prebends 'but denied by the Dean', is confirmed by a seventeenth century note amongst the miscellaneous documents in the Priors Kitchen.⁽¹⁾

Therefore, under Whittingham, who disapproved of a general policy of augmenting the prebends livings, leases of tithe to the trustees of the prebends were rare but not unknown, Ralph Lever and Francis Bunny both receiving them.⁽²⁾ After his death, though, they became increasingly common, especially during Thomas Wilson's absence, when the prebends gained control of the Chapter and organised yet another 'lottery'.⁽³⁾ The 1580 survey, for example, notes the various stalls the tithes were supposed to be annexed to, and by a Chapter Act of April 24th. 1581 it was agreed that leases of the tithes were to be made to each prebend or his assigns for 21 years with no proviso for the lease to be void on the removal of the prebend from his stall.⁽⁴⁾ In 1586 and 87 suits were commenced by 4 prebends to attempt to recover their bye corpses from the sitting tenants, but they only seem to have met with limited success: although Adam Holiday received the one portion of tithe he sued for, John Pilkington failed in all 3 of his attempts and Swift only succeeded in 2 cases out of 4.⁽⁵⁾ Toby Matthew seems to have accepted the fait accompli of the early 1580's, and during his time as Dean the leases of the prebends were frequently renewed always without a proviso.

(1) PK.PDM (loose papers). Box 9.

(2) SS 143 p.244 PK. D and C. Reg. C f. 62,79.

(3) Although this division was described as a lottery it did not have the same features as earlier lotteries and only included leases of bye corpses. See below, p.148.

(4) PK. D and C. Act Bk f. 61/2.

(5) PK. D and C. Reg. E f. 136,137,142,155. RB 16,17.

NB. Lease. 36 f. 126/7.

(4) PK. C. 2. Eliz. B. 10/12.

(4a) PK. PDM (loose papers) Box 13.

(3) Ibid. Box 1, 2.

At the end of the century a confused situation existed whereby some parcels of tithe were held by the same lessees as had held them for half a century or more, some were held by the trustees of dead prebends and others by living prebends or their assigns. Although many of the tithes assigned as bye corpses were thus still in the hands of the gentry by virtue of long and ancient leases, many of which had never been registered,⁽¹⁾ it was accepted as a general rule that when these leases expired the tithe should revert to the relevant stall for the use of the prebend and his trustees without proviso.⁽²⁾ This arrangement existed certainly until the Civil War.

The income which the Dean and prebends drew from their corpses was considerable, according to Matthew comprising 'two parts out of three' of his living⁽³⁾ and to Hugh Broughton 'the substance and effect of the revenue' of his prebend.⁽⁴⁾ The Dean, for instance, who paid a total rent of £105.13.4d for his corpses, could expect a return of £500 or more. In 1617/18 Adam Newton was owed £699.8.8d as the total income from his corpses, £320 of which came from the tithes of Billingham and Merrington, £157.8.8d from rents at Bearpark, £192 from Holme and £30 from Ravensflatt.^(4a) In 1592/3 Billingham Rectory brought Toby Matthew a clear profit of £129.1.5d after deductions for rent, gathering, and threshing, and in the following year it produced £204.1.7d.⁽⁵⁾ This latter sum was probably nearer the average, because Mrs Whittingham valued Billingham Rectory and Holme at about £300 pa, and Merrington, Ravensflatt, Whitehall and Shipley at 100 marks pa. at least.⁽⁶⁾ Although the actual amount received

(1) PK York Bk. f. 29/30.

(2) PK RB. 26. There were exceptions: in 1580 Lord Eure received a renewal of his lease of the tithe corn of Aycliffe in obedience to letters from the Queen. D and C Reg. C f.191/2 Reg. D f.4.

(3) BM. Lans. 36 f.126/7.

(4) PRO. C. 2. Eliz. D. 10/12.

(4a) PK. PDM (loose papers) Box 13.

(5) Ibid. Box 1,9.

(6) PK. York Bk. f. 19/20.

by the Dean was variable, £500, which is the valuation given in the York book, probably represents a fair average.⁽¹⁾ Similarly, the corpes of the prebends all brought in significant sums. Finchale, for which a rent of £9.19.8d was paid, was valued at £200, Rilly at £100, and the two halves of Elvet Hall at £100 and £150.⁽²⁾ On top of these sums several of the prebends enjoyed bye corpes: Henry Naunton, for example, paid £7.6.1d to the Church for the tithe corn of Shaldforth but had sub-let it for £20, a clear profit of nearly £13 pa.⁽³⁾ But because of the varying quality of the lands and the claims the prebends had to them, generalisations about the amounts received from corpes are impossible. A man like Leonard Pilkington, for example, in possession of the wealthy manor of Finchale and the greater part of his bye corpes, could perhaps expect an income from them of somewhere in the region of £300 pa in the 1590's, whereas Ralph Tunstall, deprived of the possession of South Pittington and with an uncertain claim to his bye corpes, was receiving little or nothing. What can be said, though, is that those that were in possession of their corpes, who by the 1590's were the vast majority, were drawing the bulk of their income from that source rather than from their stipends and dividend.

The obvious inequalities of the situation amongst a body of men who were expected to cohabit as equals created problems and tensions, especially when some of the prebends were apparently further enriching themselves by corruption. According to an early seventeenth century

(1) Ibid f. 2/3.

(2) Ibid f. 3/6. See Table V.

(3) SR. Probate Records. 1603.

(4) See below p. 131

(5) FY. Yorks. 1. 39/50. 28. 1. 1. 1. 1. 1.

complaint exhibited against certain members of the Chapter by Theophilis, Lord Walden, one prebend, presumably Leonard Pilkington, had almost completely dismantled the old cell of Finchale, and Ralph Tunstall, George Cliffe and Emmanuel Barnes were all accused of removing land, iron, stone and timber from their respective manor houses: in addition, the prebends were accused of wasting numerous woods, many of which, such as Muggleswick, Bearpark and Finchale, formed part of their corpes.⁽¹⁾ It is difficult^{to} know how much credit to give to these complaints since they comprise Waldens counter-attack to similar allegations made against him by the Chapter.⁽²⁾ A nineteenth century commentator took them to be 'an infamous and very false libel' and certainly much of the waste carried out at Muggleswick wood was the work of the tenants and not the prebends.⁽³⁾ On the other hand it would be naive to assume that the prebends were blameless and that Waldens complaints were completely unjustified. Accusations of this nature were made by Lever and Bellamy against each other in the early 1580's and Toby Matthew hinted at similar abuses carried out on his own corpes by the prebends during the vacancy before his election - 'I am credibly informed that many things go to wrack, the houses decayed, the game spoiled, the woods wasted, the grounds unlet and yet not uneaten'.⁽⁴⁾

The amount which a prebend received from his corpes depended in part on whether or not he farmed the land himself, thus making the maximum profit, or leased it out on an annual basis. Although information

(1) CL. Sharpe. 49 f. 246/9.

(2) PK. Misc. Ch. 427.

(3) See below p. 139.

(4) PK. York Bk. f. 59/60. BM Lans. 36 f. 124/5.

about the administration of the individual corpes lands is virtually non-existent, enough has survived to indicate that both systems were in operation. In the late 1560's, for instance, Ralph Lever certainly had part of his corpes leased to tenant farmers⁽¹⁾ and in 1575 new enclosures had been made, presumably for the development of sheep farming which was the most lucrative source in income in a partially moorland area like Muggleswick:⁽²⁾ in 1603 Henry Naunton, recently deceased, was owed £30 for the rent of Witton Gilbert due at Michaelmas.⁽³⁾ Other prebends such as Robert Swift and John Pilkington appear to have farmed their corpes for their own profit, but this too had its drawbacks as Pilkington found when in the mid 1590's he complained against Roger Hutchinson, his 'steward and bailiff', in the Durham Chancery. Hutchinson, who farmed Pilkingtons moiety of Hallgarth, had 'gotton into his hands ... very great sums of money and thereby greatly enriched himself', rendering false accounts and refusing to give any account at all for the year 1594.⁽⁴⁾ What evidence we have about Pilkington and Swift apart from this incident suggests they were efficient farmers and very conscious of their rights, a situation which often led to bad relations with neighbours and tenants on the corpes land just as it did on the estates of the Dean and Chapter generally. As early as 1574 Pilkington and Swift were in trouble with the Halmote Court for allowing their pigs to wander 'very unlawfully in poor men's garths' and for Pilkington's failure to

(1) SR. Dr V/2 f. 153/62.

(2) PK. PDHR. (1575 Muggleswick).

(3) SR. Probate Records 1603.

(4) PRO. Durham 2. Box 1.

(5) PK. D and C. Reg. 5. f. 40.

(6) PRO Durham 2. Box 1 (part 2). SR DR 111/3 (1599, Francis James, Farmer of Billingham v. Henry Swastel). Both prosecutions were undertaken in the name of the Dean and Chapter Francis, Chancellor to the Bishop of Bath and Wells.

clean his portion of the common sewer;⁽¹⁾ in 1576 there were further complaints because they did 'much wrong' by failing to maintain the common fold.⁽²⁾ The conflict came to a head in 1582 when a number of tenants of Elvet complained against Swift in the Exchequer, alleging, amongst other things, that he was encroaching on their rights of common and pundfold for his own gain. Swift, for his part, claimed the lands and rights in question as his own: 'do you think in your conscience that it is any reason that Robert Swift should pay a new seised rent for Hallgarth ... and the tenants of Elvet to eat up his grass without any deduction of rent or any other lawful consideration?'⁽³⁾ Similarly, in the mid 1590's relations between the prebends and the inhabitants of Muggleswick became strained after some of the tenants by 'casual means' had gained possession of many court rolls and documents concerning the Manor: under colour of these documents they began a systematic policy of raiding the woods, cutting down at least 146 oak trees valued at 13s4d each,⁽⁴⁾ and of refusing to carry building materials for the repair of the prebends manor house, thus causing Emmanuel Barnes portion to be 'utterly ruined'.⁽⁵⁾ Sometimes these conflicts turned in on the Chapter, notably when Dean James prosecuted Henry Ewbank in the Durham Chancery (1597) and Consistory (1598) for failing to pay tithe to him as Rector of Billingham for his corpes at Bewley Grange.⁽⁶⁾ Ewbank alleged that corpes lands were exempt from the payment of tithe, a claim which is substantiated by a deposition in the Consistory Court about 30 years earlier in which a tenant of Ralph Levers at Muggleswick said that 'when they [ie the

(1) PK. PDHR (1574 Elvet).

(2) Ibid (1576 Elvet)

(3) PRO. E. 134. Eliz 24 and 25.M.1.

(4) PRO Durham 2. Box 1.

(5) PK. D and C. Reg. E f. 466.

(6) PRO Durham 7. Box 2 (part 2). SR DR III/5 (1598. Francis James, farmer of Billingham v. Henry Ewbank). Both prosecutions were undertaken in the name of the Deans brother Francis, Chancellor to the Bishop of Bath and Wells.

tenants] took their leases of Dr. Todd he ... heard him and Mr Tuting* say that they should take the farmhold the dearer because they should pay no tithe thereof'.⁽¹⁾

Thus, the whole question of maintaining clergy by means of lands and tithes instead of adequate stipends created very obvious problems, although it did ensure that by rack renting and personal farming they were saved from the worst effects of inflation which quickly ate away the value of all sixteenth century fixed incomes. The peculiar circumstances of the early sixteenth century had created a situation in which the clergy had to alienate a significant section of the laity if they were to secure their own economic stability, and it was the achievement of Whittingham and the Protestant prebends to make this challenge initially and then to push their policy through to its conclusion even though it engendered opposition at times from the Crown and Privy Council. All of this, of course, laid the clergy open to some exceptionally unfavourable criticism, especially when their own ambition confounded their ideals and recreated the very abuses they had sought to remove. But their achievement remained and so did their enemies, having their numbers augmented by the casualties of the conflicts which were invariably raised when the clergy were put in the position of defending their own economic interests. Tensions were created within the Chapter too, both by the general inequality of the situation and deliberately formulated policies which aggravated the problem and which contributed significantly to the alignment of forces both under Whittingham and during the crisis after his death.

(1) SR DR V/2 f. 153/62

* John Towton (sometimes rendered Tuting), prebend of stall 8, 1541-60.

(2) For example Robert Alkington of Rochford, Essex, p. 153/62.

Undoubtedly the lack of adequate remuneration from their corpes, which many prebends felt in the 1550's and 1560's, was one stimulus that led to the wider exploitation of the Chapter estates, a policy which was amplified by Whittingham and which was responsible for widespread discontent especially in the 1570's.

The vast majority of the Chapter lands, of course, were held by Customary tenants rather than in domain.

During the fifteenth century the Prior and Convent had adopted the policy of leasing the bulk of the properties in each village to a group of tenants, each of whom took an equal portion of the lease and received grants for terms of years entered on the Halmote rolls. For this the tenants paid a fixed money rent and renewed just before each term was up by paying a fine.⁽¹⁾ This system of renewable leaseholds, which by 1540 had deprived the tenants of legal copyhold, had nevertheless given them security of tenure under the fairly liberal administration of the Prior and Convent: its dangers, however, became immediately apparent after the Reformation when the Monks were replaced by prebends who were expected to support themselves out of the Chapter estates and who often had wives and families to support also. Although after the dissolution some tenants did accept the 21 year leases which had been devised as the new mode of tenure⁽²⁾ there was a marked reluctance to do so amongst the majority who reverted to old and largely fictitious claims in an attempt to secure a definite hereditary interest in their tenements.

Their fears were wholly justified, because many of the early prebends, deprived of their corpes lands by long leases, were attempting

(1) Ibid. p. 112.

(2) *ibid.* p. 112.

(1) CL. Longstaffe 60 ('Statement to the ecclesiastical commissioners for England, 1871/Answer of the Dean and Chapter. 1662).
 R.A. Lomas, Studies in the finances and organisation of the Durham Priory in the early sixteenth century. Durham MA. 1964.
 VCH Durham Vol II p. 222/30.

(2) For example Robert Atkinson of Hedworth. PK. D and C. Reg. A f. 36/7.

to bolster their incomes by direct interference with the customary estates* of the Chapter, a tendency which was linked closely with the general policy of forcing the tenants to take leases. Pressure could be exerted in a number of ways. Firstly, there was a steady stream of tenants, like Thomas Duckett of East Merrington,⁽¹⁾ who for one reason or another were prepared to oblige the Chapter & accept leases of their lands with little or no argument. Secondly, there was a category of widows and heirs of tenants who wanted to ensure continued possession of their lands after the deaths of their husbands and fathers: in this way the widow and son of William Taylor, deceased, were compelled to accept a lease of their tenement in West Rainton in 1565, and in 1567 Robert Chilton ensured his peaceful succession to his fathers farm in East Rainton by accepting a lease to commence on the death of his father.⁽²⁾ Finally, and most important, concurrent leases were made to the friends and trustees of the prebends above the heads of the sitting tenants 'to terrify the said tenants from their old way of holding',⁽³⁾ and sometimes reversions were made to the same trustees of lands which had already been taken by the tenants on lease, an abuse which is difficult to justify even by wider reference to the general policy of the Dean and Chapter.

The policy of dividing leases of lands already occupied by ancient tenants amongst the Dean and prebends reached a peak under Whittingham but was certainly not devised by him. As early as 1546 Robert Carr, Yeoman, received a lease of a tenement in Westoe occupied by John Wilkinson,

(1) Ibid Reg. C f.31/2

(2) PK. D and C Reg. B f. 208,228.

(3) CL. Longstaffe 60 (Report of Parliamentary commissioners of Survey, 1649).

* ie. customary as opposed to domain.

and in 1551 Ralph Dalton, gentleman, and William Todd, Yeoman, trustees of prebends of the same name, received concurrent leases of farms in Cowpon Bewley and Westoe:⁽¹⁾ in 1558 the same William Todd secured a 'grand lease' of the whole township of Dalton.⁽²⁾ Although there was a steady stream of these leases being made at different times up until 1576, four periods stand out when there were general distributions amongst the Chapter and these formed the so called 'lotteries' of Dean Whittingham during which leases of corpse lands as well as customary lands were made over to the prebends. The first, in the summer of 1564, made a division of many lands and tithes in reversion to commence on the expiry of old leases made by the Dean and Chapter under Edward VI, and further major divisions were made in Jan. 1572 and the summer of 1575: another lottery appears to have been organised in 1576, but the majority of the leases were never sealed.⁽³⁾ Leases thus gained by the prebends became real assets to be sold or used to their own advantage in whatever way seemed appropriate, a fact best illustrated by a Chancery deposition taken in 1578 during a case which involved one of these concurrent leases.⁽⁴⁾

'The prebendaries of the Cathedral Church of Durham did procure leases in their friends names to the intent that they might dispose of them when they thought good ... Thomas Speede coming forth of Ireland where he had been attending of the Earl of Sussex and remaining at Durham, this examate, bearing good will both unto Dr Todd, his late master, and Thomas Speede, nephew to the said Dr Todd, did ask his master why he ... suffered the said Speede to linger in the County. And the said

(1) PK D and C Reg. A f. 39, 157/8, 123/4.

(2) SS 82 p.217.

(3) See, for example, PK. D and C. Reg. B f. 195. Reg C f.35,88 SS.82 p.244.

(4) Thomas Speede v. Gerard Salvin and Simon Reed (Deposition of Robert Chamber) Durham CRO. D/Sa/L. 13 f.1/19.

Dr Todd did answer and say ... that he had provided well for him, for he had given unto him the lease of Croxdale and a lease of Muggleswick⁽¹⁾ and other leases beside ... And further ... meeting with the said Thomas Speede after he had heard these words of his master did say unto the said Thomas Speede ... 'You are well sped since you came out of Ireland, for my master, your uncle, hath given you well'. To whom the said Thomas Speede answered and said, 'He hath given me certain leases. Some in my own name and some in other mens and whether they will do me good or no I cannot tell'. And this examine did answer and say, 'No doubt they will do you good, for other men hath had leases after the said sort and have done good with them'.

Either by selling them directly or indirectly to the sitting tenant or by using them to challenge his possession other men had indeed 'done good' with similar leases. In 1550, for example, George Thorpe took a 21 year lease of Wolviston Mill, but in the 1564 lottery a reversion of this lease was made to Richard Grene, a relation of George Cliffe: consequently, about 3 months after the making of the lottery lease, Thorpe was obliged to take a new lease of his mill to commence after the end of his first lease, doubtless after a substantial payment to Cliffe buying out his interest.⁽²⁾ In September 1558 Cliffe received another lease of a tenement in East Rainton in the name of his trustee, William Johnson, who released it to Cliffe in January 1559: subsequently Cliffe sold it to William Barker who in 1561 sold it to the sitting tenant, John Marshall, for £12.0.0 so that he could enjoy his farm 'without any let, vexation or contradiction of me .. or any other

(1) William Todds corpses.

(2) PK. D and C Reg. B f. 200,204.

person or persons through my means',⁽¹⁾ Similarly a lease granted to a relation of Ralph Lever in 1572 passed through the hands of two more intermediaries before it was finally sold to the tenant by Leonard Pilkington,⁽²⁾ but the more usual form in the 1570's was for the prebend concerned to negotiate directly with the tenant. According to estimates in the York book many of the prebends had made large amounts of money in this way, sometimes selling their interest for as much as £30 and £35 a time depending on the value of the farm in question.⁽³⁾ Adam Holiday for instance, had made £218, William Bennett £183, and Leonard Pilkington £148.⁽⁴⁾ Once his 'fine' had been paid the tenant could usually be sure of undisturbed possession, but in the 1570's there were so many leases in circulation that some frauds did take place 'to the utter impoverishing and undoing of many an ignorant soul'.⁽⁵⁾ John Wearmouth of Billingham, for instance, bought a lease of his farm from one Birkett only to find that it lacked the correct words of incorporation and was useless to him.⁽⁶⁾

The alternative to selling the leases was for the prebend in question to use his lease to evict the sitting tenant and take occupation himself. This policy was by no means as common as the earlier one and when it was adopted, notably by John Pilkington and Ralph Lever, it caused serious repercussions amongst the tenants. The first case concerned the township of Coatsay Moor, near Heighington, a concurrent lease of which was given to Matthew Atkinson of Haswell Grange, Yeoman, in 1551.⁽⁷⁾ Atkinson, who died in 1554, never utilised his lease and in

(1) PK. Misc. Ch. 5556.

(2) SS.82p.229.

(3) Ibid p. 226/7.

(4) PK. York Bk. f. 2/6.

(5) Ibid f. 45/7.

(6) SS. 82 p.240.

(7) PK. D and C. Reg. A f 206.

An earlier lease had been made by one Thomas Tripp, Yeoman, in 1546, but no mention is made of this in the subsequent litigation PK. D and C Reg. A f.50.

Atkinson was a frequent trustee of the Dean and Chapter and when he died he left two Durham prebends as his supervisors.

the 1564 lottery John Pilkington received a reversion of it in the name of his brother Francis Pilkington⁽¹⁾ having it regranted in 1567⁽²⁾ incorporating the new legal style, a precaution which was fairly common after the suits before the Council of the North in 1565/6. When Pilkington's reversion was due to come into force in 1572 he commenced suit against Roland Seamer and Roland and Agnes Denham, the chief tenants of Coatsay Moor, before the Council of the North, only to find that the case was dismissed on the tenants' proof of their custom which apparently comprised a claim of tenant right.⁽³⁾ Not to be outdone Francis Pilkington commenced 2 actions of 'ejectione firmæ' in the Court of Pleas at Durham,⁽⁴⁾ in both actions claiming the 1567 lease as his right. In the first suit he proceeded against Christopher Lilforth who apparently shared a small part of Seamer's tenement,* claiming that on October 1st 1572 he entered the lands in question but was ejected by Lilforth on the following day with force and arms. Lilforth made no defence, and upon confession of trespass and ejectment judgement was given in favour of Pilkington: the whole case hints strongly at collusion between Pilkington and Lilforth who does not appear amongst the petitioners against the Dean and Chapter in 1574. The second case, against Roland Seamer and the Denhams, was more important. On August 18th 1573 Richard Johnson received authority from the Dean and Chapter to enter their lands in Coatsay Moor⁽⁵⁾ and on September 17th Francis Pilkington received a demise of the lands he had received in his 1567 lease** only to be ejected by the defendants on the same day.

(1) PK. D and C. Reg. B f. 201.

(2) Ibid f. 224/5.

(3) CL. Longstaffe 60 (Petition to the Privy Council, 1574).

See also PK. York Bk. f. 32/3.

(4) CL. Longstaffe 60 (statement ...)

(5) PK. D and C Reg. C f. 63/4.

* Only a messuage and 8 acres of land.

** Comprising 3 messuages and 540 acres of land.

This time the tenants denied trespass and ejectment but judgement was still given against them. Seamer and Denham had again relied on their claim of tenant right and justified their lack of success by claiming that their customary estate was not acceptable at the common law and that the Courts of Durham were prejudiced against them 'for as much as the said John Pilkington, prebendary, and the said Francis Pilkington are full brethren of ... James, Bishop of Durham, who hath Juria Regalia within the said County'.⁽¹⁾ How much truth there is in the latter statement is hard to tell, but the former does not conflict with Kerridges findings on customary tenure and the common law,⁽²⁾ because by strict definition the tenants had never enjoyed the form of estate they were claiming.

The immediate result of this controversy was a petition to the Privy Council of over 100 Chapter tenants, headed by Seamer and the Denhams, complaining against Whittinghams 'lotteries', the profits made by the prebends from the sale of leases, and the attempts by John Pilkington and other prebends to evict tenants: the petition further requested the Council to stay all suits in progress and to allow the petitioners to remain in possession of their tenements until a full investigation had been made.⁽³⁾ On November 22nd 1574 the Privy Council sent the petition to Huntingdon to investigate⁽⁴⁾ and a full hearing was organised before the Council of the North, during which Seamer, 'the beginner of those matters', was allowed whatever

(1) CL. Longstaffe 60 (Petition to Privy Council, 1574).

(2) E. Kerridge, Agrarian problems in the sixteenth century and after, p.39/40, 67.

(3) CL. Longstaffe 60 (Petition to Privy Council, 1574) PK. York Bk f. 32/3.

(4) APC. Vol. VIII. Nov 22 1574.

(3) SS. 62 p. 220/51.

commissioners and witnesses he desired to prove his case.⁽¹⁾

Nevertheless, the allegations of the petition were proved to be untrue on a number of important issues. Firstly, it was Seamer who had first devised the name of 'lottery' for the divisions of leases made amongst the prebends, claiming that in 1572 the prebends 'did conclude and agree amongst themselves that all the tenements parcel of their possession, being numbered, should be put into several bills or billets, which in the whole did amount to the number of 8 tenements for every prebendary and 16 for the Dean, and that every one of them should in turn draw their billet till the whole by turn were drawn and that every one of them should hold in severalty such tenements as by lot should fall unto them by the same lottery.'⁽²⁾ These facts were wildly exaggerated. The lotteries did not include all the Chapter tenements, neither did all the prebends benefit from them, and the number of tenements divided in 1572 was certainly fewer than 8 to the prebends who did in fact receive them. Also the method of division was denied by the Chapter. According to Seamer's version it had been reduced to a game of chance, a theory which certainly does not square with the facts which reveal that individual prebends frequently secured leases of lands in areas they already had an interest in: William Bennetts' accumulation of tenements around his benefice at Aycliffe is the best example of this and indicates some sort of organised distribution rather than sheer coincidence.⁽³⁾

Secondly, the claim that the tenants were being impoverished by the Chapter, although standard procedure in this sort of litigation, was more obviously untrue in this case than in others. Even in the new

(1) PK. York Bk. f. 75/77.

(2) CC. Longstaffe 60 (Petition to Privy Council, 1574).

(3) SS. 82 p.229/31.

leases of the Chapter the tenants were paying rents which bore very little relation to the value of their lands, and many of the leading protagonists against the Chapter were in fact wealthy men: in 1585 Ralph Lever said it was 'the wealthier sort' who were 'most stiff on their supposed tenure',⁽¹⁾ and in 1590 a petition complained against 'the rich farmers and husbandmen' of Ferryhill who had been amongst the first to cry poverty in the 1570's.⁽²⁾ Finally, the tenants claim of tenant right came under close scrutiny. As a mode of tenure tenant right had many varying forms and it is uncertain what exactly the tenants meant by the term: in 1595 tenant right in Weardale was defined as a customary tenure which was transferable to any heir or saleable to outsiders and for which a small rent was paid in consideration of border service.⁽³⁾ In addition the tenants usually paid fixed fines or gresssums and the keeping of Court rolls and records was unusual.⁽⁴⁾ What led the Chapter tenants to the false notion that they enjoyed tenant right is uncertain: no doubt the fact that they had not accepted formal demises from the Chapter for some time fitted well with the lack of court rolls in tenant right proper, and in practice they certainly had enjoyed the security of tenure of a customary tenant under the Prior and Convent. In addition to this they paid the small rents typical of tenant right and performed border service when called upon to do so. Yet although the tenure of the Chapter tenants bore several similarities to tenant right, and many tenants may have believed sincerely in their claim, their tenure had never been border tenant right proper. Border service, which was often pointed out by the tenants as the deciding

(1) PK. York Bk f. 36.

(2) PK. PDMR (1590 Aycliffe).

(3) CL. Randall 6 (1595. Verdict of Jury at Stanhope ... concerning custom and tenures of Weardale).

(4) CL. Report to the Ecclesiastical commissioners, 1873.

(7) CL. Langdale 80 (order of the Chapter of 1595).

(8) APC. Vol. VIII Feb. 6 1593. (9) CL. York Bk. f. 35.

(10) Ibid f. 76.

factor, was not inextricably linked with tenant right as is indicated by a survey of 'sundry aged persons' in 1581⁽¹⁾ and a Star Chamber judgement in 1625 which said that 'border service was no special part of the tenants services reserved or in respect of the tenure of their lands, but a duty and readiness required of them ... by virtue of their allegiances and subjection, not by order and direction of their lords but of the Lord Warden of those parts'.⁽²⁾ According to Ralph Lever it was impossible to claim tenant right on land which had passed through the Kings hands anyway.⁽³⁾ The Chapters claim was that the tenants were tenants at will 'because some of them had taken no leases by a long-time',⁽⁴⁾ a claim which was put forward as early as 1556⁽⁵⁾ and periodically reiterated after that date.⁽⁶⁾ After examining an 'ancient book and register' of the Prior and Convent, the Council of North reversed its earlier judgement in favour of Seamer and the Denhams and concluded 'that the lands in contention ... had many times been letten for years by lease: and also by a trial at the common law by which it should seem the said lands and tenements should not be holden by tenant right'.⁽⁷⁾ Hungtingdon wrote back to the Privy Council saying that Seamers complaints were untrue and the Council ordered that Seamer should be put 'to some open punishment'.⁽⁸⁾ Ralph Lever thought the myth of tenant right had been 'overthrown',⁽⁹⁾ and according to Leonard Pilkington Seamer proved nothing and 'justly purchased the pillory for his evil slander and unjust report of such men and so worthy an house'.⁽¹⁰⁾

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- (1) CL. Hunter 22 (1581 Reports and sayings of Sundry aged persons touching the customary service of the inhabitants of the county of Durham) No. 5.0.
 (2) CL. Longstaffe 60 (Statement ...)
 (3) PK. York Bk. f.35.
 (4) CL. Longstaffe 60 (Order of the Council of the North, 1577).
 (5) SS 143 p.185.
 (6) For example in 1561. PK. PDHR (1561 Aycliffe).
 (7) CL. Longstaffe 60 (Order of the Council of the North, 1577).
 (8) APC. Vol. VIII Feb. 6 1575. (9) PK. York Bk. f.35.
 (10) Ibid f.76.

Seamers case had been a test case and the Chapters victory gave it great moral confidence. John Pilkington evicted Roland Seamer from his tenement⁽¹⁾ and a new lottery was organised, this time with the added knowledge that eviction could be made a reality in the event of opposition. The reaction of the tenants was for a number of them to join together and formulate another petition against the Chapter, this time to the Queen. On Feb. 26th 1576 the Privy Council ordered the Dean along with John and Francis Pilkington and Ralph Lever to appear before them for a hearing of both sides of the issue,⁽²⁾ and on May 27th the complaints of the tenants were heard before the Council in the presence of Whittingham and one prebend. As could be expected the Privy Council showed a marked desire to preserve border service and avoid conflicts in an area which had been the centre of a major insurrection only 6 years earlier, and it was decreed that no tenant should be expelled 'unless it were for rebellion or some other notorious crime': tenants already expelled were to be restored, except Seamer whose crimes were considered too heinous to deserve any mercy. Nevertheless, in following the judgement of the Council of the North over tenant right, the legal rights of the Dean and Chapter were safeguarded and the tenants being restored were either to pay compensation or admit that their restoration was 'of favour and not of right'. Along with some proposals for the restoration of good relations which included the principles that sons should succeed their fathers and fines should comprise 3 years rent at the most, the order was sent to Huntingdon giving him power to make any additions or alterations he thought necessary.⁽³⁾

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- (1) According to the Receivers Books Seamer had lost possession of his tenement after 1578/9, although the Denhams remained in possession until the end of the century: a lease of 1590, however, indicates that Seamer or his assigns, were 'lately' in occupation. A possible explanation is that the Pilkingtons had sublet all or part of the tenement to Seamer. PK. RB 11 etc (Coatsay Moor) D and C Reg. E f. 244, 449.
- (2) APC. Vol IX. Feb 26 1576.
- (3) APC. Vol IX May 22 1576.

Nevertheless, it was not until August 17th 1577 that Huntingdons definitive order was formulated to regulate relations between the Chapter and its tenants who had not already accepted leases and who still claimed by tenant right. The order was made in close conjunction with the earlier one and followed renewed complaints to the Privy Council alleging denial of justice and eviction from tenements, especially by John and Francis Pilkington one of whom the Council thought 'hath much forgotten his duty'.⁽¹⁾ The tenants finally were to give up their claims of tenant right and hold by 21 year leases which were to bind them to serve for 15 days on the borders without wages and to all other services and customs previously performed. Descent was restricted to sons or grandsons of the previous tenant or his brothers and nephews, with no provision at all for the succession of females, except wives who were allowed to remain in possession during their widowhood without fines: if a widow remarried, her husband was to pay 2 years fine and they were to enjoy the tenement during the wifes life only, after which time it was to revert to the son or brother of her original husband. Failing any of these heirs the tenement was to revert to the Dean and Chapter. Tenants were not to be charged above 3 years rent as a fine and lands could only be forfeited for treason, rebellion, wilful murder or felony.⁽²⁾ Two model leases were also drawn up to form the blueprint of transactions between the Chapter and the tenants within the scope of the order, the first on June 15th 1577, which was almost the same as the earlier leases of the Dean and Chapter⁽³⁾ and a revised form drawn up on August 17th

(1) PRO. SP/12. 113.31. APC Vol IX. Feb. 14 1577. March 25 1577.

(2) CL. Longstaffe. 60 (Order of the Council of the North, 1577)
PK. D and C. Reg. C f. 148/9.

(3) PK D and C. Reg. C f. 145. Only one tenant accepted a lease in this form. John Byers of Suddick, Aug. 20 1577. Reg. C f. 145.

which added a further clause of protection for the tenants.⁽¹⁾

On August 21st the agreement was sealed with the Chapter seal and copies were ordered to be kept by the Privy Council, the Council of the North, and the Durham Chancery Court.⁽²⁾

Much to the dismay of Huntingdon, however, this was not the end of the problem. By virtue of leases made in 1572 and 1574 Ralph Lever had gained occupation of a tenement in Billingham occupied by Margaret Bone, a widow:⁽³⁾ at the time of Seamers petition she was already involved in a suit before the Council of the North and despite the orders of the

Privy Council and the Council of the North, and her own offer of a fine⁽⁴⁾ of £30, Lever had succeeded in evicting her from her tenement. In the winter of 1577/8 she made her first complaint to the Privy Council

'declaring that contrary to an order taken by his Lordship [ie.

Huntingdon] she is withholden from her right'.⁽⁵⁾ Lever claimed

he had no control over the land in question because his nephew had granted it to his son,^{*} and his son had granted it to one John Stubberd. The case

dragged on for some time during which an arbitration by Huntingdon failed and Lever made two appearances before the Privy Council.⁽⁶⁾ Eventually

on March 17th 1579 the Council declared itself to be unsatisfied with Levers claim that he had no control over the tenement, because Stubberds lease had been made during the hearing of the matter 'only for a colour to defeat the said widow' and avoid the judgement of the Council.

(1) PK D and C. Reg. C f. 148/9. According to this lease a tenant could not be deprived for failure to pay his rent: instead he paid an agreed forfeiture.

(2) CL. Longstaffe 60. (Order of the Council of the North, 1577).

(3) PK. D and C. Reg. C f. 74. The 1572 lease is mentioned in the 1580 survey. SS. 82 p. 239/40.

(4) SS. 82 p. 240.

(5) APC. Vol. X Jan. 25 1578.

(6) APC. Vol X. April 30 1578. July 6 1578. Vol XI. Jan 31 1579.

* ie. to Ralph Levers son, Thomas.

The order of the Council was that the widow should enjoy the tenement during her life or receive the yearly rent of 20 nobles paid by Stubberd over and above the accustomed rent paid to the Dean and Chapter: after her death the tenement was to revert to young Lever according to his lease.⁽¹⁾ By this order, and another in favour of Nicholas Taylor against John and Francis Pilkington,⁽²⁾ the Council showed its determination to uphold Huntingdons compromise of 1577: further evictions were made virtually impossible and some semblance of order was once again restored to the Chapter estates.

The situation left by these controversies was inevitably a rather complex one. Before Huntingdons order many of the tenants had given away to the pressure imposed by the Chapter through concurrent leases and had accepted leases of their own. Although a gradual upsurge is detectable from 1570 onwards, the numbers only begin to rise dramatically after the successful eviction of Seamer: in Nov. and December 1575, for instance, soon after the summer lottery of the same year, 23 tenants accepted leases, and between January and March of the following year 16 more followed suit.⁽³⁾ Many of the most hardened opponents of the Chapter accepted leases according to Huntingdons order (37 in January and February 1578, for example),⁽⁴⁾ but a few still refused and continued to claim their lands by tenant right. Two of these, John Robinson of Mid Merrington and William Thorpe of Wolviston, had been special allies of Seamer, and Thorpe was said to be 'a great hinderer of others':⁽⁵⁾ in 1580 there were 12 in this category, the vast majority holding

(1) APC. Vol. XI. March 17 1579. The latter course, which never was said to have favoured, seems to have been followed.

(2) APC. Vol X. June 23 1578.

(3) PK. D and C. Reg. C.

(4) Ibid.

(5) SS 82 p.246.

lands in Merrington and Ferry⁽¹⁾ but by the end of the century their numbers had declined substantially and at least half had accepted leases either of the old type or according to Huntingdons order.⁽²⁾ After 1577 the two types of leases co-existed side by side, the old ones renewable on 4 years fine, according to a Chapter Act of September 26th 1575,⁽³⁾ and transferrable to personal representatives unless specifically stated in the lease, and the leases according to the order of 1577 descendable to certain successors and renewable on payment of 3 years fine. Thus, there existed leases taken 'simply' or 'secundum ordinem' and it was a matter of personal preference, at least for those within the compass of the 1577 order, as to which they accepted: as early as 1578 some of the recalcitrant tenants had found Huntingdons order unacceptable and had taken leases 'simply', and others, who had initially taken leases 'secundum ordinem', had renewed with leases 'simply' in order to avoid the restrictive clauses concerning descent in the 1577 order.⁽⁴⁾

An attempt to remedy this rather confused situation, which was further complicated by the doubtful legality of some leases made in the absence of Dean Wilson,⁽⁵⁾ was made by Ralph Lever in January 1585. His proposals were designed to apply to all ecclesiastical tenants in Durham and as such were directed as much to the contemporary conflicts on the Bishops estates as to those on the estates of the Dean and Chapter. All ecclesiastical tenants he thought, should accept leases for 21 years, perform border service, and be assured of renewal on payment of 4 years

(1) Ibid. p. 233, 237/8.

(2) PK. D and C. Reg. E, F. (Index)

(3) PK. York Bk. f. 40.

(4) John Hopper of Shincliffe who had taken a lease 'sec. ord' in 1578 renewed with a lease 'simply' in 1595. PK. D and C. Reg. E f. 436/7.

(5) PK. York Bk. f. 46.

fine: tenants and landlords were both to agree to the order, which, in the case of the Cathedral, was to be placed in the proposed new statutes which were to be confirmed by Act of Parliament.⁽¹⁾ In writing to Burghley Lever placed the blame for previous troubles fairly between the greed of a minority of churchmen and the wilfulness and obstinacy of a minority of tenants and had little doubt that the greater part of the Chapter and their tenants would accept his proposals.⁽²⁾ But he was sadly mistaken. By 1585 his own reputation in the Chapter was at a low ebb, and other proposals he had made for reform were either too dangerous, too radical, or touching too closely on vested interests:^{*} as a result the bulk of the Chapter joined together to resist all his demands including those on a new order of leases - 'it implieth that we cannot or will not rule our tenants who have devised many and strange things against us divers years the tenants care little for us and will care less if we make them freeholders in a new devised state and then they may let, set, or sell their tenements at pleasure without us^{**} Surely Mr Lever and our tenants joining with him do deal unordredly to intermeddle to change our state or tenures without our appointment.'⁽³⁾ Nothing came of these proposals and the two different systems of leasing continued into the seventeenth century when new conflicts broke out between the Dean and Chapter and their tenants concerning the level of fines.⁽⁴⁾ 200 years later similar complaints were still being raised, as is illustrated by a

(1) Ibid f. 34/6. 41/2. 45/7.

(2) BM. Lans. 43 f.48/50.

(3) PK. York Bk. f. 43.

(4) CL. Longstaffe 60 (Complaints against the Dean and Chapter, 1639. Petition of the tenants to the King and answer of the Dean and Chapter, 1662).

* See Chapter 7 p.266.

** This was sheer alarmist talk on the part of the Chapter: Lever had specifically said that the tenants should not be able to let or alienate any part of their tenements without the lords consent. PK. York Bk. f34.

letter from 'Justitia' to the editor of the Newcastle Magazine in 1824 complaining of 'the exorbitant demands' of the Dean and Chapter on their tenants who were expected to pay 'most enormous sums ... for the renewal of leases'.⁽¹⁾

Thus, the bad feeling which existed between the Dean and Chapter and their tenants had a long subsequent history, and in the sixteenth century similar conflicts spread to the estates of the Bishops, especially under Barnes.⁽²⁾ Certainly in the 1560's and 70's there is evidence to suggest that these disputes were aggravated by the sharp religious differences which existed between the Chapter and the bulk of its tenants. Roland Seamer, for instance, the chief agitator against the Chapter, was suspected of attending Mass and was called before the High Commission in 1578 'complained upon for Papistry',⁽³⁾ and in 1595 and 1598 the daughter-in-law of Margaret Bone was a persistent and noted recusant:⁽⁴⁾ similarly, in 1578 Margaret Bone's case against Ralph Lever was put forward by one Welbury.⁽⁵⁾ Unfortunately a record of his Christian name has not survived but the surname is distinctive enough. The Welburys, who were probably closely related to Margaret Bone anyway, were tenants of Westmorland, deeply involved in the 1569 rebellion, and recusants in the 1590's.⁽⁶⁾ Clearly this can hardly be construed as evidence of a Catholic conspiracy against a Protestant Chapter, but it does serve to indicate one or two distinct trends and suggest other

(1) CL. Longstaffe. 57b.

(2) PRO. SP/12.25.58, SR. Index to 'The Weardale Chest'.
PRO. SP/12 160.35. PK.D and C. Reg. C f.114/5.

(3) B. HC/AB.9f. 133,143,150,155,166.

(4) CRS. 53p.49. SR DRIV.4(1598 Judge v. - Bone, wife of J. Bone). Margaret Bone appears to have lived with her son and daughter-in-law.

(5) APC Vol. X July 6 1578.

(6) B. Wilson, The Reformation in the diocese of Durham p. 474/5 ...
CRS.53 p.49. Margaret Bone was a daughter of either Simon Welbury of Castle Eden or Robert Claxton of Old Park: both were Catholics and rebels in 1569. SS Wills and Inv. Vol II p.294/5. Vol III p.87/8.

possibilities. The areas in which the 1569 rebellion achieved the most support, around Stockton and Darlington, were obviously the areas in which Westmorland and his tenants had the greatest influence, but they were also areas in which the Dean and Chapter had important estates, for example, at Billingham, Burdon and Aycliffe. Although direct evidence is lacking, there can be little doubt that the discontent which existed amongst the Chapter tenants, not to mention the breakdown in relations between the Protestant prebends and the Nevilles, was a contributory factor towards the rebellion and one which combined religious as well as economic grievances. Also it should be added that at this period there were a number of deprived Catholic prebends circulating both in the North of England and on the continent: that they had connections with Westmorland and sent propaganda from overseas is certain, and they may well have been the source from whom Seamer gained his detailed information about what, allegedly, went on in the Chapter during divisions of leases.* The chance mention of Welburys name might imply that the very forceful movement of protest was directed by forces stronger and more articulate than the tenants themselves. What does seem certain, however, is that after the rebellion people like Seamer and Margaret Bone were persecuted by radicals like Pilkington and Lever as much for their religious dissent as their desire to gain occupation of their lands: it is certainly inconceivable that zealous Protestants would have been harried in this way without some special cause. The conflicts between the Chapter and its tenants, although not caused by religious differences, were undoubtedly sharpened by them in the 1560's and 70's.

* Chapter meetings were governed by rules of strict secrecy and it is hard to imagine any existing prebend giving such information to the tenants unless it was an inspired "leak" by Whittingham designed to discredit the opposition. For the activities and contacts of the Catholic prebends during the 1560's See Chapter 5 p.147/0.

The second half of the sixteenth century was thus an immensely important period in the history of relations between the Chapter and its tenants. By 1600 the leasing policy of the Chapter had been finally accepted, except by a tiny minority, and the false claims of tenant right had been abandoned. In a sense the problem had solved itself, because with the recovery of most of the corpes lands and the adoption of a more responsible leasing policy towards them, one important stimulus which had led, in part, to wider exploitation had been removed. Whittingham's lotteries, and the more piecemeal policy which had gone before them, had fulfilled a dual function which was typical of much of the philosophy behind sixteenth century Cathedral administration: it was an example of a general policy taken away from the direct administration of the Chapter as a whole and farmed out to individuals so that they, and not the corporation, would reap the maximum benefit. The cost, though, was an almost complete breakdown of relations over the short-term and a prolonged legacy of mutual mistrust and suspicion over the long-term. By the late 1570's the Chapter was intensely unpopular with many of its tenants, and the Privy Council was weary of the repeated disputes it was being asked to deal with: this must have gone for the law courts too which were inevitably put under pressure by the confusions and controversies created by the concurrent leases.⁽¹⁾ Moreover, exactly as in the disputes over the corpes lands, these conflicts backfired on the Chapter, creating new grounds for dissent and jealousy concerning the profits made by different individuals. In 1580, for instance, Leonard

(1) Speede v. Salvin and Reed. Durham CRO. D/Sa/L 12-20.

Henshaw v. Turpin PRO. C.2 Eliz. H. 10/31.

Pilkington sought to defend the divisions of leases made under Whittingham denying that they should be called by the 'odious name' of 'lotteries', while slightly later Robert Bellamy spoke scathingly of Lever and others 'in their lotteries, when havoc was made of townships and tenements and widows dispossessed by them'.⁽¹⁾ Bellamys claims are perhaps a little emotional, but they serve well to illustrate how opinion had become divided.

(1) PK. York Bk.f.60, 75/7. In fairness to Lever it should be added that widow Bone, who Bellamy is probably referring to, was in possession of two tenements in Billingham in 1574/5. PK.RB.10 (Billingham): Lever only ever claimed one of them. RB.11 (Billingham).

CHAPTER 5

PAPISTS AND PURITANS

'Alas! my Lord, that such compulsion should be used towards us and so great lenity towards the Papists. How many Papists enjoy liberty and livings ... nor yet do any part of duty towards their miserable flocks? These misers laugh and triumph to see us dealt with, yea, not ashamed hereupon to brag that they trust that the rest of their things will follow.'

Dean Whittingham to the Earl of Leicester, 1564
(Strype, Life of Parker, Vol III p.83).

The prebends and minor canons who made up the Chapter in 1558 were hardly a group of men who represented the full gamut of religious change which had taken place between the 1530's and the accession of Elizabeth.⁽¹⁾ Of the 12 ex-monks who had made up the new chapter in 1541, 8 still remained in office and another member of the convent was presented by Tunstall in the last months of Mary's reign, 18 years after the dissolution. Thomas Sparke despite his ailments, was still the most influential and respected member of the old guard, being suffragan Bishop of Berwick, Master of Greatham Hospital and Rector of Wolsingham, while his colleagues Roger Watson, William Bennett, William Todd, Stephen Marley, Robert Dalton, John Towton and Nicholas Marley shared between them the benefices of Rothbury, Kelloe, Aycliffe, Northallerton, Billingham, Norton and Pitlington.* Indeed, the surviving monks had been amongst the leading members of the monastery before the dissolution, Sparke having been Prior of Holy Island, Bennett Prior of Finchale and St Marley Prior of St Leonards, Stamford, and sometime sub-prior of Durham.⁽²⁾ Of the post 1541 additions, 2 more were ex-regulars. John Crawforth, presented in 1543, had been warden of the Newcastle Franciscans and served Tunstall as his Chancellor, while George Cliffe, presented in 1558, was another Durham monk who had been warden of Durham College, Oxford, and was a favourite Chaplain of the Bishop.⁽³⁾ The 2 remaining prebends were seculars, both like Cliffe,

(1) For a general discussion of the Reformation in the diocese of Durham see B. Wilson, The Reformation in the diocese of Durham, Durham, Ph.D.

(2) Hutchinson, History of Durham, Vol. 2 p.179,190. Forster, Alumni. DUJ. 41 p.107/113 (S.L. Greenslade, The last monks of Durham Cathedral Priory) AA Vol. XV 4th Series p69/114 (D. Hay, The dissolution ... in the diocese of Durham). RH. Vol 9 p.175/204 (A. Forster Tunstalls Priests) SS.161.p.83,93,94,96,105,106,120.

(3) Ibid.

* For the role of the prebends as parish clergy see Chapter 8.

being Marian appointments and men who had some real claim to academic distinction as well as preferments and interests outside of the diocese. George Bullock, the most eminent member of the Chapter, was a scholar of St Johns College, Cambridge, whose Catholic convictions had been strong enough to force him into voluntary exile at Nevers during the reign of Edward VI: on the accession of Mary he had returned, gaining a prebend at Durham, 3 benefices in the South, the Mastership of St Johns College, and finally the Lady Margaret Chair of Divinity at Cambridge.⁽¹⁾ Similarly, Antony Salvin, presented in 1556, had academic involvements as Master of University College, Oxford, as well as being an influential figure in the diocese as Master of Sherburn Hospital and Rector of Sedgely.⁽²⁾

The Dean, Thomas Robertson was a comparatively new nominee, having been installed in 1557 on the promotion of Thomas Watson to the Bishopric of Lincoln.^(2a) Robertson, who lacked his predecessors energy and distinction, had begun his career as Headmaster of Magdalen College School and had reached the Deanery by way of the Treasurership of Salisbury, an Archdeaconry, and 2 parochial cures. His chief claim to fame was as a grammarian, having assisted in compiling Liliys 'Latin Grammar' and having been amongst those named by Edward VI to compose the new Church liturgy in 1549.⁽³⁾ The quicker rate of turnover amongst the minor canons meant that only 2 regulars remained in 1558, John Bindley, a monk of Durham and Thomas Pentland, a Franciscan at Newcastle under John

(1) Ibid. See also DNB. For the best recent discussion of the Marian Church, see D.M. Loades, The Oxford Martyrs.

(2) Ibid.

(2a) Thomas Watson, Dean of Durham, 1553-57. See DNB.

(3) DNB.

Crawforth:⁽¹⁾ 3 more, William and Roland Blenkinsopp and William Harding, had been either Chantry priests or had served in the dissolved Collegiate Churches of Auckland and Staindrop and another, George Winter, was Bishop Sparkes Chaplain.⁽²⁾ John Pearson had probably been only recently ordained after having served as a lay clerk,⁽³⁾ but 3 of his colleagues, William Smith, William Ball and John Browne, were in possession of their stalls without having been ordained.⁽⁴⁾ Of the 2 that remained Thomas Matthew was probably the same man who was ordained by Tunstall in 1543 and later served as a chaplain at Sherburn Hospital,⁽⁵⁾ and concerning John Welles, the precentor, no background information can be found.

Under the conciliatory leadership of Dean Whitehead, the last Prior, the Chapter had acquiesced in the religious changes implemented by Henry VIII and Edward VI, but the intense unpopularity of his Protestant successor, Robert Horne, illustrated the strong conservatism which still remained under the surface: reinforced during the Marian period by such Catholic zealots as Thomas Watson and George Bullock and following the example of Bishop Tunstall, who persistently refused to accept the Elizabethan settlement,⁽⁶⁾ it is hardly surprising that the Chapter posed such a problem to the royal visitors of 1559. The visitors, empowered to enforce the settlement as well as judging spiritual offences presented to them, commenced their visitation of the Northern province in mid August and on September 21st they held their first session in the diocese

(1) DUJ. 41 p.111 AA Vol XV. 4th Series p.106. RS Vol.9 p.181/202.

(2) Ibid. For a discussion of this topic see, D.M. Loades, *The Collegiate Churches of Co.Durham at the time of the Dissolution*, Studies in Church History Vol IV p.65/75.

(3) Assuming he was the same John Pearson who was a lay clerk in 1554/5. SR.CC. Box 210/190282.

(4) PRO. SP/12.10.f.32/8.

(5) RH. Vol. 9 p.199. CL. Randall 12 (Depositions concerning Sherburn Hospital).

(6) C. Sturge, Cuthbert Tunstall, p.316/30.

of Durham at Auckland before Sir Henry Gates and Drs Edwin Sandys and Henry Harvey.⁽¹⁾ Here, 2 prebends, Robert Dalton and William Bennett, appeared before them as Vicars of Billingham and Aycliffe, refused to subscribe and were immediately deprived.⁽²⁾ Two days later another session was held in the Cathedral before Lord Eure, Sir Henry Percy, Sir Henry Gates and Dr Sandys, and after a sermon preached by Sandys the commissioners proceeded with the examination of the Dean and Chapter proper.⁽³⁾ Only one prebend, Roger Watson, subscribed outright, though the conformity of Thomas Sparke, who was sick at the time, seems to have been assumed. Dean Robertson and the remaining 8 prebends dealt with at Durham all refused to subscribe with varying degrees of decisiveness. Robertson, Towton, Bullock, Cliffe and Stephen Marley were fairly emphatic about their refusals, Cliffe stating that 'he believeth that the Pope hath and ought to have the jurisdiction ecclesiastical and not the Queen', and Bullock that 'the Bishop of Rome hath and ought to have the jurisdiction ecclesiastical in this realm of England and by plain and flat words he affirmed that the See of that Bishop was the See Apostolic'. William Todd, who had to be visited in private at his home because of a broken leg, declared with similar conviction that he would not subscribe. In contrast, Crawforth, Salvin and Nicholas Marley, despite the fact that they all eventually refused, were rather less certain about their replies: Marley replied with hesitation that 'he would not answer directly to the point of supremacy, but that the Bishop of Rome had some jurisdiction in this realm'

(1) For accounts of the Visitation, see H.Gee, The Elizabethan Clergy, p.71/93. R.W. Dixon, History of the Church of England Vol. V. p.147/151. Strype Annals. Vol. 1 Pt 1 p.245/7 PRO SP/12 10 f.29/31

(2) PRO SP/12.10 f. 29/31.

(3) The following details of the session at Durham are taken from PRO. SP/12 10.f.32/8.

and Cramforth seems to have suffered agonies of conscience first refusing to subscribe, then asking for them to reconsider, then recognising the supremacy, then recanting, and eventually changing his mind yet again and accepting.

The visitors met with similar defiance from the minor canons with Smith, Browne, Bindley, Pentland, Pearson, Ball and the 2 Blenkinsopps all refusing to subscribe along with William Thewles, Headmaster of the Grammar School: only Harding, Matthew, Welles and Winter joined the two congenial prebends. Of the prebends who did not conform Todd was deprived at once, and after 'mature deliberation' the commissioners decided that Bullock and Salvin should lose their stalls too, Bullock to make way for the restoration of the deprived Edwardian prebend John Rudd and Salvin probably because he was a popular and influential figure in the diocese: in addition, Dalton was deprived of his Vicarage of Norton in order to restore John Rudd, and Cliffe was removed from his Rectory of Elwick in favour of another deprived Protestant, Thomas Atkinson. The Dean and 9 prebends were bound over to appear before the High Commission in London along with Thewles and the offending minor canons, while the only committed conformist, Roger Watson, was joined with the commissioners as a surrogate.⁽¹⁾ On September 25th and 26th Eure, Gates, Sandys and Harvey attempted some positive action by drafting a number of injunctions in an attempt to encourage the new service, preaching, and free access to prescribed books: the Queens Injunctions, for example, were to be read once a year in the Chapter House

(1) PRO. SP/12.10.f.175/81.

and hung up so that everyone 'may conveniently have access to read the same', and the Chapter was ordered to take care to replace persistent 'talkers, mutterers, murmerers and grudgers' with men 'of godly and virtuous disposition and manners'.⁽¹⁾ On September 27th the visitors sat at St Nicholas Church, Durham, and on September 30th they held their final session in the diocese at Alnwick:⁽²⁾ between those dates, on September 28th, Tunstall was deprived in London.⁽³⁾

Inevitably the situation left by the commissioners was a confused one and it was not to be wholly resolved for another year. No record of the examination of the prebends at London has survived, but it is evident that the majority were given the opportunity to reconsider their decisions and that the sentences of deprivation passed at Durham were not considered to be irrevocable: Nevertheless, Dean Robertson was deprived later in the year to make way for the restoration of the Edwardian Dean, Robert Horne, and on November 24th, Sandys and Harvey, acting on behalf of the Crown Sede vacante, admitted John Henshaw to Salvins stall, though there later seems to have been some talk of Salvins restoration.⁽⁴⁾ Early in 1560 a Special Commission seems to have been directed to Dean Horne on the instigation of Norfolk 'to try spiritual causes which in many things run out of order', and it was perhaps as part of this that he was made responsible for administering the oath of supremacy to the prebends.⁽⁵⁾ On February 18th he wrote to Cecil telling him that Towton,

(1) PK. York Bk. f.50/2.

(2) PRO. SP/12.10 f. 39/43.

(3) Sturge, Cuthbert Tunstall p.324.

(4) CPR. (1558-60) p.48,259.

(5) CSP. Foreign (1559/60) No. 736/2.

Dalton and Nicholas Marley still refused the oath and that he thought Salvin would do the same, adding that he hoped some 'learned and well affected' men would be put in their places.⁽¹⁾ Thus, by February 1560 it appears that 5 prebends who had originally refused to subscribe, Cliffe, Bennett, Crawforth, Todd and Stephen Marley had decided to submit, and that 4 more, Dalton, Towton, Salvin and Nicholas Marley still stood by their original decisions: Thewles also remained resolute, though the 8 minor canons all seem to have submitted.⁽²⁾ The pattern is interesting, because of the prebends who eventually conformed Cliffe and Todd had been emphatic in their initial denial of the supremacy and Todd had in fact been deprived by the visitors at Durham: on the other hand, 2 of the prebends eventually deprived, Salvin and Nicholas Marley, had been more conciliatory than the rest at the time of the visitation. What lay behind these vicissitudes is uncertain, but the eventual outcome was that in April and May Dalton, Towton and Nicholas Marley were finally deprived and replaced by Thomas Horton, Adam Shepherd, and Thomas Sampson all firm Protestants.⁽³⁾ The conformists were allowed to retain all their benefices, except Cliffe, who during his initial period of refusal had already been deprived of Elwick: as compensation he was given Daltons benefice of Billingham and restored to Elwick on Thomas Atkinsons resignation in 1562, while Roger Watson received Nicholas Marley's benefice of Pittington.⁽⁴⁾ In November and December more changes came about when Adam Holiday was presented to

(1) PRO SP/12.11.16.

(2) They continued to be paid in subsequent Treasurers Books.

(3) CPR (1558-60) p.252,253. SS. 161p.133,134.

(4) SS 161. p.133,134,144.

Salvins old stall after the death of Henshaw, and William Stevenson succeeded Thomas Horton following the latter's resignation.⁽¹⁾ Thus, by the end of December 1560, when Ralph Skinner succeeded Horne in the Deanery, the religious complexion of the Chapter had changed dramatically. 7 conservative ex-regulars remained in the persons of Crawforth, Watson, Sparke, Bennett, Todd, Cliffe and Stephen Marley, while they had been joined by 5 new Protestant prebends, Sampson, Shepherd, Stevenson, Rudd and Holiday, some of whom had been exiles and were noted for their extreme religious opinions.⁽²⁾ In all, therefore, the 1559 visitation had brought about the deprivations of the Dean, 5 prebends⁽³⁾ and the Headmaster of the Grammar School, a substantially lower figure than might have been suggested by the initial reaction of the Chapter, but still one which represented a significant opposition to the terms of the settlement which was not paralleled in other English Cathedrals.

But looking at the problem in a rather wider context the visitation really solved very little, because the Catholic prebends remained a constant threat to orthodoxy both within the Chapter and also outside it. Despite the fact that Bishop Pilkington had compelled the clergy to acknowledge the supremacy, renounce the Pope and allow the Prayer Book during his visitation of the Cathedral and diocese in October 1561,⁽⁴⁾ William Todd was repeatedly called before the High Commission at York between 1564 and 1567 apparently accused of wearing popish vestments and adhering to the Catholic service:⁽⁵⁾ certainly he 'used to say

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- (1) CPR (1560-63) p.41,63. SS. 161 p.136.
 (2) Notably Sampson and Holiday: Sampson retained his prebend for 2 years and spent some of that time at Durham, at one time being apparently attached to Rutlands household. HMC. Rutland Mss. Vol. 1 p.73.
 (3) George Bullock, John Towton, Antony Savin, Nicholas Marley, Robert Dalton.
 (4) SR. DRV/6 (1594. Judge v George Cliffe: dep. of Robert Swift).
 (5) B.HC Act Bk. 1 f. 203. 3f. 116/118. See also Aveling, Northern Catholics, p.36, who confuses him with another man who was Archdeacon of Bedford and prebend of Lincoln. See Le Neve, Fasti Ecclesiae Anglicanae p.170.

superstitious prayers with a loud and audible voice that the people dwelling nigh the places where he was might hear him! ⁽¹⁾ He was finally deprived of his prebend in 1567 and sent to live with his sister on a farm in Croxdale. ⁽²⁾ In 1561 the High Commission made an attempt to limit the movements of prebends already deprived and remove them from the areas in which they had been influential, but like the contemporary attempts to enforce conformity the scheme met with only very limited success. ⁽³⁾ Dean Robertson, despite his lameness, was 'thought to do much hurt in Yorkshire', and Robert Dalton, flouting an order that he should remain with Lord Dacre, was apparently still celebrating service in Catholic vestments and associating with the Earl of Westmorland. ⁽⁴⁾ As early as 1559 George Bullock had fled overseas and subsequently visited Nevers, Paris, Antwerp and probably Rome: ⁽⁵⁾ by 1568/9 Nicholas Marley had followed him, and despite an order limiting him to the rural areas of Durham he was living at Louvain along with other clergy of the diocese such as John Raymes, Master of St Marys Hospital, Newcastle. ⁽⁶⁾

Pilkington saw these continentally based Catholics as a major threat to the security of the state, and in 1564 wrote to the Privy Council telling them of 'the great number of scholars born hereabout now lying at Louvain without licence and sending in books and letters which cause many times evil rumours to be spread and disquiet the people': ⁽⁷⁾

(1) CL. Hunter 18a f.115.

(2) B. HC Act Bk 3 f. 118.

(3) CSP Domestic. Addenda (1547-65) Vol. XI. No. 45.

(4) Ibid. B.HC. Act Bk 1 f. 114. Aveling, Northern Catholics, p.67.

(5) CSP Domestic. Addenda (1547-65) Vol XI. No. 45. DNB. Forster suggests that he did not die at Antwerp in 1580, but was in fact the same man who was at Rome in 1581. RH.9 p.189 (A. Forster, Tunstalls priests)

(6) CSP. Domestic Addenda (1547-65) Vol XI. No 45. PK.TB.6(Misc.) A note concerning Redworth Tithe has the word 'Louvain' beside the name of Nicholas Marley. B.HC Act Bk.5 f.248/6 f.62.

(7) CSP Domestic. Addenda (1547-65) Vol XI. No. 45.

in the following year he sent a sample of this literature to Cecil, commenting that 'wise men do marvel that policy can suffer such seed of sedition ... surely, evil men pick much evil out of such books'.⁽¹⁾ Bullock, for one, almost certainly played a part in the production of these tracts. In 1572 he published a serious theological work at Antwerp, but prior to this he was suspected by the Privy Council of being the author of anonymous tracts against the supremacy which were being smuggled into England.⁽²⁾ Closer to home, prebends and ex-prebends like Dalton and Todd, as well as persistent non-conformists such as William Carter and Thomas Sigiswick,⁽³⁾ were causing alarm not only by their continued recusancy but also by their associations with the local Catholic nobility and gentry: Daltons involvement with Westmorland has already been noted and Todds interests in Croxdale placed him in close connection with the Catholic Salvins, related as they were to the deprived prebend Anthony Salvin. Indeed, if we examine the sureties for the bonds given by the prebends who refused the oath in 1559 we see them in contact with families such as the Salvins, Tempests, Hodgsons and Menells who were amongst the leading Catholics of the North and some of whom were to be deeply involved in the rebellion of 1569.⁽⁴⁾

The rebellion itself was in many ways the vindication of fears which Pilkington had been expressing to the Council as early as 1561. On Monday November 14th, 1569 the Earls entered Durham with a body of about 500 horsemen and made their way to the Cathedral where the communion table

(1) BM. Lans. 8.87

(2) DNB. BM. CPB.

(3) William Carter, the deprived Archdeacon of Northumberland. Thomas Sigiswick, the deprived Rector of Stanhope e.g B. HC. Act Bk 5 f. 146. Aveling, Northern Catholics. p.40/1,51/2,54/5.

(4) PRO. SP/12 10 f.175/81 The best general discussion of Catholicism in Elizabethan England is still A.O. Meyer, England and the Catholic Church under Queen Elizabeth.

(2) Perhaps Thomas Lever, later married to Anne Bullock.

smashed, most of the protestant books destroyed, and services suspended until the will of the Earls was known: on the following day a proclamation was issued in the Queen's name restoring the Catholic religion, after which the Earls, with the major part of their army, moved South towards the Yorkshire borders.⁽¹⁾ Cuthbert Neville, Westmorlands uncle, was left in charge of the religious changes at Durham, and before long he had set gangs of labourers to work setting up the old altars and Holy water stones: two altars were built in the Cathedral, one using a stone found in Robert Swifts backyard and the other a stone found hidden beneath^a rubbish heap in the old monastic cemetery. Matins and evensong, using the Catholic rite, were carried on regularly and masses were sung by at least 5 priests including John Pearson, a minor canon: Notable amongst the services were the mass sung by Robert Pearson, Curate of Brancepeth, on November 30th, St Andrews Day, and the service on Sunday December 4th, when William Holmes preached against the established Church and reconciled the penitent to Rome on Papal authority. The Protestant prebends and their families had probably fled with Whittingham on the approach of the rebels, though some of their relatives evidently remained in Durham: we know, for example, that Elizabeth Watson reviled Ralph Levers cousin⁽²⁾ with the jibe 'the devil weep with you' when she was found weeping at the sight of the mass being celebrated in the Cathedral. Neither is there any evidence that 3 out of the 4 remaining conservative prebends, Sparke, Bennett and Stephen Marley played any active part in the rebellion. Only George Cliffe seems to have given the

(1) For a general discussion of the rebellion see C. Sharp, Memorials of the Rebellion of 1569. B. Wilson, The Reformation in the diocese of Durham p. 468/549. The following account of the religious changes brought about at Durham and the attitude of the Cathedral clergy is taken basically from depositions printed SS.21p.127/205 and from SR. DRIII/2 f. 189/90, 192,193. The original texts of the printed depositions are to be found in DR V/2.

(2) Perhaps Joanna Lever, later married to Adam Holiday.

Earls his firm support, appearing at 3 services, one of which was the St Andrews Day mass, clad in his old black Benedictine habit⁽¹⁾ which he must have carefully preserved for just such a day.

Support from the minor canons was rather more marked. In sharp contrast to the rapid movements which had taken place amongst the prebends in 1560's only 3 new minor canons had been elected since 1559, the elderly Richard Bankus, who had once been a minister at Auckland College,⁽²⁾ and the Protestants Robert Murray and William Lee. In fact, Murray and Lee and possibly Thomas Pentland,⁽³⁾ were the only minor canons not actively involved in the rebellion and amongst the 3 who did participate 3 distinct shades of opinion can be discerned.⁽⁵⁾ Firstly, a group which comprised John Pearson, John Browne, Thomas Matthew, precentor, and William Smith, sacrist, seem to have been reasonably enthusiastic supporters of the changes, all except Matthew having initially denied the supremacy in 1559. Pearson must have been especially close to the rebels, because he was allowed to sing mass in the Cathedral,⁽⁴⁾ and Browne, Smith and Matthew were all admitted as deacons by Holmes at Staindrop after having made confession to him: after the event Smith freely confessed that he had attended 4 masses, served at the altar,

- (1) Unless he meant by his 'habit' the normal dress which he wore in the choir.
- (2) RH. Vol. 9 p.195. Edw. Athe had served briefly (1564/6) as a minor canon before the election of Bankus: he had been Reader of the Epistle or Gospel since c.1557 and was also Vic. of Lesbury. He died in 1566. PK.TB 1/4(stipends). SS. Wills and Inv. 1. p.240/1.
- (3) Although there is no actual evidence of Pentlands participation in the rebellion he was called before the consistory on April 8th 1570 charged with failing to perform the offices as Vic. of St Oswalds at the preceding Easter ie. March 26th 1570: one possible explanation for this is sympathy with the religious changes of 1569, though a protest as late as this seems unlikely. SR. DR III/2 f.189/90.
- (4) Perhaps a relation of Robert Pearson, Westmorlands Chaplain: he probably had a Marian ordination.
- (5) One minor canonry was vacant following the resignation of George Winter in 1568/9 PK. Tb7 (Stipends).

consecrated Holy bread and water and processed behind the cross, adding that 'at that time he was content and willing to do the things by him herein confessed, being a simple man and easy to be seduced.' Secondly, there was a group which comprised Richard Bankus and William and Roland Blenkinsopp, older in general than the rest of the minor canons: both of the Blenkinsopps had refused to subscribe in 1559, and William Blenkinsopp and Richard Bankus were both admitted as deacons by Holmes at Staindrop. They all helped in the Catholic services but differed from the first group because they later claimed they had acted because of intimidation: Bankus, for example, claimed he acted 'for fear of his life', Roland Blenkinsopp 'sore against his will, and was forced by the commandment of my Lord of Northumberland to come to the church and do all that he did'. Finally in a category of his own, came William Harding who had accepted the oath in 1559 and seems to have been genuinely reluctant to participate: he had served, and continued to serve, as a surrogate in the Consistory Court which implies he had very little sympathy with Catholicism.⁽¹⁾ Harding was present at some of the services but he did not take part in any of them and persistently refused to be reconciled to Rome: he had only gone into the Choir at all, he said, because he was 'reviled' by Cuth. Neville who sent 2 soldiers to his Chamber to tell him that if he did not attend 'it would be worse with him'.

The strongest support of all, however, came from amongst the lay clerks, 9 out of 10 of whom participated in singing the services and sometimes reading lessons: two of those involved, Miles White and

(1) See Chap. 1 p.46.

George Cuthbert, had been appointed after 1559, and only 1 lay clerk, Robert Massam, seems to have had Protestant convictions strong enough to prevent his participation. Again, as with the minor canons, all shades of opinion were represented from the keen to the lukewarm. John Brimley, Master of the Choristers, and his nephew Thomas Harrison, a lay clerk, seem by their actions to have been fairly enthusiastic revivalists, despite later denials and claims that they had acted through compulsion: Brimley not only played the organ during the services but also instructed the choristers in the old forms, while Harrison was accused of procuring 'certain unlawful books' from which to instruct the choir and also of threatening his accuser when he was brought to justice. On the other hand Richard Bell claimed he had acted 'much against his will', and Thomas Knighton said the same, pointing out that 'he was never any earnest setter forward of the popish religion or much favoured the same, but abhorred rather many of the superstitions belonging thereto'. Excuses made after the event are hardly the most compelling evidence, but it seems clear that there was pressure brought to bear on waverers by the rebels: indeed, it was in their interests to procure as many of the Cathedral staff as possible to support their cause in order to advertise their respectability to the common people. Harding for one, testified to the bullying and cadjoling which did go on, as did 2 workmen who claimed they were locked in a dungeon in the castle until they agreed to help erect an altar in the Cathedral. Of the leaders, John Pearson was probably a Marian priest, and William Smith and John Browne were both new nominees in 1559 neither of them being then in orders.

As a tentative conclusion, therefore, it seems fair to say that the most dynamic Catholics in the Chapter were amongst those who had entered the Church in the latter part of the Marian period, while those who followed less willingly seem to have been from the older, more cautious generation of clergy. But the main point to emerge from an analysis of the rebellion, as indeed from the 1559 visitation, is the extreme caution with which generalisations of this sort should be approached: why, for example, did Thomas Matthew subscribe immediately in 1559 and then become involved in the rebellion, and why was Stephen Marley prepared to suffer deprivation in 1571 for not subscribing while apparently taking no part whatsoever in the revivalism of 1569? The truth was that the bulk of the minor clergy followed the lead given by social superiors and like the crowd who watched the bookburning of St Giles they looked on with an attitude approaching indifference following whoever happened to hold the whip hand at the moment: in 1569 the impetus to implement religious changes came not from the Cathedral but from the Earls and the clergy connected with their households.

On December 16th, the rebel leaders left Durham on the approach of Sussex, and after 8 days without services, Thomas Gibson and Richard Bell, 2 lay clerks, in an attempt to ameliorate their previous actions, induced William Harding to supply books and provide for services according to the rite of the established Church 'wherefore they were all sore blamed'. By Christmas Warwick and Clinton* had entered the city along with Dean Whittingham and immediate steps were taken to restore the

* Edward Fiennes, Baron Clinton and Earl of Lincoln (1572): Joint commander against the rebels. DNB.

normal order of services: on December 28th Cecil wrote to Sadler that 'I wish some good example were at Durham to restore the Bible and Common Prayers by some general assembly to confound the rebels barbarousness'.⁽¹⁾ Not only had the reformed service been overthrown and the furniture of worship destroyed, but the Protestant clergy also seem to have suffered heavy personal losses: Bishop Pilkington said that they had been 'stripped of all our fortunes and plundered of our property',⁽²⁾ while Whittinghams biographer tells us how the Deans cattle and corn were looted and his household goods and books destroyed.⁽³⁾ The offenders, some of whom were first of all corrected by the Dean in private, were examined by Swift on 5 libels and most were released after signing a confession of guilt and performing penance. The main culprits, John Pearson, John Browne, Thomas Matthew and William Smith were all deprived of their minor canonries and indicted for conspiracy and rebellion, though only 1 priest was executed as a result, Thomas Plumptree, the preacher with the rebel army.⁽⁴⁾ In all, then, compared with 4 members of the Cathedral staff who lost their places, 14, known to have been involved in the rising to a greater or lesser extent, retained their preferments.

If the Rebellion of the Earls achieved nothing else it at least succeeded in bringing home to the Protestant clergy the latent strengths

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- (1) Letters and papers of Sir Ralph Sadler. Vol II p.79. After the rebellion the Chapter spent £4.9.0 on books, including £1.16.0 for a large Bible for the Church. In addition £1.10.2 was paid for a new communion table and £11.0.6 for 2 communion cups. SS.103 p.717.
 - (2) PS. Zurich Letters (1558-79) p.222.
 - (3) CS. Misc VI p.25. These accounts conflict with those of the loyalists who said that during the early stages of the rebellion the rebels paid for all they took, and that a man was punished for stealing one of the Deans horses: it is likely that there was a breakdown of discipline later, however. CSP Domestic. Addenda (1566-79) Vol XV No.27.
 - (4) They appear for the last time in the Treasurers Book of 1569/70. At the same time Thomas Iveson, Reader of the Epistle, was replaced by C. Grene: he too may have been involved in the rebellion though no other evidence can be found against him PK.TB.7 (stipends). John Pearson finally died in Durham jail in the 1580's after many years in prison: he was described as a 'venerable' priest. H.Foley, Records of the English Province of the Society of Jesus. Vol III p.807.

of Catholicism in the North and its danger as a militant force both in the political as well as the religious sphere. For these reasons the Act of 1571, which required subscription from all the clergy to the articles of 1562, was directed by Pilkington basically against crypto-Catholics rather than puritans in his diocese. In 1571 the Chapter still contained a significant lobby of conservative thought, even though only 1 prebend had actually been involved in the rebellion. Thomas Sparke, the trimmer par excellence, probably subscribed, although he seems to have been incapacitated by illness for some time and cannot have been the influential figure in the diocese he once was: in 1559, for example he was described as 'sick', and in 1563 'sick in the palsys' and 'crazed and sick in body'.⁽¹⁾ There is no evidence that he ever fulfilled his episcopal function under Pilkington and he finally died in the summer of 1572. William Bennett subscribed before the Bishop on November 9th 1571 and also read a confession in the Cathedral and in his parish churches of Kelloe and Aycliffe declaring the doctrine of the Church of England 'to be true unfeignedly and [that he] will not go from the same hereafter'.⁽²⁾ George Cliffe, of whom Pilkington had an especial 'evil liking', also seems to have subscribed, and although this was later challenged, the weight of opinion, including the evidence of Pilkingtons chancellor, Robert Swift, came down on Cliffes side.⁽³⁾ Only Stephen Marley proved recalcitrant and he was deprived of his prebend at once and replaced by the puritan Peter Shaw.⁽⁴⁾

(1) BM. Harl 594 f. 195. Raine, North Durham, p.128.

(2) CL. Raine 124 f.164. SR. DR V/6 (1594 Judge v. George Cliffe: depositions of Michael Patteson and Richard Johnson).

(3) SR.DR V/6 (1594 Judge v. George Cliffe: depositions)

(4) Ibid (deposition of Robert Swift) SS.161 p.172.

Marley was the last Catholic to be deprived in the Cathedral and after his removal the gradual decline of conservative thought was brought about by increasing acceptance of the reformed doctrine by the old clergy and their replacement by more committed Protestants on their deaths. Bennett retained his prebend until his resignation in 1579 and lived on until 1584 as Vicar of Aycliffe, the preamble of his will indicating that he had accepted at least some of the Protestant doctrine, although he does not seem to have been wholly convinced by it: 'I bequeth my soul into the merciful hands of God,' he said, 'through Jesus Christ our Saviour, by whose merits and passion only I hope to be saved, beseeching him of his infinite goodness to give me grace so to live while I am here that I may die his faithful servant.'⁽¹⁾ George Cliffe finally died in possession of his prebend in 1596 after giving no further trouble to the ecclesiastical authorities: in 1595 Gilbert Spence testified that he had heard Cliffe preach many sermons and in none of these did he say anything that might have brought on him suspicion of disliking the established Church.⁽²⁾ The minor canons too became increasingly conformist after the deprivations of 1570 and the deaths of conservatives like Roland Blenkinsopp and Thomas Pentland in the following decade: even the lay clerk Thomas Harrison, who had been involved in the rebellion, gave a strongly Protestant preamble to his will in 1582 'trusting that by the bloody death of that sweet saviour Jesus Christ I shall be one of those that he, at the last day, shall say unto, Come unto me ye blessed of my Father and inherit the Kingdom which is prepared for you.'⁽³⁾

(1) SS. 22p. CXVIII.

(2) SR DR V/6 (1594 Judge v. George Cliffe: dep. of Gilbert Spence)

(3) SS. Wills and Inv. Vol. III p.93.

Nevertheless, Catholic opinions did linger on amongst some members of the Cathedral and there is evidence that some of these became reinforced by the influence of the Seminary priests in the 1580's and 90's. Richard Bankus was temporarily suspended from his minor canonry in 1580 because he had 'abused himself by talking contrary to the Queens Majestys laws, saying that the mass was taken out of the scripture' : Bankus, who claimed that he had said that the epistle and gospel were taken out of the scripture, was eventually restored to his living and died in the late 1580's as the last representative of the old order amongst the minor canons.⁽¹⁾

Catholicism amongst the lay members of the Cathedral staff proved rather more difficult to root out, as had been indicated by the participation of the lay clerks in the rebellion of 1569. Richard Marshall, the Dean and Chapters Registrar, betrayed his conservative opinions in his will in 1581 when he declared that, 'I give and bequeth to Mr Thomas Watson, Doctor of Divinity, Bishop of Lincoln, one old ryal of gold and require him and all Christian people to pray for me':⁽²⁾ by then Watson had been in custody for over 20 years.⁽³⁾ William Whitehead, the Chapters Bailiff of Shields, had been Westmorlands page and had followed him in the rebellion: his own religious opinions were suspect, his wife was a confirmed recusant, and in 1596 Bishop Matthew described him as a person who despised and resisted the law, 'as dangerous a fellow as any are hereabout'.⁽⁴⁾ But the most persistent reactionary attached to the Cathedral staff must surely have been Miles

(1) PK. D and C. Act Bk. f. 23.

(2) NRL. Raine, Testamenta Dunelmensis, Vol 2. F.165.

(3) This was of course, the same Thomas Watson who had been Dean of Durham under Mary. See DNB.

(4) HMC. Salisbury Mss. Vol. VI p. 176/8, 167/8.

White whose career spanned the entire Elizabethan period: a nephew of Roger Watson, he was a chorister and scholar at the Grammar School under Mary before becoming a lay clerk in the Cathedral in about 1560.⁽¹⁾ In 1561 his uncle left him an advowson to the Vicarage of Norham if he became a priest, but he was never ordained and subsequently fell under the influence of William Todd, visiting him in prison at York, conveying him to Croxdale when he was released, and remaining there with him 'for the most part' until Todd's death in 1568.⁽²⁾ In the following year during the rebellion he attended 3 or 4 masses, helped sing the services, walked in procession after the cross and was reconciled to the Catholic church by Holmes.⁽³⁾ He next appears in 1585 in the company of George Errington, a notorious recusant who was executed at York in 1594 for aiding seminary priests:⁽⁴⁾ 2 years after this Bishop Matthew was complaining about him to Burghley describing him as 'a close, dangerous fellow' No better for his 'undeserved favour', yet he still remained a lay clerk on the death of Elizabeth in 1603.⁽⁵⁾ Clearly, despite the marked decline of Catholicism in the Cathedral after the 1570's conservative thought was never entirely eradicated during the sixteenth century.

Tunstalls successor as Bishop was James Pilkington, an eminent Cambridge scholar who had gone into exile under Mary and who returned in 1558 to succeed to Bullocks Mastership of St Johns College and the Regius chair of Divinity.⁽⁶⁾ Pilkington, who was clearly dissatisfied

(1) SR.CC. Box 210/190282. PK TB 1,2 (stipends).

(2) Durham CRO. D/Sa/L.20.2.f.1/15.

(3) SS.21 p.133/4, 152/3.

(4) CRS.5 p.126,128.

(5) CSP Domestic (1595-97) Vol. CCLVI. No. 83. PK TB.19 (stipends).

(6) Venn Alumni, Cooper, Athenae, DNB, T.Baker, History of St Johns College, Cambridge Vol. 1 p.146/51. The best general discussion of Cambridge University during this period is H.C. Porter, Reformation and Reaction in Tudor Cambridge.

with the Elizabethan settlement, nevertheless agreed to accept office in the Church and to influence its development by virtue of the position he had accepted: his cynicism about the settlement is illustrated by a passage in his 'Exposition on Haggai' in which he comments that 'poor cities in Germany ... reform religion thoroughly without any fear ... and yet this noble realm, which all princes have feared, dare not'.⁽¹⁾ Bishops, he believed, had no intrinsic superiority over other ministers, and his view of church polity was that 'where the gospel is preached ... they are content with an honest place appointed to resort to together in ... but have only a pulpit, a preacher to the people, a deacon for the poor, a table for the communion, with bare walls or else written with scriptures'.⁽²⁾ Fuller, writing in 1656, called him 'a great conniver at non-conformity', Baker in 1709 'a very puritan', and Neal in 1732 'a great friend and favourer of the non-conformists'.⁽³⁾ Pilkington, probably the most radical of Elizabeth's Bishops, was joined at Durham after 2 years by William Whittingham as Dean. After being closely identified with Knox and the radical wing of the English exiles at Frankfurt, Whittingham had moved to Geneva where he became involved with translations of the Bible and psalms, especially the famous Geneva Bible:⁽⁴⁾ his Calvinist opinions are abundantly clear from the marginal notes which he added to his translation of the New Testament in 1557, as well as the preamble

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- (1) PS. The works of Bishop Pilkington. p.38.
 (2) Ibid p. 129.
 (3) Fuller, The Church History of Britain Bk. IX p.109.
 Baker, History of St Johns College, Cambridge Vol. 2. p.580.
 Neal, The History of the Puritans, Vol 1. p.351.
 (4) Garrett, The Marian exiles p.327/30. DNB.

of his will in 1579.⁽¹⁾ While at Geneva he also wrote a preface to Ridley's 'Declaration of the Lords Supper', translated a book on predestination by Beza, and helped produce the Genevan 'Form of Prayers' which was later to form the basis of the Scottish 'Book of Common Order' in 1564.⁽²⁾ When he returned to England in 1561 his known radicalism seems to have been an obstacle in procuring a preaching licence,⁽³⁾ but in 1562 he finally gained employment as Chaplain to the English Army at Newhaven under the Earl of Warwick.⁽⁴⁾ His disapproval of the Prayer Book and the rites and ceremonies of the Church of England in general led him to introduce a form of service probably based on the Genevan 'Form of Prayers', but before long Cecil had received complaints about his innovations and wrote demanding that the order of the Prayer Book be adhered to.⁽⁵⁾ Whether or not Cecil's protests met with any response is not clear, but the incident serves to illustrate the continued radicalism of the man who succeeded to the Deanery in 1563.

During his first full year at Durham Whittingham presided over a Chapter which had for the first time achieved a numerical superiority of Protestants over conservatives, and which contained some noted religious radicals. Of the 7 Protestant prebends 3 had secured their positions through court influence during the vacancy of 1559/60.⁽⁶⁾

(1) New Testament (Geneva) 1557. SS. Wills and Inv. Vol II p.15.

(2) DUJ, 39p.31 (S.L. Greenslade, William Whittingham, Dean of Durham).

(3) Ibid p.31/2.

(4) See Chap. 2p.55/6.

(5) CSP Foreign (1562) No. 1299, 1304.

(6) See Chap. 2 p.74.

John Rudd, the first Elizabethan appointment, had been ordained as early as 1521, was subsequently converted to Protestantism, and became a Chaplain to Edward VI who presented him to a prebend at Durham in 1550. Three years later he was deprived for marriage but in the following year he divorced his wife and took office in the Marian Church as Vicar of Dewsbury. On the accession of Elizabeth he was restored to his prebend, remarried his ex-wife, and presumably rediscovered his Protestant convictions.⁽¹⁾ Adam Holiday, Cecil's Chaplain, was an exile who had studied at Basle University and who later moved to Geneva, remaining in correspondence with Knox when the latter departed for Scotland in 1558.⁽²⁾ William Stevenson, the last pre-Pilkington nominee, had retained a fellowship at Christs College, Cambridge, until 1554, but what became of him during the rest of Marys reign is uncertain.⁽³⁾ The remaining 4 new prebends were all presented by Pilkington, shared his religious opinions, and had none of the moderation which characterised Rudd and probably Stevenson too. Thomas Lever, nominated on the death of Adam Shepherd in 1563, was the newest and most eminent member of the Chapter, having been Master of St Johns and closely identified with Northumberland and the radical Protestants under Edward VI: in exile at Frankfurt he had emerged as a bitter enemy of Knox and eventually settled at Aarau as preacher to a small English congregation there.⁽⁴⁾ Robert Swift and William Birche, 2 more prebends, had both been scholars at St Johns under Lever and had

(1) Venn. Alumni. SS.161 p.95/6. 104.

(2) Garrett, The Marian Exiles p.186/7 CSP Foreign (1559/60)
No. 85/3 SS. 161 p.136.

(3) Venn. Alumni, Peile, Biographical Register of Christs College, Cambridge. Vol 1 p.40/1 SS.161 p.136.

(4) Venn. Alumni, DNB, Baker, History of St Johns. Vol. 1 p.130/36,
Garrett, The Marian exiles p. 219/21 SS.161 p.146.

followed him into exile: Swift, presented on the death of John Crawforth in 1562, had studied law at Louvain and was Bishop Pilkingtons closest confident, while Birche, who succeeded after Thomas Sampson's resignation in 1562, was an admirer of Cartwright and a man of strong presbyterian tendencies.⁽¹⁾ John Pilkington, Bishop Pilkingtons first appointment and his brother, was nominated on the death of Roger Watson in 1561: unlike the rest of his family who were closely associated with St Johns he had studied at Pembroke Hall and although his name does not appear amongst lists of exiles, his militant protestantism makes it difficult to imagine what he was doing during Marys reign unless he was in fact, abroad with his brothers.⁽²⁾

The first confrontation between the Chapter and the ecclesiastical hierarchy followed the publication of Archbishop Parker's 'Advertisements' in 1566 prescribing the wearing of vestments for ministers of the Church of England.⁽³⁾ The problem faced by conscientious Protestants was whether or not these vestments could be considered to be matters indifferent: in theory, of course, they were, but the fact was that they were too closely associated with the mass to be used with any comfort,

(1) Ibid. SS.161 p.143,144.

(2) Ibid. SS.161 p.143.

(3) For a full discussion of the controversy see J.H. Primus. The Vestments Controversy. P. Collinson, The Elizabethan Puritan Movement p.67/83,93/6. M.M. Knappen, Tudor Puritanism, p.187/216. W.P. Haugaard, Elizabeth and the English Reformation, p.183/232. M.C. Cross, The Royal Supremacy in the Elizabethan Church p.73/4.

At Durham Bishop Pilkington led the opposition, writing 2 letters to Leicester in the Autumn of 1564 complaining about the plans to reintroduce the 'popish apparel' and pointing out that a significant number of ministers would be forced, through conscience, to give up their livings: 'what a wound to zealous men shall this be', he wrote, 'to see one Protestant punish and persecute another because he will not wear the Popes livery ... it is a pity no other apparel can be devised but this, for if it had not a show of the Popes badge they would most willingly receive it'.⁽¹⁾ With compelling logic he reminded the Earl that 'that famous father Master Bucer, when he was asked why he would not wear a square cap made answer because his head was not four square. Wherein surely he noted well the comliness of apparel to be when it was fashioned like the body and a great folly when a square cap was set on a round head'.⁽²⁾ Early in the new year Thomas Lever sent a similar letter to Leicester and Cecil complaining of the general feelings of deflation at the Universities and in the Church in general because 'the office and living of a minister shall be taken from him that ... now refuse the prescription of man in apparel, and the name, living, and office of a minister of Gods word allowed unto him that neither can nor will preach'.⁽³⁾

But the most vehement and eloquent plea of all, quoting liberally from the scriptures and ancient fathers, was made by Whittingham to Leicester in October 1564.⁽⁴⁾ The letter provides a good example not

(1) HMC Pepys Mss. p.43. For the other letter, see Strype, Life of Parker, Vol III p.67/73: reprinted with slight differences in, A part of a register p.19/22.

(2) A part of a Register p.22.

(3) Strype, Life of Parker, Vol III.p.139. In 1568 after his deprivation, Lever reiterated this position: although he believed the Church of England to be godly 'in matters of substance ... by Gods grace I mind an purpose to avoid the square cap, the surplice, the kneeling at the communion and such like garments and rites ... because I fear much to give great offence and cannot hope anything to edify by the use of them'. The Second Part of a Register, A.Peel, Vol. 1 p.54/5.

(4) Ibid, Vol III p.76/84. See also HMC. Pepys Mss p.33.

only of the Deans religious fervour, but also of his fine literary style and wide learning. 'How can Gods glory be advanced by those garments which superstitious men and Antichrist have invented for the maintaining and beautifying of idolatry? What edification can there be where the spirit of God is grieved ... the wicked Papist confirmed in his error and a door of new set open to all Popish traditions and Antichristian impiety? Neither can they call this Christian liberty where a yoke is laid on the disciples neck, where the conscience is clogged, true preachers threatened, the course of Gods word stayed, the congregation spoiled of godly and learned pastors, the Sacraments brought under subjection of idolatrous and superstitious vestments ... God forbid that we by wearing the Popes attire as a thing but indifferent should seem thereby to consent to their blasphemies and heresies ... for if policy may cloak Papistry and superstition, then may crowns and crosses, oil and cream, images and candles, palms and beads with such like baggage ... and so claim a place again by virtue of this policy ... If our apparel seems not so modest and grave as our vocation requires, neither suffer to discern us from men of other callings, we refuse not to wear such as shall be thought to the godly and prudent magistrates for these uses most decent, so that we may ever keep ourselves pure from the defiled robes of Antichrist'.

On March 20th 1565 Whittingham and Lever joined in a plea from the leading non-conformists to Archbishop Parker asking to be excused conformity in the matter of vestments,⁽¹⁾ and in the following month

(1) P. Collinson, The puritan classical movement, London Ph.D.

Parker wrote to Cecil telling him of Bishop Pilkingtons strong opposition to the 'Advertisments' and that he 'will give over his Bishopric rather than it shall take place in his diocese'.⁽¹⁾ But despite these blusterings and threats from the puritans the government showed itself determined to hold fast in this its first major confrontation with the radical wing of the Church. In August 1566, in an unprecedented case before the High Commission at York, Whittingham along with Robert Swift and John Pilkington were brought before the court charged with vestiarian offences.⁽²⁾ In 1563, during his first Christmas at Durham, the Dean had celebrated communion in the Cathedral without either cope or surplice, although he did not minister again after that date and 'he receiveth the communion neither sitting nor standing, but bowing his knee toward the ground'. Nevertheless, for normal services in the Cathedral he had consistantly worn a round cap and black gown, without a surplice, which attire he usually wore when he travelled abroad in the city and diocese.⁽³⁾ John Pilkington, Archdeacon of Durham, admitted that 'he hath ministered often and sundry times without either surplice or cope in his parish church of Easington', and Robert Swift, Chancellor of the diocese, in reply to accusations brought against him, claimed that he had never ministered communion, ^{and} that he received it kneeling not standing.⁽⁴⁾ The order in all 3 cases was that they should wear the

(1) PS. Parker Correspondence p.237.

(2) B.HC Act. Bk. 3 f. 54,64,71/2, 77/8, 83/4,119/20, 146/7, 150,154/5, 167/8. 4 f.8.

(3) Ibid f. 27/8.

(4) Ibid f.43.

correct apparel and certify their conformity to the court on pain of deprivation: all 3 decided to conform, although Whittingham was only finally released from the suit on August 2nd 1567 after numerous delays and a letter from Bishop Pilkington testifying to his conformity.⁽¹⁾

Nevertheless, in March 1567 3 more prebends, Adam Holiday, Thomas Lever and William Birche were called before the High Commission charged with similar offences.⁽²⁾ Holiday followed the example of the Dean and conformed, but Lever and Birche proved more stubborn and after a period under house arrest at York both were finally deprived of their prebends, though Lever was allowed to keep his Mastership of Sherburn Hospital and Birche his Rectory of Stanhope:⁽³⁾ Birche, indeed, maintained close contacts with the Chapter after his deprivation, and between 1570 and 1572 was responsible for the distribution of part of the Cathedral almsmoney.⁽⁴⁾ Bishop Pilkington demonstrated his contempt for the whole business by presenting men almost as radical to the 3 prebends made vacant by the High Commission in 1567. William Todd, who was deprived in the same year for Catholicism, was succeeded by Thomas Levers' brother, Ralph, a scholar of St Johns and an exile who shared many of his brothers characteristics and radical opinions.⁽⁵⁾ Birche was replaced by another exile, Leonard

(1) Ibid. f. 83/4 4 f.8

(2) Ibid 3 f. 79, 82/85,93,98/101,108/11,113/17,120,133/4, 147/9,151/2, 155, 159/60,163,167 4 f.8

(3) Ibid 3 f.84/5, 116/7 Lever was also Archdeacon of Coventry (1559-77): After his deprivation he continued to preach in London: for example, at the funeral of William Turner, Dean of Wells in 1568. See DNB. PS. Zurich Letters (1558-79) p.202,206.

(4) PK. TB. 8,9 (Almsmoney).

(5) Venn. Alumni. Garrett, The Marian Exiles p.218. Baker, History of St Johns Vol 1. p.148. DNB.

Pilkington, who had succeeded his brother, Bishop Pilkington, as Master of St Johns and Regius Professor of Divinity and had made his strongly Protestant views evident during his tenure of these posts.⁽¹⁾ Thomas Lever himself was replaced by Richard Longworth, the contemporary Master of St Johns, who, because of his continued non-residence was not to have any great influence on the Chapter.⁽²⁾

But although the radical tradition was thus preserved, or even reinforced, the vestiarian controversy had revealed the changing attitude which was already beginning to set in amongst many of the exile generation. When Whittingham was upbraided by one of his Genevan colleagues for agreeing to conform in the matter of vestments 'he answered that they knew and had heard Mr Calvin say that for these external matters of order they must not neglect their ministry, for so should they, for tithing of mint, neglect the greater things of the law'.⁽³⁾ Whittingham, indeed, had only been following the contemporary advice of Beza and Bullinger, but the 1560's was nevertheless a decade which saw the increasing isolation of the Durham puritans from the nerve centre of the movement: as preacher at Newhaven Whittingham had been closely associated with the main figures of the Genevan party, Goodman, Kethe, and Bradbridge, and the Pilkingtons, with their connections at St Johns, had been at the hub of Cambridge puritanism and were associated with men such as Cartwright, Fulke and Wiburn. But as the decade progressed Whittingham and the Pilkingtons

(1) Ibid. Baker, History of St Johns. Vol 1 p.152/6.

(2) Ibid. Baker, History of St Johns. Vol 1. p.157/63. For Longworths eventual deprivation see Chap 1. p.35.

(3) CS. Misc. VI p.22.

became not only physically isolated from the main stream of the movement but also, in a sense, establishment figures. By 1570 the effective leadership of the radical Protestant party had passed to new men such as Field and Wilcox who had essentially new ideas and new methods with which to implement them:⁽¹⁾ this movement, characterized by such literature as 'An Admonition to the Parliament', incorporated some members of the exile generation, such as Thomas Lever and Thomas Wood, but in general the old leaders, especially those who held high office in the Church, were either lukewarm to the cause or condemned outright the extremism of the contemporary opposition.

When the subscription was required from the clergy in 1571 Parker took a special interest in Whittinghams attitude, and although he was called to appear before the Archbishop of York at Cawood Grindal had little doubt that he would conform.⁽²⁾ The Dean, we know, read the articles in the Cathedral and there seems little doubt that the rest of the puritan members of the Chapter followed his example.⁽³⁾ Bishop Pilkingtons changing attitude is revealed in a letter to Rudolph Gualter in 1573 in which he expressed fears that the Church was in danger of being completely destroyed: 'that which heretofore lurked in dissimulation has now so openly discovered itself that not only the habits but our whole ecclesiastical policy ... all these

(1) P. Collinson, The Elizabethan Puritan Movement. p.101/145.

(2) Strype, Life of Grindal p.252/3.

(3) SR. DR V/6 (1594 Judge v. Geo Cliffe: depts. of Michael Patteson and Robert Prentice).

(4) IER Vol 9 p.188/208 (P. Collinson, 'The Elizabethan Puritan Movement: of the troubles begun at Whitby').

(5) IER. Sp. Sup. 5 p.2V/2VI, 6/1.

things are now openly attacked from the press, and it is contended with the greatest bitterness that they are not to be endured in the Church of Christ. The doctrine alone they leave untouched ... The entire blame is laid upon the Bishops as if they alone, if they chose, were able to eradicate all these evils. We endure ... many things against our inclinations and groan under them, which if we wished ever so much no entreaty can remove ... the only alternative now allowed us is whether we will bear with these things or disturb the peace of the Church. I wish all parties would understand and follow your wholesome advice ... respecting the variety of rites and discipline in individual churches'.⁽¹⁾ Bernard Gilpin, the Bishop's friend, endorsed this argument when he returned William Birche's copy of one of Cartwrights books with the rhyme,

'Men wish our church no blemish had at all,
it cannot be so here, in heaven it shall.'⁽²⁾

Like Pilkington, Whittingham probably retained some real sympathy with the aims and objects of the Protestant opposition, but for both of them the days of militant action were over and Dr Collinson has proved Whittinghams alleged authorship of 'The Troubles of Frankfurt' to be a myth, albeit a remarkably persistent one.⁽³⁾ Evidence for this, as well as the Deans attitude in general, is provided by a letter written to Whittingham by Thomas Wood on February 15th 1574 during the preparations of the 'Troubles' by the 'central committee' of the movement in London.⁽⁴⁾ In it Wood asked for a copy of a letter from

(1) PS. Zurich Letters (1558-79) p.286/88.

(2) C. Wordsworth, Ecclesiastical Biography. Vol. 4 (Carltons life of Bernard Gilpin) p.120/21.

(3) JEH Vol 9 p.188/208 (P. Collinson, The authorship of 'A brief discourse of the troubles begun at Frankfurt').

(4) IHR. Sp.Sup. 5 p.XV/XVI, 6/9.

Calvin commenting on the disputes amongst the exiles at Frankfurt and condemning as 'popish dregs' certain parts of the 1552 Prayer Book which Whittingham had sent to him for his comments. Despite attempts by the Dean to delay his answer he must eventually have given way to Woods persistence, because the letter later appeared in the 'Troubles' and was said to be 'faithfully translated out of latin by Mr Whittingham'.⁽¹⁾ Wood evidently realized the Deans fear of being openly associated with the radicals when he promised 'that none ... shall know but that I found it amongst my papers'. But the letter is probably more interesting because it gives us a clear picture of Whittinghams position vis-a-vis the Protestant extremists.⁽²⁾ Giving him news of the harassment of ministers in London, the burning of Bezas confessions' in Stationers Hall and rumours that the Geneva Bibles were to be called in, Wood went on to scold the Dean in no uncertain terms for his lethargy. It had been Whittingham who had first made Wood and others 'mislike' the Prayer Book, he had frequently declared 'both publicly and privately' the folly of yielding any ground in matters of religion, and his opposition to vestments, especially his letter to the Earl of Leicester, were well known: 'And as that letter (as also your former doctrine) hath been a comfort and confirmation to many, so hath your doings to the contrary been no small offence to the Church of God: and what the danger thereof is, you know better than I.' Wood was shrewd enough to realize the reason behind Whittinghams decline in zeal: the worst thing he had

(1) A brief discourse of the troubles begun at Frankfurt (1575)
p. xxxlxxxl/xxxv

(2) IHR. Sp. Sup 5 p.6/9.

ever done for him, he pointed out, was to use his influence with Warwick to help procure the Deanery of Durham. As always preferment tolled the death knell of radicalism, and Whittingham, as much as any other of the exile dignitaries, was by now wide open to the usual charges of covetousness, lordliness, and 'desire to make their sons gentlemen'. As a remedy Wood hoped that God 'will not only give you hearty repentance for your backsliding, but also restore you to your former zeal and boldness to acknowledge all that truth which heretofore you have taught to others, which I pray God I may live to see, and that speedily.' In his will in 1579 Whittingham left his old colleagues Goodman and Gilby tokens and William Williams a legacy of £4,⁽¹⁾ but apart from this sentimental affection which lingered on the Deans radicalism was by now a spent force despite Woods efforts to rekindle the old flames of zeal.

As to the actual use of the Prayer Book and vestments in the Cathedral in the 1570's it is difficult to know what precisely was going on: the Bishop and the Dean, despite their declining potency alongside the new puritan extremists, were still dangerous radicals in terms of the ecclesiastical establishment, and Sandys and Barnes were certainly afraid of Protestant radicalism at Durham in 1577.⁽²⁾ Colligan claims that Whittingham adopted the English Genevan order at Durham and that the Uniformity Act was 'of none effect' there,⁽³⁾ and Collinson hints at similar abuses when he says 'at Durham he [Whittingham] and Bishop

(1) SS. Wills and Inv. Vol II p.17.

(2) See Chap. 7 p.251.

(3) J.H. Colligan, The Honourable William Whittingham of Chester p.108.

Pilkington made a Northern refuge for pure religion and have alone the puritans had unfettered control'.⁽¹⁾ Dr Collinson is, of course, correct, but did this 'unfettered control' extend to a deliberate flouting of the terms of the Elizabethan Settlement? Some innovations such as regular fasting were introduced,⁽²⁾ but the scraps of evidence which we have on the subject of conformity in general suggest that if divergence did exist it did not reach alarming proportions. Concerning vestments, all the evidence we have from the 1560's onwards suggests that services were normally performed in the Chancel by the minor canons wearing surplices, though certain services were orientated towards the pulpit and a second communion table which stood in the South Transept.⁽³⁾ A painting showing the Pilkington family at prayer, initially executed in about 1567 and hung in Rivington Church, depicts the Bishop wearing the white rochet which he had earlier declared himself to be opposed to and his brothers Leonard and John wearing black gowns which in themselves would not have been considered amiss for private prayer:⁽⁴⁾ more revealing, perhaps, is a sketch made in 1574 probably by Robert Swift showing a figure, doubtless himself, wearing the white surplice, graduates hood and square cap.⁽⁵⁾ If this was in fact how Swift appeared in the choir

(1) P. Collinson, The puritan classical movement, p.31.

(2) See Chap. 1 p.10.

(3) a) Evidence for wearing of vestments - i) DUJ 43 (Dobsons Drie Bobbes) p.81. ii) The inventories of minor canons eg John Binley, William Harding and C. Smith which make mention of surplices. SS. Wills and Inv. Vol. 1 p.220. SS. 22 p. cxxv, cx/111. iii) Depositions taken in 1587. See Chap 6 p.236.

b) Evidence concerning the orientation of the Church

i) Depositions taken in 1570. SS.21 p.136 etc.

ii) Depositions taken in 1587. CL. Hunter. 32. f.263.

iii) DUJ 43 (Dobsons Drie Bobbes) p.81.

(4) A copy of this painting is at Auckland Castle: a print of it can be found in J. Pilkington, History of the Pilkington Family.

(5) This and other sketches are to be found in the front of CL. Hunter 18, A book of forms dated c.1570.

in the 1570's then the High Commissioners of the 1560's could credit themselves on a job well done. Concerning the Prayer Book the evidence is just as scarce, but it is a significant point that it was the Book of Common Prayer and not the Genevan 'Form of Prayers' which the rebels destroyed in 1569, and an analysis of Swifts libels of 1570 reveals that the use of the Prayer Book in the Cathedral and diocese was assumed:⁽¹⁾ certainly the Cathedral was not so heterodox as to find Jewels 'Apology' unpalatable reading in 1568/9.⁽²⁾ Perhaps it is fair in this case to argue a significant degree of conformity from the silence of our sources on the subject. What we can be more sure of is that the Dean and puritan prebends do not seem to have been determined to force their ideas on other people: Whittingham, for example, merely ceased celebrating communion after 1563 in order to avoid collision with the authorities, and Swift got over the problem by not celebrating at all. It would be surprising if Durham ever represented the model conformist church during this period and there may well have been substantial divergences from the Prayer Book rite when the Dean and prebends met together amongst themselves or for private prayers with their households: what does seem clear, however, is that so far as the Cathedral services were concerned there seems to have been little blatant non-conformity.

(1) SS. 21 p.127/33. See also above p.177.

(2) PK. TB.6 (repairs to Church) In 1566/7 a font was set up in the church and in 1576/7 candles and wine were purchased for the communion. Ibid 5,10 (repairs to church).

Thus, just as the 1570's were a period of acceptance for the Catholics in the Chapter, so they were also a period of acceptance for the puritans. Barnes and Hutton, Pilkingtons successors, were both fervent and evangelical Protestants but always remained clearly within the scope and limitations of the settlement, while Wilson, Matthew and James, Whittinghams successors, demonstrated a similar attitude.⁽¹⁾ Thomas Wilson had been a staunch supporter of the Dudleys in the 1550's and as an exile was arrested by the inquisition in Rome, charged with heresy, and tortured before escaping from prison during a fire in 1559.⁽²⁾ As late as 1581 he demonstrated his Protestant convictions by supporting a motion in the Commons calling for prayer and fasting before sessions. Toby Matthew, the first of a new generation who had been educated during the establishment of the Church of England, was vigorously opposed to Catholicism and his left wing Protestant tendencies are illustrated by his support of the suspended Archbishop Grindal, his iconoclasm as Dean, and his attempt to enforce sabbatarianism as Bishop of Durham.⁽³⁾ James came into a similar category as Matthew, though perhaps not so radical. Both realized there were imperfections in the church, but were strongly opposed to the puritan extremists, who, like Field and Wilcox in the 1570's still wanted to extend their changes to a root and branch reform of the church: James opinion was that 'surely it is ill physic for this bleared eye or this sore hand or foot to chop off the head and

(1) Forster and Venn, Alumni. DNB. For Barnes opinions see Chap. 7 p.247. For Huttons see W. Murdin, State Papers. (1571-96) p.261/66. Strype, Life of Whitgift, Vol III p. 224/8.

(2) Garrett, The Marian exiles p. 339.

(3) See below p.206. BM. Add. Mss. 18203 f.53
SR. DR/II.4. DR/VIII.1. BM. Sloane. 1710 f.104/6.

kill the body ... it is hard that nothing can please these men unless the church possessions ... be pulled out, and the cause why they begin with us [ie. the ecclesiastical dignitaries] is this, they must have a foothold somewhere and here they see the hedge lowest'.⁽¹⁾ By 1603 Hutton was writing to Matthew referring to 'the fantastical and giddy headed puritans', revealing the vast changes which had taken place over the preceding 40 years both in the nature of the Elizabethan episcopacy and in the nature of the Protestant opposition.⁽²⁾

A similar change had taken place in the attitudes of the old puritan prebends and in the backgrounds and opinions of the new prebends presented after 1570. After 1572 Pilkington presented no more exiles, though some of his later nominees, notably Francis Bunny and Peter Shaw, matched up to many of their beliefs and could be described as being amongst the 'new radicals':⁽³⁾ Bunny, the son of an exile, had strong anti-Catholic and Calvinist views which are evident from his writings, and Wood characterised him as 'very zealous in the way he professed ... a great admirer of John Calvin, a constant preacher, charitable and a stiff enemy of Popery'.⁽⁴⁾ Archbishop Sandys, less sympathetic, described him as a precise man,⁽⁵⁾ but it was by then a fact of life that left wing clergy of this type were going to continue to be nominated by zealous Bishops. Hugh

(1) W. James, A sermon preached at Pauls Cross.

(2) Strype, Life of Whitgift, Vol II p.491.

(3) Forster and Venn, Alumni.

(4) Wood, Athenae Oxonienses, Vol II p.200.

(5) See Chap. 6 p.227.

Broughton, presented in 1578, was described as 'a learned and godly preacher',⁽¹⁾ Emmanuel Barnes, presented in 1585, had studied with the Calvinists at Basle University,⁽²⁾ and Robert Hutton who gained his prebend as late as 1589 was a known radical who was prosecuted by the High Commission in 1621 for preaching in the Cathedral and reflecting upon the King, the bishops, the church and its ceremonies.⁽³⁾ Fervent Calvinists could be found at a lower level too, for example, Francis Key and Peter Smart, Headmasters of the Grammar School, and the minor canons Robert Murray and Charles Moberley.⁽⁴⁾ But the majority of the prebends promoted after the death of Pilkington are remarkable chiefly because of the great difficulty we have in making the quick classifications which are possible for so many of their predecessors. What, for example, was the religious position of a man like Henry Naunton who was brought up in the Church of England, promoted in 1579, and thought by the Privy Council to be 'very learned and of honest conversation':⁽⁵⁾ Similar questions are raised when we look at prebends like Clement Colmore, Ralph Tunstall or Henry Ewbank, though Ewbank was suspected, probably mistakenly, of being sympathetic to Catholics.⁽⁶⁾ These men were doubtless the middle of the road clergy who were becoming increasingly common once the Church of England had been given a chance to establish itself, and if a change is discernable in

(1) PRO. SP/12.133.3.

(2) Forster and Venn, Alumni.

(3) Venn, Alumni, Hutchinson, History of Durham, Vol 2 p.180.

(4) See Chap 1 p.13. Chap 9 p.333.

(5) Venn, Alumni. APC. Vol. XIII. May 28 1581.

(6) Forster and Venn, Alumni. For Ewbanks suspected sympathy to Catholics see Chap 2 p.87.

the latter part of the sixteenth century it is a movement away from this attitude to an increasingly right wing standpoint. Just as Durham was remarkable for its puritanism in the 1560's so the 1630's were characterized by a strong Arminian tradition under John Cosin, the first traces of this movement being discernable in the diocese in the 1590's. In 1595, for example, Francis Burgoyne succeeded Toby Matthew as Rector of Bishop Wearmouth, and in 1599 Marmaduke Blakiston was presented to the 7th stall on the death of Leonard Pilkington: both were to be leading supporters of Cosin in the 1630's.⁽¹⁾

But if the opinions of the new 'Anglican' prebends and the old conforming puritans are hard to detect a hint is given us by a closer examination of Ralph Lever, a prebend about whom, fortunately, we have more information than about some of the others. Lever occupied the 5th stall from 1567 to 1585, yet despite his sometimes radical Protestant beliefs and his chronic contentiousness he had no major confrontation with the hierarchy as far as is known.⁽²⁾ The Church of England, he believed, was a church 'in which the Holy Sacraments be rightly administered, the gospel of Jesus Christ is truly preached, and the public liturgy duly set forth according to the Sacred Scriptures'. He approved of continental Protestantism too, having been abroad during Marys reign, but the orders of governance and discipline used at Geneva and other reformed churches were 'not so fit for our state as our own are'.⁽³⁾ Some changes did need to be brought about, though these were

(1) Surtees, History of Durham, Vol. 1 p.CV11.
Hutchinson, History of Durham, Vol. 1 p.533/4. Vol 2 p.186/7,201.
VCH, Vol 11 p.43.

(2) The following account of Levers opinions is taken basically from 'The assertions of Ralph Lever touching the canon law, the English Papists, and the ecclesiastical officers of this realm, with his most humble petition to the Queens most excellent Majesty for redress'. PK, York Bk. f. 36/40. A copy is printed in Strypes, Annals, Vol 1 pt 1. p533/37, but incorrectly dated 1562: according to the York Bk the correct date is Jan. 12 1585.

(3) BM, Lans. 36f. 136/7.

not up to subjects but to the Queen acting within the framework of the law: the Queen was 'next and immediately under God' on earth and 'a sacred power so deeply warranted by the scriptures that he who doth resist her Majestys government doth resist the ordinance of God'. Similarly, the common laws, through which the Monarch worked, 'have warrant by the holy scriptures and by the law of nature' and were to be obeyed by all so long as they were 'not repugnant to the written word of God'. Despite this important rider, he did not believe that the validity of the law was impaired by evil officers or corrupt administration any more than was the efficacy of the Sacrament impaired by an unworthy minister - 'the power and force of these doth wholly depend upon the eternal decree of the Almighty.'

Nevertheless, Lever did have positive ideas of reform and highlighted a number of areas in which he was critical of the established church. He felt it was important that religion should be brought into all aspects of life, and thought that princes and magistrates should follow the example of the ancient Kings of Israel by asking the counsel of God whenever they met together to make laws or discuss public affairs. Not only was he a staunch opponent of Catholicism, but also of the continued use of canon law by church courts, which law 'rightly termed the Popes law' was 'in exceeding many points contrary to the written word of God and repugnant to the positive laws of this realm'. Those who protected and upheld the canon law were Papists and traitors, this somewhat irrational notion being prompted by his narrow minded belief that 'no man can be of Gods Church and of the Synagogue of Satan: nor is any mean state between good and bad,

light and darkness, truth and error, Christ and Antichrist, God and the Devil'. He strongly objected to the corruption of the court of Delegates and the use of excommunication by certain Bishops and Chancellors which was 'most contrary' to the word of God: if a person was excommunicated in this way, without just cause, then the sentence had no effect and 'the conscience of such a person is free afore God'. In addition, he supported Whittinghams ordination,⁽¹⁾ resisted secular interference with the possessions of the Church,⁽²⁾ removed the organ from the Chapel at Sherburn Hospital,⁽³⁾ and felt it his duty to fight corruption wherever he found it and to reprove anyone regardless of their position or status:⁽⁴⁾ 'a Christian reprover supplieth Gods office', he reminded Bishop Barnes, 'and the party justly reprov'd must yield'.⁽⁵⁾ Thus although Levers views were at times annoying and inconvenient to the government, laity and ecclesiastical authorities, they always remained within the law and the broad terms of the 1559 settlement.

Levers removal of the organ from Sherburn Hospital raises the whole question of iconoclasm or the alleged desecration of the Cathedral by the puritan extremists of the sixteenth century about which much has been said and written in the past. Here again, as in the matter of vestments, Bishop Pilkington led the way, one of his achievements being to convert the old collegiate church of Auckland into what appears

(1) Chap. 7 p. 260.

(2) See Chap. 8 p. 290/1.

(3) CL. Raine 30. (1585 Visitation of Sherburn Hospital. Dep. of Jas. Barnes). The organ had apparently remained at Sherburn under Thomas Lever: Ralph Lever removed it and 1 of 2 bells that were there.

(4) See Chap. 7 p. 265.

(5) BM. Lans. 36 f. 136.

to have been a sort of fun palace: 'he burst in pieces the College bells at Auckland and sold and converted them unto his own use, and in the lower part of the said College ... he made a bowling alley and in the house above ... he built here a pair of butts, in the which 2 places he allowed both shooting and bowling'.⁽¹⁾ Similar charges were levelled against the Protestant Deans in 'The Rites of Durham', a document produced in the 1590's by Catholic sympathisers gathering material about life in the convent before the dissolution.⁽²⁾ The trend began with Henry VIII's visitors at the time of the suppression, and was continued by Horne under Edward VI who helped destroy the Corpus ^{CHRISTI} Shrine in St Nicholas Church 'which Dr Horne did tread and break in pieces with his feet with many other ornaments', no small achievement for the little hunchbacked Dean: in addition, he destroyed a stained glass window depicting the life of St Cuthbert and demolished the tomb of William de St Calais*, although he permitted an ancient statue of St Cuthbert to remain standing against the Cloister wall, doubtless because of pressure brought to bear by the conservative members of the Chapter. Whittingham, however, proved less tolerant and 'caused the said image to be defaced and broken all in pieces, to the intent that there should be no memory of that holy man St Cuthbert'.

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- (1) Raine, Auckland Castle, p.70. AA. New Series. Vol 20. p.169/70. (J.F. Hodgson, the Church of St Andrew, Auckland).
 (2) The following account and quotations is from the Rites of Durham. SS.107 p.26, 60/1, 68/9, 75, 77/9, 81.

* Bishop of Durham, 1081-96. See DNB (Carilef).

Not content with this, the Rites allege that the new Dean on went/to fresh excesses. The East end of the refectory was incorporated into the Deanery and Whittingham made a profit of £20 from selling the high lead roof. Because the bells were not used very often he proposed to have them taken down and broken up, but was forestalled by Thomas Sparke who arranged for the removal of 3 bells from the Galilee steeple to the central tower and thus made a 'goodly chime' at a personal cost of £30 or £40. The ancient banner of St Cuthbert which had been displayed at the battles of Nevilles Cross and Flodden was burned by Mrs Whittingham 'in the notable contempt and disgrace of all ancient and goodly relics', and the Dean was responsible for taking up numerous old monastic grave slabs from the cemetery garth, destroying those that had images on them, and using others to build a wash house 'for he could not abide any ancient monuments, nor nothing that appertained to any godly religiousness or monastical life'. Perhaps most scandalous of all, he removed 2 holy water stones into his kitchen and used them for steeping salt beef and fish 'having a convenience in the bottoms of them for letting forth the water'. Subsequently, the larger of the two was used by Matthew for his washing up and the smaller was taken away by Mrs Whittingham to her new house in the Bailey along with a number of gravestones which she incorporated in her alterations: needless to say, with tombstones as thresholds, the house soon gained an enduring reputation for ill fortune. It was probably soon after the Deans death that 'a most mighty vast candlestick', the Paschal, was found hidden in a vault and at a Chapter meeting on December 1st 1579 it was decided that it should

be 'defaced', the proceeds of its destruction apparently being divided between the prebends: ⁽¹⁾ out of his share of the spoils Robert Swift donated a great brass lectern to the Cathedral, perhaps as a symbolic gesture as well as an enduring monument to his own munificence. ⁽²⁾ Matthew continued in the tradition of his predecessors, one of his actions being the destruction of an elaborately carved and decorated stone maundy bench on the South side of the cloister.

But the accounts of these incidents, which have been accepted by generations of Durham historians with reactions ranging from anger to incredulity, really deserve rather more careful investigation. The refectory, for example, had become largely superfluous after the dissolution and the Chapter must have given its consent for the conversion of the portion of the building which adjoined the Deanery: besides, it was contemporary practice to make a profit from the sale of lead, stone and other commodities from demolished buildings and it hardly seems fair to criticise the Dean for so doing. Although there is an account for work done on the Cathedral bells in 1552 ⁽³⁾ it is likely that Whittingham did suggest that they should be taken down, probably for purely practical reasons: they were not used very often, they were costly to maintain, and there is evidence to suggest that the Galilee steeples were structurally weak. ⁽⁴⁾ Doctrinaire objections are

(1) PK. D and C. Act Bk. f. 21.

(2) Allan, Durham Tracts, (Hegg, Legend of St Cuthbert p. 27) Chetham Soc. Vol 1. The Travels of Sir William Brereton p.83/4.

(3) PK. Misc. Ch. 3025.

(4) Extensive repairs to the steeples were carried out in 1571/2 for example. PK. TB. 9 (repairs to the church).

certainly a new chime was erected in Whittinghams time and in 1576/7

we find expences for mending ^{and} tuning it. ⁽¹⁾ The holy water stones must have been moved to the Deans house after the rebellion, because the evidence of depositions taken in 1570 suggests that they had been brought out of hiding in the preceeding year: ⁽²⁾ as Greenslade pointed out, the Deans use of these and the old gravestones from the monastic cemetery hints that he was a man of strong practicality rather than the irrational zealot he is sometimes portrayed as. The two prized relics of Mediaeval Durham, St Cuthberts statue and his banner, fall into a rather different category, because items of this sort were anathema to sixteenth century puritans and it is useless to apply antiquarian sentiment in an attempt to understand the motivations behind their destruction: anyway, there was a widely held belief that St Cuthberts banner could not be consumed by fire and the end chosen for it by Mrs Whittingham was doubtless intended as a practical illustration of the folly of such beliefs.

If the evidence of the Rites does not add up to a damning indictment of Whittingham and his colleagues, what independent evidence do we have of physical changes which took place at Durham during this period? According to Dobsons 'Drie Bobs', admittedly not the most reliable of sources, St Cuthberts shrine and some of the 'ancient

(1) PK.TB.10 (repairs to the church)

(2) SS. 21 p. 140, 142.

monuments' connected with it were still something of a tourist attraction in the 1560's, so they cannot have been wholly destroyed either at the dissolution or after.⁽¹⁾ The Cathedral organs remained untouched throughout the reign of Elizabeth, probably partly because of Whittinghams love of music: an organ above the choir door was in use in the 1560's, though in 1589 it needed extensive repairs and 'hath not been played upon these many years for lack of mending'.⁽²⁾ Four years later it was completely taken down and re-erected by a professional organ builder at a cost of £10.⁽³⁾ Some of the old stained glass was undoubtedly destroyed, but a good deal apparently still existed in the 1590's, for example, Josephs window in the Nine Altars and the window of the Four Doctors in the North transept.⁽⁴⁾ Under Whittingham there are several accounts for glaziers work in the church, but glass was an expensive commodity in the sixteenth century and the sums paid out suggest little more than running repairs or perhaps some selective destruction of exceptionally offensive items:⁽⁵⁾ whatever happened, the Te Deum window was still mentioned by name in 1564/5 and the Jesse window in 1566/7.⁽⁶⁾ In October 1567 when Pilkington visited the Cathedral there were still images to be destroyed⁽⁷⁾ and indeed there are still some today: Hatfield still lies in the Choir clad in his mass vestments and the roof bosses in

(1) DUJ 43 (Dobsons Drie Bobbes) p.84/5.

(2) See the deposition of John Brimley, for example, SS 21 p.148/9. In 1589 the repairs were carried out by William Smith, minor canon, who attended to the sound board, wind stop, spring wires, and tuning pipes: 'now they will much delight both the auditory and the player because they yield the most principalest and imperial sound of all the rest'. PK. Misc. Ch. 3198.

(3) PK. Misc. Ch. 3311 - The repairer on this occasion was a Mr Brough.

(4) AA. New Series. Vol 7 p.125/139 (W.H.D. Longstaffe, The stained glass of Durham Cathedral).

(5) PK. TB. 5, 8 (repairs to the church).

(6) Ibid 4,5 (repairs to the church).

(7) PK. D and C Reg. B f. 232/3.

the Nine Altars still depict the elaborately carved figures of the evangelists. Throughout the sixteenth century the Chapter seal showed the figures of Christ and the virgin Mary with attendant saints, although the faces of all these figure seem to have been obliterated:⁽¹⁾ similarly, the only existing example of the seal of the Officialty, although badly damaged, reveals that it remained of traditional design showing a figure in a mitre holding a crozier.⁽²⁾ The conclusion to emerge is that Whittingham was certainly not the uncompromising iconoclast as is sometimes claimed: he did destroy some relics and convert others to mundane domestic uses, but at the same time it is doubtful whether he had intrinsic objections to things like bells and organs traditionally supposed to be unacceptable to the puritan mentality.* Certainly the damage done to the Cathedral by Whittingham bears no comparison to the destruction wrought at the time of the Commonwealth or to the 'improvements' undertaken by Nicholson and Wyatt in the eighteenth century. The Deans freedom of action was limited by the fact that he had to secure the consent of a Chapter which still had a strongly Catholic element before 1570,⁽³⁾ and he was also restricted by the practical difficulties which stood in the way of every iconoclast who was committed to tidying up the mess after himself. Replacing stained glass, for example, was a costly and

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- (1) The best existing example of the Chapter seal is attached to Durham CRO. D/Sa/D.428. Another good example is attached to PK. Misc. Ch. 6083.
 (2) PK. Misc. Ch. 8. An interesting comparison is provided by Hunter-Blair, The seals of Richard Barnes, Bishop of Durham. AA. 4th Series. Vol. 37 p.289/90.
 (3) For the whole problem of 'consent' see Chapter 7 p.243.

* John Pilkingtons library included a fourteenth century book of hymns and prayers to the Virgin Mary. BM. Royal 7A. VI.

difficult business in such a vast building as the Cathedral, and to go through the legal complexities of having new seals approved and engraved would have been both costly and time consuming.

If in some respects the radicalism of the Durham puritans has been exaggerated, this is not to deny the very deep religious differences which did exist and the contribution which these made to the alignment of forces in Chapter politics.* Whittingham, for example, enjoyed a strong and lasting friendship with his co-religionists Leonard and John Pilkington, Robert Swift and Francis Bunney, but there were splits within the Protestant camp between Whittingham and the Levers, partly because of the old antagonism between Whittingham and Thomas Lever at Frankfurt and partly because of Levers criticism of the Deans increasing conservatism in the 1560's and 70's.⁽¹⁾ Similarly, there were basic alliances between the Benedictine members of the Chapter, many of whom had been together since a very early age, though in this group too there were tensions between the older generation of Catholics and the new more radical approach of men like Bullock and indeed the early seminary priests. But what is clear is that there was interaction between the 2 groups as indeed there had to be if the Chapter was to function in a reasonably efficient and harmonious fashion. Whittingham, for example, was on good terms with William Bennett and was godfather to his son,⁽²⁾ and when George Cliffe was threatened with

(1) SS. Wills and Inv. Vol II p.17/18. The whole problem is discussed in more depth in Chapter 7.

(2) SS. Wills and Inv. Vol II p.17.

* See Chapter 7.

deprivation in 1595 it is significant that his most vociferous supporters were Robert Swift and John Pilkington.⁽¹⁾ After 1570 however, religious differences were hardly the most important issues at stake, because out of the sectarian chaos of the 1560's a common sense of identity was beginning to develop amongst both the papists and puritans in the Chapter. To describe this as the victory of the Anglicanism would perhaps sound anachronistic, but the statement nevertheless contains an important germ of truth. By the end of the century the monks and the exiles were dead and the men who had replaced them represented the wide gulf between Protestant zealots like Francis Bunny and 'Arminian' High Churchmen such as Marmaduke Blakiston: that both were able to find their place within the terms of the settlement illustrates both the greatest strength and weakness of the post-Elizabethan Church.

(1) SR, DR V/6 (1594 Judge v. George Cliffe: depositions)

CHAPTER 6

PEERS OF YORK

'He believeth that the Bishopric of Durham is a thing peculiar of itself and no way subject to the Archbishop of York.'

Deposition of Robert Prentice, 1588.
(CL. Hunter 32 f. 205)

(1) CL. Hunter 32A. (Depositions in a paper book dated 1588.)

(2) The Bishops' Book p. 11.

The dispute with the See of York was the issue which more than any other placed the Elizabethan Protestant prebends in the tradition of the monks who had gone before them: the right of the Durham Chapter to exercise spiritual jurisdiction *Sede vacante* and the freedom of the diocese in general from visitation by the Archbishop of York were issues which had provoked strong reactions long before the sixteenth century and which were to continue to do so long after. Indeed, the boast that the ecclesiastical authorities of York were merely 'peers' of those of Durham was made as early as the reign of Edward II.* The Chapter, standing as champions of the rights of the Palatinate, enjoyed a popularity in Durham which was unknown in other spheres of its activity, though even here there was a financial vested interest in the form of the fees which both the Durham and York lawyers hoped to exact through visitations and a monopoly of jurisdiction during vacancies. Basically, however, the disputes were about status and privilege, and it would be unrealistic merely to view them as doctrinaire squabbles which concerned only a minority of the clergy: as Oswin Ogle, an old retainer of the Earl of Westmorland, declared in 1578 'it is every mans part to stand to the privileges of his country in good causes'.⁽¹⁾ But while the issue was one which drew together all shades of opinion within the Chapter and diocese, it was also one which provoked an understandably hostile reaction from the ecclesiastical hierarchy. The Elizabethan disputes form a distinct

(1) CL. Hunter 32A. (Depositions in a cause *sede vacante*) f.64/7

* The Bishoprick Garland p.31.

and important phase in the history of the relations between the Sees of York and Durham, and although no long term solutions were reached they did have a wider relevance in their own time by forming the catalyst which linked a number of previously unconnected areas of dissention and channelled them into a movement which eventually sought to remove the Dean and a substantial section of the Chapter.

The first and probably most important issue concerned the exercise of jurisdiction *sede vacante*, whether or not this belonged to the Dean and Chapter of Durham or to the Archbishop of York, or, in his absence, to the Dean and Chapter of York. The Chapters claim to this right, and indeed to many more of its peculiar privileges, rested on 2 charters made to the Prior and Convent during the reign of William I granting the monks of Durham all the rights and powers enjoyed by the Dean and Chapter of York: these, it was generally accepted, included the exercise of jurisdiction at York during a vacancy.⁽¹⁾ The Charters, initially granted by the Bishop of Durham, had been confirmed by the King, Pope and Metropolitans of both provinces and during the Mediaeval period many more confirmations of them were made.⁽²⁾ In 1286, however, during the conflict between Archbishop Romanus and Bishop Bek, an agreement was allegedly made between the Prior and Convent and the Archbishop acknowledging the right of the See of York to jurisdiction *sede vacante*:⁽³⁾ although the agreement was almost immediately repudiated by the monks it had given

(1) PK. Misc. Ch. 424. f. 24/5.

(2) Ibid.

(3) PK. D and C. Muniments 1.12.Pont. 27.

the Archbishop the foothold he required and in subsequent vacancies at Durham the matter became a major bone of contention.⁽¹⁾ In 1316 the dispute was referred to the Pope but no firm decision was made and over the next 200 years precedents in favour of both sides could be found.⁽²⁾ In 1406, for example, the Prior and Convent had exercised jurisdiction without opposition, yet in 1501 Archbishop Savage had actually succeeded in undertaking a Visitation *sede vacante*.⁽³⁾ As an immediate background to the Elizabethan conflicts a bitter controversy had developed in 1507/8 when the Prior and Convent had refused to accept commissions from both the Dean and Chapter and Archbishop Bainbridge,⁽⁴⁾ and in 1553, during Tunstalls deprivation, an attempt by Archbishop Holgate met with only very limited success because of the vigilance of Dean Horne and the Chapter who invited the Archbishops commissioners to dinner and then produced their ancient charters in an attempt to convert their guests to their own way of thinking.⁽⁵⁾

But by far the most important sixteenth century precedent, at least as far as York was concerned, was created during the vacancy of both Sees in 1560/61 when jurisdiction was exercised in the name of the Dean and Chapter of York by two Durham prebends, Roger Watson and John Crawforth, along with William Garnet, Rector of Ryton, and Richard Marshall, Rector of Stainton.⁽⁶⁾ with the deprivations of 1559 still in its mind the Chapter seems to have offered no resistance at all on this occasion, 'because there was none at Durham that durst resist, being all

(1) Ibid. D and C. Reg. C f. 132.

(2) PK. D and C Muniments 1.12. Pont. 27.

(3) SS. 22 p.1/x1

(4) PK. D and C. Muniments 1.12 Pont 27. Misc Ch. 7099. D.U.L. M and S 42 f.16, 31/2.

(5) CL. Hunter 32A f.67/70.

(6) SS. 161 p.132/3.

Papists and afraid to stand in any controversy as well for fear of loss of their livings as for other matters'.⁽¹⁾ Even though it was later vigorously claimed that one incident of this nature did not constitute prescription, 'no more than one fine day maketh summer',⁽²⁾ the Dean and Chapter were clearly worried about its value as a precedent, and when Bishop Pilkington died in January 1576, during a vacancy at York following Grindals translation to Canterbury, a conflict with the York Chapter seemed inevitable. In February Dean Hutton directed a commission to Richard Hudson and Robert Swift to exercise jurisdiction in the diocese and wrote to Swift, 'his worshipful friend', asking him 'to deal as much as pleaseth you and to let Mr Hudson have your favour and countenance. My desire is rather to have things done well than to gain, and therefore I will be content to allow reasonably of such things as shall be due'.⁽³⁾ Hutton's relationship with the Durham Chapter had never been bad, and his choice of commissioners was certainly not designed to offend: Hudson, although a 'mere layman', was a York lawyer who was on good terms with the Durham prebends and served them as their official in Howden and Howdenshire and Swift was a leading member of the Deans circle and Pilkingtons Chancellor.

Yet despite these conciliatory overtures from Hutton, Whittingham had no intention of allowing any further encroachment on the ancient liberties of his church, and when Swift received notification of the commission early in March he immediately refused to accept it.⁽⁴⁾

(1) PK. D and C. Reg. c f. 132. Misc. Ch. 6818.

(2) Ibid. Reg. C f. 132.

(3) PK. PDM (loose papers) Box 32.

(4) Ibid.

Hudson, however, was already on his way North, and early in the morning of March 5th, while the Durham prebends were probably still in bed, he slipped into the Consistory in the Galilee and read his commission there.⁽¹⁾ When Whittingham discovered what had happened he barred Hudson from the Cathedral and on March 13th issued his own commission to John Pilkington, Francis Bunny, Ralph Lever and George Cliffe to exercise jurisdiction in the name of the Dean and Chapter.⁽²⁾ With Hudson temporarily out of the way the jurisdiction of the Chapter was generally accepted, until June, when Hudson returned and installed himself in St Nicholas Church, Durham, where he established a rival administration, admitting incumbents, proving Wills, and excommunicating the Vicar of Stannington for contumacy.⁽³⁾ The state of confusion in which this situation left the clergy and people of the diocese was immediately evident. On August 17th for example, Richard Milner, Curate of Lanchester, was called before the Chapter Commissioners in the Consistory because 'contrary to his duty towards God he ... refuseth to obey this jurisdiction in serving such processes as be delivered unto him: further that he ... being inhibited by the commandment of Mr Richard Hudson did for a time so do, but now he acknowledgeth that he will stand to and obey this jurisdiction from henceforth'.⁽⁴⁾

Probably as early as March the Dean and Chapter of York had suggested that the matter should be submitted to the arbitration of

(1) PK. Misc. Ch. 6818.

(2) PK. D and C. Muniments 1.12. Pont 23.

(3) For examples of the Chapters exercise of jurisdiction, which was much more widespread than Hudsons. see i) PK. Ecclesiastical Acts ... sede vacante, 1576 ii) PK. Consistory Court ... sede vacante. 1576. Many of these are repeated in CL. Hunter 32 f. 293/303. For evidence of acts performed by Hudson see CL. Hunter 32 (Proceedings 1587) f. 62/4, 207/9. PK. D and C. Muniments. 1.12. Pont 31. SR DR III/3.

(4) PK. Consistory Court ... sede vacante. 1576. CL. Hunter 32 f. 303.

the Archbishop of Canterbury 'that thereby occasion of offence might be cut off',⁽¹⁾ and although Ralph Lever seems to have consented to this plan a harder attitude amongst other members of the Durham Chapter led to the case being taken before the Court of Delegates in June.⁽²⁾ Before the Delegates the Chapter seems to have relied largely on the arguments and precedents supplied by its Mediaeval Charters, but as John Pilkington was to emphasize later there were also strong practical reasons in support of its claim:⁽³⁾ one of these was the inconvenience and cost of remitting matters from Durham to York which Hudson apparently did 'upon ... very light occasion', thus protracting simple causes and diverting 'excessive charges' into the pockets of the York lawyers.⁽⁴⁾ Nor were the privileges being claimed by the Dean and Chapter entirely peculiar. At Salisbury, for example, the Dean and Chapter administered the temporalities of the See sede vacante and paid rent to the Crown, while at Lincoln and Christchurch, Oxford, the Archbishop of Canterbury gave his commission to one out of three nominees put forward by the Chapter.⁽⁵⁾ Later, German Gardiner was to recall how at Norwich, on the death of Bishop Parkhurst in 1575, the commissioner from Canterbury, Dr Styward, had been turned away by the Dean and Chapter 'and in suit they prevailed ... and continued their exercise of jurisdiction until the coming of Bishop Freake'.⁽⁶⁾

It was perhaps considered a good omen that in their case before the Delegates the Durham Chapter were able to secure the same lawyers who

(1) PK. D and C. Muniments 1.12.Pont 29. Misc. Ch. 5902.

(2) PK. D and C. Reg. C f. 125/7. The Court of Delegates was established by statute in 1533 to deal with appeals which previously would have gone to Rome: causes proceeded by way of an appeal to the monarch in Chancery following which the Lord Keeper issued a commission to certain delegates to hear and determine the matter. For a full discussion of the operation of the court see G.I.O. Duncan. The High Court of Delegates.

(3) CL. Hunter 35A (Documents 1340-1577) f.45.

(4) PK. D and C. Reg. C f. 132.

(5) SR. DR. XVIII/3 f. 141/2.

(6) CL. Hunter 32 f. 209/11.

had acted for their colleagues at Norwich in the previous year.⁽¹⁾

The Delegates chosen to consider the case included Archbishop Grindal and Bishop Sandys, and although the Chapters case was undoubtedly a strong one there was still a section of opinion on both sides in favour of arbitration: Bunny, who was sent to London to conduct the case, pointed out that one of the Delegates, Thomas Yale, was prejudiced in favour of York and that 'we must not in my opinion refuse all kind of compromise'.⁽²⁾ In the end the conciliators won the day, and by September the case before the Delegates was abandoned and both sides had agreed to the arbitration of the Earl of Huntingdon.⁽³⁾ On October 16th Huntingdon made a provisional order through a commission issued by the Dean and Chapter of York to 3 officials from York and 3 from Durham and the diocesan administration reverted to a semblance of normality with most of the regular work falling on the shoulders of Swift.⁽⁴⁾ Early in 1577, however, the election of Edwin Sandys to the Archbishopric of York changed the situation yet again, because Huntingdon's order was designed only to remain in force so long as both Sees were vacant. Within a week of his election Sandys, who must already have had a background knowledge of the case, instituted Robert Garrett to the episcopal living of Eglington and soon after issued a new commission to Richard Hudson to exercise jurisdiction in his name.⁽⁵⁾

(1) PK. Misc. Ch. 5902

(2) Ibid.

(3) Ibid 6818.

(4) PK. D and C. Reg. C f. 132. The York commissioners were John Gibson, Ralph Tunstall and Richard Hudson. The Durham commissioners were Robert Swift, Ralph Lever and Thomas Handley, Vicar of Woodhorn and Warkworth. Evidence of the work as it was shared between the commissioners is given in PK. Misc. Ch. 6818 and SR. DR III/3.

(5) CL. Hunter 32. f.62/4, 65/7, 73/5.

Hudson did, in fact, perform some acts in the diocese, but he was again resisted by the Chapter before the issue was prematurely closed by the election of Bishop Barnes in April.⁽¹⁾ Meanwhile, as a safeguard against the 1576 situation emerging again, Huntingdon issued the final form of his arbitration on April 3rd, declaring that in the event of the Sees of York and Durham being vacant jurisdiction should be exercised by one official commissioned by the Dean and Chapter of York out of two presented to them by the Dean and Chapter of Durham.⁽²⁾ At the time it seemed a fair compromise and both Hutton and Whittingham gave their assents to it.⁽³⁾

The dispute of 1576 had not been characterised by any manifest bad feeling on the part of the participants, indeed, Richard Hudson was later to receive a legacy of £3. 6. 8 in Dean Whittinghams will:⁽⁴⁾ Sandys, however, with whom the Chapter had briefly come into conflict in the early months of 1577, was not the sort of man who took kindly to opposition, and his fear of puritanism at Durham, along with other abuses which he suspected there, caused him to include the diocese in his plans for his first metropolitan visitation in the summer of the same year. Visitations of Durham sede vacante had been carried out by both Greenfield and Savage,⁽⁵⁾ but for the Archbishop to visit with a Bishop in office was an unheard of encroachment upon Palatinate privilege. There had, of course, been attempts by earlier Archbishops to carry out such Visitations: the Bishop of Durham, they claimed, was a suffragan and as such could be visited, the subordinate position of the diocese

(1) Ibid.

(2) PK. D and C. Muniments. 1.12. Pont. 21. Misc. Ch. 5902.

(3) Ibid. CL. Hunter 32 f. 52/5.

(4) SS. Wills and Inv. Vol. II p. 17.

(5) PK. Misc. Ch. 5902.

being indicated by the presence of the Bishop at Convocation and the fact that appeals from the Durham Consistory were dealt with at York.⁽¹⁾ These arguments, however, took no account of the unique status of the Palatinate. In 1285, for example, Archbishop Romanus had been fined 4,000 marks by the King for an attempted visitation on Bishop Bek, and Edward II, Edward III, and Henry IV had all issued prohibitions under the great seal against Archiepiscopal Visitations of Durham.⁽²⁾ under Edward III it was said that 'the Archbishop of York had not visited the clergy and people of that diocese time out of mind, and that the Bishop of Durham was a Count Palatine and had temporal jurisdiction ... and that if the Archbishop did visit that diocese the same would tend to the enervation of those privileges'.⁽³⁾ More recently, Tunstall had opposed an attempt by Holgate telling the Archbishop that 'he was as free within his diocese of Durham as he was in York diocese, and freer',⁽⁴⁾ and in 1561 Pilkington successfully resisted a Visitation by Archbishop Young:⁽⁵⁾ an illustration of the passions which this issue aroused is provided by Pilkington's statement 'that Archbishop Young had no right to visit him or his diocese, nor shall not in his time ...', and Richard Smaithwaite, the Archbishop's summer, bringing a letter, Bishop Pilkington said to him thus, 'if thy master will needs come to visit me bid him send me word, and I will meet him in the midst of Tees'.⁽⁶⁾ Faced with this sort of fighting talk

(1) See for example, CL. Hunter 32 f. 59/60, 61/2.

(2) PK. Misc. Ch. 424 f. 25/6, 5902.

(3) Ibid. 5902.

(4) CL. Hunter 32A f. 62/4, 64/7.

(5) CSP. Foreign (1561/2) No. 371/4.

(6) CL. Hunter 35A f. 40.

it is small wonder that the Archbishop for all his 'big words' went away 'grievously offended', yet after 1561 no attempt was made by either Young or Grindal to visit the diocese of Durham, and in 1562 and 1571 Pilkington made protestations at the York Convocation alleging his exemption, as indeed earlier Bishops had done from the fourteenth century onwards.⁽¹⁾

What made the 1577 Visitation so extraordinary was not that an attempt should have been made by the Archbishop to visit the diocese, but that this attempt should have been made with the full support and backing of the Bishop of Durham, Richard Barnes. This is perhaps rather less surprising when one remembers that Barnes had spent almost all his early career at York, having served as a prebend, Chancellor and suffragan Bishop of Nottingham there, and having only been at Durham for a short time he may well have believed that Sandys was within his rights to visit, even though the Dean and Chapter had taken pains to present their case to him.⁽²⁾ Contemporaries ascribed his attitude either to ignorance of the rights of his see or to being party to a conspiracy to subvert them,⁽³⁾ which is possible when we consider the circumstances and motives behind his election.⁽⁴⁾ Certainly, the Chapter were convinced that the Visitation was 'a matter packed and devised between them [ie. Sandys and Barnes] to overthrow the liberties or to abuse the liberties' of the diocese of Durham.⁽⁵⁾ If Barnes was in fact attempting to drive the Dean and Chapter into an

(1) Ibid f. 26/30, 37.

(2) Ibid f. 1/5.

(3) PK. Misc. Ch. 6818. CL. Hunter 35A f.43.

(4) Barnes may have been the agent of forces at court which wished to limit the remaining privileges of the Palatinate. See Chap. 7 p.249.

(5) CL. Hunter. 35A f. 43.

impossible situation by his action, it is interesting to note that in 1584, once his immediate goal had been achieved and 'when he came to a better understanding of the rights and privileges of his see', he entered the usual protestation at the York Convocation alleging his exemption from visitation.⁽¹⁾ Barnes action in 1577 was thus probably dictated by mixed motives, chief amongst which were an uncertainty as to his own rights, an inherent prejudice in favour of the claims of York, and the peculiar circumstances of the time which temporarily pushed him into alliance with Sandys against his own Chapter.⁽²⁾

Sandys did not intend to visit in person, but through a commission issued to Barnes who in turn delegated the work to two more commissioners, Thomas Burton, a prebend of Carlisle and Barnes chancellor while he had been Bishop there, and Ralph Tunstall, a prebend of York.⁽³⁾ As the inhibitions were received by the Dean and Chapter and Archdeacons in July attitudes at Durham quickly began to harden. On July 13th the Chapter rejected Huntingdons arbitration claiming that it had 'compromised unadvisedly',⁽⁴⁾ and ten days later the Bishop was confronted by a deputation from the Cathedral on Palace Green asking him not to proceed with the Visitation.⁽⁵⁾ Later in the month Whittingham and Leonard Pilkington travelled to Bishopthorpe to deliver a similar petition to Sandys, pointing out that the Chapter did not object to a visitation as

(1) PK. Misc. Ch. 6818.

(2) See Chap. 7 p.249/50.

(3) CL. Hunter 35A f. 1/5.

(4) CL. Hunter 32 f. 55. PK. Misc. Ch. 424 f25/6.

(5) CL. Hunter 11 f.5 Hunter 35A f.20 PK. D and C. Reg. C f. 144.

(7) CL. Hunter 35A f. 33.

such, so long as it was a lawful one.⁽¹⁾ In addition, Swift, as Chancellor, sent a forthright appeal to the Archbishop telling him that 'it amazeth all the county to see him [Barnes] execute your Graces commission against his self, his church and people of his diocese'.⁽²⁾ But none of these representatives had any effect, Swifts probably made the matter worse, and both Sandys and Barnes were reported to have received the envoys from the Chapter 'displeasantly'.⁽³⁾

By August the Visitation was under way and although no record of it has survived at Durham we know from depositions taken later that the commissioners certainly sat at Newcastle and Sedgefield.⁽⁴⁾ At Sedgefield the clergy were confused as to who was actually carrying out the Visitation, and to resolve their doubts Tunstall seems to have given the misleading impression that the Visitation was in the right of the Bishop of Durham.⁽⁵⁾ Richard Marshall, for example, a skilled lawyer and Rector of Stainton, paid 15s in visitation fees, but said that he believed them to have been for the Bishop of Durham and that he would not have paid if he had known that they were for the Archbishop.⁽⁶⁾ Yet even though Burton and Tunstall achieved a measure of acceptance in the diocese, be it through confusion, deceit, or otherwise, the Archbishops commissioners were to have no such success when they turned their attention to the Cathedral. The impending confrontation came on the morning of August 8th 1577.⁽⁷⁾ 'The day appointed being come, the Bishop came to Durham and after the sermon

(1) CL. Hunter 35A f.21 PK. D and C. Reg. C f. 144.

(2) CL. Hunter 35A f.52

(3) Ibid f. 20,21.

(4) CL. Hunter 32A f.54/6, 67/70, 70/72.

(5) Ibid f. 70/72.

(6) Ibid f.67/70.

(7) CL. Hunter 35A f.33.

in the morning the Bishop, going towards the Chapter House to the Visitation, Mr Whittingham asked the Bishop whether he would visit in his own right: he answered in the right of the Archbishop, whereunto Mr Whittingham answered that then he wronged his own jurisdiction, and the clergy of the country in general, and him and the rest of the Church more specially ... All which notwithstanding and whatsoever could be alleged by Mr Dean, the Bishop persisted in his former resolution, and by this time, being come near to the Chapter House door, Mr Whittingham called the doorkeeper to lock the door and to give him the keys which the doorkeeper did forthwith, which the Bishop hastening to prevent Mr Whittingham did a little interrupt him, taking hold of his gown and so the business was concluded'.⁽¹⁾

For Whittingham and the Chapter the incident in many ways formed a point of no return which was to have repercussions far beyond the bounds of the dispute which had given rise to it: Sandys and Barnes were furious and it was now evident to all that an already strained relationship had reached breaking point. Barnes, 'heaping evil upon evil', excommunicated the Chapter and 'did cause and command them to be openly denounced for excommunicate persons', and it was probably at this stage that the Archbishop called the Dean and most of the prebends to appear before the High Commission at York and with typical loss of temper 'reviled the Dean and Chapter of Durham, calling them ... Knaves and threatening ... to send them to London with their feet bound under a horses belly'.⁽³⁾ For their part, the Dean and Chapter wasted no time

(1) CS. Misc. VI p. 27.

(2) CL. Hunter 35A f.1/5.

(3) CL. Hunter 32 f. 70/1.

(4) CL. Hunter 32A f. 177, 180.

(5) CL. Hunter 32A.

in taking counter measures. A personal appeal to the Queen signed by the Dean and all 12 prebends was taken to London by Whittingham but according to Swift 'Mr Dean could never be persuaded to deliver it', a reflection, perhaps of Elizabeth's attitude towards him.⁽¹⁾ Failing royal intervention the obvious solution lay in another appeal to the Delegates, and on August 20th letters of attorney were issued to the Dean and Leonard Pilkington who travelled to London to organise the prosecution of the Chapters case.⁽²⁾ The next two months were largely taken up by Whittingham's efforts to engage the best possible lawyers and secure the nomination of impartial Delegates: many of the members of Doctors Commons, for example, who often formed the backbone of such commissions, were thought to be unwilling to oppose the Bishops, and Thomas Yale, provisionally nominated as a delegate, was removed after the Dean had complained to Sir Nicholas Bacon about his prejudice in favour of York in the earlier dispute.⁽³⁾

When the Delegates were eventually nominated they comprised the Bishops of London and Rochester, the Lord Chief Justice of Kings Bench, the Lord Chief Justice of Common Pleas, a Secretary of State, a Master of Requests, the Attorney General, a Judge of the Court of Admiralty, and only 1 member of Doctors Commons.⁽⁴⁾ With such exalted judges the Chapter could be sure of an impartial hearing, but the price paid for impartiality, in this and similar suits, was unreliability. Before long Whittingham was complaining that despite his efforts 'we cannot get any two of them to meet, for that they not only are far distant from

(1) CL. Hunter 35A f.21/4.

(2) PK. D and C. Reg. Cf. 141. CL. Hunter 32A.

(3) CL. Hunter 32A f.177,180.

(4) CL. Hunter 32A.

London and one far from another, but also otherwise letted, so that we cannot have the furtherance of our cause according to justice.'⁽¹⁾ Despite the help of certain sub-delegates, who were members of Doctors Commons, the problem remained, and in 1578 John Pilkington complained that he 'had done nothing, nor could do anything ... for that none of the quorum could be gotten this term time to sit ... till the last day of the term I got the Bishop of London only ... and that from Fulham which he was very loath to do'.⁽²⁾ Similarly, in 1579 Francis Clerke, the Chapters proctor, confirmed Aylmers unwillingness to sit as a judge when he declared 'what great ado we have had to get my Lord of London to sit'.⁽³⁾

Nevertheless, on October 14th Whittingham succeeded in arranging the first session at the manor of Colbroke, Lincs., before the Bishops of London and Rochester, Thomas Wilson and Valentine Dale, during which inhibitions were issued against the Archbishop and Bishop of Durham along with citations to them to appear before the Delegates.⁽⁴⁾ The Chapter also received absolution from Barnes sentence of excommunication, which, because it was 'offensive and slanderous unto you you shall do well to procure that the absolution ... may be openly published and declared in the diocese'.⁽⁵⁾ Meanwhile, at Durham, John Pilkington, as Archdeacon, was attempting to recruit support and financial help from the local clergy by sending his apparitor, John Brice, to collect 2d in the f from all Rectors and Vicars who would willingly contribute to the suit.⁽⁶⁾ Support seems to have been fairly widespread, despite

(1) CL. Hunter 32A f.178.

(2) Ibid f. 191/2

(3) Ibid f.187.

(4) Ibid f. 198/9.

(5) Ibid f. 218.

(6) CL. Hunter 35A f.45.

angry warnings from Barnes that they were 'not to join .. in any seditious or contentious quarrels against my Lord Archbishop of York ..., nor contribute to any cessment or payment ... to maintain the Deans unlawful and troublesome quarrels'.⁽¹⁾ On December 4th, following a complaint from Sandys and Barnes, John Pilkington was called before the Privy Council, but was 'dismissed without monition' after giving an explanation of his action:⁽²⁾ Sandys was livid, and wrote to Burghley that 'Archdeacon Pilkington was too gently used before the Council which made him brag, for he and one Young Bunny, precise men, work all this trouble'.⁽³⁾

Pilkington had good reason to brag, because by the spring of 1578 the case was emerging as a matter of national importance and the Chapter were confident of victory. Quite apart from the ancient charters and precedents they had relied on in former suits, the Chapter had discovered a statute of 1491 which declared that royal foundations were only subject to visitation from the prince or his special deputies: at Durham these included the Bishop, who was specifically named as visitor in the statutes, but not the Archbishop of York.⁽⁴⁾ To reinforce this argument it was found that at Hereford, another royal foundation, the Bishop had no power to visit the Dean and Chapter, and at Wells Bishop Barlow had been forced to obtain a royal pardon for his deprivation of the Dean.⁽⁵⁾ In September 1577 Whittingham had reported that 'there are great mislikings of such sudden innovations and proceedings and great talk there is of them everywhere'.⁽⁶⁾ William Fleetwood, Recorder

(1) Ibid f.46.

(2) APC Vol. X. Dec 4 1577. CL. Hunter 35A f.45.

(3) Strype. Annals, Vol II pt II p.107.

(4) PK. Misc. Ch. 5902. D and C. Reg. C f. 186/7.

(5) Ibid.

(6) CL. Hunter 32A f. 180.

of London, 'declared that there was 'a broil of excommunication' between the Archbishop and the Dean but that he thought 'my Lord Bishop is in the wrong'.⁽¹⁾ In April 1578 John Pilkington was sent to London to speed up the suit and test opinion at court:⁽²⁾ Burghley was apparently giving the Chapter some tentative support, giving Pilkington an account of 'all the Archbishop can say for himself ... which at the first salutation he very sharply uttered to me'.⁽³⁾ Subsequently, after a number of frustrated attempts to engineer a 'chance' meeting by lurking in Burghleys garden, he eventually spoke to him again 'and had good answer and also good and cheerful countenances'. Pilkington was convinced that the Chapter was well thought of by the 'wiser sort': 'God sending us justice', he said, 'the cause is sure to be ours ... we should try this matter to a settlement and ... hold hard and be fast'.⁽⁴⁾

But as the year progressed the confidence of the Chapter began to wane. Over the summer of 1578 the case was deputed to certain local commissioners to take depositions and examine witnesses on behalf of both sides and return their findings to the Delegates in London.⁽⁵⁾ On the part of the Dean and Chapter several aged and respected inhabitants of the Bishopric came forward to affirm the privileges of the diocese and its freedom from interference by the Archbishop of York, but their testaments did little to secure a speedy conclusion of the case. Throughout 1579, despite the attempts of the Dean and Chapter to push the matter to an end, the Archbishop and his lawyers employed delaying

(1) Strype, Annals Vol II pt II p.107.

(2) PK. D and C. Reg. C f 177. CL Hunter 32A f.30.

(3) CL. Hunter 32A f. 191/2.

(4) Ibid.

(5) See CL. Hunter 32A. These included Bernard Gilpin, Rec. of Houghton, and John Macbray, Vicar of St Nicholas, Newcastle.

tactics and by the end of the year the Chapters proctor, Francis Clerke, was forced to report that the case was no nearer completion than it had been at the beginning.⁽¹⁾ Meanwhile, important changes had been taking place at Durham. Firstly, the great expense of the suit and the prospect of its continuing for many months to come was upsetting the financial balance of the Chapter.* Between 1574 and 1577, for example, largely due to the costs incurred in litigation of various sorts, expences had outstripped income and in 1577/8, the year of the heaviest expence, the budget had only balanced because of the extraordinary energy of the Receiver, Robert Swift, in collecting the rents which were due:⁽²⁾ expences which in a normal year totalled £50/£100 reached a total of £418. 3. 2 and included such items as £81. 4. 9 to John Pilkington for 2 journies to London and £70. 0. 0 to the Dean for 1 journey.⁽³⁾ In February 1579, during his final visit to the capital, Whittingham complained to Swift that 'I lie here at unreasonable charges and have spent since my coming from home almost £180':⁽⁴⁾ although the maintenance of prebends at London was easily the most costly item, there were also lawyers fees, expences for finding witnesses, and a host of other minor payments.⁽⁵⁾ John Pilkington thought that the solution was to maintain a full time solicitor in London, not only for the better furtherance of the suit, but also because 'it will save us infinite charges and also labour of ourselves always to be sending one or other'.⁽⁶⁾ Even Pilkington, a major supporter of the suit, saw its prosecution as a

(1) CL. Hunter 32A. f.181,187,188,189.

(2) PK. York Bk. f. 14/18.

(3) PK. TB. 11 (Necessary expences).

(4) CL. Hunter 32A. f. 181.

(5) See, for example, PK. TB. 10,11,12 (Necessary expences).

(6) CL. Hunter 32A f. 191/2. The Chapter did in fact employ a lawyer on a semi-permanent basis, William Saville, who helped in a number of their suits and frequently appears as receiving payments in the Treasurers Books.

as a tedious chore which was detracting from the work which he and other prebends should have been doing in the diocese: 'I promise you', he wrote to Swift and Bunny, 'I am almost lame with treading up and down the streets, and therefore provide who you will ..., for I will go no more, God willing. Let others play their parts in Gods name'.⁽¹⁾

But expence and the wear and tear on prebendal feet were not the most important reasons behind the decline in enthusiasm for the suit in 1579. Whittingham, who had been chief amongst its instigators, died in June, and a group of prebends supporting Bishop Barnes were beginning to emerge as strong opponents of its continuation.⁽²⁾ Initially all the prebends except Adam Holiday had been behind the Dean, and although support remained strong from the minor canons and lay clerks throughout, the Chapter itself soon fell into dissention over the matter.⁽³⁾ At the General Chapter which met on November 20th 1579, 3 of Barnes supporters, Bellamy, Naunton, and Cliffe, captured the key offices of Vice Dean, Treasurer, and Receiver,⁽⁴⁾ and on the following day Swift, Bunny, Shaw, and Leonard and John Pilkington, Whittinghams old allies, signed a declaration that the suit should be prosecuted to its conclusion, 'and not otherwise'.⁽⁵⁾ But with the Chapter under new leadership their demands were never to materialize. When Thomas Wilson became Dean in January 1580, with the backing of Barnes and Bellamy,

(1) CL. Hunter 32A f. 191/2.

(2) See Chap. 7 p.260/1.

(3) CL. Hunter 32A f. 198. Adam Holidays name is excluded from the list of prebends said to be prosecuting the suit in 1577. He also dissociated himself from a declaration supporting the suit on June 11th 1579 signed by 6 prebends. PK. D and C. Act Bk. f. 10. By Nov. 1579 Cliffe, Fawcett, Bellamy and Lever had dropped their support for the suit and they were backed by the new prebends Naunton and Broughton.

(4) PK. D and C. Act Bk. f. 20.

(5) CL. Hunter 32A f. 190.

* See Appendix, Table IV.

he used his special position of influence as Secretary of State to bring the matter to a speedy end: on February 9th he wrote to Leonard Pilkington telling him that 'I have taken that course as I think you will like, for that I have warned my Lord Archbishops ~~Grave~~ not to intermeddle any further so that I and others would not prosecute the matter any further against him ... This end is full of quietness, void of charges, and cleared from all brawls and needless vexations, unto the which I doubt not you will grant your assent'.⁽¹⁾ Later in the month the Delegates met for their last session in London and Wilson sent a copy of the agreement to the Vice Dean, Robert Bellamy, at Durham.⁽²⁾

Thus, almost 4 years of litigation concerning both the issues of jurisdiction and visitation were brought to an end without a concrete judgement in either matter. In his compromise over the Visitation Wilson had secured a document from the Archbishop 'in which ... all right, claim, interest, and proofs are recited whole unto us', but its greatest value, he thought, was that it should 'remain in register until we shall hereafter by any means be driven to defend our jurisdiction upon occasions offered'.⁽³⁾ he did not see his intervention as a long term solution but as 'a good course, as well for maintenance of amity as sparing of charges'.⁽⁴⁾ Huntingdons arbitration, which might have settled the matter of jurisdiction while both sees were vacant, had been overthrown during the summer of 1577,

(1) Ibid f. 239.

(2) Ibid f. 216, 240.

(3) Ibid f. 239.

(4) Ibid f. 240.

and the Archbishops claim to jurisdiction had received no formal attention either from arbitrators or the courts of law. Moreover, memories of the mutual mistrust and hatred which had existed in 1577 and 78 lingered on at both York and Durham, especially while Sandys remained Archbishop and Whittinghams allies remained a force to be reckoned with in the Chapter. For these reasons the matter lay dormant for a time, and although Sandys made no further attempts at Visitation he was not prepared to let slip an opportunity to press forward his earlier claims to jurisdiction and in so doing to take his revenge on the 'precise men' who had thwarted his ambitions in 1577.

Predictably, the final round of the conflict followed the death of Bishop Barnes in August 1587. On August 30th a commission under the Chapter seal nominating Dean Matthew as guardian of the spiritualities was carried into the Consistory by Leonard Pilkington and read there by the Chapters Registrar, Simon Comin.⁽¹⁾ Three days later Sandys directed his own commission to Richard Percy, his Deputy Vicar General, who travelled North with 2 notaries and read the Archbishops mandate in the Cathedral early in the morning of September 14th:⁽²⁾ Percy claimed that the document was read 'in the sight and hearing ... of some of the prebendaries ... and divers other officers and ministers of the same Church',⁽³⁾ but the Chapters account of the incident was that he entered the Church 'in the twilight [and] shuffled up one letter of administration there, closely'.⁽⁴⁾ Whatever the truth of the incident,

(1) CL. Hunter 32 f. 211/13, 201/3

(2) Ibid f. 65/7

(3) Ibid.

(4) PK. Misc. Ch. 424 f.4.

(1) CL. Hunter 32 f. 39/80, 63/7

(2) Ibid f. 65/7.

(3) Ibid f. 65/70.

he went from the Consistory to the Chapter House where he served the Archbishops inhibition on the prebends, and Henry Swinburne, one of the notaries, sought out the Dean with a personal message from Sandys, telling him that 'my Lords Grace would not lose his right, but would rather spend more for the maintenance thereof than they could well spare if they did withstand him'.⁽¹⁾ Clearly, whatever his faults, Sandys was honest about his intentions from the start.

Percy does not appear to have stayed long at Durham, and on September 18th the Archbishop issued another commission to Thomas Burton, the Chapters old antagonist, who had recently added a York prebend to his list of preferments.⁽²⁾ Burton set out for Durham immediately, and at Darlington, his first stop in the diocese, he put his commission into effect by granting the administration of one Bonaventure Derbyshire.⁽³⁾ Clad in his red doctors gown and hood and accompanied by his notary, John Whitacre, he entered the Cathedral early in the morning of Friday September 22nd and commanded Whitacre to read the commission. A number of minor canons and other officials, assembled for the 6 o'clock service, approached him and asked 'in friendly sort' if he would delay the reading until the Dean had been informed of his presence, but Burton refused and when he commanded Whitacre to read on, the Chapters Apparitor, Richard Rothwell, stepped forward and 'laid hold upon the seal of the said commission and said he should not read any commission there'. A scuffle ensued in which Whitacre claimed that he and Burton were thrown out of their seats and that their commission was torn: the minor canons, for their part denied

(1) CL. Hunter 32 f. 59/60, 65/7

(2) Ibid f. 65/7.

(3) Ibid f. 68/70.

that any excessive violence had been used. Following this incident Burton made no further attempt to have the commission read but ordered Whitacre to write out a sentence of excommunication upon the Dean and Chapter instead, and while this was in progress he paced up and down the Church suspiciously eyed by the minor canons. Then, at about 9 o'clock, when the morning service had begun, Whitacre came into the Choir and placed the excommunication on the Deans stall, only to see it immediately taken down by George Smurthwaite, a weaver, and sent to the Dean who was not present at the service.⁽¹⁾

The usual orders came forth from both Burton and the Chapter each commanding the local clergy not to obey the jurisdiction of the other,⁽²⁾ and early in October the Chapter made new appeals to the Delegates, one against Sandys for exercising jurisdiction unlawfully and the other against Burton for wrongful excommunication.⁽³⁾ Both sides procured inhibitions and armed with the Archbishops, Burton was sent to Durham again to make another attempt at exercising jurisdiction. Meanwhile, however, Burton had been excommunicated by Archdeacon Pilkington, ostensibly for not attending a Visitation in his capacity as Rector of Stanhope:⁽⁴⁾ moreover, he had made the matter worse by not seeking absolution and by giving 'the said Archdeacon very reproachful words, threatening that he would deprive him of all the livings he had'.⁽⁵⁾ Ignoring Burtons threats Pilkington sent copies of the excommunication to his parishes of Stanhope and Merrington,

(1) Ibid. f. 68/70, 204/6, 209/11, 213/5, 259/60.

(2) Ibid f. 52, 204/6.

(3) Parliamentary Accounts and Papers. Vol 57 p.109.
CL. Hunter 32 f. 25,33.

(4) SR. DR. XVIII/3 f. 147/8.

(5) Ibid.

but in both his curates refused to publish them and eventually the sentence was read in the Cathedral on October 18th by the precentor, Thomas Little.⁽¹⁾

Three days later, on Saturday October 21st, Burton and Whitacre entered the Cathedral in their second attempt to exercise jurisdiction, but at about 8 o'clock were intercepted by 2 Durham notaries, Cuthbert Nicholl and John King, who served on them an inhibition procured from the Delegates by the Dean and Chapter and gave Burton notification of Archdeacon Pilkingtons excommunication upon him, 'because the said Burton should not pretend ignorance thereof'.⁽²⁾

Undeterred, Burton and Whitacre reappeared in the Cathedral at about 10 o'clock during the morning service and installed themselves in the transept where the minor canons sat for early morning prayers.⁽³⁾

Thomas Little, the precentor, being informed of their presence, and hearing 'a great noise' in the body of the Church, left the service and asked Burton to depart being an excommunicate person. Burton replied that he was absolved, and although Whitacre confirmed that this was true, he refused to show the absolution to Little. The precentor turned and walked to the choir door where he ordered that the service should cease, and accompanied by 'divers of the choir' he again went to Burton and required him to leave, pointing out that he should not, by his presence, hinder the service any longer. Burton repeated that he was absolved, and added 'in deriding and scornful manner', that even if he

(1) Ibid. CL. Hunter 32 f. 258.

(2) SR. DR. XVIII/3 f. 147/8. CL. Hunter 32 f. 263/4.

(3) The following account is taken basically from PK. Misc. Ch. 424 f.31, but it also draws on other depositions in CL. Hunter 32 f. 68/70, 215/7, 258/66.

had not been he would still remain where he was and that 'his sitting there did neither hinder their piping nor whistling'. Again Little asked him to prove his absolution, and Burton, 'herewith offended', demanded what right the precentor had to examine him. 'Sir', replied Little, 'I do not examine you, but request you to show me your letters of absolution if you be restored, for I would be resolved because I did denounce you excommunicate'. Burton replied that if the Dean came in person he would show the absolution to him, and picking up his commission added that that was his authority from the Archbishop 'wherefore take heed what you do'. Little answered that the commission was inhibited by the Delegates, whereupon Burton retorted that the Dean and Chapters commission was inhibited too 'for there is inhibition upon inhibition'.

At this point tempers on both sides became frayed and Burton, evidently fearing the menacing nature of the assembled crowd, shouted "'You are come in riotous manner to lay violent hands upon me and to rob me and kill me', and called the congregation to witness the same. The chanter answering him thereunto said, 'Sir, ye see that we were at divine service and be come in quiet and peaceable manner and clerk like and in our surplices and without any weapons, neither intending to hurt you at all. But you yourself have a dagger at your side'. Mr.Dr.Burton confessed that so he had and that he would defend himself, and laid his own hand upon it and bid them, if they offered him any violence, take heed to themselves." Little then said that if he would not leave the Church peacefully 'you will provoke us to do against you more than willingly we would' and took hold of Burton to remove him by force: Burton replied by attempting to draw his dagger, but before he could do so he was leapt upon by a number of minor canons and lay clerks who told him 'it was not a convenient place to fight in'.

In the ensuing melee Burton was thrown forward and as he fell struck out 'purposely' with his spurs at Thomas Kingston, a minor canon, lacerating him in 3 places. 'And whilst these things were thus in doing, Mr Whitacre, sitting between Mr Burton and the stall end ..., set his foot fast against one end of the stall and his shoulder against Mr Burton that Mr Burton might not be removed ... And some of the company perceiving him so to do, pulled him first out of the stall'. Eventually Burton was dragged out of the North door with his cloak, which he had lost during the struggle, wrapped unceremoniously around his shoulders, and Whitacre followed soon after. Each side gave its own account of the degree of violence actually used, but at least the minor canons and lay clerks demonstrated a certain aplomb after the event by returning to the choir and calmly resuming the service where they had left off.

The incident has a relevance beyond the merely picturesque because it is the best illustration of the bad feeling with which the dispute was permeated, the violent reactions which it provoked in the participants, and the impression which such going on must have left on the minds of the laity who witnessed them. The immediate result of Burtons removal, however, was that the Archbishop made no further attempt to actually operate the mechanics of ecclesiastical jurisdiction which seem to have been carried out regularly by the Chancellor, Clement Colmore, as Dean Matthews surrogate or by Matthew in person.⁽¹⁾

(1) SR. DR III/4.

(2) Parliamentary Accounts and Papers 1841, p. 270.

(3) Ibid.

(4) HM. Warl. 6853 f. 154/3. PR. Misc. 6818.

(5) PR. York BR. 4. 36/40.

(6) PR. Misc. Ch. 6818.

Both issues remained before the Delegates throughout 1588, and although the new commissions included a much higher proportion of members of Doctors Commons than had the 1577 one, progress was still almost as frustratingly slow.⁽¹⁾ On December 4th 1588 the Delegates gave judgement in favour of the Dean and Chapter in the matter of the excommunication and costs were awarded against Burton,⁽²⁾ but in the other suit, against Sandys and later Piers, the Dean and Chapter were by no means so confident of a similar outcome. Eventually, on February 16th 1590, the Delegates declared for Archbishop Piers, alleging that Sandys had rightly appointed a commissioner to exercise jurisdiction sede vacante, and that in future vacancies all such jurisdiction appertained to the See of York: in addition, the Dean and Chapter were condemned in costs.⁽³⁾ The judgement had been delivered by 3 delegates, and as it was observed at the time, 2 of them, Thomas Binge and Richard Swale, were prebends of York.⁽⁴⁾ Perhaps they would have been included by Ralph Lever amongst those delegates who 'have been emboldened shamefully to misuse the sacred chair of justice'.⁽⁵⁾

The Chapter, however, cannot have been unduly concerned about this decision. Realizing at a comparatively early date that their chances of success were slim, they had engaged such prominent common lawyers as Coke and Egerton to make overtures to Kings Bench in an attempt to secure a writ of prohibition.⁽⁶⁾ Writs of prohibition were issued by

(1) The Delegates chosen to consider Burtons case, for example, comprised Archbishop Whitgift, 2 Bishops, the Master of Requests, the Dean of the Arches and 12 members of Doctors Commons.

(2) Parliamentary Accounts and Papers Vol. 57 p.109.

(3) Ibid.

(4) BM. Harl. 6853 f. 154/5. PK. Misc. Ch. 6818.

(5) PK. York Bk. f. 36/40.

(6) PK. Misc. Ch. 6818.

common law courts to suspend proceedings in ecclesiastical courts, even when the warrant under which the spiritual bench proceeded was no less than a commission from the monarch in Chancery. The dispute between the 2 jurisdictions had had a long history, but in the early seventeenth century it was to take on a new relevance because of the high view of the royal prerogative taken by the Stuarts: the Dean and Chapters case, forwarded by Coke, the man who was later to stand as the champion of the common law against James I, is interesting because it provides an early example of the sort of issue which was to become much more common later. The common lawyers had two basic grievances against the ecclesiastical courts: firstly, that they were allegedly corrupt and employed 'nefarious' practices such as the ex-officio oath, and secondly that they threatened to usurp jurisdiction which rightfully belonged to the common law. The case between the Dean and Chapter and the Archbishop of York was a classic example of both of these trends in action.* The Chapter argued that the issue at stake was not a spiritual matter at all, but 'a matter of inheritance consisting upon usage ... and most properly and naturally to be tried by the ordinary trial of the common law'.⁽¹⁾ Their case, they said, rested basically upon charters and statutes which were matters for the Queens courts:⁽²⁾ great emphasis was placed on the statutory duties of Cathedral chapters of gathering tenths and subsidies in a vacancy, executing writs from the Exchequer, and certifying recusants.⁽³⁾ 'They are immediate officers', said the Chapters lawyers, 'to exercise Her Highness writs and processes issuing out of Her Highness courts and

(1) Ibid. 5902.

(2) BM. Harl. 6853 f.156

(3) Ibid f. 154/5.

* J.D. Eusden, Puritans, lawyers, and politics in early seventeenth century England p.89/94.

and awarded by Her Highness justices. And therefore Her Highness justices ought to have knowledge and to determine to whom the said writs and processes ought to be directed, and whom to punish for disobeying or not executing of the same'.⁽¹⁾ Spiritual jurisdiction, they argued, followed on naturally from this and that the involvement of the Delegates 'overthroweth the course of common law'.⁽²⁾

The appeal to the common law was a new departure in the long drawn out conflict with the See of York, typical in many ways of the wider sixteenth century legal developments which were placing a much greater emphasis on statute law as opposed to the prerogative. The Archbishop, caught off his guard, was thrown into something of a panic. Even before the judgement of the Delegates, Sandys had appealed to Chancery expressing his fears that a local jury would be prejudiced against the claims of York, and that many of his evidences, being 'very ancient' and not under seal, would not be accepted at the common law.⁽³⁾ Unsuccessfully he attempted to prevent the Dean removing the case to Kings Bench, and his successor Piers was frustrated in a later attempt to persuade the justices to refer the matter back to the Delegates.⁽⁴⁾ Eventually, after a long legal struggle, the Chapter secured its prohibition and the judgement of the Delegates in favour of the Archbishop was set aside.⁽⁵⁾ Over the short term it was a significant victory for the Chapter who exercised jurisdiction in the vacancies of 1595 and 1606 without any opposition from York,⁽⁶⁾ but looking at the problem over a longer period it is clear that no final solution had been

(1) PK. Misc. Ch. 5902.

(2) BM. Harl. 6853 f. 154/5.

(3) PK. Misc. Ch. 6818.

(4) Ibid. 5824.

(5) Ibid. 6818.

(6) Ibid.

found. Fresh disputes were to break out in 1630, 1672, 1890 and 1920, and conversations with the present day clergy at both York and Durham will reveal distinct traces of the old rivalry: indeed, the case has achieved the dubious distinction of being included in 'The Guinness Book of Records'.

CHAPTER 7CHAPTER POLITICS

'The Bishop's variance with his clergy and the prebendaries with the Bishop and each with the other is offensive, every man labouring to have his own device to take place and few or none found that will yield jot of his own conceived right for the common weal.'

Petition of Ralph Lever the the
Privy Council, 1583.

(PRO.SP/12. 162. 48.1)

(1) SL.143, p.131.

(2) SL.144, p.41, 95, 97.

(3) SL.144, p.91, 123.

(4) CSP Foreign (1583) No. 292.

7. 35. 21 p.134.

Like all corporations from the Privy Council downwards, the Cathedral was prone to factional jealousies which sometimes hampered its efficiency and tarnished its reputation with society in general. One basic cause of this was the vague and contradictory nature of the Statutes which regulated the way in which the Cathedral should have been run. Ideally, administration depended on cooperation between the Dean and prebends who were to 'take counsel together in common with devout

affection', but failing this it was uncertain where precisely the seat of power lay.⁽¹⁾ The Dean was given certain authority and pre-eminence and the prebends were to take an oath of obedience to him, but in some matters, such as the granting of leases and advowsons, he could not work without the 'consent' of the Chapter and in others, such as the prosecution of law suits, he was obliged to seek its 'advice'.⁽²⁾

Similarly, in the election of officers when the prebends were supposed to have 'a moderate degree of admonition' the Dean could only nominate if he had the support of at least half of the Chapter, though he could never be actually overruled because nothing could be undertaken without his consent.⁽³⁾ Thus, to govern efficiently, the Dean had to maintain

the loyalty of at least a section of the prebends and in 1562 Dean Skinner testified how difficult it was to get anything done without consent.⁽⁴⁾

Indeed, Swift was later to maintain that 'neither jurisdiction, nor any other thing, is given to Mr. Dean alone without the Chapter, nor by law can be, they both together being one body politic and by civil imagination one self person'.^{*} The problem was made worse by the fact

(1) SS.143, p.121.

(2) *ibid.* p.81,95,97.

(3) *ibid.* p.91,123

(4) CSP Foreign (1562) No.992.

* SS. 21 p.134.

that the Marian Statutes by which the Cathedral was ordered had strong Catholic overtones. The Dean, for example, was to be a priest 'of sound Catholic faith and free from all suspicion of heresy', and the prescribed services included masses and prayers for the souls of Queen Mary and her parents.⁽¹⁾ Obviously conscientious Protestants found it impossible to swear to obey the Statutes in their existing form and a number of reservations were made. Thomas and Ralph Lever swore to obey the Statutes as far as the law of God allowed, Richard Fawcett made only a promise of canonical obedience to the Dean, and for Peter Shaw and Francis Bunny there is no mention of any sort of oath being taken at all.⁽²⁾ In contrast, Ralph Tunstall, who was installed under the 'reformist' Dean Wilson, took the oath prescribed in the Statutes and was admitted wearing hood and surplice.⁽³⁾

When Ralph Lever became a prebend in 1567 one of his first tasks was to attempt to reform the Statutes, and partly on his instigation, the matter was heard before a commission which included Parker and Grindal in 1569/70.⁽⁴⁾ The problem was a general one which effected many schools and colleges as well as Cathedrals, and the commissioners, sensing the turmoil which a general revision of Statutes would have caused, ordered that they should remain in their existing form.⁽⁵⁾ In a sense, the judgement condemned the Chapter to almost 20 years of strife. Lever continued his efforts by attempting to emphasise the power of the Chapter rather than that of the Dean, and as late as 1584/5 he petitioned for the

(1) SS.143 p.87, 157/63.

(2) PK. D and C. Reg.B f.190. C. f.38,52. SS.143 p.237.

(3) PK. D and C. Reg.D f.22/3. SS.143 p.237.

(4) PK. York Bk. f.43. TB.7 (Necessary expenses)

(5) PK. York Bk. f.43. Alcuin Club XVI. Vol.III, p.350

(4) See Chapter 8, p.232, 277.

reform of the Statutes 'defective in Sundry points touching religion and government'.⁽¹⁾ Although the rest of the Chapter realised as well as Lever the dangers inherent in rival interpretations of the Statutes, they were by no means so enthusiastic about a revision, partly because they did not have Lever's obsession with trivia and were able to take a wider view of the problem, and partly for political reasons: 'The alteration of our state is hard to be brought to pass' they reminded him. "These exulcerant times considered when the state ecclesiastical is everywhere gainsaid, by some under colour of Reformation, by others of greediness gaping for the fall of Cathedral Churches, and by all men for our contentions late among us, it is perilous to put our state in balance!"⁽²⁾ In taking this attitude they accepted the situation as it was: their constitution was in doubt, and for most of the reign certain prebends could limit the Statutes according to the dictates of their consciences and others were apparently under no obligation to obey them at all.

As the Catholic prebends declined in numbers and influence in the 1560s, a new party, grouped around Whittingham, gradually came to prominence both in the Cathedral and in the diocese in general.⁽³⁾ At its centre were Robert Swift, the Chancellor, and the Bishop's brothers Leonard and John Pilkington, with backing from other prebends including Francis Bunny, William Stevenson, and William Bennett. Because of their closeness to the Bishop, who depended on them to run the diocesan administration, and to the Dean, who depended on them for vital support in the Chapter, they came to command vast power, wealth and influence in the diocese.⁽⁴⁾

(1) PK. York Bk. f.34/6

(2) *ibid.* f.43.

(3) Evidence for this is widespread but see, for example, SS. wills and Inv. Vol.II, p.18.

(4) See Chapter 8, p.272,277.

After 1568 they virtually monopolised the Cathedral offices of Vice Dean, Treasurer and Receiver, thus giving themselves wide scope for corruption and embezzlement, and received the main benefits from incidental income such as the granting of Chapter leases.⁽¹⁾ Lever, although basically sympathetic to the oligarchs on religious grounds, could not be described as a permanent member of the inner ring: sometimes he appears in alliance with Whittingham, but at other times he appears as the leader of an opposition movement consisting of prebends such as Bellamy, Fawcett and Cliffe, who, for one reason or another, were excluded from a meaningful share in government or did not consider that their remuneration from the oligarchs had been sufficient. What is certain is that in the early 1570's resentment against the Whittingham faction was gradually growing, and in December 1575 Lever and 7 other prebends signed an agreement threatening to complain against certain doings 'tending to the discredit of our society' unless the Dean ceased his favouritism and sought the general agreement of the Chapter.⁽²⁾ In February 1576 a fuller document was drawn up in the Chapter House, presumably in the absence of the inner ring, 'not meaning to make any conspiracy, but for the better maintenance of the Church of Durham and to avoid deceitful dealings': the reforms suggested included greater obedience to the Statutes, greater fairness in the division of commodities, and less corruption in the management of Chapter business.⁽³⁾

(1) See Chapter 4, p.126/7. Appendix, Table 1.

(2) PK. York Bk. f.41. The prebends involved were Lever, Bennett, Bunny, Shaw, Bellamy, Cliffe, Holiday and Fawcett.

(3) BM. Lans. 902 f.329.

(4) PRO. SP/12. 120. No. 72. BM. MS. A. 9. 2. 13 f. 14.

(5) SS. Wills and Inv. Vol. II, p. 8. 38. 21 p. 21. Whittingham's removal was in fact carried out and he was originally buried in the Church of St. Andrew, Auckland, without ceremony. Bellamy and the other Cathedral dignitaries, however, believed 'he was not so honorably buried as became such a prelate to be' and subsequently the Bishop was ordered and reinterred before the altar in Durham Cathedral. Raine, *Auckland Castle*, p. 70.

But the heyday of the inner ring came to an abrupt end with the death of Bishop Pilkington in 1576. Richard Barnes, Bishop of Carlisle, who succeeded in March 1577, could not have formed a sharper contrast to his predecessor. Pilkington, the 'perfect scholar', was shrewd and fair minded, though gloomy, sickly and pessimistic:⁽¹⁾ in fact, his frequent illnesses, which even plagued him in the early years of his pontificate, were probably the major reason why Swift and his brothers rose to such prominence in the diocese. Barnes, on the other hand, was known as a vehement preacher rather than a great scholar and was optimistic, affable, and generous, though with a tendency to be both garrulous and obsequious:⁽²⁾ he visited fortune tellers and had strong artistic inclinations, designing himself a new coat of arms incorporating an obscure biblical pun and decorating his houses with pictures he had painted himself.⁽³⁾ Whereas Pilkington believed that for a Bishop to own more than one house was 'superfluous and vain' Barnes set about repairing his decayed residences with great energy,⁽⁴⁾ and while Pilkington was buried 'with as few Popish ceremonies as may be or vain cast' Barnes was interred 'in such decent manner as to my place and calling appertaineth'.⁽⁵⁾ The contrast is also illustrated in the basic change of alignment which was taking place in the government of the North. Under Pilkington the Bishop and the Dean and Chapter had been in close alliance with

(1) C.L. Surtees 47 f.163/5. BM Lans.8 f.186/7, Parker Soc. Zurich Letters (1558-79) p.260. SS. Wills and Inv. Vol.II p.8.

(2) CSP Domestic Addenda (1566-79) Vol. XIV No.66. PRO.SP/12 67. No.78. BM Lans.24 No.17.

(3) DUL. M & S 10 f.74. Strype. Annals, Vol.II, pt.II p.112. AA 3rd series Vol.XIII. The Bishop's son was the author and poet Barnaby Barnes: see AA. 4th series Vol.24 p.1/59 (M.H. Dodds, Barnaby Barnes of Durham).

(4) PRO. SP/12. 120. No.73. DUL. M and S. 10 f.74.

(5) SS. Wills and Inv. Vol.II, p.8. SS.22 p.xiv. Pilkington's wishes were in fact carried out and he was originally buried in the Church of St. Andrew, Auckland, without ceremony. Swift and the other Cathedral dignitaries, however, believed 'he was not so honourably buried as became such a prelate to be' and subsequently the Bishop was exhumed and reinterred before the altar in Durham Cathedral. Raine, Auckland Castle, p.70.

Archbishop Grindal, Dean Hutton and Huntingdon at York, but with the translation of Grindal to Canterbury and Pilkington's death in 1576, two distinct parties began to form: the Durham Chapter remained in alliance with Hutton and Huntingdon, at least until 1579, but the new Bishops formed a separate group often actively hostile to the first.⁽¹⁾ Barnes and Grindal, in fact, had always been at loggerheads, and when the Archbishop was suspended in 1577 Barnes took his opportunity to condemn his 'wilfullness and undutifullness':⁽²⁾ similarly, immediately after Barnes election, Grindal wrote to Hutton 'if I had had any special credit when Durham and Carlise were bestowed some had not sped so well'.⁽³⁾ Barnes, then, was faced with a difficult problem. Not only did he have to contend with lukewarm support from some of his colleagues at York, but he also found the diocese packed out with Pilkington's nominees, many of them in key positions:⁽⁴⁾ as Swift commented to Sandys in 1577 'the most of us in this church and country are of Mr. Pilkington's placing'.⁽⁵⁾ Barnes, therefore, had to create a new establishment from the old to ensure his own freedom of action and before long he showed himself to be completely hostile to almost anything connected with his predecessor: Bernard Gilpin, Pilkington's friend, became Barnes' enemy, Pilkington's widow was sued for dilapidations, and the new Bishop even went so far as to attack Rivington school which had been endowed with certain copyhold lands in Durham.⁽⁶⁾

(1) See, for example, SS.17 p.58/61. Strype Annals, Vol.II pt.II.p.167.

(2) BM. Lans. 25 f.161/2.

(3) SS.17 p.57.

(4) See Chapter 8, p.276.

(5) C.L. Hunter, 35a. f.52.

(6) C.S. Collingwood, Memoirs of Bernard Gilpin, p.233/43. PRO.SP/12.120 No.73. APC. X. February 10 1578. C.L. Sharpe 94, f.165/171.

But the fact that it was Leonard and John Pilkington who maintained the schools case against the Bishop only confirmed Barnes' opinion that it was the Cathedral which was the real centre of the old order. Immediately after his promotion he wrote to Burghley from Carlisle promising not to be 'unmindful to accomplish your Lordships behests and that within short time, if I may be well backed at the beginning by her Highness and your good Lordship and others of the honourable Privy Council, as I doubt not but I shall be'.⁽¹⁾ What Burghley's 'behests' were we do not know, but that Barnes was sent to Durham with some specific aim in view is certain: we can only speculate as to whether this was the beginning of a movement to attempt to erode the privileges of the Palatinate by forcing a Visitation from York and in so doing disciplining a troublesome Chapter.* In any event, the failure of the Archbishop's Visitation in August 1577 because of the resistance of the Chapter caused Sandys and Barnes to see the matter 'for a disgrace offered them and such as could not be laid aside without a revenge'.⁽²⁾ Certainly in the Autumn of 1577, if not earlier, it seems certain that a 'plot' was devised by both local and court pressure groups who were for one reason or another hostile to the Dean.⁽³⁾ There were 3 main groups involved. Firstly, Sandys and Barnes, who were offended by the opposition to their Visitation and wanted to remove Grindals supporters from positions of

(1) EM. Lans. 24 No.17.

(2) CS. Misc. VI. p.28. See also Chapter 6, p.223/4.

(3) CS. Misc. VII, p.28.

* Other members of Barnes' family probably had 'close' links with the government too: it is possible that Gilbert Gifford and Thomas Barnes, agents provocateur, in the Babington plot, were both related to the Bishop and that his son, Barnaby, was also a government informer. AA. 4th Series, Vol.24. (M.H. Dodds, Barnabe Barnes, p.23).

power. Secondly, Ralph Lever and the anti-Whittingham faction in the Cathedral, who wanted a greater share in government and an end to, or a greater share in, the corruption which was undoubtedly going on. Finally, and most important, there was Thomas Wilson, a close ally of Leicester at court: Wilson had been promised the Deanery in 1563 but had been forestalled by Whittingham which left him with a grudge against the Dean.⁽¹⁾ Moreover, the office of Secretary of State to which he was promoted in 1578 was one with heavy financial commitments and Wilson had never been well off.⁽²⁾ The Deanery provided just the sort of income which he needed, and moreover, it put him in a vital position to work alongside Bishop Barnes in the alienation of episcopal lands to the Crown.⁽³⁾ The scheme suited everyone, because it gave Barnes a Cathedral he could control, it gave the Court the money it wanted from the Church, and served as a sharp reminder to clerics like Grindal, Whittingham and the Pilkingtons who were too independently minded and generally unsympathetic to secular interests.

The plan was that Wilson should use his influence at Court to procure a royal commission to visit the Cathedral and Lever would prefer articles against the Dean to secure his deprivation^{*}: then, if the scheme went according to plan, Wilson would become Dean and enjoy the revenues as a non-resident while Lever ruled at Durham as Vice Dean.⁽⁴⁾ To facilitate the granting of the Commission Barnes undertook a Visitation of the Cathedral in the Winter of 1577/8 in order to discover

(1) *ibid.* p.28/9

(2) CS.12. p.29. HMC. Salisbury Mss. Vol.II, p.391: despite his promotion to the Deanery Wilson still died in debt.

(3) See Chapter 2, p.92.

(4) CS. Misc. VI, p.28/9. PRO. SP/12. 136. No.18.

* Lever had put forward the idea of a Royal Visitation during the vacancy following the death of Bishop Pilkington to investigate the leasing of corpes lands. CSP Domestic (1547-80). Vol.CXI. No.52.

abuses which he thought would spread alarm at Court,* while Wilson strengthened his hand by presenting the Queen with 'a cup of agate garnished with gold and set with stone'.** On January 11th Lever, Bellamy, Cliffe and Fawcett made a complaint to the Bishop of certain ambiguities in the Statutes and asked him to interpret them.⁽¹⁾ On April 10th 1578 Barnes visited the Cathedral again as part of his diocesan Visitation.⁽²⁾ Presumably these investigations gave him the evidence he needed, and on February 11th he wrote to Burghley complaining of 'that Augean stable the Church of Durham whose stink is grievous in the nose of God and of men and which to purge far passeth Hercules labours. I have an external show of some dutiful obedience, but their dealings underhand are nothing less. I fear I shall be enforced to weary your honours and the lords with the reforming of their disorders which are greater than I am as yet well able to undergo.'⁽³⁾ In the Spring Sandys and Barnes wrote to the Queen 'of such sects of puritans that is in those counties' and Huntingdon noted that 'some sparks have flown abroad'.⁽⁴⁾ On May 14th 1578 the Commission to visit the Cathedral was sealed and given power to investigate both spiritual and temporal offences, paying special attention to letters of orders:⁽⁵⁾ the choice of the

(1) PK. D and C. Reg.C f.152. C.L. Hunter 38 (Visitation of D and C: October 1, November 11, 1577, January 11 1578).

(2) PK. D and C. Reg.C. f.175. SR.DR/III 3 (1578 Visitation) SS.22.p.63.

(3) BM. Lans. 25 f.161/2

(4) SS. 17 p.59.

(5) Rymer, Foedera XV p.785. The commissioners were Archbishop Sandys, the Earl of Huntingdon, Bishop Barnes, Bishop May of Carlisle, Lord Eure, Dean Hutton of York, Sir William Malory, Sir Robert Stapleton, Robert Lougher LLD, John Gibson LLD, Christopher Wainsworth Esq., Robert Ramsden, Archdeacon of York and Robert Toures STB. Earlier accounts of the Visitation have often been confused because of the reliance of subsequent historians on Strype who states, incorrectly, that there were 2 commissions. See Annals. Vol.II, pt.II, p.168/9.

* This was in conjunction with a general investigation of the diocese made by Barnes in his role as High Commissioner: amongst other things he ordered enquiry to be made into 'allschismatic puritans or precisians ... disturbers of the quiet estate of this realm and enemies to good orders and the lawful government ecclesiastical'. PK. York Bk. f.90/3.

** J. Nichols, Queen Elizabeth's Progresses. Vol.II, p.73 (New Year's Gifts, 1577/8).

Commissioners, however, which included Huntingdon and Hutton as well as Sandys and Barnes did not promise well for the future.

The problem became evident at once. By the beginning of October the Commission had still not met and the Privy Council suspected 'a coldness in some of them leaning rather to favour and cover the faults of the offenders than to enter into the examination of them'.⁽¹⁾ Rumours were circulating about Huntingdon, especially, who was said to be a close friend of the Dean, but the rebuke had its effect and the Lord President cancelled his other engagements in order to commence the Visitation at once.⁽²⁾ The Commission opened in the Chapter House at Durham on October 23rd and apparently sat for 4 days, but because it had not had time to study the 35 articles and 49 interrogatories submitted by Lever they proceeded not with a full examination of the Dean, as had first been intended, but with a more general inquiry:⁽³⁾ Whittingham was briefly questioned about his ordination on the first day, but asked for an adjournment to make answer by counsel. The brief exchange which did take place between the Dean and Sandys only illustrated the tension between the Commissioners which was to exist throughout all the hearings: when the Archbishop pointed out that the orders of Geneva, which Whittingham claimed, did not accord with those of the Church of England the following conversation took place:⁽⁴⁾

(1) APC. X October 5 1578.

(2) HMC. Salisbury Mss. Vol.II, p.217.

(3) BM. Lans. 27 f.10/11. CS. Misc. VI. p.29/30.

(4) BM. Ad. Mss. 33207 f.5. B. Bishopthorpe Papers, Bundle 28, No.19.

- Hutton: I dare defend with any papist in Europe that the orders at Geneva are more agreeing with the word of God than Popish orders.
- Sandys: If you defend and like so well of those orders leave your own orders and take those, and these words he spoke in great anger.
- Hutton: No, my Lord, my orders are better than yours, for I was made a minister by the order of the Queen's Majesty and laws now established and your Grace a priest after the order of Popery, which order of this realm is better than your Grace's order or any Popish orders.
- Sandys: What, dost thou call me papist? If I be a papist then thou art a puritan I am a Bishop, an Archbishop, and that is better than thine.

And the disputes did not end at the council table. That night during dinner the Archbishop refused to eat, drink or speak, until, when the guests had left, he suddenly burst out that he would not be disgraced by the Dean 'or any such churl': while Hutton adopted an attitude of cynical detachment and Huntingdon desperately attempted to conciliate, Sandys became more and more abusive, saying of the Dean, 'He is a malicious man puffed up with pride of his learning ...' and turning to Mr. Dean said, 'What art thou? I am a doctor as well as thou art and as well learned in divinity What is thy preaching? But a little heaping up of doctors and poets, little edifying.'⁽¹⁾ Back at York Huntingdon confided his misgivings about the whole business to Burghley: the

(1) BM. Ad. Mss. 33207. f.7/8.

quarrels between Sandys and Hutton had worried him, and he himself resented the attack on Whittingham's ordination and wanted a wider investigation of abuses 'whereof there is store'. 'Your Lordships can judge what flame this spark is like to breed if it should kindle, for it cannot but be evil taken of all the godly learned, both at home and in all the reformed churches abroad, if we should allow of the Popish massing priest in our ministry and to disallow of the minister made in a Church reformed ... And, for myself, I must confess to your Lordship plainly that I think in conscience I may not agree to the sentence of deprivation for this cause only.'⁽¹⁾

The Visitation was adjourned to York to give Whittingham time to prepare his defence, and between November 25th and 28th the arguments for and against the Dean were heard, the chief point being that he was not ordained according to the rites of the Church of England and that his ordination at Geneva was doubtful.⁽²⁾ The question was hotly debated then and has aroused strong passions ever since, the Presbyterian historian J.H. Colligan insisting that Whittingham 'became a minister after the Geneva-English order' and the Anglican R.W. Dixon being equally convinced he was 'a laymen'.⁽³⁾ The form of service used by the English congregation at Geneva had a distinct process for choosing ministers consisting of examination by the ministers and elders, presentation to the congregation, and election by them after at least 8 days.⁽⁴⁾ The facts we have are these. In 1558 the ministers, Knox and Goodman, left Geneva for Scotland, and at the end of the year Whittingham appears in the

(1) BM. Lans. 27 f.10/11

(2) BM. Ad. Mss. 33207, f.9

(3) J.H. Colligan. The honourable William Whittingham of Chester, p.122. R.W. Dixon, History of the Church of England, Vol.V, p.34,330.

(4) The Phoenix ... Vol.II, p.209/11.

'Livre des Anglois' as a deacon: ⁽¹⁾ according to his biographer he then became a minister on the insistence of Calvin, ⁽²⁾ though there is no independent confirmation of this except from the 2 certificates which the Dean submitted to the Commissioners. The first of these, dated July 8th 1578, declared that 'it pleased God by lot and election of the whole English congregation there orderly to choose Mr. William Whittingham ... unto that office of preaching the word of God and ministering his sacraments': ⁽³⁾ the second certificate, dated November 15th 1578, procured because of certain legal and doctrinal objections raised against the first by the commissioners, substituted the words 'lot and election' with the word 'suffrages'. ⁽⁴⁾ Both certificates were signed by 8 members of the congregation, including William Williams and John Bodley, and the commissioners acknowledged that most of the witnesses were known to be 'very honest men'. ⁽⁵⁾ Whittingham himself was quite adamant that his ordination was valid and turned down an offer of ordination made to him by Bishop Barnes: ⁽⁶⁾ in his defence he could claim the Statute of 1571 which allowed those ordained by 'any other form of institution, consecration, or ordering' to serve in the Church of England so long as they subscribed to the 39 Articles, and as a last resort he could point to lay Deans ^{such} as Sir Thomas Smith at Carlisle and Valentine Dale at Wells. ⁽⁷⁾

(1) J.P.H.S. Vol.VII (J.H. Colligan, William Whittingham and his Contemporaries). C. Garrett, The Marian Exiles, p.330.

(2) CS. Misc. VI, p.9.

(3) BM Ad. Mss. 33207, f.13. PRO. SP/12. 130 No.23. CS Misc. VI, p.42/3.

(4) *ibid.*

(5) BM. Ad. Mss. 33207 f.9.

(6) *ibid.* f.10.

(7) Strype, Annals Vol.II, pt.II, p.175. M. Dewar, Sir Thomas Smith DNB Whittingham's successor Thomas Wilson was never ordained, nor was the seventeenth century Dean, Adam Newton.

But the contemporary suggestions that Whittingham had not been properly ordained at Geneva deserve some examination, and one possible explanation which would fit with all the facts, would be that the Dean underwent some sort of ordination, which, because of the depleted nature of the English congregation at that time, did not correspond precisely to the orders laid down. There were probably no ministers to examine him or present him to the congregation, for example, and he may well have only been 'chosen' in the broadest sense of the word.

Opinions about the issues at stake were sharply divided. Firstly, one section of opinion believed that 'Mr. Whittingham was not capable of the Deanery for that he was not made minister after the orders of the Church of England but after the form of Geneva':⁽¹⁾ Robert Lougher, for one, subscribed to this view, believing that 'though he were minister at Geneva, yet he is not enabled to enjoy ecclesiastical living in this realm ... but in respect of our laws is a layman'.⁽²⁾ In other words, a Geneva ordination was not in itself sufficient to permit the Dean to serve in England, an attitude which was closely paralleled in Traver's case in 1584. Walter Travers ordination at Antwerp in 1578 was considered invalid by Whitgift because he had deliberately gone overseas 'misliking the order of his country'.⁽³⁾ Whittingham too had received his orders overseas, though his case was not really comparable because of the peculiar circumstances of the Marian persecution: nevertheless, Whitgift, while recognising the Dean's ordination, saw it as unlawful in England, alleging that if he had lived he would have been

(1) CS. Misc. VI, p.30. Marchant follows this approach saying that the quarrel was because the Dean 'had only Genevan, not episcopal, orders', incorrectly ascribing this attitude to Sandys. R. Marchant, The Puritans and the Church Courts in the diocese of York, p.19.

(2) BM. Ad. Mss. 33207, f.10

(3) Strype, Life of Whitgift, Vol.1, p.478/81.

deprived.⁽¹⁾ Secondly, older members of the episcopate such as Sandys, who had been an exile himself, believed that the main obstacle was that the Dean was not properly ordained by Genevan standards:⁽²⁾ 'The discredit of the Church of Geneva is hotly alleged', he wrote to Burghley, 'Verily, my Lord, that Church is not touched: for he hath not received his ministry in that Church or by any authority or order from that Church so far as yet can appear ... But if his ministry, without authority of God or man, without law, order, or example of any Church may be current, take heed to the sequel'. It was 'a sparkle of schism contemned, that may grow to a flame of division'.⁽³⁾ In the first certificate Sandys picked on the words 'by lot and election' claiming that no such ordination had been approved by Calvin and was not the recognised form at Geneva, and in the second he complained that it was not stated who had ordained him or how, the laying on of hands being deemed essential by Calvin and other reformers.⁽⁴⁾

There were, of course, other objections which were not so thoroughly investigated.⁽⁵⁾ In contrast to the Statutes which said that the Dean should at least be a BD. Whittingham was only an MA. though here he could legitimately claim the 'non obstante' in his letters patent.* He was accused of ministering communion while his ordination was in doubt (confessed), of being a 'misliker' of the Prayer Book (partly proved), of being offensive and slanderous to the ministry (partly proved), and of being 'of an evil mind' because 'he threatened the overthrow of

(1) *ibid.* p.185

(2) PRO. SP/12. 130, No.23.

(3) Strype, Annals, Vol.II, pt.II, p.620/1.

(4) PRO. SP/12. 130, No.23.

(5) The following accusations are listed in SP/12. 130. No.24. CS. Misc. VI, p.47/8. The alleged proofs are included in brackets after each charge.

* In 1567 he made supplication for the degrees of BD and DD at Oxford apparently without success. Forster, Alumni.

Durham Church' (proved).⁽¹⁾ His morality was brought into question by accusations of adultery (partly proved) and drunkenness (proved), and he was even accused of sedition because of his preface to Goodman's book written 20 years earlier (proved). But more serious were the charges of misgovernment in the Cathedral and of not obeying the Statutes, all of which were considered to be proved. He had omitted Chapter days, held Chapter meetings outside the Chapter House, sealed unregistered leases, tampered with the almsmoney, and kept records either corruptly or inefficiently. In addition, he had converted common commodities to his own use, made leases of corpes land, spoiled the woods, wasted money on luxuries, and had refused to give authority to defend certain suits or to levy certain arrearages.

For the commissioners, however, the major issues were the Dean's ordination and his inadequate degree, both of which provided much more straightforward grounds for deprivation than did the evidence of corruption and mismanagement, much of which was highly complex and disputed.⁽²⁾ On November 28th, the fourth day of the hearing, Sandys unexpectedly called an end to the proceedings, despite the fact that the investigation was not completed and some aspects of the case had received no attention at all.⁽³⁾ In obedience to letters from the Queen, he said, he wanted to bring the matter to a speedy end and asked the commissioners to vote on whether or not they would consent to the Dean's deprivation on the matter of ordination alone. The general consensus was that they had not yet heard enough evidence on the other issues, and

(1) The origin of these two rather obscure accusations is uncertain.

(2) CS. Misc. VI, p.30/1.

(3) BM. Ad. Mss. 33207, f.9.

Hutton and Huntingdon refused to give any opinion for this reason:

Sandys, Barnes and Lougher were in favour of deprivation, but they were opposed by Malory, Stapleton, Gibson, Ramsden and Wainsworth.⁽¹⁾ Badly outnumbered Sandys again lost his temper and began to imply that the dissenting commissioners were undutiful, commenting that 'some be advocates and give him better counsel than his lawyers do'.⁽²⁾ Deadlocked, the commission was prorogued until the following May, Sandys, Barnes and Lougher informing the Queen that they thought the commission would never agree and suggesting that she tackled the problem in some other way.⁽³⁾

Sensing his advantage Whittingham went on to the counter-attack. In February and March 1579 he was in London petitioning the Privy Council to revoke the commission and pointing out the inconveniences resulting from the continued detention of the Statutes and the key of the Treasury chest by the Archbishop.⁽⁴⁾ Sandys was ordered to make further allegations against the Dean and to this end sent Lougher and Percy to put forward his case before the Privy Council. At one meeting one of the councillors 'asked ... if their master had nothing to do but to send such a couple to object such idle matters against such a man as Mr. Whittingham',⁽⁵⁾ and at another Whittingham reported to Swift that 'Dr. Wilson dealt hardly with me ... touching my ministry, but I was able to defend it, and in fury my Lord Treasurer said that if I would subscribe to the order of service and rites used in England it were sufficient and my ministry ought to be allowed. Since then I set down my subscription without prejudicing my former ministry and showed it to my Lord Treasurer who liked well of.

(1) *ibid.* f.9/12.

(2) *ibid.* f.12.

(3) *ibid.* f.15/16.

(4) CS. Misc. VI, p.31/2. APC XI, March 13 1579.

(5) CS. Misc. VI, p.32.

it.⁽¹⁾ Late in March the Dean returned to Durham and the hearing was suspended until both Whittingham and Sandys could appear at London after Easter.⁽²⁾

In April further allegations were made against the Dean by Sandys, including charges of uttering 'vaunting' words and feigning illness, to which Whittingham made answer by letter on April 24th,⁽³⁾

but as the Privy Council realized his illness was 'no matter feigned but a truth'.⁽⁴⁾ By mid April he was 'sickly and diseased with many pains and

divers sicknesses' and on June 10th he died after an illness of 9 weeks.⁽⁵⁾

Whittingham's death solved a number of problems, because despite Whitgift's claim that he would have been deprived had he lived, this does not seem very likely in view of the state of the commission or of Burghley's attitude expressed to the Privy Council. The alliance between Barnes, Wilson and Lever was also coming under pressure. Lever had wanted to secure Whittingham's deprivation on the strength of accusations of corruption and mismanagement and he had been shocked when the entire enquiry had been devoted to the matter of the Dean's ordination of which he did not disapprove: 'your Lordships dealings in those matters have been contrary to the word of God', he told Barnes, 'marvellously offensive not only to the godly of this our reformed Church of England, but also to divers that be of other foreign churches well reformed'.⁽⁶⁾ Lever still hoped to govern as Vice Dean with the support of Sandys and Barnes, but he was suspected of secretly disapproving of Wilson's candidature and was probably considered to be generally too unpopular to make an efficient deputy.⁽⁷⁾ When Wilson was eventually appointed in February 1580 his

(1) CL. Hunter 32a, f.181.

(2) CS. Misc. VI, p.33.

(3) *ibid.* p.34/5.

(4) *ibid.*

(5) SS. Wills and Inv. Vol.II, p.15. CS. Misc. VI, p.34/5

(6) BM. Lans. 36, f.136/7.

(7) PRO. SP/12. 136 No.18.

Vice Dean was not Lever, but Robert Bellamy, elected in 1579 after a disputed election in which Bishop Barnes had to arbitrate.⁽¹⁾ Bellamy remained Wilson's chief ally throughout his time as Dean and on August 10th received wide powers as the Dean's proxy.⁽²⁾ His chief problem was to call the old officers to account and investigate the corruption of the prebends who had collaborated with Whittingham in his 'ill government': the old members of the inner ring were the main offenders and there was evidence that Swift, Lever and the Pilkingtons had received money for fines and other payments which had not been declared.⁽³⁾ On May 31st after exacting accounts from Peter Shaw and Leonard Pilkington Bellamy ordered Lever to pay back certain sums he had received for fines and seal money in 1575, as well as returning all leases and bonds in his custody.⁽⁴⁾ This completed the process of alienation and Lever now fell into alliance with the Pilkingtons, exhibiting a complaint to the Privy Council against Wilson in the Autumn.⁽⁵⁾ The state which the Chapter had reached was illustrated at the General Chapter of 1580 which found it impossible to elect a Treasurer, 5 votes being cast for Lever by the old members of the inner ring and 5 for Naunton by Bishop Barnes' supporters:⁽⁶⁾ eventually, on December 6th, Tunstall was elected in the absence of the Pilkingtons and with the remainder of Lever's supporters dissenting.⁽⁷⁾ Relationships were probably at their lowest ebb, John Pilkington adopting a policy of non-co-operation by walking out of the Chapter House at one point and refusing to agree to leases.⁽⁸⁾

(1) PK. D and C. Act. Bk. f.20. D and C Reg.C, f.197,199.

(2) PK. D and C Act. Bk. f.39.

(3) PK. York Bk. f.12/13, SS.82p. PRO.SP/12 136, No.18. PK. D and C Act Bk. f.29. C.L.H. 32a, f.240.

(4) PK. D and C. Act. Bk. f.21,32/33. Levers' authorisation to receive this money along with John Pilkington appears in York Bk. f.40.

(5) PK. D and C. Act. Bk. f.45.

(6) *ibid.* f.49.

(7) *ibid.* f.51.

(8) *ibid.* f.65,70.

This situation had developed partly because of the support which the Pilkingtons were giving to Mrs. Whittingham in her claim to occupy part of the Dean's corpes.⁽¹⁾ At first Wilson had claimed impartiality and that 'I will be friendly to them that be friendly to me',⁽²⁾ but at the same time he was determined to reform abuses and 'if fair means cannot prevail to do good, I shall be forced to use some extraordinary extremity'.⁽³⁾ By the end of August the Dean was threatening to come to Durham in person and investigate the dealings of his opponents, and at London, Timothy Whittingham heard rumours that 'there is such letters now sent down against the Pilkingtons that will pilk them and all that crew':⁽⁴⁾ the 'extraordinary extremity' had taken only 6 months to materialise. Wilson, Bellamy and Naunton petitioned Barnes requesting a Visitation because the Statutes 'be wilfully violated and broken, not in small matters but even in the chiefest points of government', and on September 17th the Queen wrote to the Bishop ordering him to visit the Cathedral because of 'very great disorders' there.⁽⁵⁾ The Visitation, which commenced on November 21st, the day following the disputed election, was directed chiefly against the Pilkingtons, Swift, Lever and Bunny, and examined issues such as the leasing of corpes lands, the lotteries, and general embezzlement, which included the retention of fines by individual prebends and a mysterious robbery of the Exchequer in 1574/5 when £162.14.8 had vanished: Leonard Pilkington and Robert Swift were Receiver and Treasurer for the year and were blamed for the crime, though they vigorously denied the charge.⁽⁶⁾

(1) See Chapter 4, p.127.

(2) C.L. Hunter, 32a, f.239. PK. York Bk. f.73/4

(3) C.L. Hunter, 32a, f.240.

(4) PK. York Bk. f.73/4.

(5) *ibid.* f.67/8, 68/9.

(6) *ibid.* f.75/77, 81/83.

While other accusations, such as the collection of fines by individuals, were not denied, the prebends were quick to justify themselves to the Dean and make a counter-attack against their enemies.⁽¹⁾ The Bishop, they thought, was gaining too much influence over the Cathedral through Bellamy and Naunton, who abused the secrecy of the Chapter reporting 'not our words only but our very gestures and countenance ... to be short.. we have almost no Chapter ... but first direction must be had from Auckland and then who liketh or misliketh'.⁽²⁾ Bellamy threatened the Dean's displeasure against those who opposed him, and Naunton was 'contentious and forward ... belike to fear men freely and dutifully to deal'.⁽³⁾ Moreover, the Bishop interfered with their tenants and molested prebends who opposed him with the result that 'we know that whatsoever our Bishop will have to be done, it will soon be performed'.^x This was especially disturbing to them because the Bishop was diminishing the revenues of his See by making leases to the Crown, and the Pilkingtons feared that this would spread to the estates of the Dean and Chapter.⁽⁴⁾ Bellamy was accused of mishandling the 1580 election in order to thwart Lever, and Naunton, the Dean's Chaplain, of retaining money in his hands, wasting the woods, unlawfully delivering £110 of the dividend money to the Dean, and condemning his brethren on hearsay evidence 'being newly entered'.⁽⁵⁾ 'It hath been cast often in our teeth', complained the aggrieved prebends, 'that we teach others but amend not ourselves, that we speak of charity but live in hatred, talk of concord but sow discord. We are ashamed to hear it, but the accusation is true in some part we cannot deny it. But where is the ground of this accusation? general

(1) *ibid.* f.75/77, 77/80.

(2) *ibid.*

(3) *ibid.* f.84.

(4) See Chapter 2, p.91/2.

(5) PK. York Bk. f.84.

x The Bishop was apparently using his servants and tenants, as well as his ecclesiastical censures, to harass his enemies: for probable example of this process in action see Chapter 8, p.286/8.

accusations are made, and as though we never ceased evil doings our accusers never make an end of crying out against us. And whilst old faults have had new visards and offences corrected and pardoned by our Bishop of Durham have afterwards been examined and small faults made great And thus being complained upon abroad, we are also misliked at home as men that deserve not the place and credit committed to us. Here is the principal ground of these accusations. Other men complain, whose mouths we cannot stop, and we are thought contentious.'⁽¹⁾ They requested that if 'further hammering of us must be had' they should be heard before the Queen's Commissioners 'either to stand or fall'.⁽²⁾

After the Visitation of 1580 there was something of a lull, until Wilson's death in June 1581 brought the whole matter to a head again. The initial point of friction was the perennial problem of the money which was due to the Dean's executors, Bellamy being favour of paying all the profits of the Deanery until Michaelmas and the other prebends, stirred up by Ralph Lever, claiming that only the proceeds of the corpses should be paid until Michaelmas and the other profits until the time of the Dean's death.⁽³⁾ Bellamy, partly in pique, renewed his earlier demand to make Lever account for the money he had received in 1575 and agreed only to pay certain emoluments he had withheld from Lever on the production of a full account.⁽⁴⁾ Lever claimed he had already made an account and produced a copy of it in the Chapter House, but Bellamy replied that it was false, because he had made an enquiry amongst the tenants and knew that the whole sums which had been received were not set down.⁽⁵⁾ In the Autumn Lever complained to the Privy Council against

(1) *ibid.* f.79/80

(2) *ibid.* f.77.

(3) PRO. SP/12. 149 No.36. APC XIII August 13 1581, September 25 1581. PK. D and C. Act Bk. f.114, 115/17, 119/120. Mrs. Whittingham had had a similar problem in 1579. APC XI June 15 1579. PK. D and C. Act Bk. f.14.

(4) PK. D and C. Act Bk. f.103/5.

(5) *ibid.* f.106/9.

Bellamy accusing him of 'evil government' as Vice Dean: not only had he withheld from Lever the emoluments due to him, but he had also committed numerous other abuses such as making gifts and allowances, wasting the woods, accepting fines for his own use, and withholding records from certain members of the Chapter.⁽¹⁾ Bellamy replied by denying any form of mismanagement, accusing Lever of corruption, and harking back yet again to the bad old days of Dean Whittingham when surplus revenues had vanished and 'nothing thereof cometh to light'.⁽²⁾

In March 1582 the Privy Council decided to revive the 1578 commission which had lain dormant for over 3 years and refer the complaints to it, because by now the matter was getting out of hand and did not only concern the Chapter.⁽³⁾ Lever complained he was oppressed and persecuted by the Bishop, not only through his henchman Robert Bellamy, but also in his suits for Sherburn Hospital, Washington Rectory, and the tithes of Stanhope.⁽⁴⁾ 'there never was a preacher so misused by a Bishop as your orator hath been by the Bishop of Durham' he complained to Burghley in September.⁽⁵⁾ By then his relationship with Barnes was so bad that the Bishop had banned Lever from his presence and communications were carried on through a network of messengers: on October 11th an absurd dialogue took place at Auckland in which Lever comparing himself with Elias, John the Baptist and Christ, attempted to reprove the Bishop for his sins and compared him to a mad dog, 'hurting himself more than others by his own rage'.⁽⁶⁾ But although as a result of the incident Barnes refused all further conference with Lever, the chronic dissensions continued throughout 1583 with the rival factions in the Chapter each

(1) APC XIII October 24 1581. PK. York Bk. f.59.

(2) *ibid.* f.60

(3) APC XIII March 12 1582

(4) See Chapter 8, p.284/5, 290/1.

(5) BM. Lans. 36, f.53/4

(6) BM. Lans. 36, f.135/138.

attempting to secure a Dean who would serve their own interests best: Naunton, Tunstall and the remainder of Barnes' followers supported Bellamy, but the Pilkingtons, Swift, Lever and Bunny favoured Toby Matthew who was eventually appointed in August 1583.⁽¹⁾

Matthew's first sermons in the Cathedral predictably inveighed against the evils of dissention, and in many ways he matched up to Lever's ideal of the Dean who would 'end by direction from authority all contention and strife amongst us', not in conflict with the Bishop, like Whittingham, yet not being too close to him, like Wilson.⁽²⁾ But although Matthew did a great deal to calm the passions aroused over the preceeding years, Lever remained dissatisfied because he had still not received the money due to him and was under bond to pay the Dean 'that which he yet never had but hath been received by others'.⁽³⁾ After another complaint to the Privy Council against Barnes and Bellamy in September 1583,⁽⁴⁾ Lever put forward his most comprehensive scheme yet for the reform of the Chapter in the winter of 1584/5.⁽⁵⁾ The plan included the overhaul of the Statutes as well as the tenures on the Chapter estates and was also designed to put an end to the 'back reckoning' which lay behind most of the feuds after 1579. Diligent enquiry was to be made once and for all into the financial state of the Cathedral and the activities of the prebends, and to implement this he petitioned Burghley for the revival of the 1578 Commission.⁽⁶⁾ But the scheme was unpopular with the Chapter and Lever's own death in March 1585 put an end to his plans.⁽⁷⁾

(1) PRO. SP/12. 162, 48 II. See also Chapter 2, p. 59/60.

(2) YML. Ad. Ms.18. PRO. SP/12 162 No.48, II;III.

(3) PRO.SP/12 176 No.67.

(4) PRO. SP/12. 162 No.48 I/IV

(5) PK. York Bk. f.41/2, 45/7.

(6) PRO. SP/12 176, No.67.

(7) PK. York Bk. f.43.

His demise ended an era in Chapter politics, because, although there always remained some sort of factional alignment amongst the prebends, this probably never again reached the internecine proportions which it had done between 1575 and 85, the years of Lever's greatest influence.

Lever's personality undoubtedly had a great effect on the history of the Chapter in the later sixteenth century. He was a blunt man who objected to 'inkhorn terms' and flowery speech, and fervently believed that he spoke with the authority of God:⁽¹⁾ 'in these matters of conscience never care what man sayeth but fear and obey the Lord's Commandment'.⁽²⁾ Yet despite his strong convictions and the fact that there were genuine abuses to be reformed, Lever was almost certainly neurotic and psychologically unbalanced. He was a keen student of logic, but even by sixteenth century standards was excessively contentious, Whittingham's biographer describing him as a man 'of a singular factious spirit' and Bellamy as 'a man born to argue'.⁽³⁾ People became weary of his 'incessant complaints', and Bellamy spoke of 'the contentious dealings of Lever, by whom neither the Church nor the country can be in any quietness'.⁽⁴⁾ Hickes though he was 'distempered' and Lever himself was always self-conscious about accusations of insanity: when Barnes said 'I think you be not well', for example, Lever immediately jumped to the conclusion that the Bishop really meant 'I am not well in my wits'.⁽⁵⁾ In a letter to Burghley in 1583 he diagnosed his own complaint, saying that he was prone to uncontrollable fits of sobbing and weeping which rendered him almost completely inarticulate at times:⁽⁶⁾ finally,

(1) Ralph Lever, The art of reason. (Introduction).

(2) BM. Lans. 36, f.136.

(3) CS Misc. VI, p.28. PRO.SP/12 149, No.36.

(4) PK. York Bk. f.60.

(5) BM. Lans. 36, f.137/8.

(6) BM. Lans. 36, f.53/4.

according to Whittingham's biographer, who saw his sickness as a just punishment for his harassment of the Dean, he 'fell mad and in so high degree as he was espied so to be in the streets as he went up and down, being at last followed by the boys and children, with wonderment'.⁽¹⁾ The precise nature of Lever's disorder is a matter for psychologists to debate, but it seems to have included both paranoic and depressive tendencies. Certainly its effect on the Chapter was great.

Leaving aside the phenomenon of Lever's mental state, the Chapter controversies basically represented the classic conflict between 'ins' and 'outs' or those who because of their closeness to the Bishop and Dean commanded power, wealth and influence in the diocese, against those who had never enjoyed these benefits or were actively excluded from them: they centred around the attempts of the ruling group to interpret the Statutes to its own advantage and monopolise the wealth and patronage of the Cathedral. Within this basically political and economic framework religion played an important though by no means decisive role, because although there was generally a greater degree of friendship between prebends with similar religious opinions and a tendency for the various factions to assume particular doctrinal complexion, these alignment were rarely decisive in themselves.⁽²⁾ The main consequence of the Chapter feuds was not the damage which they did to the Cathedral as an institution, but the more general effect they had on the morale and reputation of the clergy in general. The Statutes, the Privy Council, and the Council of the North all believed that it was undesirable for the clergy to conduct their squabbles in the public eye,⁽³⁾ though Lever

(1) CS. Misc. VI, p.36.

(2) See Chapter 5, p.209/10.

(3) SS.143 p.85. PRO. Durham 7 Box 2, pt.1 (Isabel Stevenson v Robert Hutton). APC XII June 27 1580. XIII October 24 1581.

firmly believed that the open airing of differences was proof that 'these ecclesiastical matters be not dealt with underhand, in hugger-mugger, to the prejudice of the truth and to the slander of the gospel'.⁽¹⁾ But what Lever did not always remember was that ultimately this sort of attitude was infinitely more discreditable to the ministry, and the prebends as well as the Privy Council realised that their disputes were causing the clergy to be 'evil spoken of':⁽²⁾ basically the prebends had mortgaged their reputations for short term financial gain and by 1585, when the major agitator died, the worst of the damage had already been done.

(1) PK. York Bk. f.45.

(2) See, for example, the introductory quotation.

CHAPTER 8THE PREBENDS AND THE PARISHES

'Moreover, we appoint that as often as the Dean or any one of the canons shall go forth to preach he shall receive the emoluments of that day in all respects, precisely as if he had stayed at home.'

Extract from Statute 14
(SS.Vol.143, p.107)

In many ways the Durham prebends were first and foremost parish clergy and ecclesiastical administrators and only secondarily members of the Cathedral staff: prebends were sometimes the bait which initially brought new clergy into the diocese,⁽¹⁾ but more often than not they were given as a reward to men who already had connections with it. James Rande, for example, eventually joined the Chapter in 1599 after over 20 years as Vicar of Norton. Thus, the prebends, both before and after they took up their preferments, were deeply connected with the diocese in general, which bore out the notion of the Cathedral not as a quasimonastic institution existing chiefly to justify itself but as a spiritual force with a much wider relevance. That the Cathedral staff should work with the Bishop 'in assisting him in his great cure and parish' was expected,⁽²⁾ not only by Henry VIII who founded the Dean and Chapter, but also by subsequent bishops who filled the Chapter with their favourite preachers and administrators: a Durham prebend, for example, was considered to be a fitting reward for the dutiful Bernard Gilpin, but he refused to accept it knowing well that it would to some extent detract from the work he was doing in his parish.⁽³⁾ This, indeed, was the dilemma faced by all the Elizabethan prebends, to find a *modus vivendi* between their Cathedral duties, their administrative obligations, and the work they were expected to do in their cures. Gilpin would have argued that any one of these should have been a full time task in itself, and perhaps it should, but given the realities of the situation the aim of this Chapter is to examine the various extra-capitular commitments of the prebends and to try and assess with what sort of efficiency they dealt with them.

(1) For example Bellamy, Hutton and Bunny.

(2) SS. 22 p.81.

(3) C.S. Collingwood, Memoirs of Bernard Gilpin, p.106/7.

The Chapter, as a corporation was responsible for the ecclesiastical administration of the Officialty,⁽¹⁾ but the administrative duties of individual prebends went far beyond that. The Dean was a member of the High Commission at York from the beginning of the reign,⁽²⁾ but as the century progressed and the loyalties of the clergy became more predictable he was joined by a number of prebends, 5 being included in the 1588 provincial commission:⁽³⁾ more important for routine work in the diocese was the Diocesan High Commission which was probably functioning in Durham as early as 1574.⁽⁴⁾ Evidence about these commissions is scarce, but certainly by the end of the century the Dean and 8 prebends were serving as members either of the provincial or diocesan Commissions.⁽⁵⁾ High Commission work, however, was irregular, and the major contribution made by the prebends was to the routine episcopal administration of the diocese. Under Pilkington this was headed by Robert Swift as Chancellor (1561-77), and under Barnes and his successors by Clement Colmore (1582-1619): the Archdeacons of Durham was held by John Pilkington for almost the entire Elizabethan period (1563-1603), while the problematic Archdeacons of Northumberland was administered by 3 prebends, Ralph Lever (1566-73), Francis Bunny (1573-78), and Ralph Tunstall (1581-99). The Chancellor's duties were time consuming, and included the running of the Consistory, the organisation of Visitations, and the general oversight of the whole ecclesiastical administration:⁽⁶⁾ the

(1) See Chapter 9

(2) CPR. (1560-63), p.170/1. (1566-69) No.1018B

(3) Leonard Pilkington, John Pilkington, Cl. Colmore, Ralph Tunstall, Robert Swift, CL. Raine 124. f.223/7.

(4) PK. Archdeacons Act Book (1572-76) f.143

(5) Leonard Pilkington, John Pilkington, Cl. Colmore, Ralph Tunstall, Robert Swift, Robert Hutton, Henry Nauſton, Francis Bunny, Henry Ewbank, Peter Shaw. HMC. Salisbury Mss. Vol.IX, p.396/7.

(6) SR.DR.III/2,3,4,5. IV/1,2,3,4,5. I/1,2,3,4,5.

Archdeacons, whose duties were less onerous, were responsible for holding 2 visitations a year and sitting in Court usually about once a week during term time.⁽¹⁾ To assist the full time officers a number of prebends occasionally lent a hand as part time administrators sitting as surrogates in the ecclesiastical courts or as commissaries at Visitations.⁽²⁾ In fact, when these part-timers and the prebends who served as Officials of the Dean and Chapter are taken into consideration, it appears that the vast majority of the regular resident members of the Chapter had some involvement with the administration at some time, the usual pattern being for 2 or 3 to be fairly deeply committed as Chancellor or Archdeacons with the others lending help or support where necessary: those who like Holiday and Fawcett had no connection at all with the administration were very much in the minority.

The income which the prebends derived from full-time administrative appointments could be considerable. The Archdeaconeries of Durham and Northumberland carried with them the Rectories of Easington and Howick, and a regular income was provided by the profits of Visitations and the administration of justice.⁽³⁾ Thus, while a certain income was guaranteed, a major bone of contention, at Durham as elsewhere, was the profit alleged to have been made by these officers through corruption. Even Swift, who made a real attempt to reform the Consistory and place limitations on the fees which could be taken by its officers, seems to have come under suspicion of maladministration:⁽⁴⁾ in 1577 Barnes ordered an end to all commutations of penance for cash by the

(1) PK. Archdeacons Act Book (1572-76). SR. DR VIII/1 (1600-19).

(2) For example, Bellamy, Naunton and Ewbank.

(3) CL. Raine 124. f.83/5.

(4) CL. Raine 124. f.76/80.

(5) *ibid.*

(6) CCR (1574-80) p.332,333. Barnes collected prebends at Hildesbury and Winchester and a royal chaplain. SR. III/1 (1574). Verse 'Altered'.

(7) SR. III. p.343.

Chancellor, Archdeacons, and Commissaries, and ordered inquiry to be made into 'all kinds of briberies, polling, and oppressions of the poor, extortions, and other evil, cruel and injurious dealing of the Chancellor of this diocese'.⁽¹⁾ Under Barnes, however, the situation only appears to have become worse, and the notorious corruption of John Barnes, the Bishops commissary, and his administration in general was denounced by Bernard Gilpin during a sermon at Chester-le-Street:⁽²⁾ Colmore, especially, came in for some unfavourable criticism, being accused of making a personal profit from commutations of penance and using his position to conceal the immorality of his own family and servants.⁽³⁾ Similarly, his successor, John Cradock, was reported to the Commons in 1624 for engaging in forgery and corruption in his offices of Chancellor and High Commissioner:⁽⁴⁾ indeed, he seems to have the dubious honour of giving rise to the old Northern saying 'as cunning as a crafty Cradock'.⁽⁵⁾

Quite apart from these allegations, the exercise of office by prebends proved to be another point of friction between the Bishop and his Chapter. The first problem was caused by the fact that during the vacancy of 1559/60 Court influence had placed two non-resident 'court' clergy into the important Archdeaconeries of Durham and Northumberland which posed Pilkington an embarrassing problem if he was ever to secure an efficient administration loyal to himself.⁽⁶⁾ John Ebdon, Archdeacon of Durham, was removed peacefully in 1562 by exchanging his Archdeaconery for John Pilkington's prebend at St. Pauls,⁽⁷⁾ but William King proved more

(1) SS.22 p.23. PK. York Bk. f.90/3.

(2) C. Wordsworth, Ecclesiastical Biography, Vol.4, p.151/5.

(3) CL. Sharpe 49 (Randall Mss) f.246/9.

(4) CL. Longstaffe 14, 'Gatherings for a garland od Bishopric blossoms'.

(5) *ibid.*

(6) CPR (1558-60) p.252,257. Ebdon collected prebends at Salisbury and Windsor and a royal chaplain. DR.III/2 f.56. Venn 'Alumni'.

(7) SS.161. p.145.

difficult and stubbornly held on to the Northumberland Archdeaconry until 1566 when he was finally deprived for non-residence and replaced by Ralph Lever.⁽¹⁾ Coupled with the deprivation of Adam Loftus, Rector of Sedgfield, to make way for Dean Skinner and later Swift,⁽²⁾ Pilkington's action was an early assertion of independence which cannot have been popular with the courtiers who had engineered these appointments. Nevertheless, Pilkington's problems with his officials continued, in the form of the tension which soon seems to have developed between Lever and the Bishop concerning the administration of the Archdeaconry of Northumberland: Lever had radical and somewhat impractical views about ecclesiastical courts and how they should be run and we know there were disagreements between him and Pilkington from a comparatively early date.⁽³⁾ The confrontation was finally brought about by the episcopal Visitation held in the Summer of 1572 before which Lever and Swift fell into disagreement over the form of the articles to be ministered to the clergy. Pilkington, relying more heavily on Swift's judgement than Levers, sent the final form to the Archdeacon ordering him to deliver them, but Lever refused, alleging it was not his duty to do so, and next day compounded the matter by travelling to Auckland and throwing down the Bishops articles before him 'calling the said articles foolish and the mandate impossible'.⁽⁴⁾ As a result of this Lever was called before Swift in the Consistory charged with disobedience and eventually resigned, presumably in order to avoid deprivation.⁽⁵⁾

(1) *ibid.* p.165. CL. Hunter 18a. f.71,114. King had a dispensation for non-residence from Parker and after his deprivation appealed (unsuccessfully) to the Archbishop of York.

(2) SS.161, p.145.

(3) For Lever's views see Chapter 5, p.202: there was a disagreement between Lever and Pilkington concerning the ordination of Thomas Swallowell. See below p.302.

(4) CL. Sharpe 51 (Randall Mss). f.59/60. SR.DR V/2 f.323/4.

(5) SS.161, p.174.

While Pilkington's initial problem had been to remove the 'court' clergy from positions of influence, Barnes' problem was to break the Cathedral based puritan oligarchy which had come to control the administration of the diocese under his predecessor.⁽¹⁾ In 1577, when Barnes became Bishop, Swift, Bunny and John Pilkington shared between them the key administrative posts of the diocese, all being extreme Protestants, close allies of Whittingham, and radically opposed to the Bishop's policy. Barnes objective, therefore, was temporarily to remove administrative power from the hands of the Chapter, and this he achieved in 1578 by replacing Swift in the Chancellorship by Thomas Burton (1578-82), and Bunny in the Archdeaconry of Northumberland by John Bold (1578-81), neither of these men being prebends:⁽²⁾ of the old administrators only John Pilkington retained his place, probably because his exchange deal with Ebdon in 1562 had given him an unassailable life interest in his Archdeaconry. Pilkington must have reached some sort of compromise with the new establishment but nevertheless traces of the old antagonism still remained: in 1586, for example, Pilkington was excommunicated by Colmore for not attending a Synod in the Galilee and was later called before the Consistory for continuing a Visitation having being ordered not to proceed and having not sought absolution.⁽³⁾ But the movement away from Chapter based administration was not to be a permanent one and was only a temporary expedient until the Bishop was in a position to implant his own nominees in the Cathedral: in 1581, for example, Ralph Tunstall a leading supporter of Barnes became Archdeacon of Northumberland after being presented to a prebend in the previous year, and Colmore, the Chancellor since 1582, was finally presented to a prebend in 1590.⁽⁴⁾

(1) For a full discussion of this problem see Chapter 7, p.267/8.

(2) SR.DR.1/3

(3) SS.22. p.132/4

(4) SR.DR.1/3

Normally these problems would not have arisen, because incoming Bishops were usually prepared to accept their predecessors officials provided they proved reasonably honest and industrious: it was only the special circumstances of 1559 and 1577 which rendered this impossible.

The most important extra-capitular duty of the prebends, however, was as parish clergy, a role which had been envisaged for them in the Statutes and which was seen as an integral part of the overall function of the Cathedral in the diocese.⁽¹⁾ It was unusual for the Dean to hold outside cures, but for the prebends it was commonplace and as the most influential and articulate members of the diocesan clergy they naturally secured the best benefices, showing a marked preference for rich Durham livings such as Sedgfield, Houghton, Gainford and Brancepeth.⁽²⁾ Occasionally they held Northumberland cures, but they were by no means so popular because of their inconvenience in relation to Durham, their comparative poverty, and the numerous administrative problems which they raised.⁽³⁾ The prebends who retained their preferments for a significant period were split evenly between pluralists and holders of only 1 benefice. Of the second group, some, like Swift and John Pilkington, doubled up with an administrative office, but a significant number, such as Birche, Bunny and Holiday, held 1 living and nothing more: Peter Shaw was in an unusual position because with his benefice at Bury in Lancashire he was the only non-pluralist to serve outside the diocese and at the same time maintain contacts with the Cathedral. The pluralists fell into 3 broad categories. Firstly, there was a group which formed the vast majority and included prebends such as Bellamy, Naunton and Leonard Pilkington holding 2 livings within the diocese, sometimes well within the

(1) SS.143.p.101,107.

(2) See Appendix Table VI.

(3) *ibid.*

30 mile limit of each other demanded by the law but sometimes outside it. Secondly, a group comprising / . Rudd and Tunstall who had interests in Yorkshire as well as Durham, thus diffusing their efforts over a much greater geographic area. Finally, a group of two more prebends, Colmore and Ewbank, who had court connections and who could be termed large scale pluralists.⁽¹⁾ In addition, Tunstall, Barnes and Shaw enjoyed prebends at York, Colmore and Ewbank at Lichfield, and Rudd at Beverley, but since these were without cure they had not been included as pluralities in their own rights: in 1578 Broughton had an unusual problem because he wished to hold his prebend in conjunction with a fellowship at Christs College, Cambridge, but despite support from Burghley, Leicester and Mildmay he seems to have been unsuccessful.⁽²⁾

Preferment to prebendal livings was almost exclusively by way of ecclesiastical patronage, which was to be expected in an area like Durham where the Bishop had such wide influence. The Bishop was easily the single most important patron, having a virtual monopoly of the rich Durham benefices, but prebends were also preferred by the Dean and Chapter, the Bishop of Carlisle, Sherburn Hospital and Trinity College, Cambridge.⁽³⁾ Secular patronage was uncommon, the Crown exercising its usual influence during vacancies and also the permanent patronage of 2 important prebendal livings, Middleton-in-Teesdale and Brancepeth, the latter coming to the Crown after the attainder of the Earl of Westmorland in 1571.⁽⁴⁾ With the patronage pattern as it was in Durham there is little evidence of the corrupting relationship between the clergy and their patrons which sometimes existed, since clerical patrons were less likely to accept bribes

(1) *ibid.*

(2) CSP. Domestic (1547-80) Vol. CXXXII. No. 63, CXXXIII No. 4, CXXXVI No. 30, 31, 66. CXXXVIII No. 23.

(3) SS. 22. p. 1/10.

(4) *ibid.*

or demand leases in return for their favour. Nevertheless, there are examples of corruption, both connected with the 2 crown livings mentioned earlier. In 1585 Cl. Colmore was using Rutlands influence to either oust Leonard Pilkington from Middleton-in-Teesdale or procure an advowson after his death 'and I am to consider the party for his pains taken to my some charge'.⁽¹⁾ At Brancepeth, where the church stands in the shadow of the castle walls, there was a predictable history of interdependence between the Nevilles and the Rectors: in 1571 the reactionary George Cliffe was presented to the Rectory by Lady Adeline Neville soon before it was seized by the crown, but in the following year he was cited in the consistory for leasing the Rectory contrary to Statute, presumably to the by now impoverished Nevilles.⁽²⁾ But the relationship between prebends and lay patrons did not always follow this pattern. At Bury, Peter Shaw strongly resisted his patron, the Earl of Derby, by upholding a claim to grind corn and malt at the parsons mill rather than at the mill of the lord of the manor.⁽³⁾

The parishes held by the prebends were generally large, and while they thus presented massive problems of administration they also had the potential to yield massive rewards.⁽⁴⁾ The smallest prebendal livings such as Whitburn and Boldon had circumferances of about 10 miles and populations ranging from about 400 to 700: Elwick, about the same size, apparently had a population of less than 100. Most commonly held, however, were livings of intermediate size such as Sedgfield, Easington, and Brancepeth with boundaries extending to about 20 miles: Brancepeth

(1) CBP. Vol.1, No.364.

(2) SS.161.p.170. CL. Raine 124. f.54/55.

(3) Cooper, Athenae Cantabrigienses, Vol.2, p.493.

(4) See Appendix Map II. The estimates of population (1563) are taken from BM. Harl 594. f.187/195. Calculating about 5 persons per household.

had a population of about 1600, and Sedgfield, with its Chapelries at Fishburn and Elmden, incorporated 1200 souls. The largest parishes of all had circumferances of 40 miles or more and sometimes enclosed area of over 100 square miles: Gainford, if we include its chapelries at Barnard Castle, Whorlton and Denton had a population of about 3000, and Stanhope, with its chapel at St. Johns, Weardale, had about 2300 inhabitants. Durham was still basically a prosperous agricultural region, though the scattered nature of its settlements made tithe collection difficult: this was especially true in the highland parishes of Stanhope, Wolsingham and Middleton-in-Teesdale, where communications were made more hazardous by occasional raids from the outlaws of Tynedale and Redesdale who had little trouble in breaking into the Bishopric by way of this backdoor route.⁽¹⁾ In 1561 Bishop Pilkington wrote to Cecil telling him that 'my brother Leonard's benefice here (Middleton-in-Teesdale) lies so near the thieves, having not a hedge between him and Tynedale, that none dare lie there almost, and in winter specially':⁽²⁾ this was doubtless designed as an excuse to explain Leonard Pilkington's non-residence, but it also illustrates how in some regions geography and social conditions combined to make parish life difficult if not impossible.

Nevertheless, the Elizabethan clergy had the potential to be amongst the most economically secure sections of society so long as they kept their wits about them and avoided the pitfalls waiting to engulf the weak and inept: these included their fellow clergy, who were prepared to

(1) CSP. Foreign (1569-71). No.2114. As late as 1595 bandits were attacking the Durham highlands and raiding as far as Richmond and Durham. CBP. Vol.II. No.171.

(2) PRO. SP/12. 20.No.5.

let and dilapidate livings for their own benefit, but more importantly the laity, who had a constant and envious eye on the parsons glebe and a strong vested interest in paying as little tithe as possible.⁽¹⁾ The first problem likely to be faced by a new incumbent were dilapidations caused by his predecessor, either through carelessness or a desire to make a quick personal profit through the sale of commodities such as lead and stone: conversely, it was not unknown for an incoming incumbent to make a similar profit by claiming dilapidations which did not exist. Amongst the Bishops these suits were almost standard practice and prebends could frequently be found either prosecuting or defending them,⁽²⁾ William Stevensons suit for dilapidations caused at Hartburn by Ralph Todd being a fairly typical case.⁽³⁾ Stevenson claimed that amongst other things Todd had caused decays to the Vicarage house totalling over £60, but James Chamber, Todds nephew, replied that this was nonsense and that £60 would build a new house:⁽⁴⁾ far from dilapidating his uncle had made improvements by building anew 'cross chamber', a chimney of freestone, and a water mill 'that yearly yeldeth more profit to the Vicar there than the charges of the decays'. Moreover, Todd was still owed over £40 for tithe 'for that the parishioners there are very evil payers of their duties', and his overall profit from the Vicarage had been small after his outgoings which included building, a curates wages,

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- (1) For a general consideration of these problems see C. Hill, 'Economic problems of the Church', especially Chapter 5.
- (2) For example. SR. DR III/3 (1578. Rob. Bellamy, Rec. of Egglescliffe v. Ant. Garnet), *ibid* (1578. Thomas Benton, Rec. of Stanhope v. Ralph Lever). DR III/4 (1588. Em. Barnes, Rec. of Wolsingham v. Edward Bankes).
- (3) SR. DR III/2 f. 167.
- (4) SS. 21. p.211/12.

expenses for litigations in London, and the payment of part of a ransom to the Scots.⁽¹⁾ The outcome of the case does not appear, but if Chambers deposition is to be believed Stevenson was certainly doing his best to make a quick profit at his predecessors expense: in 1576 Stevensons own executor was sued by Henry Naunton for dilapidations alleged to have been carried out at Gainford.⁽²⁾

Another problem for the incoming Rector were leases which might have been made of all or part of the living by his predecessor. Most pernicious was the sort of lease made by Nicholas Forster, Rector of Brancepeth, to Cuthbert Neville in the 1560's granting him the entire Rectory for 6 years rent free.⁽³⁾ Similarly, all or part of Sedgefield may have been in lease in the 1560's, though on what terms is not known. Certainly there had been a good deal of talk of leases in 1560, and in 1572 the names of 2 farmers, Francis Chomley and Ralph Estob, occur:⁽⁴⁾ they may, of course, have been Swifts farmers, though Estob seems unlikely since he is probably to be identified with Ralph Estob of Foxton, a religious conservative who would hardly have been in favour with the Rector.⁽⁵⁾ At Middleton-in-Teesdale the whole Rectory was leased to the Earl of Westmorland in 1553 for 21 years at a rent of £101 pa:⁽⁶⁾ clearly, this sort of lease was in a different category to the Brancepeth lease, because the sum stated represented something like an economic rent which could well have benefitted the parson because of time, expense, and trouble saved in collection and

(1) Ibid. Ralph Todd LLB. was probably Tunstalls commissary for Northumberland who was kidnapped in 1558. CSP. Foreign (1558-59) No. 227.

(2) PK. Consistory court, sede vacante, 1576, (Hen. Naunton, Vic. of Gainford v. Isabel Stevenson).

(3) Durham C.R.O. D/Sa/D. 1250.

(4) See Chap. 2 p. 73. PK. Archdeacons Act Book (1572-76) f.31/33, f.19.

(5) CRS. Vol 53. (1595 Return of Recusants) p.49.

(6) Durham C.R.O. D/Sa/D.1253.

administration. The number of tithe suits, however, in which the prebends were involved from the 1560's onwards suggests that the complete alienation of benefices by lease cannot have been common and as a safeguard for the future leasing was made illegal by a statute of 1571.⁽¹⁾ Tithe collection, in fact, was the largest single problem faced by the prebends with parochial cures. Between 1572 and 1576, for example, George Cliffe as Rector of Brancepeth had 6 separate suits for tithe in the Archdeacons Court,⁽²⁾ and the Consistory Court records testify to a similar proliferation of tithe litigation involving all the prebends beneficed in Durham. The laity they came into conflict with represented all levels of society from the artisan who concealed the odd beehive to important gentry families such as the Lawsons, Herons, Conyers, and Swinburnes, often attempting to perpetrate what were, in effect, massive frauds. One common feature which linked many of the families who fell into contention with the Protestant prebends was their religious conservatism or active Catholicism, while on the other hand it was very rare to find Protestant families such as the Heaths, Bowes, or Bellasis involved in such disputes: the Lawsons of Barmeston, Constables of Biddick and Conyers of Layton, whose names will appear below, were all active recusant families.⁽³⁾ Sometimes compromises were reached either before the matter came to court or during the course of the litigation,⁽⁴⁾ but at the same time many of the suits were prosecuted to the bitter end with a great deal of animosity and bad feeling on both sides.

(1) CL. Raine. 124 f. 54/5.

(2) PK. Archdeacons Act Book (1572-76) f. 12,16,50,146,151.

(3) CRS. Vol. 53 p.54,356. Vol. 13 p.106.

(4) PK. Archdeacons Act Book (1572-76) f.17.

Although the prebends always had to be on the lookout for deceit in the form of concealment of produce to be tithed,⁽¹⁾ actual forcible withholding of tithe was uncommon. More often tithe litigation took two distinct forms, disagreements over parish boundaries or custom or the opposition of the prebends to old outdated commutations. The first category included suits such as William Herons claim that the domains of Howick were not subject to tithe,⁽²⁾ Em. Barnes attempt to prove that a tenement at Hyopsheles was in the parish of Wolsingham,⁽³⁾ or William Stevensons suit to have the tithes of Denton paid to him as Vicar of Gainford rather than to the curate there.⁽⁴⁾ One of these suits which proved to have wide ramifications was the claim of the Rectors of Washington to collect tithe on a payment called 'beast gate' paid to the occupiers of Millfield and Barmeston by people grazing cattle there. In 1575 Ralph Lever commenced suit against Ralph Lawson of Barmeston over this issue,⁽⁵⁾ but the matter took on a more dramatic complexion when in the following year Lever made moves to resign in favour of his brother, John: during the confusion which ensued in the vacancy of 1576, however, when jurisdiction was claimed by both Durham and York, 2 incumbents were in fact admitted to Washington, John Lever and one Antony Garforth.⁽⁶⁾ Ralph Lever, championing his brothers cause, remained in possession, and suits were commenced by the two rival incumbents against each other:⁽⁷⁾ eventually,

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- (1) SR. DR V/7 (1601. Hen. Ewbank, Rec. of Elwick v. Ch. Chilton) III/5.
 (2) SR. DR III/2 f. 245. V/2 f. 213/4. It is uncertain whether or not Heron was claiming a commutation.
 (3) SR. DR III/5 (1601. Em. Barnes, Rec. of Wolsingham v. Robert Hutton). V/7. XVIII/3. f. 164. Hyopeshele was a part of Robert Huttons corpes: he claimed it was in the Chapelry of Hamsterley not the parish of Wolsingham.
 (4) SR. DR III/2 (1572 William Stevenson, Vic. of Gainford v. Art. Garth) V/2 f. 326/7, V/2 f. 316/7.
 (5) SR. DR III/3 (1575 Ralph Lever, Rec. of Washington v R. Lawson) V/4 f. 60/6, 69. CL. Raine 124. f. 35/6.
 (6) SS. 161 p.178. Garforth was admitted by the Archbishop of York. For other implications of this suit see Chap. 6 p.215/9.
 (7) DR III/3 (1577 R. Lever v. A. Garforth). B.HC. 9 f. 30/33, 38,60,67,73, (1576 Judge promoted by A. Garforth v. Ra. Lever).

Garforth gained a writ of restitution at the common law claiming forcible entry by Lever, and in about 1580 Ralph Levers wife and servants were ousted from the parsonage house.⁽¹⁾ At this point Garforth died and was succeeded by Hugh Broughton against whom Lever continued to press his claim.⁽²⁾ The point of recounting the history of this incident in the context of tithe is to illustrate the deeper problem which it concealed. Garforth could have made little headway without local support, and it was predictably Levers antagonist, Ralph Lawson, who provided this in order to suspend the matter of the Barmeston tithes and make whatever other profit he could out of the squabbles of the clergy: in fact, the problem eventually boiled down to a dispute between Levers supporters, Christopher Lewen and Michael Calverley, and Garforths supporters, Ralph Lawson and Michael Constable, over the collection of the tithe of the whole Rectory and occupation of the glebe.⁽³⁾ In 1583 Lever was bemoaning the fact that Lawson had collected the tithes of Washington for the past 7 years,⁽⁴⁾ and Henry Ewbank's renewed suit for the 'beast gate' tithe of Barmeston in 1588 indicates that the initial problem had come no nearer solution.⁽⁵⁾

Opposition to ancient and unprofitable commutations was essential if the prebends were to keep abreast of the rise in prices and secure their own economic stability by collecting their tithe in kind. Again, one or two examples serve to illustrate the attitude of the Chapter as a whole. In the 1560's and 70's, for example, John Pilkington, Rector of Easington, was involved in a long suit with the Conyers of Horden

(1) P.R.O. E. 134. 23 and 24 Eliz. M.12

(2) Ibid

(3) Ibid

(4) P.R.O. SP/12. 162. 48 IV.

(5) SR. DR III/4 (1588 Hen. Ewbank, Rec. of Washington v. John Hewetson) V/3 f. 120/21.

who claimed a commutation of £3 for the tithe corn and hay of their domains, Pilkington upholding his right to collect the tithe in kind.⁽¹⁾ Similarly, in 1583 we find Francis Bunny resisting a customary payment of 20d for the tithe rye of Armetside Close in Ryton.⁽²⁾ Two of these cases, however, are especially valuable in illustrating the extraordinary determination of the prebends over the matter of commutation. In about 1578 Ralph Lever, Master of Sherburn Hospital, complained to the Council of the North against John Conyers of Sockburn, the Sheriff and a prominent JP in Durham:⁽³⁾ the problem was that Conyers was refusing to pay tithe to the Hospital on his domains in Sockburn, Bishopton, Grisby and Dinsdale, and claimed an ancient commutation of £15.16. 8. Conyers was perhaps understandably aggrieved, because, as he pointed out, his ancestors had given the Hospital the advowsons of Sockburn and Bishopton and the commutation was 'as a small recompense to them for a greater benefit'. Nevertheless, Lever, no respecter of persons or sentiment, claimed that the commutation had never been officially made and demanded that the tithe should be paid in kind for the better support and maintenance of the Hospital. Eventually, after unsuccessful appeals to the Privy Council and Exchequer, Lever commenced suit against Conyers in Chancery: what better way pour encourager les autres?

The second suit concerned the prolonged dispute between Robert Swift, Rector of Sedgfield, and the farmers of Shotton: traditionally, 5 nobles had been paid as commutation for their tithe, but during the 1560's 2 parts of Shotton were turned from meadow to tillage and the Rector began to ask for his tithe in kind.⁽⁴⁾ After 1569 he appears to

(1) SR. DR III/2 f.48 (1568. Jo. Pilkington, Rec. of Easington v. Ric. Conyers of Horden Esq.) III/3 (1577. John Pilkington, Rec. of Easington v. Ch. Conyers of Horden, gent) V/2 f. 63/4.

(2) SR. DR. III/4 (1583 Fr. Bunny, Rec. of Ryton v. Nic. Labourne) XVIII/3 f.253.

(3) PRO. C. 2. Eliz. S. 27/51. E.123. Book 8, f.16. E.134,22/33 Eliz. M.29

(4) PRO. E.134. 25 Eliz M11, 25 Eliz. H.9, 26 Eliz. H.14.

have achieved this for a time or to have made agreements with the farmers, but in the mid 1570's, perhaps as a result of new, higher commutations demanded by Swift, trouble broke out and suits were commenced both by and against the Rector in the Archdeacons Court.⁽¹⁾ Judgement was given for Swift in both cases and fresh agreements were made, but at the harvest of 1581 John Gage, a ringleader from an early date, refused to pay and reverted to the old claim of 5 nobles commutation.⁽²⁾ 1582 was a year of intense litigation, with Swift suing Gage and 6 others in the Consistory, Gage appealing against Archdeacon Pilkingtons earlier judgement, and eventually suing Swift in the Exchequer:⁽³⁾ as a result of the Exchequer proceedings Swifts suit in the Durham Consistory was stayed,⁽⁴⁾ but meanwhile the wily lawyer had removed his suit to the Archbishops Consistory at York. Here judgement was given against Gage and his followers who were ordered to pay their tithes as well as costs of £5. 3. 4 each: the farmers, however, did not respond to the judgement, and after repeated monitions and an excommunication, a significavit was issued ordering their arrest, imprisonment, and release only on condition they gave sufficient bonds to abide by the judgement of the court.⁽⁵⁾ Towards the end of 1583 the matter eventually came to a hearing in the Exchequer and Swift was

(1) Ibid. PK Archdeacons Act Book (1572-76) f.168. PRO.E.135.15/21

(2) PRO. E.134.25/6 Eliz. M.11. 25 Eliz. H.9, 26. Eliz. H.14. Gage was the brother in law of George Frevile who at this time was in dispute with Swift over his claim to a moiety of Elvet Hall. The dispute over the Shotton tithes may well be linked with the wider controversy between Bishop Barnes and the Pilkington faction in the Chapter. See Chapter 4 p.131/2. Chapter 7 p.263.

(3) Ibid. SR. DR III/4 (1582 John Gage v John Pilkington, Archdeacon of Durham). DR III/4 (1582 Robert Swift, Rec. of Sedgfield v. John Gage and others)

(4) PRO. E. 123. Book 9 f.24.

(5) CL. Raine. 124 f. 186.

dismissed and freed to sue the plaintiffs for his tithe.⁽¹⁾ The final outcome of the case is uncertain, but in the absence of any further litigation it would seem that Swift was either paid in kind or made new commutations.⁽²⁾ The prebends had nothing against commutations as such so long as they were reasonable and easily adjustable to keep pace with inflation: in 1610, for example, Robert Hutton, Rector of Houghton, made an agreement with the farmers of West Herrington leasing them all their tithe corn for 3 years at £20.⁽³⁾ Arrangements of this sort were quite acceptable: it was only when commutations were 'ancient' or had gone on 'time out of mind' that the clergy had to take steps to review them.

The glebe was the second part of the parsons endowment which tended to be subjected to lay encroachment. This commonly took 2 forms; firstly, the activities of speculators attempting to prove concealments, and secondly, ancient leases or usurpations which had lapsed into a virtual freehold for the occupiers. At Middleton-in-Teesdale Leonard Pilkingtons predecessor, William Bell, had had to defend a case in the court of Augmentations brought by one Christopher Hall who claimed that certain lands belonging to the Rectory were concealed and had been given to support a priest at Eggleston: the Rector, providing 'ancient evidence' and depositions to support his case, proved that the Chapel was a Chapel of ease, that the curate was provided by the parson, and that the lands in question were part of the glebe.⁽⁴⁾ Evidently the problem

(1) PRO E. 123. Book 9 f.91.

(2) His problems with his parishioners did continue, however. In 1589 Robert Swift Jnr. sued Brian Headlam and others, some of whom had been involved in the case of the Shotton tithes, for refusing to perform services of suke and soke at a mill leased from the Bishop of Durham. 38th. RDK. 1 p.275.

(3) SR. DR. XVIII/3 f. 26/7.

(4) PK. D and C. Reg. B f. 216

continued, however, because Leonard Pilkington was forced to have an exemplification of the judgement in favour of the parson made in 1566,⁽¹⁾ and in 1585 further attempts were being made to prove that certain property was concealed.* On the other hand, at Sedgefield areas of the glebe had apparently deteriorated because of the gradual encroachment of the laity. An inquiry before the Rectors Steward in 1566 revealed that a tenement in Elmden occupied by Robert Cockfield was in fact a part of the glebe,⁽²⁾ and in the 1580's Swift became involved in a long suit in the Exchequer with Ralph Conyers of Layton concerning a glebe tenement which had been allowed to go to decay and ruin and for which no rent was paid.⁽³⁾ The suit, referred to the Exchequer by the Council of the North in 1584, was still in progress in 1588 apparently again going in favour of Swift.⁽⁴⁾ Ideally, the prebends wanted to farm the glebe themselves or lease it out at profitable rents: an examination of the inventory of Henry Naunton will indicate the fairly extensive farming commitments he had at Eggescliffe, presumably on his glebe.⁽⁵⁾

But the determination of the prebends to uphold the economic foundations of their incumbencies is best illustrated by the activities of Thomas and Ralph Lever in the defence of the endowment of Sherburn Hospital, a matter which had wide ramifications and which incorporated

(1) Ibid.

(2) CL. Surtees. 42 f. 775/8.

(3) PRO. E.134. 27 Eliz. H. 4 28 Eliz. T.16.

(4) PRO.E. 123 Book 9 f. 171, Book 11 f. 4,52,63. Book 12 f.242 Book 13 f. 133.

(5) SR. Probate Records (1603. Henry Naunton Inventory).

* PRO. E. Sc. 3296.

most of the separate issues discussed above. Sherburn Hospital was, in the worst sense of the word, a victim of the Reformation. Originally endowed as a charitable institution for the relief of the poor and sick, royal officials and speculators such as Thomas Legh and Anthony Bellasis had gained the Mastership and had conveyed away almost all the endowment by irresponsible leasing to their relatives and friends:⁽¹⁾ Anthony Salvin, the Marian Master, had attempted reform in 1557, but when his own deprivation seemed imminent in 1559 he quickly reverted to the well worn policy of his predecessors.⁽²⁾ Thus, when Thomas Lever became Master in 1562, he found the buildings in a state of extensive decay, the inmates noted for their religious conservatism, and the corporation weighed down with annuities, grants of advowsons and leases of lands and tithes.⁽³⁾ With the support of Parker, Grindal and Pilkington, Lever made gradual headway against almost all these abuses, and in 1575 a new charter of incorporation was drawn up by Pilkington confirming the property of the Hospital and annulling certain leases:⁽⁴⁾ in the same year it was confirmed by letters patent and the number of brethren was increased from 15 to 17.⁽⁵⁾

Nevertheless, when Ralph Lever succeeded to the Mastership in 1577 he found the legality of the new corporation in doubt and the litigation continued with renewed ferocity:⁽⁶⁾ Not only did Lever become involved in disputes with many of the leading gentry families of the county, but also

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- (1) CL. Randall 12 (Depositions). Allan, Collectanea. (Sherburn Hospital)
 - (2) Ibid. Durham CRO. D/Sa/D.512.
 - (3) CSP Domestic Addenda (1566-79) Vol XIV. No. 14.
 - (4) PS. Parker Correspondence p.348. Remains of Grindal p. 351/2 (BM Lans. 19 f. 140/1) PRO SP/12.176. No. 66.
 - (5) Ibid. PRO. C. 2 Eliz. S. 27/51.
 - (6) APC. Vol X. May 27 1578, Vol XI March 19 1579. See also above p.286.

(1) PRO. SP/12.176.47.

(2) Allan. Collectanea (Sherburn Hospital).

with Bishop Barnes, whom he alleged was supporting his enemies by depriving the Hospital of the advowson of Kelloe and by denying him justice in suits prosecuted for the benefit of the Corporation.⁽¹⁾

Eventually, in 1585 the continual pressure exerted by the Levers bore fruit when an act for the incorporation of Sherburn Hospital was passed in Parliament, reforming the worst abuses which had taken place in the past and raising the number of brethren from 16 to 30:⁽²⁾ this indeed, had been the Levers aim throughout, not only to restore the Hospital to the security which it had enjoyed in the past, but also to strengthen it and increase the scope of the charitable work performed by it 'so that not the Master and a few have the commodities, but the living wholly bestowed upon the poor'.⁽³⁾ When the state of the Hospital was investigated in 1594 it was found that the religious irregularity had been removed, that the Hospital was economically sound, and that the revenues were devoted to the upkeep of a larger number of brethren.⁽⁴⁾ The motives of other prebends may not always have been so lofty, but Sherburn Hospital nevertheless forms a microcosm which tells us a great deal about the priorities of the prebends and the methods which they used to implement their plans: the control of sources of wealth was of supreme importance to preserve the clergy as a potent force in the land just as it was to buy beds at Sherburn or provide potage for the poor.

The beneficed clergy, therefore, were amongst those best suited to weather the economic crisis of the sixteenth century, provided they were collecting their tithes efficiently, farming their glebe, and were

(1) APC. XII. June 27 1580, March 5 1581. Vol. XIII Oct. 24 1581.

PRO. SP/12. 162. 48 IV. SP/12 176. 67. SP/12 219.72.

(2) SP/12. 176.66. Allan, Collectanea, Sherburn Hospital.

(3) PRO. SP/12.176.67.

(4) Allan, Collectanea (Sherburn Hospital).

freed from outdated commutations: the prebends made a substantial contribution in these fields and the few contemporary valuations we have for Durham livings indicate significant increases on the figures suggested by the *Valor Ecclesiasticus*.^{*} From the surviving evidence it appears that during the Elizabethan period Rectories should be calculated at approximately 4 times the Valor valuation and Vicarages at about 5 times, these figures being especially interesting because they form a useful comparison to a valuation of Durham livings made in 1635 suggesting similar increases of between $2\frac{1}{2}$ and 8 times the Valor valuation.^{**} The value of tithes, of course, varied from year to year and other valuations made in the mid seventeenth century sometimes disagree with the 1635 figures:⁽¹⁾ Nevertheless, they do represent the most comprehensive pre Civil war survey and when compared with the Elizabethan figures suggest the same sort of increases i.e. about 4 times the Valor valuation for Rectories and about 5 times for Vicarages.⁽²⁾ Therefore, using the 1635 figures as a basis, it would appear that the most well off prebends, men like Swift, Bellamy, Hutton, and Colmore, should have been expecting about £400 pa. from their Durham cures, while at the other end of the scale men like Fawcett, Bunny, and Rande should have been expecting between £100 and £150: after the regular payments of first fruits, tenths and subsidies, still calculated on the Valor valuations, the prebends were thus left with a substantial personal profit.

(1) eg. D.U.L. M and S. 10.f.224/6. SS. 22p.1/10.

(2) C. Hill, Economic problems of the Ch, p.107/13, 117/18. who argues that the value of Vicarages was falling.

* See Appendix, Table VII (a)

** See Appendix, Table VII (b)

But what every non-resident knew was that it was cheaper and easier to prosecute tithe suits than to keep continual residence on a benefice and undertake a responsible cure there. Unlike Bernard Gilpin, who could devote all his time and effort to his Rectory of Houghton, the prebends were impaired, to varying degrees, by Cathedral duties, administrative appointments, or obligations to benefices held in plurality. How much time then, were they in fact spending in their parishes and what spiritual rewards could their parishioners expect for the tithes often unwillingly exacted from them? The statutes allowed the Dean 100 days absence a year to visit cures without loss of emoluments, and each prebend was allowed 80 days, but longer periods of absence were permitted without their Cathedral income being seriously impaired.⁽¹⁾ One indication of time spent at the Cathedral vis-a-vis the parishes is the rate of attendance at Chapter meetings recorded in the Act Book: this varied greatly, but some conclusions can be drawn. Firstly, there was a group comprising the officers of the year who were tied to the Cathedral by administrative tasks and were predictably the most regular attenders. Secondly, a group comprising prebends like Swift, Cliffe and the Pilkingtons who seem to have played a major role in Cathedral politics and were fairly regular attenders. Finally, a group of prebends such as Bunny, Fawcett, Lever and Shaw whose main orientation was towards their parishes rather than the Cathedral.⁽²⁾ But it is clear that attendance at Chapter meetings cannot be directly

(1) SS. 143 p.101,107. See Chap. 1 p.34/5.

(2) For example, out of 40 Chapters held in 1579/8 Bellamy (Vice Dean) attended 37, Cliffe (Receiver) 35, Naunton (Treasurer) 33, John Pilkington 27, Leonard Pilkington 22, Lever and Fawcett 16, Bunny 15 and Shaw 4.

(3) In 1574 information of non-residence was placed in the Bishop's court against Swift (Sagbourn), Fawcett (St. Andrew) and probably Cliffe (St. Andrew). See Chapter 1 p.34/5.

See Chapter 1 p.34/5.

equated with residence on the close because several examples exist of notes sent by the Dean to the prebends ordering them to attend: one of these sent on September 28th 1589 warning of a Chapter on October 14th indicates that at that time 10 prebends were in their parishes.⁽¹⁾

Similarly, on November 19th 1586, the day before the General Chapter when the majority of prebends would have been expected to be present at the Cathedral, only half were in fact there.⁽²⁾ All the chance evidence which has survived tends to indicate the same sort of trend: letters were written to and from the prebends in their parishes, prefaces of books were dated there, and their children were often baptised there.⁽³⁾

The usual pattern, therefore, seems to have been for the prebends to reside normally on their benefices and for them to come to Durham to attend Chapter meetings and undertake their periods of Cathedral residence.* Nevertheless, an analysis of attendance at Chapter meetings does have some value, because it indicates that those who attended less regularly were spending proportionally more time in their parishes.

Complete non-residence was therefore rare, though partial non-residence, especially with prebends holding more than one living in the diocese, was much more common.⁽⁴⁾ In 1576, for example, Henry Naunton,

(1) Prebends were at Ryton (Bunny), Boldon (Fawcett), Whitburn (Leonard Pilkington), Bishop Wearmouth (Holiday), Billingham (Cliffe), Sedgefield (Swift), Croft (Tunstall), Wolsingham (Barnes), Sacriston (Bellamy- his corpse). The prebends not mentioned were John Pilkington, Naunton and Shaw: Shaw was probably at Bury and one of the remaining two at 'Winton'. Therefore, the Dean and only 1 prebend seem to have been present on the Close. PK. Misc. Ch. 3199.

(2) CSP. Domestic Addenda (1580-1625) Vol XXIX No. 158.

(3) For example, PK. Mis. Ch. 3168, Francis Bunny prefaces to 'Truth and Falsehood' and 'A Survey of the Popes supremacy'. Northumberland and Durham Parish Register Soc., Registers of Houghton, Whitburn.

(4) In 1574 information of non-residence was placed in the Exchequer against Swift (Sedgefield), L. Pilkington (Middleton in Teesdale) and probably Cliffe (Elwick). CL. Raine 124. f. 179.

* See Chapter 1 p.34/5.

who had been Vicar of Gainford for a year, was called before the Consistory accused of spending most of his time at Cambridge: Naunton replied that 'he intendeth not to make any personal or continual residence upon the said Vicarage', but he was not then a prebend, and after 1579 seems to have taken a much greater interest in his cure, despite the fact that he held it in plurality with Bedlington after 1581.⁽¹⁾ At its worst non-residence manifested itself in serious physical and spiritual deterioration. The Church at Elwick, for example, held by George Cliffe in plurality with Brancepeth, was in a state of decay in 1566 when Swift ordered the Rector to carry out repairs.⁽²⁾ In 1574 there was still no decent cover for the communion table, no poor mans chest, no decent pulpit, no Register book, no cover for the font, and to make the matter worse there was 'evil order in the Church with dogs': moreover, it was complained that 'the parishioners are slow in coming to the Church, and then not well occupied, and specially the women which are unquiet in service time, not hearing but talking and striving for stalls'.⁽³⁾ Five years later sheep and pigs were wandering in the churchyard,⁽⁴⁾ and in 1598 the new Rector, Henry Ewbank, was cited for failing to repair the chancel.⁽⁵⁾ Similar decays were to be found in other prebendal Churches served by non-resident or pluralistic incumbents. In 1574 Wolsingham lacked a number of prescribed

(1) SR. DR/IV/3 (1576 Judge v. Henry Naunton Vic. of Gainford) V/4 f. 136.

(2) C.L. Hunter, 18a f.107.

(3) PK. Archdeacons Act Book (1572-76) f.134.

(4) SS. 22. p.119

(5) SR. DR IV/4 (1598 Judge v. Henry Ewbank, Rec. of Elwick).

books and dogs were causing 'great disorder' in service time, and at Whitburn, books and furniture were needed and the church was decayed in lead, windows, and stalls:⁽¹⁾ Similar decays were reported at Bishop Wearmouth and Brancepeth in the 1590's.⁽²⁾ Not all of these decays, of course, were due, in law, to the default of the Rector, and on the other hand some prebends were making improvements: at Whitburn, for example, Leonard Pilkington built a new tithe barn and in the mid 1590's he was carrying out repairs to the Chancel, parsonage house, and barn at his other benefice at Middleton-in-Teesdale.⁽³⁾ In fact, the vast majority of prebendal churches make no appearance in the records of the ecclesiastical courts which have survived, and on the evidence which we have it would be unfair to paint a picture of general and alarming decay.

At Sedgfield, where Robert Swift was largely absent between 1563 and 1577 as Chancellor, the effects of non-residence are to be seen in religious irregularity rather than actual physical decays. The first hint of trouble came in 1567 when Swift, obeying an episcopal order of 1562, caused the communion table and church furniture to be removed from the choir and placed in the body of the church, only to see it removed after a short time by the churchwardens, one of whom called the Rector 'a hinderer and no furtherer of Gods service'.⁽⁴⁾ The following year Brian Headlam, a prominent local Catholic, made attempts to disrupt the services by interrupting the curate while he was admonishing a

(1) PK. Archdeacons Act Book (1572-76) f. 134.

(2) SR DR.IV/3 (1593. Judge v. Churchwardens of Bishop Wearmouth) IV/4 (1595. Judge v. Churchwardens of Brancepeth).

(3) Surtees, History of Durham, Vol. II p. 53. CBP. Vol II No. 259.

(4) SS. 21. p.118/20.

penitent and by refusing to kneel or remove his hat during prayers: in both cases he refused to pay fines imposed by the Churchwardens.⁽¹⁾ These, and similar disorders, were partly due to the fact that Swifts curates were neither socially nor intellectually equipped to command the respect and obedience of the parish, and they seem frequently to have been the victims of casual violence. In 1567, for example, John Horsfall was intercepted near Washington by two ruffians who had a grievance against the curate for an alleged 'displeasure' against a female relation of theirs: after being threatened by one of them, the other approached the curate 'grinning and shaking a lance staff ... And throwing his staff down drew out his dagger, struck at him, and caught the said Horsfall by the right shoulder holding the dagger at his heart, and said, 'Yea, by Gods heart, thou shalt either make her amends or this dagger shall be thy death'.⁽²⁾ Similarly, in 1575 John Martin⁽³⁾ became involved in a brawl in the churchyard with one Robert Crampton: grasping his opportunity one of the curates enemies, John Johnson, a constable, dragged Martin out of the churchyard, pulled him head first over the style, and placed him in the stocks, ostensibly as a punishment for his offence.⁽⁴⁾

Before 1568 there had apparently been no communions in the parish and in 1576 a father was obliged to bury his own child because of the absence of the curate:⁽⁵⁾ Swift himself was basically a lawyer rather than a clergyman and by his own confession he had never celebrated communion between his ordination in 1563 and 1566.⁽⁶⁾ Moreover, the

(1) Ibid. p.110/11

(2) Ibid. p.120/21.

(3) See Chapter 9 p.326.

(4) Ibid. p.297/300.

(5) Ibid p. 111. AA. 4th Series Vol III. The Greenwell Deeds, No. 333.

(6) See Chap. 5 p.183.

Chapelries of Fishburn and Elmden, which were both served by separate curates in 1563, were allowed to decay and in 1578 one curate was returned as serving both Sedgefield and Elmden:⁽¹⁾ pressure was exerted on Swift to provide a curate at Elmden in 1588,⁽²⁾ but Fishburn, which served a population of about 175, went to complete ruin. In fairness to Swift it should be remembered that after 1577, when he ceased to be Chancellor, he took a much greater interest in his parish and founded a school there,⁽³⁾ but by then a good deal of damage had been done, especially in the 1560's and 70's which were the crucial decades for the acceptance of the settlement. During the rebellion of 1569 Sedgefield, perhaps not surprisingly, was a centre of extensive revivalism under local zealots like Headlam and Roland Hixon who brought an altar and holy water stone out of hiding, arranged for mass to be said in the church, and cut the Protestant books in pieces on the village green before burning them: even after the rebellion the altar and holy water stone were concealed again in the hope of more permanent changes.⁽⁴⁾

But there was also another side to the picture. After his deprivation for non-conformity in 1567 William Birche was allowed to retain his Rectory of Stanhope and released from further action by the High Commission because he 'is a man that greatly favoureth Gods word and his true religion and that he hath and daily doth much good to such as hath been ... blinded in papistry':⁽⁵⁾ his charitable legacies to the poor and the gift of the residue of his books in English to the men and

(1) BM. Harl. 594 f. 187/95. SS. 22 p.55.

(2) B. HC 11 f. 118

(3) See Chapter 1 p.40.

(4) SS. 21 p. 184/93.

(5) B. HC 4 f. 15/16.

children of Stanhope who could read are indications of the affection which he had for his parishioners.⁽¹⁾ Henry Ewbank, Rector of Washington and Winston, was thought by Dean Matthew to be 'very honest, learned, sound, and painful in his charge, as well thought of as any of his coat and calling here'.^{*} In 1595 Peter Shaw was commended for the 'great pains' he had taken in his parish of Bury' and often preacheth there',⁽²⁾ and at Ryton Francis Bunny was an exemplary incumbent preaching regularly and caring for the welfare of his people:⁽³⁾ the same could probably be said for prebends like Adam Holiday at Bishop Wearmouth, Richard Fawcett at Boldon, or Robert Hutton at Houghton. Even Toby Matthew, who as Dean had more commitments than most, was a regular preacher at his Rectory of Bishop Wearmouth: during the 5 years he held the cure he usually preached about once a month there and in 1591 he was preaching about once a fortnight.⁽⁴⁾ Provided he was employing a diligent curate to carry out the routine work it would be difficult to condemn this sort of partial non-residence as especially harmful. The major problem faced by any historian attempting to make a balanced assessment of the clergy during this period is that the sources, from which it is tempting to generalise, deal almost exclusively with abuses: Bernard Gilpins reputation, for example, is based largely on his good fortune of having had a biographer to record

(1) SS. 22 p. cx/cxiv.

(2) CRS. 53 p. 71

(3) HMC, Salisbury Mss. Vol VI p. 179.

AA. New Series, Vol 19. p. 44/5 (J. Baily, Ryton Parish Books)

(4) YML. Add. Ms 18.

* SP. Domestic Addenda (1580-1625) Vol. XXXII No. 89.

(5) MS Inventory details 132 and includes 14 sheep, 3 horses, 2 cows, and 10 beehives. SS. Wills and Inventories, Vol 1 p. 377/2.

(6) For example, SS. Wills and Inventories Vol 1. p. 362/1.

SS. Wills and Inventories, Vol 1 p. 36.

SS. 22 p. cxxxi/cxxiv.

the details of his life. Perhaps much the same could have been said for the prebends whose main efforts were geared towards their parishes rather than the Cathedral.

But, whatever the contribution of the prebends was, a great deal of importance must be attached to the quality of the curates they maintained to help them in their cures and to take charge of the parish during their inevitable absences. The prebends, in fact, almost always maintained curates, though there were exceptions indicating a high degree of personal residence.⁽¹⁾ Some remained in the same parish for a number of years,⁽²⁾ but the majority were highly mobile and constantly on the lookout for better prospects, Egglecliffe having no fewer than 6 curates between 1578 and 83.⁽³⁾ Unfortunately no details exist of the salaries paid to these curates and usually they were too mobile to settle down and acquire interests in farms as many of the poorer incumbents did: nevertheless, their wages could be supplemented by casual employment, such as gathering tithes for their masters,⁽⁴⁾ and a few such as Thomas Dawson, curate of Elwick, were comparatively well off owning sheep and cattle.⁽⁵⁾ Usually, however, the curates seem to have travelled light with little more than their clothing and a few household goods or books.⁽⁶⁾ Sometimes they had lasting bonds of loyalty to their masters and moved from one prebendal benefice to another or into the

(1) Fawcett had no curate at Boldon between 1579/80 and 1600/03. SR. DR II/1. DR. VIII/1.

(2) Thomas Dent, for example, was at Washington for at least 18 years: he occurs in 1585 and again in 1603. Ibid.

(3) SR. DR. II/1.

(4) For example, Peter Fisher, curate of Elwick, who collected Henry Ewbanks tithe there. DR V/7 (1601 Deposition of Peter Fisher).

(5) His Inventory totals £52 and includes 54 sheep, 3 mares, a foal, 2 cows, and 10 beehives. SS. Wills and Inventories, Vol 1 p.377/9.

(6) For example, SS. Wills and Inventories Vol 1. p.342/3.

SS. Wills and Inventories. Vol III p. 64.

SS. 22 p. cxxxi/cxxxiv.

Officialty,⁽¹⁾ and at its best this bond was to be seen in some sort of educational interaction between the prebends and their curates: William Birche, for example, left his curate, Richard Rawling, a copy of Calvins 'Institutes' and John Pilkingtons curate, Richard Jackson, a Greek and Latin Testament with notes by Erasmus as well as other books.⁽²⁾ Indeed, it was probably the most meaningful form of training for the ministry for young men to study under masters like Birche or Bunny, and it benefitted the Church as a whole when these men later went on to secure benefices of their own.⁽³⁾

As could be expected the prebends brought their own religious opinions to bear on their parishes: it was at Easington, for example, that John Pilkington celebrated communion without cope or surplice, and it was to Brancepeth that George Cliffe seems to have taken carved wood salvaged from the Cathedral.⁽⁴⁾ Consequently, prebends showed a tendency to procure curates with their own religious opinions, if possible, or to train and influence young men in their own way of thinking: evidence of this process, which ultimately led to both Catholic and puritan non-conformity, can be found in a number of prebendal parishes. At Barnard Castle there was tension between William Stevensons curate, Thomas Clerke, a puritan, and his parishioners, who accused him, amongst other things, of not using the sign of the cross at baptism and refusing to perambulate the bounds of the parish: the crisis came in 1567 when Clerke was locked out of the church by the churchwardens and reported

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- (1) John Marsh, for example, was at Boldon (Fawcett), 1578/9, Whitburn (Leonard Pilkington) 1579/86, Middleton-in-Teesdale (leonard Pilkington) 1586/1600. SR. DR II/1. DR VIII/1.
 (2) SS. 22 p.cx/cxiv.
 (3) Rawling, for example, became Vicar of Stranton in 1576. SS. 161 p.177.
 (4) See Chap 5 p.188.

to the High Commission in the following year.⁽¹⁾ At Gainford Henry Nauntons curate, Ralph Smith, ran into similar trouble with his parishioners by administering communion and performing other rites without his surplice.⁽²⁾ Similarly, William Birches curate, Richard Rawling, proved too strong for local conservative opinion when he was sent from Stanhope to say service at Wolsingham in 1570/71: Lionel Neville, a prominent local gentleman, began by demanding that Rawling should say service in the choir, not in the body of the church, and then, using 'uncomely words', he threatened the curate, pulled off his surplice, and demanded that a baptism should be performed by John Peirt 'the old priest'.⁽³⁾

Precisely the same tendency can be found amongst the Catholic members of the Chapter. Thomas Swallowell, whom Archdeacon Lever had been reluctant to admit to the ministry, served George Cliffe as curate of Brancepeth until 1573, being prosecuted in the Consistory 'touching th~~e~~y excess and perverse opinion contrary to the religion of Christ received within the Church of England'. Amongst other things Swallowell was accused of failing to make quarterly declarations against the power of the Pope, claiming that the Queen had no authority over ecclesiastical matters, and maintaining transubstantiation and auricular confession: in short, he was 'a notorious favourer of Popery ... and an enemy of Gods true religion' having become ordained through deceit on account of his poverty.⁽⁴⁾

(1) SS. 22 p.138/41. CL. Raine 124. f.98/9. B.HC. 4f. 28,34/5, 36.

(2) SS. 22 p.131.

(3) SS. 21. p.228/31.

(4) SR. DR III/2 f. 252. SS. 21 p.201/205.

(5) In the parish of Kendal, Westmorland. SS 22 p. 138/41.

(6) SR. DR V/2 f. 303

(7) SS 21 p. 308/9.

(8) FK. Acts before the Bishop, 1581/2, (1581 Judge v. Rev. Jeffreyson, Curate of Byton).

(9) SS. 22 p.135.

But that the correlation between the views of incumbent and curate did not always follow is indicated by another of Cliffee curates, Thomas Dawson, who bequeathed his soul to 'Almighty God ... humbly beseeching my Saviour Jesus Christ that I may be one of his elect amongst the blessed company of heaven' : his supervisor was the Protestant gentleman Thomas Middleton.⁽¹⁾ Similarly, one of Francis Bunnys curates at Ryton, James Nelson, was at the time of his death a committed enough Protestant though previously he had been under the influence of James Harrington of Long Sleadell, a recusant, and had read prayers for him in Long Sleadell Chapel.⁽²⁾ Clearly, the sort of curate which a prebend employed was governed largely by the laws of supply and demand, though there was a tendency for curates to reflect the religious complexions of their masters either through selection or influence.

Evidence of serious moral deficiencies amongst the curates is rare. Geoffrey Marley, curate of Aycliffe, admitted fornication and the birth of an illegitimate child,⁽³⁾ and Henry Fisher, curate of Whitburn, arranged, for a fee, to have an unlawful marriage celebrated at Tynemouth against the wishes of his Rector, Leonard Pilkington.⁽⁴⁾ At Ryton one curate, Edward Jeffrayson, seems to have preferred hunting and football to attending services,⁽⁵⁾ and another, Giles Proctor, was temporarily excommunicated for quarreling and fighting with a churchwarden.⁽⁶⁾ Ralph Smith, whose case was quoted earlier, was said 'to play at dice, cards and tables, and that he doth use to swear great and grievous oaths

(1) SS. Wills and Inventories. Vol 1 p.378.

(2) In the parish of Kendal, Westmorland. SS 22 p.cxxxi/cxxxiv.

(3) SR. DR V/2 f. 300

(4) SS 21 p.308/9.

(5) PK. Acts before the Bishop, 1581/2, (1581 Judge v. Edw. Jeffrayson, Curate of Ryton).

(6) SS. 22 p.135.

in his play ... and doth often swear by guts, arms, eyes and wounds of our Lord': moreover it was claimed that he had suspiciously sent a pregnant girl into Richmondshire and that he 'liveth very ungodly and naughtily' with a married woman.⁽¹⁾ How much credit we should give to these and other accusations made by vindictive parishioners is clearly difficult to determine. Educationally the curates varied enormously, and there is little justification for the common correlation made between immorality and low educational standards; even Whittingham was accused of immorality at one point, and Geoffrey Marley the fornicating curate of Aycliffe, was one of those whose performance of Bishop Barnes task in 1578 was considered to be satisfactory.⁽²⁾ At one extreme curates such as Edward Ambry at Ryton, John Reve at Washington and Sampson King at Bishop Wearmouth were University graduates, and others such as James Nelson, mentioned earlier, had studied at University without having taken a degree.⁽³⁾ these men, however, were in the minority and the graduates were quick to move on due to the comparative ease with which they found benefices of their own.⁽⁴⁾ The usual pattern was for the curates to have studied at grammar school, sometimes at Durham, as did Thomas Trewhett before he joined Richard Fawcett at Boldon:⁽⁵⁾ their ability cannot have been outstanding, but at the same time they had had a sound education and were rarely manifestly scandalous. Thomas Jackson, brought up at Witton-le-Wear in the 1580's, was later to remember with affection his

(1) SS. 22. p.131.

(2) SS. 22. p.74.

(3) Venn, Alumni. SS. 22 p.cxxxi/cxxxiv.

(4) John Reve, for example, who was awarded an MA at Christs in 1580 was in July of that year curate of Washington under his fellow collegian, Hugh Broughton: by Jan 1582 he had moved on and in 1584 appears as Rector of Great Bookham, Surrey. SR. DR II/1. Venn, Alumni.

(5) PK. TB. 10(1576/7), 11(1577/8). SR. DR II/1.

curate'from whose lips (though but a mere grammar scholar and one that knew better how to read an homily or to understand Hemingius or other latin Postils than to make a sermon in English) I learned more good lessons than I did from many popular sermons'.⁽¹⁾ Perhaps this sort of curate was not untypical.

The only evidence we have which approaches a quantitative analysis of the educational abilities of prebendal curates is the response to the task set during the Chancellors Visitation of Jan/Feb. 1578.⁽²⁾ The answers were recorded during the July Visitation, the task being to give an account in either latin or English of St Matthews Gospel.⁽³⁾ Of the 14 curates who returned answers 9 performed the task satisfactorily, 2 needed more time to improve their answers, and 3 had ignored it completely.⁽⁴⁾ Clearly, the questions of interpretation raised by such a survey are considerable because we can never know what precisely the examiners were looking for or the standard by which a satisfactory answer was judged. Nevertheless, the Visitation does provide one or two surprises, such as Thomas Blenkinsopp, curate at Norton under John Rudd, who apparently returned answers in both latin and English.⁽⁵⁾ It would be rash to credit the prebendal curates with too much ability on such scanty evidence, but it seems safe to assume that the 9 satisfactory candidates, who formed the majority, were at least capable of reading

(1) Dr Thomas Jackson was Vicar of St Nicholas, Newcastle in the early seventeenth century. SS. 22 p.26.

(2) SS. 22 p.31/2, 44/5.

(3) Ibid p.70/79.

(4) Ibid. The curates of Easington, Kelloe, Whitburn, Elwick, Gainford, Barnard Castle, Whorlton, Brancepeth and Aycliffe were satisfactory: the curates of Sedgfield, and Eggleston needed more time. The task had been ignored by the curates at Bishop Wearmouth, Middleton-in-Teesdale and Howick. 4 were not included owing to vacancies, new appointments etc.

(5) Ibid p.75.

and comprehending the Bible in an intelligent fashion. Another point to emerge from the earlier Visitation is that none of the prebendal curates had licences to serve in the diocese from the Bishop:⁽¹⁾ this could suggest either doctrinal irregularity or educational inability, but the most likely interpretation in this case is negligence. Bishop Barnes had been in the diocese for less than a year and the licences he was looking for were probably his own rather than those of his predecessor.

Outside their benefices the prebends made their final contribution to the spiritual life of the diocese through preaching. The statutes ordered the Dean and prebends to preach twice a year in the diocese and financial allowances were made for those absent while preaching.⁽²⁾ The role of the peripatetic preacher was still important in the sixteenth century and under Edward VI Knox had preached in the North as part of a scheme to evangelize the Kingdom by means of itinerants:⁽³⁾ during the Christmas season Bernard Gilpin made a habit of making preaching tours of Tynedale and Redesdale⁽⁴⁾ and in 1568 an order of the Council of the North commanded all preachers, especially the Cathedral clergy, to assign themselves districts to preach in.⁽⁵⁾ In 1560 Horne and Sampson were preaching at Berwick and in 1564 Bedford asked Cecil to write to Holiday and ask him to come to Berwick 'to help forward Gods plough':⁽⁶⁾ in 1576 Archdeacon Bunny was preaching a series of sermons there, and in 1579 a

(1) Ibid p.29/62.

(2) SS. 143 p.109,107.

(3) C.Hill, Puritans and the dark corners of the land. T.R.H.S. 5th series. Vol. 13. p.79.

(4) C. Wordsworth, Ecclesiastical Biography, Vol 4 p.115/7.

(5) CSP. Domestic (1566-79) Vol. XIV No. 42.1. Evidence exists of a number of itinerants active in Durham and Northumberland under Elizabeth: for example, James Wharton, who was licenced by Grindal in 1573 to preach anywhere in the province of York. PK. Misc. Ch.424.

(6) CSP. Foreign (1560-61) No. 537/2, (1564-5) No. 337/2.

Ponteland yeoman requested a funeral sermon by John Macbray or 'the godly and learned Francis Bunny' giving precise instructions as to the text the preacher should take.⁽¹⁾ In 1578 30 clergy, including the Dean and 10 prebends, were appointed special preachers for the year beginning at Michaelmas and were requested, in addition to their ordinary preaching, to deliver a certain number of sermons in specified churches 'of their benevolent good wills': the Dean and prebends were each assigned 12 sermons with the exception of Bellamy who was expected to preach 8 and Swift 4.⁽²⁾ Durham had in all 215 sermons spread evenly around the county, but Northumberland had only 88 and several large parishes were omitted: the problem was that the majority of the preachers were based in Durham and were reluctant to venture into the more remote parts of Northumberland for fear of kidnapping and robbery. Only 3 prebends, Holiday, Bunny and Fawcett, were assigned sermons there, and of these only Fawcett seems to have had any real enthusiasm for the task.⁽³⁾

The same point is borne out by Toby Matthew. As Dean he preached 721 sermons in 11 years and the fortunate survival of his diary enables us to follow him wherever he went and sometimes even to know the text he preached from:⁽⁴⁾ wherever he went he preached, while visiting friends in London, Oxford, or Bristol, or while travelling around Durham with the Halmote Court. In Durham the majority of his sermons were preached in

(1) Fr. Bunny, In Joelis Prophetiam Enarratio. CL. Hunter 6 (1579 will of Humphrey Hancock of Ponteland: brother of the preacher Richard Hancock, Vic. of Ponteland).

(2) SS. 22 p.81/91

(3) Fawcett, in fact, preached only 3 sermons in Durham and travelled as far afield as Alnwick, Simonburn and Bywell. Ibid p.84.

(4) YML. Add. Ms. 18.

the Cathedral or officialty, to which he had a special responsibility, but he also preached regularly in other parish churches in the diocese: in 1585, for example, he preached 15 such sermons, in 1586 21, and in 1590 22.⁽¹⁾ But although Matthew was a regular preacher at Newcastle his efforts rarely went beyond the walls of the city and sermons preached in Northumberland are extremely uncommon: we know that he was afraid of what he thought might happen to him on the borders and that he considered Northumberland in general to be a place 'where a man would loath to be that could be anywhere else in any safe and reasonable condition'.⁽²⁾ It would be unfair to criticise too strongly the armchair evangelism of Matthew and some of the other prebends because the problems they faced on the borders were very real ones:⁽³⁾ nevertheless, both in their preaching and in the livings they held, they showed a marked preference for the comparative peace and security of the Bishopric despite the fact that the real challenge lay with the wild and godless men of Northumberland.

How then does all this square with the traditional notion of 'the Cathedral and court clergy' as a group of court orientated racketeers who by their pluralism and non-residence consumed valuable resources which should have gone towards invigorating the church in the localities?⁽⁴⁾ How does it compare with the view that the general social and economic status of the clergy was deteriorating and that the curates who served the upper clergy were 'ignorant' and 'were forced to neglect their duties in order to grovel for their bread'?⁽⁵⁾ Firstly, it is clear that the

(1) Ibid.

(2) CBP Vol. 1 No. 942.

(3) See Chap. 9 p.323/4.

(4) C. Hill, Economic problems of the church p. 224/41.

(5) Ibid p.200/23. See also A.T. Hart, The Country Clergy 1558-60, p.24/51. R.G. Usher, 'The Reconstruction of the English Church' R.B. Manning, Religion and Society in Elizabethan Sussex, p.166/7. (Vol 1. p.205/240).

shorthand correlation between Cathedral and Court clergy is not altogether reliable and can only be used to refer to a tiny minority of prebends with any accuracy. Secondly, during a period in which prices trebled the value of Rectories and Vicarages in Durham kept pace with inflation and usually overtook it, this being partly due to the efforts of the prebends in protecting their endowments: pluralities were encouraged not because the prebends were serving livings impaired in value but as a reflection of their social status and ability. Thirdly, permanent non-residence was almost unknown and many partial non-residents, such as Toby Matthew, were taking a responsible interest in their parishes. Finally, the traditional picture of the semi-literate Elizabethan curate who struggled to serve the parish while his master made merry at Court must be placed under much closer scrutiny. None of this, of course, is to deny that these problems and abuses existed: we have seen administrators more involved in their jobs than in the care of their parishes, decays brought about through neglect or greed, and a common reluctance amongst the prebends to preach in Northumberland. But the important point is to keep these abuses in their perspective and balance them against the benefits which the prebends brought to the diocese in general: far from diverting resources away from Durham, for example, they formed the most educated and articulate group amongst the parish clergy and far from being idle the vast majority were busy as administrators, educationalists or peripatetic preachers. Despite their failings and shortcomings the prebends formed a corps d'elite in the diocese and this was the essence of their achievement during the Elizabethan period.

CHAPTER 9.

THE OFFICIALTY

'The collegiate church of Durham ... hath jurisdiction archdeaconal in all churches and chapels ... which are appropriate and annexed unto their Church and Chapter.'

(BM. Harl. 594 f. 187)

The officialty, over which the Chapter exercised Archdeaconal jurisdiction, comprised a number of parishes in Durham and Northumberland as well as the peculiars of Allertonshire and Howdenshire in Yorkshire.⁽¹⁾ In the diocese of Durham the officialty usually corresponded with parishes in which the Chapter possessed the Rectory, patronage, and often extensive landed estates, but this was not always the case: at Monkwearmouth and Holy Island, for example, the Rectory was shared with crown lessees who enjoyed the patronage and were responsible for the maintenance of the clergy.⁽²⁾ In the Yorkshire peculiars, especially, the Cathedral had a limited interest in tithes and advowsons, and only at Northallerton and Brantingham did the Chapter possess, or claim to possess, the Rectories and patronage. The Chapter as a body was ultimately responsible for the administration of the officialty and matters such as presentations were always dealt with corporately, but the routine administrative work was delegated to a series of Officials who were either prebends, minor canons, or professional lawyers:⁽³⁾ usually the same Official served for Durham, Northumberland and Allertonshire and delegated authority when necessary, but the system was flexible and in 1561 a separate Official was appointed to serve in Northumberland.⁽⁴⁾ Similarly, it was usual for Howdenshire to have its own Official who was usually a York lawyer.⁽⁵⁾

The officialty Court was the basic administrative institution through which the Official worked, but neither of the two Act Books which have survived show a regular series of presentments for Northumberland

(1) PK. Officialty Act Books (1583-86) f.30/5 Act Book (1595-1606) first page. See Appendix Map III.

(2) CPR (1560-63) p.78/9 (1563-66) No. 1041.

(3) In the 1560s G. Cliffe, Wm. Bennett, Wm. Stevenson, Wm. Harding and Tho. Pentland occur: subsequent officials were Wm. Stevenson (1569-75). Wm. Harding (1575-78). Hen. Dethick (1578-88). Rob. Prentice (1588-95). R. Tunstall (1595-96), Ed. Hutton (1596-[1603]). PK. D and C. Reg. B. f 138, 214, 180, 236, Reg. C f. 5,7,96. Act Book A,B.

(4) PK D and C. Reg. B F. 138. Reg C. f. 84

(5) PK D and C. Reg. C f. 86.

except for the parishes of Bywell St Peter and Wallsend: how the bulk of the Northumberland causes were dealt with is therefore uncertain but the most likely explanation is either another series of records which have not survived or a delegation of authority to the Archdeacon of Northumberland who was usually a prebend anyway. The Official was responsible for biannual visitations, usually held in April and October, and also for sitting as judge in the Officialty Court which met at least once a month and in some years about once a fortnight.⁽¹⁾ The location of the Court was also variable. The most common meeting places were St Oswalds Church in the 1580's and the Galilee in the 1590's, but sessions were also held in other churches in the Officialty or in the Officials house, presentments for Allertonshire, for example, usually being heard in Northallerton church. The vast majority of the surviving cases are ex officio, but there was also a steady stream of plenary litigation concerning tithe or defamation: the criminal proceedings were followed by the usual confession or compurgation and were generally dealt with quickly and efficiently often with only an admonition to be of better behaviour in the future. More serious offences, such as fornication and adultery, were usually punished by penance, sometimes to be performed in Durham market place as well as in the offenders parish church.⁽²⁾ The aim of the court, as indeed of all ecclesiastical administration, was displayed on the Official Seal of Bishop Barnes by 2 mysterious hands protruding from the clouds, one holding a Bible to which was attached the tag 'Doctrina'

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- (1) See Act Books A,B for the general workings of the court. For a typical cross section of business see Appendix Table VIII.
- (2) For examples of penance see Act Book A f. 60,76,85, B f.42, giving the full text of the confession to be read by the penitent.

and the other a bundle of birch twigs labelled 'Disciplina':⁽¹⁾ doctrine and discipline, enforced upon both clergy and laity, were therefore the aims of the court and it is the aim of this Chapter to examine some of these problems and the progress made in overcoming them.

Unlike the prebends who possessed benefices of great wealth, one of the major problems of the clergy of the Officialty was the comparative poverty of their livings.⁽²⁾ Improvements had first been devised to provide maintenance for institutions such as the Prior and Convent of Durham and as a legacy of this almost all the Rectories appertaining to the Chapter had for many years been leased out to the laity: tithes leased to the Captain of Norham, for example, brought him a profit of about £300 pa. to the direct detriment of the Vicar there.⁽³⁾ Only the smallest and poorest Rectories, such as Edmundbyers and Meldon, had survived, although in most parishes the lesser tithes were collected by the local clergy: in others, such as Norham and Berwick, all the tithes were in lease and the clergy were paid a fixed stipend. The first group, which included curates as well as Rectors and Vicars, was clearly in a stronger position and their income was generally rising to keep pace with inflation:⁽⁴⁾ the problems they faced were similar to those faced by the prebends and following their lead the majority were prepared to go to law in defence of their endowments.⁽⁵⁾

(1) SS. 21. Introductory page.

(2) See Appendix Table IX.

(3) HMC. Salisbury Mss. Vol VI p. 572.

(4) See Appendix. Table IX.

(5) See Chap. 8 p. 280/42. The records of the Consistory Court and Officialty Court contain numerous examples of tithe causes involving clergy of the Officialty. See, for example, SR. DR III/3 (1579 Jo. Greenwell Rec. of Edmundbyers v. Jo. Snowball). Act Book A f. 16. B f. 39.

The second group, however, was in a much weaker position, because their stipends were less flexible and were only rarely adjusted: the Vicars of St Oswalds, Norham and Berwick, for example, received the same basic wage for the entire Elizabethan period. In 1575 the Exchequer ordered that the stipends paid to the incumbents of Holy Island and its Chapelries should be raised, but the augmentation was hardly sufficient and this unusual generosity was in response to peculiar local circumstances.⁽¹⁾

But to assess the income of the lesser clergy solely on the strength of their tithes and stipends would be misleading. Thomas Lever, a vigorous opponent of impropriation, believed that leases of tithes to the laity should be made void and regranted to the clergy who served the cures,⁽²⁾ but although the suggestion was too radical ever to receive much widespread support it did receive some degree of implementation in the Officialty. Indeed, permanent or semi-permanent augmentations of one sort or another had taken place in the past, and this was a policy which was to be continued and extended by the Elizabethan Chapter. The Vicars of Ellingham, for example, enjoyed a lease of half the tithe corn of their parish, the glebe, and the Keepership of St Maurices wood so long as they remained incumbents there,⁽³⁾ and at Norham in 1566 the Vicar, Laurence Pilkington, received a lease of the glebe and certain tithes on the same condition.⁽⁴⁾ Augmentations

(1) PRO. E. 123. Book 5. f.341/2.

(2) PRO.SP/12. 88. No. 21. Ra. Lever believed that tithe not allocated to prebends as bye corpes should be leased to the parishioners or the local Vicar.

(3) PK. D and C. Reg. E f. 173/4,208. Chapter Act Book f. 35.

(4) The lease was in the name of his trustee Hugh Pilkington, PK. D and C. Reg. B f. 218.

of rather a different sort existed at Dalton and Billingham where the Vicars received leases of farms 'for the better maintenance of the said Vicars and their hospitality in the said Vicarage,'⁽¹⁾ and at Shields the curate received £4pa. from the profits of a salt pan.* Apart from these leases, which became void with the removal of the incumbent from his benefice, ordinary 21 year leases were given to other clergymen to augment their incomes. Robert Throckmorton, Vicar of Aycliffe, received a lease of the tithe corn of Hedworth Grange in his parish, and Robert Selby, preacher of Berwick, a lease of the tithe corn of Edmundhills.⁽²⁾ Farms were leased to Richard Ray, curate of Wallsend, John Byers, curate of Jarrow, and Thomas Trehett, curate of St Hilds.⁽³⁾ Nor was the Chapter the only source from which the clergy were procuring leases and there is evidence of incumbents at Pittington, Merrington, Croxdale, and Northallerton either leasing or owning non-Chapter property.⁽⁴⁾ All this, therefore, must be taken into consideration when assessing the overall income of the clergy of the Officialty: the Vicar of St Oswalds, for example, whilst receiving a fossilised stipend of £16.0. 0 pa was helping to make up the deficit by farming extensive tithes in his parish,⁽⁵⁾ and at Dalton the income from the Vicars farm must be assessed along with the purely spiritual income of his benefice.

(1) PK. D and C. Reg. C. f.37 E.f.61/2.F.f.36, 146/7,168/9.

(2) Reg. E.f. 300/1, 338.

(3) Reg. D. f.55, F f.35 RB.17. (Monkton)

(4) SR, Probate Records (Rob. Murray, Will and Inv. 1594) SS. 22 p. cxvii/cxviii CRO. D/Ga/L 30. 1,2,3. J. Peile, Biographical Register of Christs College, Cambridge, Vol 1 p.129.

(5) PK. D and C. Reg D. f 25/6. Chapter Act Book f.33.

The usual pattern was therefore for the lesser clergy to supplement their incomes by farming tithes or through agriculture, sometimes in conjunction with local yeomen such as Henry Stott of Wallsend or Robert Harrison of Croxdale: agriculture, therefore, did not always lead to the abuse of a part-time ministry, and there may well have been an arrangement in some of the Chapter parishes whereby the minister used his position and influence to procure a lease from which he took a share of the profits while someone else did the bulk of the work. The practice, which was clearly quite widespread, explains in part the apparent contradictions between some clerical inventories during this period and contemporary valuations of benefices. Indeed, some of the clergy of the Officialty, in possession of middling to poor benefices, were wealthy or substantial men. Robert Murray, Vicar of Pittington, occupied tenements at Pittington and Witton and was a wealthy farmer with over 300 sheep: when he died in 1594 his goods were valued at £201.5.0.⁽¹⁾ Robert Forster, Vicar of Dalton, was another fairly prosperous farmer owning sheep and cattle with such charming names as Cherry, Brownbeard and Proudlock.⁽²⁾ Thomas Blakiston, Rector of Dinsdale, left goods valued at £102.12.4.⁽³⁾ But at the same time other clergymen were farming on a much smaller scale or not at all. John Forster, Rector of Edmundbyers, and William Melmerby, Vicar of Merrington, possessed only a few animals and left inventories totalling £20. 5. 8 and £23. 3. 4 respectively,⁽⁴⁾ while

(1) SR. Probate Records (Rob. Murray, Will and Inv. 1594).

(2) SS. Wills and Inv. Vol III p. 99/100.

(3) SS. Wills and Inv. Vol II p.201/3.

(4) SS. Wills and Inv. Vol I p.312/3. SS. 22 p.cxvii/cxviii.

John Duckett, curate of Whitworth, left good valued at only £3. 6. 5 and Alexander Woodmas, curate of St Margarets, £4. 0. 4 or £10. 0. 0 including a number of old gold coins he had lent to Thomas Sparke.⁽¹⁾ If we are looking for a depressed section of the clergy then these were they: stipendiaries or incumbents of poor curacies who lacked the initiative or ability to procure leases or otherwise bolster their incomes through their own resources.*

In the later sixteenth century £30 pa was considered to be the minimum income on which a learned minister could survive and certainly not many of the Chapter livings could have been much above this figure. Benefices were supposed to be given to 'honest and learned men'⁽²⁾ and it was the task of the Chapter, as far as was possible, to implement this ideal in the parishes of the Officialty. The Chapter had certain sources of recruitment on which it could always draw including prebends and other eminent diocesan clergy, minor canons, and local gentry families who still found the church an attractive proposition for younger sons, not to mention the vast mobile clerical 'underworld' which in the 1560's included an extraordinary mixture of social types and religious opinions.⁽³⁾ Sorting out the most suitable men from this conglomeration was a task on which the Chapter rarely seem to have agreed: in 1578, for example, Whittingham had promised the Vicarage of Ellingham to a Mr Selby but the Chapter refused to give its consent,

(1) SS. Wills and Inv. Vol 1 p. 283/4, 288/9.

(2) PK. York Book f. 50/2.

(3) Minor canons were common in and around Durham in livings such as St Margarets, Pitlington and Witton Gilbert: examples of gentry born clergy are Francis Trollop, Vicar of Dalton (1562-64) and Thomas Blakiston, Rector of Dinsdale (1572-88).

* Occasionally the Chapter provided relief for poor incumbents: in 1566/7, for example, the curate of St Margarets received 33s4d 'because his stipend is so small'. PK. TB5 (almsmoney).

and in 1580 when Stephen Hudspeth was presented to Branxton only 7 out of 9 prebends agreed to his election.⁽¹⁾ Similar disagreements probably lay behind the failure of the Dean and Chapter to present on 8 occasions between 1559 and 1577, presentation being made by the Bishop by lapse of time:⁽²⁾ in almost all these cases radical Protestant incumbents such as John Blackhall, John Macbray and Thomas Clerke were involved, and the incidents probably reflect deadlock between Protestant and Catholic factions in the Chapter. For the Protestants it was obviously easier to let the matter slide and allow Bishop Pilkington to do their work for them. Another problem was caused by grants of advowsons made by the Prior and Convent or Dean Whitehead: in 1560 and 61, for example, the deprived Catholic prebends Robert Dalton and Nicholas Marley presented to Kimblesworth and Dalton by virtue of grants made by Dean Whitehead, and as late as 1584 Robert Throckmorton was presented to Aycliffe by George Bates and Matthew Atkinson under another grant from Whitehead.⁽³⁾ Both these issues, therefore, limited the Chapters freedom of action, and out of 27 Elizabethan presentations recorded in the Register of Tunstall and Pilkington the Chapter exercised patronage 14 times, the Bishop 8 times, and various grantees 5 times. Nevertheless, as the reign progressed both problems gradually began to disappear because after 1570 the sharp religious differences of the 1560s were fading and the statutes of 1555 laid down strict rules concerning the granting out of advowsons.⁽⁴⁾

While the exercise of patronage was therefore often a vexed question certain generalisations about the methods of selection employed by the Chapter can be made. In the sixteenth century good ministers usually

(1) C.S. Collingwood, Memoirs of Bernard Gilpin p. 246. PK. Chapter Act Bk f. 42

(2) SS. 161. p. 143, 148, 164, 165, 167, 168/9, 170, 173.

(3) Ibid p. 133, 136. CL. Allan 10.

(4) SS. 143 p. 97

seem to have secured their positions by word of mouth recommendation, as did John Robson, curate of St Andrews Auckland, 'a very godly and zealous minister' who returned to the North partly because of his connections with Bernard Gilpin:⁽¹⁾ Similarly, Gilpin exerted his influence to have Robert Coperthwaite, Schoolmaster of Kepier, presented to the Chapter living of Ellingham.⁽²⁾ The prebends, with their wide interests and contacts, seem to have worked in much the same way. Firstly, they sometimes secured benefices for relatives and friends which did not always involve the jobbery which it implies. Laurence Pilkington, curate of Witton Gilbert, was a relation of the Pilkingtons, and James Calfhill, Vicar of St Oswalds, was probably related to Dean Matthew, both being educated and competent ministers:⁽³⁾ on the other hand Robert Greenwell, vicar of Bedlington, promoted through the influence of William Stevenson seems to have been of limited intellect, but generally the good ministers outnumbered the bad.⁽⁴⁾ Secondly, it was probably the contacts of the Pilkingtons at St Johns and William Stevenson at Christs which were responsible for bringing 2 graduates into the Officialty, Sampson King, Vicar of Dalton, and John Greenwell, Rector of Edmundbyers.⁽⁵⁾ Finally, many clergy moved from curacies in prebendal livings into the Officialty which, while it was not always a guarantee of competence, at least made it more probable that the minister had received some beneficial tuition:⁽⁶⁾ Sampson King,

(1) PRO. SP.46/32 f.157,159,161.

(2) C.S. Collingwood, Memoirs of Bernard Gilpin p.245/6.

(3) Venn, Alumni. Forster, Alumni.

(4) In 1578 Robert Greenwell had performed his task imperfectly. SS. 22 p.76.

(5) Venn, Alumni.

(6) See Chap. 8 p.300/6.

for example, served as curate of Whickham under the puritan preacher James Fernside and at Bishop Wearmouth under Adam Holiday before being presented to Dalton in 1584, and from Ryton Francis Bunny sent 2 of his curates to the churches of Bywell St Peter and Whittonstall.⁽¹⁾ Here, as elsewhere, the private activities of the prebends merged with the corporate obligations of the Chapter. Part of the point of maintaining a Grammar School was to benefit the Church by supplying learned men and in selecting scholars the Chapter was instructed to give preference to a boy 'whom they believe ... to be ready to spend all his life in study of letters and the service of the Church'.⁽²⁾ The Grammar School and the exhibitions granted by the Chapter at University level provided useful training grounds for the clergy and there are numerous examples of this process in action. John Byers, curate of Jarrow, and Robert Prentice, Rector of Dinsdale, for example, had both been choristers and scholars at Durham, and Robert Garrett and Francis Key, maintained by Chapter exhibitions at Christs, returned to become Vicars of Eglington and Heighington respectively.⁽³⁾ Thus, the Chapter had certain advantages which were not always available to other patrons, resources from which to make augmentations, educational facilities under its control and influence, and a practical training ground in the form of prebendal curacies.

(1) SR. DR II/1.

(2) SS. 143 p.191.

(3) John Byers: Chorister 1570/71, 71/2, Scholar 1576/7, 77/8.
 Robert Prentice: Chorister 1557/8-64/5, Scholar 1564-6 1566/7.
 PK.TB.1,2,3,4,5,8,9,10,11. Venn. Alumni. PK. Chapter Act Bk f. 62.
 The link with Christs was especially close during Elizabeths reign at least 10 graduates of that College served as clergy in the diocese, 7 of whom were connected with the Dean and Chapter.

The ideal of the honest and learned man was usually epitomised in the sixteenth century by the graduate incumbent, though for the historian graduate counting can be a highly misleading form of evaluation. In 1560 only the Vicars of St Oswalds, Billingham, Aycliffe, and Heighington had degrees, and 2 of these were prebends: ⁽¹⁾ by the 1590's the Rector of Edmundbyers and the Vicars of Dalton, Merrington, Bedlington, Norham and Berwick could be added to the list and of these only 1 was a prebend and 1 more a non-capitular pluralist. ⁽²⁾ In all therefore, out of 19 Rectories and Vicarages the number of graduates had risen from 4 to 10 in 30 years, a considerable achievement considering the value of many of the benefices. Outside of the major Vicarages graduates were rare but not unknown. Between 1580 and 82 Edward Ambry, a Cambridge graduate, was curate of St Hilds, and between 1582 and 86 John Murray, a Scottish graduate was curate of Cornhill: ⁽³⁾ others, such as Laurence Pilkington and German Gardiner, had studied at University without having taken degrees. ⁽⁴⁾ But that it is deceptive to place too much emphasis on degrees is indicated by the fact that many of the non-graduate clergy were more able and respected than some of their University educated colleagues: Such men were Thomas Clerke, Vicar of Berwick, William Duxfield, Vicar of Ellingham, and Richard Dearham, curate of Whitworth and Wallsend, who were all preachers

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- (1) ^{HUGH} Hutchinson, Vicar of St Oswalds, George Cliffe, Vicar of Billingham, William Bennett, Vicar of Aycliffe, William Whitehead, Vicar of Heighington. Forster. Alumni.
- (2) The clergy with degrees in the 1590's were John Greenwell, Rec. of Edmundbyers, Sampson King, Vicar of Dalton, James Calfill, Vicar of St Oswalds, Thomas Hooke, Vicar of Billingham, Robert Throckmorton, Vicar of Aycliffe, Giles Garthwaite, Vicar of Heighington, Thomas Burton, Vicar of Merrington, Hen. Naunton, Vicar of Bedlington, Thomas Jackson, Vicar of Norham and Richard Clerke, Vicar of Berwick. See Forster and Venn. Alumni.
- (3) SR. DR II/1. DR 1/3. Venn. Alumni.
- (4) Ibid. Chap 1 p.45.

of high and generally recognised ability.⁽¹⁾ Most of the minor canons too were educationally sound, and some, such as Robert Murray, William Harding and Robert Prentice, were men of real ability:⁽²⁾ Murray left books valued at £4 including a Geneva Bible and William Harding, excused from performing the 1578 task as a man of acknowledged learning, left a library of 40 books.⁽³⁾ Other notable bookowners were William Watson, Vicar of Bedlington, who had copies of Virgil and Seneca amongst other works, and Francis Trollop, Vicar of Dalton, whose books were valued at £2.13. 4.⁽⁴⁾ On the other hand the inventories of John Forster and William Melmerby make no mention of any books and Thomas Balkistons goods included only 'certain little books' valued at 5s.⁽⁵⁾ But again it is the response to Bishop Barnes task of 1578 which enables us to attempt a wider assessment of the ability of the clergy of the Officialty. In Durham out of 18 ministers considered, 2 were excused as men of acknowledged learning, 13 completed the task satisfactorily, 2 required more time and only 1 had ignored it completely. In Northumberland, out of 15 ministers, 3 were excused, 5 were satisfactory, 5 needed more time, and 2 had made no attempt at the task at all.⁽⁶⁾ On this evidence it would seem that the educational

(1) SS. 22 p.90/91.

(2) See Chap 1 p.44/6.

(3) SR. Probate Records (Robert Murray. Will and Inv. 1594). SS. 22. p.75. cxxiv. William Hardings books comprised 3 volumes of Lyra, St Augustines De Civitate Dei, 2 books in folio, and 34 other books.

(4) SS. Wills and Inv. Vol 1. p.427. Francis Trollops books included Casiodorus Commentaries on the Psalms, a Latin Bible, a New Testament in Latin and English, Service books and psalms in meter, 2 volumes of the Paraphrases of Erasmus, 2 volumes of Homilies, the Queens Articles and Injunctions, Nowells Catechism and 'all the books of Postills that I have'. In addition he received a book called Postolans from Ric. Norman, curate of Chester. SS. Wills and Inv. Vol III p.36. NRL. Raine. Testamenta Dunelmensis, Vol 1. f. 123/7.

(5) SS. Wills and Inventories, Vol 1. p 313. Vol II p.203. SS 22 p.cxviii.

(6) SS. 22. p.70/8.

standard of the Durham clergy was quite good while that of those in Northumberland was poorer though hardly scandalous.

Northumberland was peculiar because problems which existed in Durham and elsewhere were magnified on the borders because of unusual social, geographic and economic circumstances.⁽¹⁾ In many of the outlying areas the parishes were poor and the poverty of the incumbents was made worse by the general decay of tillage and the effects of brigandage: in other areas the number of impropriations was unusually high because of the large proportion of monastic property. The Durham Chapter had its share of these, but more dangerous were those in the hands of irresponsible laymen like Sir John Forster who refused to maintain churches or provide adequate ministers:⁽²⁾ at Holy Island where Captain William Reed paid the clergy it was said that 'the said several cures have been served either not at all or else commonly by such unlearned and insufficient ministers and readers ... as might be gotten to serve for so slender wages'.⁽³⁾ The isolation of many parts of Northumberland made efficient administration virtually impossible, and the lack of central control showed itself in the generally indisciplined state of the laity who respected neither secular nor ecclesiastical law. The clergy were frequently attacked, their goods stolen, and church property was carried away either by outlaws or rival Churchwardens.⁽⁴⁾ Against these hazards the curate of Ancroft had a

(1) For a general consideration of the borders during this period see D.L.W. Tough, The last years of a frontier, G.M. Fraser, The Steel Bonnets.

(2) In 1601, for example, the choirs of 7 churches were in decay through Forsters default. SR. DR II/5 f.11. AA. 4th Series, Vol 41.p. 133/4 (M.C. Cross, Berwick on Tweed ... on the eve of the Amada).

(3) PRO. E. 123. Book 5. f. 341/2.

(4) See, for example, SR II/4. f. 135. 5 f.9. CBP Vol II No. 80.

pele tower into which he could withdraw: even at Muggleswick, in Durham, the curate was threatened by an outlaw, Humphrey Hopper, who when rebuked for being in the churchyard replied 'Thou harlot priest, pest thou me? I will be here when I like in spite of thy teeth', and at Bywell St Peter a quantity of Church goods were unlawfully carried away.⁽¹⁾

Circumstances like these gave rise to a special breed of clergy who either opted out, thus creating pluralism and non-residence, or adapted to the situation and became as much soldiers as clergymen: in 1564 Bishop Pilkington commented that 'on the borders priests go with sword, dagger and such course apparal as they can get, not being curious or scrupulous what colour or fashion it be'.⁽²⁾ One special problem, especially in the 1560s, was the large numbers of Scottish priests who were fleeing into the North of England from Knoxs regime in Scotland, 'vagabonds and wicked men which hide themselves there because they dare not abide in their country and serve for little or nothing. The country is willing to take them that will serve best cheap'.⁽³⁾ In 1563 there were 9 Scottish priests serving in the Officialty, but by 1578, partly because of Pilkingtons continued efforts against them, the number had fallen to 2.⁽⁴⁾ But in general the Northumberland clergy were still of a lower calibre than those elsewhere. In 1578, for example, Thomas Wilkinson, Vicar of Bywell St Peter, had fled from the parish and the cure was served by a mysterious character, John Thewe 'the

(1) SS 21 p.116. PK. Act Book A. f.30.

(2) Strype, Life of Parker. Vol III p.70.

(3) PRO. SP/15. 12. No.108. See also CSP. Foreign (1563) No. 839/1,2. CS. Misc. IX p.67.

(4) BM. Harl. 594 f.187/95. SR. DR II/1.

black vicar':⁽¹⁾ in 1582 the Chapter doubted whether another incumbent could be found,⁽²⁾ and in 1599 service was being said there by a schoolmaster.* At Cornhill too the curate had apparently wandered off without making any provision for the cure to be served,⁽³⁾ and in 1599 an unlicensed Scot was officiating there.** But as the response to the 1578 task indicates the situation was not always quite as black as this. Some Scottish exports, such as John Macbray, were good and conscientious ministers and the continued presence of educated Scots, such as John Murray, in the 1580's and 90's is probably an indication of presbyterianism rather than conservatism: also, learned men have a habit of cropping up in the most unlikely places thus shattering all hope of dogmatic assertion. George Johnson, curate of Kyloe, was excused as a man of acknowledged learning in 1578 while his colleague at Ancroft had completely ignored the task.⁽³⁾

The problem faced by the minor clergy was not that they were blatantly immoral, but that their lower social position and educational ability lay them open to the sort of insulting behaviour which a prebend would rarely have received. Cases of actual immorality are rare. In 1575 Mark Metcalf, Vicar of Northallerton, was suspended because 'he hath lived suspiciously and offensively,' and ten years later Henry Wanless, Vicar of Hesleden, was presented for keeping a woman 'suspiciously'

(1) SS. 2 p.30. Northumberland County History. Vol. VI p.113.

(2) PK. Chapter Act Book f. 129. Raine, North Durham, p.323.

(3) SS. 22 p.77.

* SR,DR. IV/4 (1599 Judge v. Thomas-of Bywell Peter).

** SR,DR.II/4 f.93.

in his house, though both offences were somewhat ameliorated because they involved women who very soon after married the ministers involved.⁽¹⁾ In 1578 Francis Brackenbury, curate of Croxdale, was in prison for an unspecified offence,⁽²⁾ and in the Howdenshire peculiar Robert Dand, Vicar of Brantingham, was ordered to cease haunting ale houses and behave in all things 'as becometh a man of his calling'.⁽³⁾ The more lasting problems, however, were the cruel jibes and innuendoes to which the clergy and their families were subjected. At Shields and Wolviston for example, the curates were slandered, and John Martin, curate of Billingham, was defamed as 'a vagabond, a wagwallet and a side tailed knave':⁽⁴⁾ William Bramall and William Melmerby both took action against parishioners who had slandered them, Bramall being accused of drunkenness and Melmerby of fornication.⁽⁵⁾ In 1584 Francis Brackenburys wife was called 'ministers whore', and in the same year a man at Edmundbyers was presented because 'he hath spoken very slanderous words against Alice Greenwell, saying that ministers children are but bastards and she herself a whore'.⁽⁶⁾ The anomalous position of the clergy and the lack of confidence of some of them in face of popular anticlericalism is perhaps best illustrated by the wills of 2 Rectors of Edmundbyers where old notions of clerical celibacy seem to have died hard: in 1570 John Forster referred to 'John Forster my son unto Katherine Simpson my bootler', and his successor, Thomas Benson,

(1) B. HC.7 f.71.8 f. 111/12, 241. PK. Act Book A f.63.

(2) SS. 22 p.73.

(3) B. HC. 12 f.87.

(4) PK. Act Book A f. 54. B.f.41.SS21 p.243.

(5) PK. Act Book A f.79. SS.21p.61/2.

(6) PK. Act Book A f.39.

(1) SS. 22 p.73. (2) SS. 22 p.73. (3) SS. 22 p.73. (4) SS. 22 p.73. (5) SS. 22 p.73. (6) SS. 22 p.73.

(4) AA. New Series, Vol. 11, p. 111. (5) AA. New Series, Vol. 11, p. 111. (6) AA. New Series, Vol. 11, p. 111.

(1) SS. 22 p.73. (2) SS. 22 p.73. (3) SS. 22 p.73. (4) SS. 22 p.73. (5) SS. 22 p.73. (6) SS. 22 p.73.

mentioned a Kathleen Blower, presumably his wife, and William Benson 'my base begotten son'.⁽¹⁾ Certainly, even the Protestant prebends were cautious about the way in which they referred to their wives and families, but they never went as far as to describe their children as 'base begotten'.⁽²⁾ Similarly, amongst some of the clergy there was a marked deference to the local gentry, usually for social and economic reasons. Jasper Hoppringle, curate of Jarrow, served the impropiator, Richard Bellasis, as his 'deputy and doer' collecting rents and keeping accounts for him,⁽³⁾ and a significant fragment of conversation between Roland Clerke, Rector of Dinsdale, and Marmaduke Surtees has survived concerning a plot of land occupied by the Rector: " 'Yes', quoth the said Marmaduke'... be thou good to me and I will be good to thee'. 'Why, Sir', quoth the said Roland, everything I have you shall command'."⁽⁴⁾ William Sanderson, coadjutor at Berwick, realised just how pernicious this sort of economic dependence on the laity could be: how could he stand in the pulpit and speak out against a mans evil doings, he asked, and then go and ask the same man for a loan until his wages arrived?⁽⁵⁾

Factors like these, therefore, sometimes coloured the relationships between the clergy of the Officialty and their parishioners, but at the same time cases exist of ministers who perhaps because of their social status or strong Protestant convictions, were prepared to stand up to the local gentry in defence of their rights. Thomas Blakiston, Rector

(1) SS. Wills and Inv. Vol. 1 p.313. AA. 2nd Series, Vol 55 p.104/5.

(2) See Chap 1. p.26. John Forster and Wm. Benson may of course, have been illegitimate in the real sense of the word though there was no reason why they should have been: even if the Rectors were not, in fact, married to the women mentioned in their wills there appears to be no reason why they should not have been.

(3) SR. DR V/7 (1602. Dep. of Jasper Hoppringle, curate of Bywell St Peter)

(4) AA. New Series, Vol II, p.88 (W.H.D. Longstaffe, The Tenures of Middleton St George ...).

(5) CSP. Foreign (1561-62) No. 774/3. See below p.342.

of Dinsdale engaged in a long suit with Henry Killinghall over his glebe, and Thomas Clerke, Vicar of Norham, prosecuted William Selby of Shoreswood for tithe, a feat of considerable courage.⁽¹⁾ But the most outstanding case concerned Gerard Salvin of Croxdale and the curate there, Francis Brackenbury.⁽²⁾ Salvin was an ardent Catholic who had been imprisoned for a time following the Rebellion of the Earls, and his wife, Joan, was the daughter of another prominent Catholic and rebel.⁽³⁾ Around them at Croxdale there developed an extensive centre of recusancy and before 1570 Salvins circle of retainers seems to have included the curate, Nicholas Burnhope, who left the Salvins a legacy in his will and made Gerard Salvin his supervisor.⁽⁴⁾ His successor Francis Brackenbury, however, was a minister of a very different stamp. A man of strong Protestant sympathies, Brackenbury had been ordained by Pilkington in 1563 and was perhaps a colateral member of the county family of the same name.⁽⁵⁾ His persistent efforts to make Mrs Salvin attend church led inevitably to a conflict during which Gerard Salvin commenced a systematic campaign of harassment against the curate and his family.^(5a) Firstly, Salvin prevented him from drawing water from Croxdale Beck, then he ploughed up a footpath used by the curate, and finally carried away 12 loads of dung from his barn door. In December 1582 Joan Salvin complained to the Consistory that Brackenbury had defamed her by

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- (1) AA. New Series Vol II p.87/90. PRO.E. 134 Eliz 30 and 31. M.27. SR. DR III/2 f.195.
 (2) The details of this case are taken from Durham CRO.D/Sa/L.30.1-18.
 (3) Richard Norton of Norton Conyers.
 (4) SS. Wills and Inv. Vol 1 p.304/5.
 (5) SS. 161 p.178.
 (5a) Recusancy of Salvins, PK. Act Bk A f.8. SS. 22 p.129.

accusing her of immorality, and in the following month the curate complained against Gerard Salvin for refusing to pay tithe.⁽¹⁾

The matter came to a head on August 23rd 1583 when Brackenbury and some friends were removing hay from the curates barn and replacing it with corn: in the course of the changeover the hay was laid on the road, which belonged to Salvin as Lord of the Manor, whereupon Mrs Salvin appeared, sat down on the hay, and denied the curates right to move it calling to her servants for help. Predictably a fight ensued, during which Joan Salvin claimed that the curate kicked and punched her, pulled her along the ground by her hair, trod on her and thrust a pitchfork through her maids arm.⁽²⁾ After this Brackenburys position at Croxdale must have been almost intolerable, but with incredible persistence he remained there until the end of the reign: the incident is significant because it illustrates the vehemence with which even lowly clergy were sometimes prepared to take on important gentry families.

Pluralism and non-residence occurred in the Officialty chiefly as social privileges for the rich and articulate, usually in the best benefices, and often involving prebends. These partial residents, such as William Bennett at Aycliffe and Thomas Burton at Merrington, all maintained curates, and although these were not necessarily of a low calibre the benefices nevertheless sometimes suffered:⁽³⁾ in 1602,

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- (1) SR. DR III/4 (1582 Joan Salvin v Francis Brackenbury)
(1583 Francis Brackenbury, curate of Croxdale v Gerard Salvin Esq).
(2) Each party accused the other of riot and assault before the Council of the North.
(3) See Chap. 8. p.300/6.

for example, George Hall, curate of Merrington, was accused of negligence because he did not catechize or read the Queens Injunctions.⁽¹⁾ Billingham, especially, suffered in this way. In 1565 George Cliffe was deprived from the living for non-residence and/or pluralism but he got it back again in 1584 and apparently allowed the Vicarage to go to decay:⁽²⁾ John Macbray who held the living during the interval maintained only a deacon as curate, which meant that the parishioners were inconvenienced when they required baptism or communion.⁽³⁾ Partial non-residence was also permitted for minor canons, and curates were maintained, for a time, at Wallsend, Pitlington, Dinsdale and Heighington while they were held by members of the Cathedral staff.⁽⁴⁾ But apart from these exceptions pluralism was discouraged and residence strictly enforced: in 1572 Thomas Benson was deprived of Muggleswick which he had held in plurality with Edmundbyers since 1570 even though the 2 cures adjoined each other, and in 1582 it was ordered that John Woodfall should give up Bywell St Peter which he held in plurality.⁽⁵⁾ Francis Brackenbury was said to have been non-resident at Croxdale in 1599, perhaps understandably, and in 1584 Miles Watmough, curate of Muggleswick, was in trouble for performing services irregularly.⁽⁶⁾ Supervision of the lower clergy, therefore, seems to have been strict though abuses never reached alarming proportions.

One very real problem, however, was the level of conservatism amongst the clergy of the Officialty in the 1560's. The Visitation of 1559 which had made some headway in purging the Cathedral did not

(1) PK. Act Book B.f.213.

(2) SS.161 p.165, SR. DR IV/4 (1595 Judge v. George Cliffe).

(3) SS. 22 p.135/7.

(4) BM. Harl. 594 f.187/95. DR II/1.

(5) PK. D and C Reg. C. f.51. D and C. Act Bk. f.129.

(6) PK. Act Book B f.77, A f.15,42. In Yorkshire in 1575 Ch. Harrison Vicar of Bossal, was ordered to reside on his Vicarage and not to serve elsewhere without licence. B. HC. 8f. 116.

have the same effect in the Officialty, and the only clergy to be deprived of livings there, Robert Dalton and Nicholas Marley, were both prebends:⁽¹⁾ in addition, William Whitehead, Vicar of Heighington was bound over to appear before the commissioners in London, but he must have subscribed because he held the living until his death in 1576.⁽²⁾ The only deprivation, that of Hugh Hutchinson, Vicar of St Oswalds, came in 1562 following Bishop Pilkingtons Visitation during which the Supremacy oath was administered to the clergy.⁽³⁾ Some had endured all of the changes from the 1530's onwards, and there seems to have been a strong section of opinion, as late as the 1560's which still saw it as its duty to look after the interests of ex-monks:⁽⁴⁾ Cliffe and Bennett as Vicars of Billingham and Aycliffe headed the conservatives in the Officialty, but they were joined by other monks who had not received places in the Cathedral establishment in 1541.⁽⁵⁾ Alexander Woodmas died as curate of St Margarets in 1568, and John Duckett, Master of the Farne, died in the same year as curate of Whitworth.⁽⁶⁾ Another conservative Richard Ray, curate of Wallsend, was on good terms with Agnes Lawson last Prioress of St Bartholomews, Newcastle, who described him as her 'chaplain'.⁽⁷⁾

This extreme conservatism, which was made worse by the general shortage of Protestant clergy in the 1560's, and by the alienation of

(1) See Chap. 5 p.145, 148.

(2) PRO. SP/12. 10.f.181.

(3) SS. 161 p.145.

(4) Clergy who endured all changes were Edw. Fenwick, Rector of Meldon (1516-72), George Reed, Rector of Dinsdale (1529-61).

(5) DUJ. 41 p.107/13 (S.L. Greenslade, The last monks of Durham Cathedral Priory) AA. 4th Series Vol XV. p.106/9 (D. May, The Dissolution ... in the diocese of Durham).

(6) Ibid. SS. Wills and Inventories Vol 1 p. 283/4, 288/9.

(7) Ibid p.232.

advowsons to Catholics, manifested itself in revivalism in many parts of the Officialty during the rebellion of 1569. Altars and Holy water stones were re-erected at St Oswalds, St Margarets, Pittington and Billingham, books were burned at St Oswalds and Pittington, and masses celebrated at St Margarets and Billingham.⁽¹⁾ At Witton Gilbert the curate, John Browne, confessed that for the past 11 years he had led his congregation 'the wrong way', and at Monkwearmouth, Heighington, Whitworth and Whittonstall there is evidence of Catholic rites being used by the clergy.⁽²⁾ William Melmerby, vicar of Merrington, was especially involved with the rebels and was probably related to Richard Hartburn one of their leading clerical supporters.⁽³⁾ But as in the Cathedral, deprivations were comparatively few, because the government realized that such a course only drove the offenders underground or overseas where they could be even more dangerous. John Browne seems to have lost his living, but Melmerby, who was indicted for conspiracy and rebellion, retained his, as did Robert Crawforth, Rector of Kimblesworth and curate of Whitworth, who had been imprisoned for a time:⁽⁴⁾ in 1572 Crawforth was eventually deprived of Kimblesworth for failing to read the articles there, but he retained Whitworth until his death in 1583.⁽⁵⁾ Thus the eradication of Catholic belief was to be

(1) SS 21. p.169/74, 174/7, 197/8

(2) Ibid p.174, 198/9.

(3) Richard Hartburn, was a scholar of Durham School and fellow of Merton College, Oxford: deprived of Rectory of Long Newton (1562) being later described as an 'archpapist'. For Melmerbys connection with the Hartburns see SS. 161 p.117, D and C Reg B.f.59.

(4) SS 21 p.199. PK D and C Reg. C f. 22.

(5) SR DR V/6 (1594 Dep. of Robert Swift). Another example of continued non-conformity after 1570 is provided Jo. Lindsay, R. of Siggiston in the Allertonshire peculiar: in 1577 he was ordered by the High Commission 'to follow and observe in all things the order of the communion book in saying of divine service and administering of the sacraments'. It is uncertain whether Lindsays irregularities had a puritan or Catholic slant. B.HC.9 f. 97.

(4) C. Cross, *The Northern Dialect* p.259-60.

(5) Register of St Oswalds.

(6) SS. 84 p.123.

a gradual process with some of the old clergy accepting the new ideas and more advanced Protestants replacing the conservatives as they died: John Forster, Rector of Edmundbyers, who is perhaps to be identified with a Durham monk of the same name, bequethed his soul to God 'my creator and redeemer trusting in his Grace and mercy to be one of his elect children'.⁽¹⁾ After the presentation of Robert Murray to Pittington in 1562⁽²⁾ Protestant clergy moved into the Officialty in gradually increasing numbers and some were men of marked puritan views reflecting the opinions of the Chapter: John Macbray, for example, was an eminent exile, and Giles Garthwaite, Vicar of Heighington, Richard Dearham, curate of Whitworth and Wallsend, and Chris. Markham, curate of Holy Island, all had scruples about wearing the surplice.⁽³⁾ At Northallerton Francis Key arranged exercises with the support of Huntingdon,⁽⁴⁾ and in 1580 Charles Moberley, Vicar of St Oswalds, prefaced his parish register with a prayer for the Queen 'whose doings God direct to his glory ... whom God preserve to reign over us, to the abolishment of Popery and strange and false religion and to the maintaining of the gospel'.⁽⁵⁾ As visual symbols of the changes which were taking place churches were whitewashed and painted with sentences from the scriptures.⁽⁶⁾

But the basic problem faced by the Chapter was not the inefficiency of its administration or the failure of the clergy, but the intrinsic organisation of the parishes and their mode of government. Firstly, parish boundaries were often obsolete or a positive liability to the situation

(1) SS. Wills and Inv. Vol 1. p.312.

(2) SS. 161 p.143.

(3) C. Garrett, The Marian Exiles p. 223/4. SR. DR IV/4 (1598 Judge v. Giles Garthwaite, Vicar of Heighington: 'he weareth his surplice very seldom'). 5(1601. Judge v. Ric. Dearham, curate of Whickham: not wearing his surplice to say service) DR II/5 f. 14.

(4) C. Cross, The Puritan Earl, p.259/60.

(5) Register of St Oswalds.

(6) SS. 84 p.123.

as it existed in the sixteenth century, and the area which one man was expected to serve varied enormously as did the density of population and the relative remuneration he could expect for his work.⁽¹⁾ Some settlements, especially in Northumberland, were so remote that it was only with great difficulty that the inhabitants were able to attend Church.⁽²⁾ One example of an irrelevant parish was the Rectory of Kimblesworth, valued at only £3. 6. 8 in the Valor and containing a population of about 50: although the Chapter continued to nominate Rectors it was easier and more convenient for the parishioners to use the neighbouring church of Witton Gilbert which after 1572 was usually held in conjunction with Kimblesworth anyway. In 1584 there were no services said at Kimblesworth and the church had no churchwardens, and in 1593 it was officially agreed that because of 'their want of a church at Kimblesworth' the inhabitants should use Witton Gilbert provided the Bishop and Dean agreed:⁽³⁾ by 1601 Kimblesworth church was 'all decayed and fallen down to the ground'.⁽⁴⁾ Similarly Heworth Chapel in the parish of Jarrow was only used occasionally as was the chapel of St Mary Magdalen in Durham.⁽⁵⁾ All three of these sinecures provided welcome augmentations for clergy doing more meaningful work elsewhere, but similar problems had less happy solutions in other parishes. Many churches which had originally been chapelries were now recognised as parish churches in their own right, but in some cases this process of evolution met with opposition, as for example, in the case of

(1) See Appendix, Map III, Table IX.

(2) PK. Act Bk. A.f.7. B.f.30,182.

(3) PK. Act Bk A f. 12,24. Register of Witton Gilbert.

(4) SR. DR IV/5 (1601. Judge v. curate and churchwardens of Kimblesworth).

(5) BM. Harl. 594 f. 187/95. PK. TBs (payments to clergy).

(2) SR. DR III/7 (1579 Judge v. Ralph Bishop of Ely, and Roger Bishop of Lincoln).

(3) For the details of parish administration see Dr. H. B. Hall's 'The English Church in the Sixteenth Century', esp. p. 107.

(4) SR. 22 p. 24.

St Oswalds and St Margarets in Durham:⁽¹⁾ despite the fact that St Margarets was easily as important as St Oswalds 'in persons or wealth' it was nevertheless subject to St Oswalds as the 'head Kirk', a fact which was deeply resented by its inhabitants. The rivalry stemmed partly from an incident in about 1530 when a communal chest was broken open by the churchwardens of St Oswalds 'whereupon grew a grudge and hath continued ever since', thus giving the parishioners of St Margarets an excuse to withhold their contributions for the repair of St Oswalds church: after lengthy suits before the Consistory in 1574 and 1595 judgement was finally given in favour of St Oswalds in 1601. A similar problem existed at Holy Island where the Chapelries of Ancroft, Kyloe and Lowick resented making contributions for the repair of the parish church.⁽²⁾

Parish affairs were managed by a Select Vestry of 24 or 12, usually local yeomen and farmers who amongst other duties chose the churchwardens with the consent of the Vicar: the wardens, who were elected annually, performed the bulk of the routine administration, including the important tasks of making presentments of offences committed in the parish and of repairing the church.⁽³⁾ According to Bishop Barnes 'Monitions' they were to 'take diligent care and present order that their churches and chapels be well repaired and cleanly kept, that they have all necessities and comely furniture and implements, and all books requisit'.⁽⁴⁾ Regular income came from miscellaneous sources in the parishes for which evidence has survived. Pittington had a church flock

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- (1) For the details of this dispute see SR DR V/4 f.3/6, III/5 (1595 Churchwardens of St Oswalds v Ch. Skepper and Hugh Huchison) D.U.L. M and S. 47, 39. SS. 21. p.276/81, SS.84.p.121/133.
 - (2) SR. DR III/3 (1579 Judge v. Ralph Jackson of Ancroft, Henry Stelee of Kyloe, and Roger Heslop of Lowick).
 - (3) For the details of parish administration see SS. 84, Durham Parish Books, esp. p.1/7.
 - (4) SS. 22 p.24.

of about 25 to 30 sheep which was farmed out to the parishioners, and St Oswalds and St Margarets sublet houses leased to them by the Dean and Chapter: in addition, pews were assigned to individuals for a small fee and lairstalls, or tombs inside the church, were erected for a larger one. Normally the regular outgoings for repairs and churchwardens expences were met out of this revenue, but special cessments were also levied to pay for extraordinary repairs and the social obligations of the parish to maintain prisons, wounded soldiers, armour and after 1598 the poor: at St Oswalds and Norham the Chapter was supposed to make contributions of 35/4 and 13/4 pa. for the Easter communion,⁽¹⁾ but there is no evidence that the payment to St Oswalds was made and normally communions were paid for by special contributions from the parish.

To exercise discipline on the parishes and keep control of this administrative system was the major problem of the Officialty Court and in many ways the churchwardens formed the key to the success or failure of the whole ecclesiastical administration. The problem was that the wardens could rarely be relied upon. The Select Vestries who elected them tended to reflect the religious opinions of the area, which, in places like Croxdale and Edlingham, could have a lastingly adverse effect: one of the Croxdale churchwardens, Gerard Gelson, was a recusant,⁽²⁾ and at Pittington Anthony Coxon and James Huntley churchwardens and members of the Select Vestry, each had recusants in their immediate family circle.⁽³⁾ But generally the office of churchwarden was an unpopular one: their

(1) SS. 143 p.57.

(2) PK. Act Book B f. 11.

(3) CRS. 53 p.50.

As Rectors the Dean and Chapter seem to have been conscientious about maintaining the chancels of their impropriated churches,⁽⁵⁾ but the lay impropriators were by no means so dutiful and proceedings were commenced against William Whitehead for decays at Monkwearmouth, Sir William Reed for decays at Ancroft, and Thomas Swinnoe for decays at

Cornhill.⁽¹⁾ But the more lasting problem was the repairs to the body of the church which should have been carried out by the churchwardens. Taxes and cessments levied for this purpose were extremely unpopular with the laity, and at Ellingham and Pittington there were even problems in collecting the money to pay for communions:⁽²⁾ the result was a fairly general decay of church buildings and a failure to provide prescribed books. In 1579 Witton Gilbert was 'in decay in slates, lime, and glass windows that they cannot say service on foul weather', and extensive decays were reported in many of the Allertonshire churches in 1601/2.⁽³⁾ The problem was worst in the more remote Durham churches of Edmundbyers and Muggleswick, and of course, in Northumberland: in 1596 Meldon was said to be 'ruinous', and in 1598 part of the church at Carham had fallen down.⁽⁴⁾ Just as common was the failure to provide books or the necessary church furniture: in 1598 for example, Edlingham lacked the paraphrases of Erasmus, the Homilies, the Queens Injunctions, and a Register Book, and Carham had no communion table and no books except the Bible and even that was not of the prescribed sort.⁽⁵⁾ The instances quoted are extreme cases, but they serve to illustrate abuses which were present to a lesser extent elsewhere: often the presentments for decays concerned only trivial matters, and lists of church books and furniture which exist for Billingham and Pittington correspond fairly well to the specifications made in Bishop Barnes Monitions:⁽⁶⁾ The general pattern is of a

(1) PK. Act Bk. B.f.73, DR IV/4 (1596 Judge v. Wm. Whitehead) DR II/4 f.90.

(2) PK. Act Bk. A f.31,41,63, B f.47,80,101,183: SS 84.p.5/6. DR II/4 f.10.

(3) SS. 22.p.124 PK Act Bk B f.156,167,178,179,211,217,225.

(4) SR. DR II/4 f.21,94.

(5) Ibid f. 96,94.

(6) i. Pittingtons books comprised 1 new Bible, 1 old Bible, 1 psalter, 2 communion books, the Paraphrases of Erasmus, Jewels Apology, the Injunctions, 2 books of Homilies, the Postils and an account book. SS. 84 p.11/12. ii. Billingham's books comprised a great Bible, the Paraphrases of Erasmus, 3 communion books, Jewel and Harding, the Injunctions, 1 bk of Homilies, the Postils and a book of Wilful Rebellion. Billingham Parish Register.

majority of fairly well ordered churches such as St Oswalds and Pittington, and a minority of regular offenders such as Bywell St Peter and Jarrow with the situation always significantly worse in Northumberland: the main point, however, is that some sort of decay existed in almost all the churches of the Officialty and that this was indicative of a distinct attitude on the part of the laity whose task it was to maintain them.

This attitude was typified by the numerous 'negligent comers to church' punished by the Officialty court, people who had no conscientious objection to the services of the Church of England as such, but who resented the inconvenience of compulsory church attendance:⁽¹⁾ generally people seem to have preferred working, bowling, drinking or playing football to attending church, and when they did attend they often misbehaved by talking, sleeping or arguing over stalls.⁽²⁾ Nicholas Watson of Hesleden, presented in 1602, was perhaps typical of this unregenerate mass against whom the main efforts of the ecclesiastical courts were directed: 'he is very negligent in coming to church, and being required by the Vicar to come ... according to the laws of this realm answered that if he came once every quarter of a year it is often enough'.⁽³⁾ In Northumberland a man and his wife were presented in 1603 for not having been to church for 10 years.⁽⁴⁾ To trace this sort of attitude back to the failure of the clergy is unconvincing, as is indicated by an incident which occurred at Ryton in 1596: here

(1) PK. Act Bk. A.f.61,70,81,86, B.f 9/10,13,28,41,44.

(2) PK. Act Bk A f.23,31,58,64,81, B.f 44,88,89,90,91.

(3) PK. Act Bk B.f. 191. Watson seems to have been a habitual offender: in 1585 he had been before the Officialty Court twice, once for 'abusing himself' in service time and once for absenting himself from church. PK. Act Bk A.f.58,61.

(4) SR. DR II/4 f.48.

Francis Bunny had worked for almost 20 years preaching regularly and generally behaving as a good incumbent should, but in May his parishioners had a 'hopping' and 'at evening prayer most of the youths were dancing after their pipes when they should have been at the church'. 'I speak as much as I can against such things', added Bunny, '... but my people are as in a dead sleep or trance past sense or feeling ... for now, in some place or other, every Sunday is thus consecrated to Bacchus'.⁽¹⁾ Although the problem was real enough it was hardly a new one, as Bunny implied it was, because sixteenth century men were almost as reluctant as their modern counterparts to attend church voluntarily. Bishop Pilkington observed that even when sermons were preached the vast majority of men preferred the society of the alehouse, and at Northallerton Francis Keys exercises were in danger of collapsing because of lack of support.⁽²⁾ Both Key and the Council of the North realised that the only way to procure adequate audiences for preachers was through compulsion and for this reason JPs were obliged to accompany itinerant preachers on tour, just as John Swinburne felt obliged to drive his tenants to mass with a staff in 1569.⁽³⁾ The tragedy of the Elizabethan church was that it was upon these parsimonious and apathetic laymen that it depended for its finances and administration, and for this reason the widespread lay apathy might lead us to question the effectiveness of religion as a form of social control and the assumption that 'people are governed by the pulpit more than the sword in time of peace'.⁽⁴⁾ Clearly, the

(1) HMC, Salisbury Mss. Vol VI. p. 179

(2) PS. Works of Bishop Pilkington p.6. C.Cross, the Puritan Earl p. 259/60.

(3) SP. Domestic Addenda (1566-79) Vol. XIV No. 42.1.

(4) C. Hill, The Century of Revolution p.77.

weaknesses of the ecclesiastical administration in the localities were almost all manifestations of these fundamental problems.

Only in the towns was the situation substantially different, and Berwick, the only major urban centre in the Officialty, proved to be something of an exception in national as well as purely local terms. Robert Selby who held the cure in plurality with Norham in 1559 was in many ways typical of the border clergy discussed earlier, having held Norham since 1537 and Berwick since 1541: out of the stipend of £40 p.a. for the two which he received from the Dean and Chapter, he paid £7 p.a. to a curate at Berwick and presumably resided at Norham himself. Sir Francis Leekes judgement of the Vicar was that 'I doubt whether he can say his Paternoster truly either in English or Latin', and the curate he thought was 'a very simple man void of all learning'.⁽¹⁾ Clearly Berwick deserved better, especially in view of its importance as a garrison town and the delicate state of Anglo/Scottish relations at the beginning of the reign.* Horne and Sampson preached there in 1560 and during their short stay brought about certain changes, including the introduction of psalmsinging into the church, but a more permanent arrangement was needed and Leeke reminded Cecil that 'if preaching be needful in any place in Europe the like and more is it to be had in this town with strict commandment to the Captains not to be absent from sermons'.⁽²⁾ By November a grand scheme for the maintenance of permanent preachers was under way financed by the Queen, who allowed £153. 6. 8 p.a., and the Dean and Chapter:⁽³⁾ firstly, there was to be

(1) CSP Foreign (1560-61) No. 537/2. 683/1

(2) Ibid. No. 537/2.

(3) Ibid No. 709.

* For a general discussion of the army during this period see C.G. Cruickshank, Elizabeths Army.

a chief preacher with a stipend of £100 from the Queen aided by a coadjutor who was to receive £13. 6. 8 and also a prebend in the cathedral, thus raising his wage to £40 p.a. Finally, there was to be the Vicar, or curate, who was to be paid £40 by the Queen in addition to his stipend of £20 from the Dean and Chapter. In all, therefore, the preacher was to receive £100, the Vicar £60, and the coadjutor £40, a plan which Horne believed was 'both wise, very godly and such as I could wish to be also in more places in this realm.'⁽¹⁾

By the beginning of 1561 the clergy had been appointed and were reported to be 'well pleased' with their stipends, but the implementation of the scheme did not adhere precisely to the blueprint.⁽²⁾ It was the preacher, William Stevenson, who enjoyed the Durham prebend not his assistant, and the Vicarage remained in the hands of the unlearned Robert Selby until his death in 1565: William Sanderson, the coadjutor, was in the worst position of all, because without his promised augmentation he was forced to exist on a paltry stipend of £13. 6. 8 which he found almost impossible. After only a year both Stevenson and Sanderson resigned, Sanderson going to Cambridge to reside on his Rectory of Covington where he could provide much more easily for his wife and child. Nevertheless, despite its initial problems the scheme settled into something like the original plan, although the Queen herself seems to have contributed less and a larger proportion of the money appears to have come from levies on the wages of the soldiers. In the mid 1570's, for example, the preacher was nominated by the Bishop of Durham and received £50 from the Queen plus a levy:⁽³⁾ the Vicar, who by this time was

(1) Ibid.

(2) Ibid No. 735/14. 956/1 CSP Foreign (1561-62) No. 774.

(3) BM. Harl. 151. f3. APC. Vol VII, July 15, 1565.

also a preacher, was nominated by the Dean and Chapter and received £20 from them and probably a levy too. In addition, a Governors Chaplain, equivalent to the old coadjutor, was mentioned in the establishment of 1576 with a royal stipend of £13. 6. 8⁽¹⁾ and occasionally a curate occurs assisting the Vicar but how he was maintained is uncertain, unless he is to be identified with the chaplain/coadjutor.⁽²⁾ How much money the levy actually brought in is uncertain, but what is certain is that the Vicars were never wealthy men^(2a) and in 1586 it was arranged that Thomas Clerkes income should be augmented by a Durham prebend, a plan which never materialized because of his death in 1589.⁽³⁾ After 1603, when no government money was available, the Guild assessed itself to help maintain the preachers, but the plan was never wholly successful.⁽⁴⁾ Another part of the 1560 scheme which did not materialize was the plan to extend the church which was shared by the townsmen and the garrison and which could only hold about a quarter of the population at once:⁽⁵⁾ the matter remained a talking point throughout the 1580's and in 1597 John Carey sent a petition to the Queen telling her that the preacher and people often ran out of the church during storms for fear of it collapsing.⁽⁶⁾ Despite these hair-raising complaints and offers of financial help Berwick had to wait for its new church until the time of the Commonwealth.

(1) BM. Harl. 151 f.3.

(2) George Johnson occurs as curate in 1564 and Bernard Vincent, a soldier turned minister, between 1578 and 83. DR II/1.

(2a) SR. Probate Records (1608 Inv. of Ric. Clerke) Probate Reg. VI f. 173.

(3) PK. D and C. Reg. E f. 80.

(4) B.C.R. GM. 7 f. 56.72.

(5) BM. Cotton Caligula B.X. f. 127/9.

(6) NRL. Raine, Testaments Dunelmensis, F. 131. CBP. Vol 1 p. 143, 2 p.505. No. 11.76, 1178, 1202.

In sharp contrast to their colleagues in other parts of Northumberland the Berwick clergy were both learned and radical. John Blackhall (1565-67) was deprived from the Vicarage probably for vestiarian offences,⁽¹⁾ Thomas Clerke (1567-89) brought from William Stevensons curacy at Barnard Castle was a notable puritan,⁽²⁾ and his son Richard Clerke (1589-1607) owned an extensive library including a wide range of Proestant literature by authors such as Udall, Perkins, Whitacre, Bale and Rollock.⁽³⁾ Before 1565 the surplice had not been used in Berwick, and in that year Bedford and Pilkington attempted to procure Sampson to fill the vacant office of preacher 'whose doctrine (albeit he sticks in some things) they should the better embrace.'⁽⁴⁾ In February 1584 a number of leading Scottish prebyterians fled to the town following Arrans 'Black Acts',⁽⁵⁾ including James Melville, nephew of Andrew Melville, who spent the best part of a year at Berwick and preached and taught there under licence from Hunsdon who permitted the doctrine of the Kirk to be used. Melvilles services were popular with the townsmen and he received especial favour from Lady Widdrington, his conclusion being that 'truly I find such fectful profession of christianity in Berwick as I had never seen the like in Scotland'.⁽⁶⁾ Puritan radicalism also spread to the surrounding areas, especially the thickly populated suburb of Tweedmouth. Nicholas

(1) SS. 161 p.167.

(2) See Chap. 8 p.301.

(3) SR. Probate Records (1608. Inv. of Ric. Clerke: his books were valued at £14. 9. 4 while his estate, not including books, totalled £20.10. 1).

(4) CSP Foreign (1564-65) No. 1196/7, 1304, 1330. In 1576 the new establishment emphasised that the Prayer Book order was to be 'observed without change or innovation'. BM. Harl. 151 f.3.

(5) See. G. Donaldson, Scottish Presbyterian Exiles in England, 1584-5. RSCHS Vol. 14. pt. 1.

(6) The Autobiography and Diary of Mr James Melville p. 168/72. Lady Widdrington was the wife of Sir Hen. Widdington, Marshal of Berwick: he formed a sharp contrast to his godly wife and was characterised as 'a right epicure, giving himself wholly to eat, drink, and ease... in his religion an atheist, seldom coming to church to hear sermons and prayer, but now and then for fashions sake'. AA 4th Series. Vol 41.

Bonnington, curate there in 1578, was probably the same man who as Rector of Shattam, Suffolk, was suspended for not subscribing to Whitgifts Six Articles in 1584,⁽¹⁾ and towards the end of the century there is evidence of separatist activity in the form of a complaint from the curate, Percival Smith, against his parish clerk, Stephen Hudspeth:⁽²⁾ Hudspeth, who insulted and molested the minister, 'renders the worship ridiculous and makes strangers cry out against the Church of England for permitting such as me to have office in the Church'. 'He is nominated only by a part of the parish and sundry of those are fanatics, keepers of conventicles, and will not neither hear the word nor receive the sacraments according to the Church of England, but frequents factious meetings'.

This strong Protestant feeling, sometimes veering towards Presbyterianism and separatism, had a profound effect on the social life and manners of the town. As early as 1565 collectors for the poor appear amongst the officials of the Guild and a regular benevolence was collected for genuine cases of hardship and distributed by the Mayor, Vicar and Churchwardens:⁽³⁾ So that only deserving cases were given relief badges were issued, and the idle poor 'persons of lewd behaviour ... given altogether not only to idleness but also whoredom and other notorious offences and crimes' were expelled from the town.⁽⁴⁾ Sabbatarianism too was rigidly enforced.* In 1591 it was ordered that Berwick fair should not commence on a Sunday 'to the great profanation

(1) The Second Part of a Register, Ed. A. Peel, Vol 1, p.242.

(2) The complaint is undated but is late sixteenth century in style, SR DR V/6. Hudspeth himself has not been identified with any certainty but he was perhaps the same man who was admitted as a free burgess of Berwick in 1578. BCR. GM.3 f. 38.

(3) BCR. GM 1. f. 119. BCR. Orders of the Council, 1573-1601 f. 68.

(4) Ibid.

* For the social implications of Sabbatarianism see C. Hill, Society and Puritanism p. 141/211.

of the Lords Sabbath contrary to his Holy word': the penalty for Sunday trading was the confiscation of all goods offered for sale and 8 days imprisonment.⁽¹⁾ Similarly, in 1602 all fishing in the Tweed was banned on Sundays 'for the better service of Almighty God and for avoiding the profanation of the Sabbath day'.⁽²⁾ The town, usually described as 'Her Majestys town of Berwick upon Tweed', was virtually autonomous and had extensive authority over spiritual as well as secular matters within its walls. Hunsdon evidently had the power to licence preachers, and schoolmasters, normally licenced by the Bishop, were examined and licenced by the Mayor and preachers:⁽³⁾ in a return of recusants ordered by the Privy Council in 1595 the Vicar and Churchwardens 'obstinately refused' to make presentment on summons from the Bishop of Durham, the Mayor alleging that the town was not subject to the jurisdiction of the Bishop or of any other ecclesiastical person.⁽⁴⁾

Although the Consistory evidently did have some jurisdiction in Berwick many of its functions were duplicated by the Bailiffs Court and the Military Council which both had extensive jurisdiction over moral and ecclesiastical matters. The Bailiffs Court, as well as regulating dunghills and vicious dogs, dealt with cases of whoredom, not attending church, and abusing the Sabbath.⁽⁵⁾ The Council, which sometimes sat with the preachers, implemented unusually harsh penalties for moral offences: in 1573, Alice Haggerston, accused by her mother of idleness, was ordered to be whipped before being set to work again, and

(1) Ibid f. 92.

(2) BCR. GM. 6 f 75.

(3) BCR. Bailiffs Court Bk. f. 22.

(4) CRS. Vol. 53 p.58.

(5) BCR Bailiffs Court Bk. f. 26,28,29.

(6) Ibid. p. 224/5.

(7) CRS Foreign (1560-61) No. 504/2. Astley MSS. 1.1.27.11.12.13.14.15.

(8) Between a Soldier & Berwick 1571-72. Chalmers MSS.

(9) PK. York Book 2. 43/2. MS. A.11.1.1.1.1.1.1.1.1.1.

(10) JRL. Berke, Treatments Berke, f. 7. p. 105.

in the following year Thomas Kellaway, a sergeant in the garrison, accused of 'vile fornication' was imprisoned awaiting trial, then, on confession, dismissed from the army, sent to 'Haddocks Hole' for 8 days, and then to the Mayors prison.⁽¹⁾ In 1580 a woman found guilty of incest with her son-in-law was placed in 'the cage' for an hour, whipped behind a cart, and then banished from the town.⁽²⁾ it was through fear of this harsh moral regime that Robert Percy and Agnes Davison fled to Durham where they were able to carry on their immoral life with less risk of detection or of such harsh punishment.⁽³⁾ As early as 1560 Leeke described Berwick as 'a civil town, almost void of vices', and by the middle of the decade the godly soldier of Berwick had become something of a national stereotype.⁽⁴⁾ What precisely the jurisdiction of the Officialty Court was in Berwick is not known, but it is certain that throughout the period the Chapter maintained close contacts with the town both spiritually and economically.

The benevolent interest which the Chapter took in the Officialty was not just confined to Berwick. In 1585 Ralph Lever suggested that each prebend should preach 6 times a year in Chapter impropriations in Northumberland and Durham, and Dean Matthew far surpassed this with an average of about 20 sermons in the Officialty each year:⁽⁵⁾ apart from this there were personal connections between the prebends and the minor clergy, Laurence Pilkington describing Leonard Pilkington as 'my good Mr. Dr. Pilkington', and William Watson calling Swift 'my singular good master'.⁽⁶⁾ As we have seen the Chapter did its best to overcome the

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- (1) BCR. Orders of the Council f.74,81. Haddocks Hole was described as 'a very bad prison, only for thieves and murderers'. CBP. Vol 1. No. 916.
 (2) Ibid f. 42/3.
 (3) SS. 21. p.254/7.
 (4) CSP Foreign (1560-61) No. 600/5. Antony Gilby, A pleasant dialogue between a solder of Berwick and an English Chaplain.
 (5) PK. York Book f. 41/2. YML. Add. Ms. 18.
 (6) NRL. Raine, Testamenta Dunelmensis, B.7. F.105.

problems of religious conservatism and clerical poverty which had been major obstacles in 1559 by utilising all the advantages at its disposal to secure the best possible clergy and by making an attempt to either provide augmentations or unite poor adjoining benefices. But against the really basic problems very little headway was made. Impropropriations, which might have gone towards maintaining preachers and schools, remained in lease to protect the vested interests of the local gentry and the prebends who enjoyed them as bye corpes: (1) other matters such as the negligence of churchwardens and the widespread lay apathy were largely beyond the Chapters control, but they did raise the question of whether or not maintaining expensive preachers in some areas was a worthwhile exercise. The Officialty was clearly an area of sharp contrasts, but it provides enough which is uniform to question many of the traditional assumptions about the state of the Elizabethan clergy in the provinces. (2)

(1) See Chap 4 p.133/5.

(2) See, for example, R.G. Usher, The Reconstruction of the English Church. A.T. Hart, The Country Clergy, 1558-60, C. Hill, Economic problems of the Church. R.B. Manning, Religion and Society in Elizabethan Sussex. For more optimistic views of the clergy see H.G. Owen, Parochial curates in Elizabethan London J.E.H. 10, The Episcopal Visitation: its limits and limitations in Elizabethan London. J.E.H. 11, P. Tyler, The ecclesiastical commission for the Province of York, Oxford D. Phil. 1965.

CONCLUSION

During the sixteenth century Northern society was in a state of ferment. The development of Protestantism had brought with it new attitudes to many social and economic problems, and on the political front the Reformation had weakened the power of the Bishop and augmented that of the local gentry who benefitted from sales of monastic and chantry property. Indeed, the area was enjoying something of an economic boom with the rapid development of new industries such as coalmining and the increased demands placed on farmers by the expansion of the towns and the general rise in population. Politically, except for a brief reaction under Mary, power was moving away from the great nobles and their households towards new court orientated groups, and the Pilgrimage of Grace and the Rebellion of the Earls, far from proving that the North was a backward and feudal area, prove it to be a region in the process of rapid, perhaps over rapid, change. Research already undertaken on matters such as recusancy, coalmining and estate management proves that the North was not especially reactionary nor out of touch with developments in other parts of the country:⁽¹⁾ indeed, the only areas of the North which were arguably 'untypical' were the wild border regions of Northumberland and some of the densely wooded areas, such as Westward forest in Cumberland, where administration was difficult and sometimes simply impossible. These, however, were problems which were caused by basic geographic and sociological factors and which were evident in other parts of the country too.⁽²⁾

(1) YAS. Vol 37 (A.G. Dickens, The extent and character of recusancy in Yorkshire). J.U. Nef, The rise of the British Coal industry. SS. 163 (M.E. James, Estate accounts of the Earls of Northumberland).

(2) For example, the Welsh marches, the weald of Kent and the extreme West.

What then was the role and impact of the Cathedral in this society? The Durham prebends were generally men of outstanding and very varied abilities, and the Cathedral, which formed the centre of their work, provided a focal point for orthodoxy, education, and charity, not only through the corporate obligations laid down in its statutes but also through the personal contributions of the prebends in these fields.⁽¹⁾ In addition, the Cathedral played an important part in the secular and ecclesiastical administrations, supplying on the one hand a source of patronage for diocesan Chancellors and Archdeacons and on the other a readily available supply of educated and able men to serve the government in a number of capacities ranging from JPs to border Commissioners: thus, both the Bishop and Court had a strong vested interest in the Cathedral and its politics.⁽²⁾ It was in fact these essentially outward looking activities which ensured that the new corporation would always be more than a carbon copy of the dissolved monastery, evangelical rather than introspective, and a true 'parish church' of the diocese, representing the permanence which the Bishop lacked. The concept of the Cathedral as a base from which the prebends operated, rather than do a time consuming self-justifying institution, is best illustrated by the activities of the prebends as peripatetic preachers and parish clergy, roles which the statutes saw as quite compatible with their Cathedral duties.⁽³⁾ The Chapter, it is true, had a virtual monopoly of the richest benefices in the diocese, but large scale pluralism and blatant non-residence were rare, the majority of the prebends being able to create a healthy balance between time spent at the Cathedral

(1) Chapter 1 p.6/20.

(2) Chapter 2 p.81/88. Chapter 8 p.272/7.

(3) Chapter 8.

and time spent in their cures.⁽¹⁾ Just as important was the influence exercised through the Officialty where the Chapter undertook improvements by careful supervision and the conscientious use of its patronage.⁽²⁾ In Durham, as elsewhere, the lasting problem, which ultimately bedevilled the efficiency of all ecclesiastical administration, was caused by the basic workings of the system in the localities rather than by the inefficiency or corruption of the administrators: the patronage system which offered protection for clients in spite of their offences, the peculiar sociological structures of highland and woodland areas, and the widespread popular apathy were all intrinsic problems against which the prebends made very little headway.⁽³⁾

Yet despite the fact that the Cathedral was managing to put into practice many of the commendable intentions of its founder, we must still account for the unpopularity which it endured amongst contemporaries.⁽⁴⁾ Here the problem was created by the sources on which the Cathedral depended for its income, because the shrewd economic policy of the Chapter conflicted not only with prevalent notions of Christian Charity and selflessness but also with the interests of the laity. In sharp contrast to their predecessors, the Elizabethan prebends had implemented a number of important changes on the Chapter estates and had adopted a much more uncompromising attitude towards the defence of their endowment, which they were determined to preserve both for their own profit and for that of their successors:⁽⁵⁾ the notion that the interest of the

(1) Ibid.

(2) Chapter 9.

(3) Ibid.

(4) For some contemporary opinions of Cathedrals, see Introduction p.1.

(5) Chapter 3, Chapter 4.

clergy in their estates was a transitory one, leading to alienations and conservatism in management, is erroneous, at least at Durham, because with the advent of clerical marriage prebendal dynasties often emerged which perpetuated the interests of families in the Cathedral long after their immediate representatives in the Chapter were dead.⁽¹⁾ Nor is there any evidence at Durham of the alleged alliance between land hungry courtiers and the puritan clergy who in this respect seem to have been just as 'clerical' as their Catholic contemporaries: it was only timeservers like Bishop Barnes and unbeneficed malcontents like Penry who had anything to gain from assisting or advocating further secularization. Encroachment on the Cathedral estates, even when sponsored by such eminent persons as Leicester, was vigorously opposed, and it was the total opposition of Whittingham and his allies to any sort of compromise in this respect which led, in part, to their attempted removal during the royal Visitation of 1578, ostensibly concerned with the question of the Deans orders:⁽²⁾ similarly, on a local level, the gentry were evicted from corpes lands which should have been occupied by the prebends, and the bulk of the humbler Chapter tenants were forced to accept leases very much against their wills.⁽³⁾ Exactly the same trend was evident in the parishes, where the prebends, acting as individual Rectors, were attempting to further their own economic interests at the expence of the gentry by challenging, usually successfully, outdated tithe commutations and ancient and unprofitable leases of glebe land.⁽⁴⁾

(1) Chapter 1 p.36, 41/3.

(2) Chapter 7 p.247/60.

(3) Chapter 4.

(4) Chapter 8 p.280/92.

Three vastly important changes lay behind the formulation of these policies, reflecting the broader changes taking place in Northern society in general. Firstly, in sharp contrast to the monks who had gone before them and had formed the new Chapter in 1541, the Elizabethan prebends nearly all came from gentry families which gave them much greater self confidence when encountering local dignitaries as well as a certain aura of authority when dealing with the lower orders.⁽¹⁾ Secondly, the eventual acceptance of clerical marriage under Elizabeth meant that the gentry born prebends were attempting, as far as was possible, to entail their own social status upon their children.⁽²⁾ Thirdly, the Chapter formed an extension of the activities of the new 'court' families, such as the Russells and Dudleys, who were gradually replacing the old 'lineage' groups in the government of the North.⁽³⁾ These developments clearly led to major upheavals in county society, because they meant, in general terms, that if the clergy were to secure their own political and economic stability, and that of their families after them, they would inevitably have to alienate a substantial and often influential section of the established laity. One example of this process in action is to be seen in the Rebellion of the Earls which included amongst its numerous and mixed motivations a clear breakdown of relations between the Nevilles and the Durham Chapter, apparently for political and economic, as well as religious, reasons:⁽⁴⁾ indeed, Westmorlands boast that he would take certain of the Durham prebends and

(1) Chapter 1 p. 20/5.

(2) Ibid p. 25/7, 41/3.

(3) Chapter 2 p. 53/5. See also W. MacCaffrey, The shaping of the Elizabethan regime.

(4) Chapter 3 p. 111, 120.

(*) Chapter 1.

(5) Chapter 3.

hang them was probably more than just an idle threat.⁽¹⁾ Bishop Pilkington, for one, was shrewd enough to realize the unfortunate interaction between religious and non-religious grievances when he complained to Cecil that 'I am sorry [these disputes]⁽²⁾ should chance in the time or by occasion of any that professed Christs gospel. And surely, the people say, this is the fruit of our religion to procure such mischiefs'.⁽³⁾ Inextricably linked with political and economic disputes which were not always of their own making the Protestant clergy found themselves in an embarrassing dilemma. Inevitably their reputation became one of covetousness rather than of charity, of contentiousness rather than of equanimity: their names were remembered in the landed dynasties which survived their deaths rather than in their ministries during their lives.

The accumulation of wealth by the prebends and the creation of New county families often at the expence of old ones created stresses within the Chapter as well as without, a development which manifested itself in a number of vicious and often uncompromising faction fights.⁽⁴⁾ In its manifestations as well as its origins the conflict was basically an economic one, representing the attempts of the ruling group to achieve undisputed control over the Chapter estates and funds and the counter measures of the opposition to frustrate their schemes and limit the power of the Dean. At Durham the situation was complicated by a long and bitter feud with the Archbishop and Dean and Chapter of York over rights of visitation and jurisdiction sede vacante,⁽⁵⁾ the whole conflict

(1) CSP. Domestic Addenda (1566-79) Vol. XVII. No. 76.

(2) Concerning episcopal lands detained by the crown.

(3) BM. Lans. 8 f. 209.

(4) Chapter 7.

(5) Chapter 6.

reaching crisis point when Pilkingtons more moderate successor, Barnes, linked up with the anti-Whittingham and pro-York faction in an attempt to destroy the puritan hold over the diocese and extend a greater personal control over both the activities and wealth of the Chapter: indeed, the incident was part of a general conservative reaction taking place in the Elizabethan church in the late 1570's.⁽¹⁾ The ramifications of the feud were extensive, and although it was partially resolved when Toby Matthew became Dean the damage to the prestige of the Chapter, and to that of the clergy in general, had already been done. In 1581 the Privy Council expressed concern that happenings at Durham were causing the clergy to be 'evil spoken of', a fear which was shared by the prebends themselves who in their more reflective moments realized that their disputes were 'offensive'.⁽²⁾ It was these sort of activities on the part of the prebends that gave grist to the puritan mill, to the recusant gentry, and to those sections of the laity who still clamoured for further secularization of the Church: with these factors in mind it is hardly surprising that Cathedrals gained the reputations they did.

But, despite the poor public image of the Cathedral and the inevitable problems facing any endowed church, it is clear that the dissensions in the Chapter did little to retard routine administration and on the balance of evidence it would be quite incorrect to describe the Cathedral as either a 'clerical backwater' or a 'den of loitering lubbers'.⁽³⁾ The prebends, far from living in 'great idleness', were

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- (1) This was the period which saw the suspension of Grindal, the deaths of several of the 'exile' Bishops, and a marked decline in Leicesters influence at court.
 - (2) APC. Vol XIII. Oct 24th 1581. PRO. SP/12.162,48.1.
 - (3) See Introduction p.1/2.

men with direct involvements in numerous aspects of Northern government and society and as the most able and articulate members of the parish clergy their overall contribution was beneficial rather than detrimental:⁽¹⁾ even the Durham minor canons, who as a group were so often the brunt of unfavourable criticism, were men whose obligations and duties extended outside the narrow confines of the Cathedral and against whom very little moral reproach could be brought.⁽²⁾ Obviously, however, there were areas in which the Chapter could have achieved much more than it did, abuses which remained unreformed, and initiatives allowed to slip because of vested interests:⁽³⁾ particularly indefensible to some, for example, was the great wealth of many of the prebends, which, even allowing for their abilities and achievements, seemed particularly incongruous alongside the abject poverty of some of the minor clergy. In a rather wider context Durham findings do not appear to be immediately confirmed by existing work on other Cathedrals many of which seem to have been characterised by corruption, absenteeism, and neglect, and the question of how typical the Chapter was is clearly one which must be asked.⁽⁴⁾ Quite apart from fundamental distinctions between old and new foundations and peculiarities of statutes even within these 2 basic groupings, Durham was untypical in a sense during this period because of the early dominance of a puritan faction and peculiar problems caused by its proximity to the Scottish borders. Only further research can shed light on this problem, but of

(1) Chapter 8.

(2) Chapter 1 p.44/51.

(3) For example the whole question of bye corpses, Chapter 4 p.133/5.

(4) For some comparisons see JEH. Vol 11 (R.B. Walker, Lincoln Cathedral in the reign of Queen Elizabeth). R.H.V. Burne, Chester Cathedral, R.B. Manning. Religion and Society in Elizabethan Sussex p.15/17, 67/9, 72/6, 108/9, 122/4, 168/9, 170/1.

one conclusion we can be certain: by 1600 the Durham Chapter formed an integral and immensely important part of the overall diocesan structure, and if it was unpopular in the eyes of certain sections of the laity then this was because of essentially political and economic factors rather than the sort of spiritual abuses suggested by Field and other writers.

APPENDIX

Date	Subj	Value	Page
1/17/76	Thomas, Robert	2000	1
1/18/76	Thomas, Robert	2000	1
1/19/76	Thomas, Robert	2000	1
1/20/76	Thomas, Robert	2000	1
1/21/76	Thomas, Robert	2000	1
1/22/76	Thomas, Robert	2000	1
1/23/76	Thomas, Robert	2000	1
1/24/76	Thomas, Robert	2000	1
1/25/76	Thomas, Robert	2000	1
1/26/76	Thomas, Robert	2000	1
1/27/76	Thomas, Robert	2000	1
1/28/76	Thomas, Robert	2000	1
1/29/76	Thomas, Robert	2000	1
1/30/76	Thomas, Robert	2000	1
1/31/76	Thomas, Robert	2000	1
2/1/76	Thomas, Robert	2000	1
2/2/76	Thomas, Robert	2000	1
2/3/76	Thomas, Robert	2000	1
2/4/76	Thomas, Robert	2000	1
2/5/76	Thomas, Robert	2000	1
2/6/76	Thomas, Robert	2000	1
2/7/76	Thomas, Robert	2000	1
2/8/76	Thomas, Robert	2000	1
2/9/76	Thomas, Robert	2000	1
2/10/76	Thomas, Robert	2000	1
2/11/76	Thomas, Robert	2000	1
2/12/76	Thomas, Robert	2000	1
2/13/76	Thomas, Robert	2000	1
2/14/76	Thomas, Robert	2000	1
2/15/76	Thomas, Robert	2000	1
2/16/76	Thomas, Robert	2000	1
2/17/76	Thomas, Robert	2000	1
2/18/76	Thomas, Robert	2000	1
2/19/76	Thomas, Robert	2000	1
2/20/76	Thomas, Robert	2000	1
2/21/76	Thomas, Robert	2000	1
2/22/76	Thomas, Robert	2000	1
2/23/76	Thomas, Robert	2000	1
2/24/76	Thomas, Robert	2000	1
2/25/76	Thomas, Robert	2000	1
2/26/76	Thomas, Robert	2000	1
2/27/76	Thomas, Robert	2000	1
2/28/76	Thomas, Robert	2000	1
2/29/76	Thomas, Robert	2000	1
2/30/76	Thomas, Robert	2000	1

Table I: Officers of the Dean and Chapter

Table I: Officers of the Dean and Chapter

Date	Dean	Vice Dean	Treasurer	Receiver	Divinity Reader
1557/8	Thomas Robertson	Roger Watson	William Bennett	William Bennett	
1558/9	Thomas Robertson				
1559/60	Robert Horne			Roger Watson	
1560/61	Ralph Skinner	Roger Watson		William Bennett	
1561/62	Ralph Skinner	Thomas Sparke	William Bennett	William Bennett	Adam Holiday
1562/63	Ralph Skinner	Thomas Sparke	William Stevenson	William Bennett	Adam Holiday
1563/64	William Whittingham				
1564/65	William Whittingham	John Pilkington	William Bennett	William Stevenson	
1565/66	William Whittingham		William Bennett	William Stevenson	
1566/67	William Whittingham	Thomas Sparke	William Bennett	John Pilkington	
1567/68	William Whittingham			William Bennett	
1568/69	William Whittingham	Leonard Pilkington	Ralph Lever	Robert Swift	William Stevenson ?
1569/70	William Whittingham	Leonard Pilkington	Adam Holiday	William Bennett	
1570/71	William Whittingham	Leonard Pilkington	Adam Holiday	John Pilkington	
1571/72	William Whittingham	John Pilkington	Ralph Lever	Robert Swift	Robert Swift ?
1572/73	William Whittingham	Robert Swift ?	Leonard Pilkington	Robert Swift	
1573/74	William Whittingham	William Bennett	John Pilkington	Ralph Lever	
1574/75	William Whittingham	Leonard Pilkington?	Robert Swift	Leonard Pilkington	

contd./

Table I contd.

Date	Dean	Vice Dean	Treasurer	Receiver	Divinity Reader
1575/76	William Whittingham		Francis Bunny	Ralph Lever	
1576/77	William Whittingham	Robert Swift	Richard Fawcett	Adam Holiday	Francis Bunny
1577/78	William Whittingham	Francis Bunny	John Pilkington	Robert Swift	
1578/79	William Whittingham	Francis Bunny	Peter Shaw	Leonard Pilkington	
1579/80	Thomas Wilson	Robert Bellamy	Henry Naunton	George Cliffe	Hugh Broughton
1580/81	Thomas Wilson	Robert Bellamy	Ralph Tunstall	Adam Holiday	Ralph Tunstall
1581/82		Henry Naunton	George Cliffe	Peter Shaw	Ralph Tunstall
1582/83		Ralph Tunstall	Adam Holiday	Leonard Pilkington	Ralph Tunstall
1583/84	Toby Matthew	Francis Bunny	Ralph Lever	Leonard Pilkington	
1584/85	Toby Matthew		Adam Holiday	Henry Naunton	
1585/86	Toby Matthew		Robert Swift	Ralph Tunstall	
1586/87	Toby Matthew	Leonard Pilkington	John Pilkington		
1587/88	Toby Matthew	Robert Bellamy	Henry Naunton	Ralph Tunstall	Ralph Tunstall?
1588/89	Toby Matthew	Leonard Pilkington	Adam Holiday	Robert Swift	Ralph Tunstall } Richard Fawcett }
1589/90	Toby Matthew	Emmanuel Barnes	Francis Bunny	Leonard Pilkington	
1590/91	Toby Matthew	George Cliffe	Robert Swift ?	John Pilkington	

contd./

Table I contd.

Date	Dean	Vice Dean	Treasurer	Receiver	Divinity Reader
1591/92	Toby Matthew	Ralph Tunstall	Leonard Pilkington		
1592/93	Toby Matthew		Clement Colmore	Ralph Tunstall	
1593/94	Toby Matthew	Leonard Pilkington	Robert Hutton	Robert Swift	
1594/95	Toby Matthew	Francis Bunny	Henry Naunton	Clement Colmore	Ralph Tunstall ? Robert Hutton
1595/96			Henry Naunton	Clement Colmore	
1596/97	William James	Leonard Pilkington	Robert Hutton	Ralph Tunstall	Emmanuel Barnes ? Robert Hutton
1597/98	William James	Leonard Pilkington	Robert Hutton	Ralph Tunstall	Emmanuel Barnes
1598/99	William James			Robert Swift	
1599/1600	William James	Henry Naunton	Henry Ewbank	Ralph Tunstall	Emmanuel Barnes
1600/01	William James	Clement Colmore	Henry Ewbank	Henry Naunton	Emmanuel Barnes
1601/02	William James			Francis Bunny	
1602/03	William James		Marmaduke Blakiston	Ralph Tunstall	
1603/04	William James	Clement Colmore	Henry Ewbank	Marmaduke Blakiston	Robert Hutton } James Rande }

Sources: PK: TB's, RB's, Misc. Ch. etc.

Table II: Income of the Dean and Chapter1559/60

Temporalities in Durham	1381 15 0
Temporalities in Northumberland	31 19 7
Spiritualities in Durham	294 1 0
Spiritualities in Northumberland	171 17 4
Spiritualities in Yorkshire	75 0 0
Sundries	17 12 1½
	<hr/> 1972 5 0½

Waste: 34 16 5½

1564/5

Temporalities in Durham	1384 13 6
Temporalities in Northumberland	31 16 3
Spiritualities in Durham	294 7 8
Spiritualities in Northumberland	178 1 6
Spiritualities in Yorkshire	75 0 0
Sundries	7 10 6
	<hr/> 1971 9 5

Waste: 45 6 10½

1574/5

Temporalities in Durham	1382 4 2½
Temporalities in Northumberland	31 19 7
Spiritualities in Durham	294 14 4
Spiritualities in Northumberland	186 9 0
Spiritualities in Yorkshire	75 0 0
Sundries	17 0 11
	<hr/> 1987 8 0½

Waste: 57 15 7½

Table II contd.

1578/9

Temporalities in Durham	1385	7	2½
Temporalities in Northumberland	31	19	8
Spiritualities in Durham	294	14	4
Spiritualities in Northumberland	184	6	0
Spiritualities in Yorkshire	78	6	8
Sundries	7	10	11
	1982	4	8½

Waste: 62 12 1½

1585/6

Temporalities in Durham	1387	14	2½
Temporalities in Northumberland	31	19	8
Spiritualities in Durham	294	14	4
Spiritualities in Northumberland	187	17	3
Spiritualities in Yorkshire	88	13	4
Sundries	26	9	8
	2017	8	5½

Waste: 70 14 4½

1590/1

Temporalities in Durham	1405	15	6
Temporalities in Northumberland	31	19	8
Spiritualities in Durham	294	14	4
Spiritualities in Northumberland	181	3	10
Spiritualities in Yorkshire	88	13	4
Sundries	3	15	5
	2006	2	1

Waste: 60 9 5

contd./

Table II contd.

1595/6

Temporalities in Durham	1400	13	11½
Temporalities in Northumberland	31	19	8
Spiritualities in Durham	294	4	4
Spiritualities in Northumberland	183	15	0
Spiritualities in Yorkshire	88	13	4
Sundries	2	2	10
	2001	9	1½

Waste: 57 3 5½

1601/2

Temporalities in Durham	1414	1	10
Temporalities in Northumberland	31	19	7
Spiritualities in Durham	294	14	4
Spiritualities in Northumberland	183	15	0
Spiritualities in Yorkshire	88	13	4
Sundries	26	10	0
	2039	14	1

Waste: 57 8 1½

Sources: PK: RB. 7,9,10,11,16,17,21,26.

Sources: RB. 7, 9, 10, 11, 16, 17, 21, 26.
20, 21, 2, 24, 25

Table III: Income from Halmote Court

Date	Income
1541/2	2 6 6
1542/3	-
1547/8	3 2
1554/5	7 11 0
1557/8	1 10
1558/9	1 12 2
1559/60	4 11 11
1560/1	1 14 6
1561/2	-
1564/5	-
1574/5	12 5 4
1578/9	5 9 5
1580/1	1 12 6
1581/2	-
1583/4	15 9 5
1584/5	24 16 3
1585/6	24 11 1
1590/1	1 14 6
1594/5	21 7 6
1595/6	-
1596/7	36 11 5
1597/8	13 4 4
1598/9	19 16 0
1601/2	12 10 6

Sources: PK. RB. 1,2,3,5,6,7,8,9,9A,10,11,12,13,14,15,16,16A,17,
20,21,22,24,26.

* i.e., money which the Treasurer was to hand from the King's Exchequer.

(1) Virtually certain by Gilbert de la Halmote and other knights.

Table IV: Statement of Account

1569/70

a) Receipts of Receiver [William Bennett]	i) Rents	1689 10 6
	ii) Arrearages	170 8 10
	iii) Allowances*	40 19 9 (1)
		<hr/> 1818 19 7
b) Expenses of Treasurer [Adam Holiday]		<hr/> 1773 11 1
	Balance:	<hr/> 45 8 5½

1570/1

a) Receipts of Receiver [John Pilkington]	i) Rents	1600 4 9½
	ii) Arrearages	203 14 2½
	iii) Allowances	-
		<hr/> 1803 19 0
b) Expenses of Treasurer [Adam Holiday]		<hr/> 1771 18 7½
	Balance:	<hr/> 32 0 4½

1571/2

a) Receipts of Receiver [Robert Swift]	i) Rents	1877 1 0
	ii) Arrearages	435 16 10½
	iii) Allowances	-
		<hr/> 2312 17 10½
b) Expenses of Treasurer [Ralph Lever]		<hr/> 1773 7 11
	Balance:	<hr/> 539 9 11½

* i.e. money which the Receiver was excused from handing over to the Treasurer.

(1) Violently taken by Cuthbert Neville and other rebels.

Table IV contd.

1572/3

a) Receipts of Receiver [Robert Swift]	i) Rents	1901 16 8
	ii) Arrearages	65 15 1
	iii) Allowances	-
		<hr/> 1967 11 9
b) Expenses of Treasurer [Leonard Pilkington]		<hr/> 1752 9 6½
	Balance:	<hr/> 215 2 2

1573/4

a) Receipts of Receiver [Ralph Lever]	i) Rents	1901 18 2½
	ii) Arrearages	4 3 8
	iii) Allowances	-
		<hr/> 1906 1 10½
b) Expenses of Treasurer [John Pilkington]		<hr/> 1725 9 3
	Balance:	<hr/> 180 12 7½

1574/5

a) Receipts of Receiver [Leonard Pilkington]	i) Rents	1873 13 0½
	ii) Arrearages	2 12 8
	iii) Allowances	15 7 6 (1)
		32 0 2 (2)
		162 14 8 (3)
		<hr/> 1665 10 7½
b) Expenses of Treasurer [Robert Swift]		<hr/> 1818 5 10
	Balance:	<hr/> 152 15 2½ †

(1) Expenses at York

(2) Money lent

(3) Stolen from Exchequer.

† Debit Balance

Table IV contd.

1575/6

a) Receipts of Receiver [Ralph Lever]	i) Rents	1830	17	8½
	ii) Arrearages	13	17	1
	iii) Allowances		-	
		1844	14	9½
b) Expenses of Treasurer [Francis Bunny]		1952	0	9
Balance:		107	5	11½ †

1576/7

a) Receipts of Receiver [Adam Holiday]	i) Rents	1752	13	2½
	ii) Arrearages	35	16	9½
	iii) Allowances		-	
		1788	10	0
b) Expenses of Treasurer [Richard Fawcett]		1877	3	6½
Balance:		88	13	6½ †

1577/78

a) Receipts of Receiver [Robert Swift]	i) Rents	2440	6	6½
	ii) Arrearages	15	4	6½
	iii) Allowances		-	
		2194	11	1
b) Expenses of Treasurer [John Pilkington]		2173	11	11½
Balance:		20	19	1½

† Debit Balance.

Table IV contd.

<u>1578/9</u>			
a) Receipts of Receiver [Leonard Pilkington]	i) Rents	1883	19 2½
	ii) Arrearages	12	12 8
	iii) Allowances	-	
		1896	11 10½
<hr/>			
b) Expenses of Treasurer [Peter Shaw]		1835	0 4½
	Balance:	61	11 6
<hr/>			
<u>1579/80</u>			
a) Receipts of Receiver [George Cliffe]	i) Rents	1864	12 9½
	ii) Arrearages	19	5 7
	iii) Allowances	-	
		1883	18 4½
<hr/>			
b) Expenses of Treasurer [Henry Naunton]		1767	5 10½
	Balance:	116	12 6
<hr/>			

Source: PK. York Bk. f.14/18.

Table V contd.

Table V: Corpes Lands and Bye Corpes

Stall	Corpes	Rent	Value	Bye Corpes	Rent
Deanery	Bearpark Stotgate Closes Arbour Close N & S Ravensflatt Whitehall Shipley Alansford Holme <hr/> Rec. of Billingham Rec. of Merrington	15 15 4 13 4 1 0 0 8 0 0 1 10 0 13 4 12 0 12 0 0 <hr/> 40 0 0 26 1 4	500 0 0		
1	Half of Elvet Hall	8 6 8	100 0 0	N. Sherburn N. Pittington Hett-on-the-Hill Crookhall	7 0 0 2 16 8 1 13 4 2 13 4
2	Half of Elvet Hall	8 6 8	150 0 0	Cold Hesleden Eden Hardwick Redworth	5 0 0 3 3 4 2 0 0 4 0 0
3	Sacriston Hugh Holcroft Close	6 15 10 2 0 0		Aycliffe Brafferton Schole Aycliffe	9 0 0 3 6 8 2 0 0

contd./

Table V contd.

Stall	Corpes	Rent	Value	Bye Corpes	Rent
4	Witton Gilbert Newhouse Underside	5 0 0 2 13 4 16 8	30 0 0	S. Pittington Shadforth S. Sherburn Haghouse	2 0 0 7 6 1 3 10 0 1 6 8
5	Third of Muggleswick	8 7 9½		Shincliffe Old Durham	10 0 0 4 3 4
6	Third of Muggleswick	8 7 9½		Hesleden Sherburn Dalden	8 13 4 4 0 0 2 0 0
7	Finchale	9 18 8	200 0 0	Harton Wardley & Felling Wallsend	9 10 0 1 0 6 3 13 4
8	Third of Muggleswick	8 7 9½		Walworth Preston Ketton Magna Ricknel	7 0 0 3 13 4 3 6 8 13 4
9	Rilly Amner Barnes	7 0 0 1 0 4	100 0 0	Heighington W. Tickley	13 6 8 1 0 0
10	S. Pittington Polter Close	8 13 4 3 6 8	30 0 0	Hutam & Hulam N. Heworth Suddick	8 0 0 1 10 0 5 6 8

contd./

Table V contd.

Stall	Corpes	Rent	Value	Bye Corpes	Rent
11	Houghall	16 0 0		Bedlington Murton	9 0 0 5 6 8
12	Bewley	10 3 4		Westoe Willington Monkton Sheelhugh	6 18 6 3 13 4 2 10 6 1 1 6

Sources: SS.143 p.121, PK.RB's, York BK f.2/6, Hutchinson, History of Durham, Vol.2, p.126/8.

Table VI contd.

Table VI: Prebendal Benefices and Appointments

Dean	Dates of Preferment	Preferment	How Vacated	Valor Valuation	Patron
<u>DEANERY</u> Robert Horne (1559-60) Res.		None			
Ralph Skinner (1560-63) Ob.	1559-63 1562-63	Master of Sherburn Hospital Rec. of Sedgefield	Ob. Ob.	135 7 0 73 18 0	Crown Bishop Pilkington
William Whittingham (1563-79) Ob.		None			
Thomas Wilson (1580-81) Ob.	1563-81	Master of St. Catherines Hospital, London	Ob		
Toby Matthew (1583-95) Res.	1590-95	Rec. of Bishop Wearmouth Chaplain to Earl of Leicester Chaplain to Queen Elizabeth	Res.	89 18 0	Bishop Hutton
William James (1596-1606) Res.	1575-1601 1603-1606	Rec. of Kingham, Oxford Rec. of Eggescliffe	Res. Res.	28 17 0	Bishop Matthew

contd./

Table VI contd.

Dean	Dates of Preferment	Preferment	How Vacated	Valor Valuation	Patron
<u>STALL 1</u> John Crawforth (1543-62) Ob.	1546-61	Vicar of Mitford	Res.	10 6 8	Bishop Tunstall
Robert Swift * (1562-99) Ob.	1561-77 1563-99	Chancellor Rec. of Sedgfield	Res. Ob.	73 18 0	Bishop Pilkington Bishop Pilkington
James Rande (1599-1620) Res.	1578-1621	Vicar of Norton	Ob.	31 11 4	Bishop Barnes
<u>STALL 2</u> Roger Watson * (1541-61) Ob.	1550-61 1560-61	Rec. of Rothbury Vicar of Pittington	Ob. Ob.	58 6 8 14 14 0	Bishop of Carlisle Dean and Chapter
John Pilkington * (1561-1603) Ob.	1560-62 1563-1603 1563-1603	Prebend of St. Pauls Archdeacon of Durham) Rec. of Easington) Chaplain to Bishop Pilkington	Res. Ob. Ob	100 0 0	Bishop Pilkington Bishop Pilkington

contd./

Table VI contd.

Dean	Dates of Preferment	Preferment	How Vacated	Valor Valuation	Patron
<u>STALL 3</u> Thomas Sparke * (1541-71) Ob.	1537-72 1541-72 1547-72	Bishop of Berwick Master of Greatham Hospital Rec. of Wolsingham	Ob. Ob. Ob.	96 6 3½ 31 13 4	Crown Bishop Tunstall Bishop Tunstall
John Foxe (1572) Res.	1563-73	Prebend of Salisbury	Res.		
Robert Bellamy * (1573-89) Res.	1577-85 1579-89 1584-89 1589-1606	Rec. of Eggescliffe Rec. of Whalton Rec. of Houghton Master of Sherburn Hospital Chaplain to Bishop Barnes	Res. Res. Res. Ob.	28 17 0 13 0 8 124 0 0 135 7 0	Bishop Barnes Thomas Bates Bishop Barnes (Exchange)
Robert Hutton * (1589-1623) Ob.	1589-1623	Rec. of Houghton	Ob.	124 0 0	(Exchange)
<u>STALL 4</u> William Bennett * (1541-79) Res.	1548-79 1555-84 oc.1566,7	Vic. of Kelloe Vic. of Aycliffe Official of the Dean and Chapter	Res. Ob.	20 0 0 16 0 0	Sherburn Hospital Dean and Chapter Dean and Chapter

contd./

Table VI contd.

Dean	Dates of Preferment	Preferment	How Vacated	Valor Valuation	Patron
Henry Naunton * (1579-1603) Ob.	1575-94 1581-1603 1588-1603	Vic. of Gainford Vic. of Bedlington Rec. of Egglescliffe Chaplain to Dean Wilson	Res. Ob. Ob.	39 16 0 13 6 8 28 17 0	Trinity College Cambridge Dean and Chapter Crown?
<u>STALL 5</u> William Todd * (1541-67) Dep.	1553-61 oc.1560	Vic. of Northallerton Official of the Dean and Chapter	Res.	17 11 8	Dean and Chapter Dean and Chapter
Ralph Lever * (1567-85) Ob.	1565-76 1566-73 1566-73 1575-77 1577-85	Rec. of Washington Archdeacon of Northumberland) Rec. of Howick) Rec. of Stanhope Master of Sherburn Hospital Chaplain to Bishop Pilkington Chaplain to Bishop Barnes	Res. Res. Res. Res. Ob.	18 0 0 36 13 4 67 6 8 135 7 0	Bishop Pilkington Bishop Pilkington Bishop Pilkington Bishop Pilkington Bishop Barnes
Emmanuel Barnes (1585-1607) Res.	1583-85 1585-1614 1602-1614 1612-1614	Rec. of Houghton Rec. of Wolsingham Prebend of York Rec. of Crake, Yorks. Chaplain to Queen Elizabeth	Res. Ob. Ob. Ob.	124 0 0 31 13 4 10 0 0	Bishop Barnes Bishop Barnes Bishop James

contd./

Table VI contd.

Dean	Dates of Preferment	Preferment	How Vacated	Valor Valuation	Patron
<u>STALL 6</u> Stephen Marley (1541-72) Dep.		None			
Peter Shaw * (1572-1608) Ob.	1572-1608	Rec. of Bury, Lancs. Prebend of York	Ob.		Earl of Derby
<u>STALL 7</u> Thomas Sampson (1560-62) Res.	1561-65	Dean of Christchurch, Oxford Chaplain to Earl of Rutland	Dep.		
William Birche (1562-67) Dep.	1559-64 1564-75	Rec. of Gateshead Rec. of Stanhope	Res. Ob.	27 13 8 67 6 8	Crown Bishop Pilkington
Leonard Pilkington* (1567-1599) Ob.	1559-99 1563-99	Rec. of Middleton-in-Teesdale Rec. of Whitburn	Ob. Ob.	26 17 0 39 19 4	Crown Bishop Pilkington
Marmaduke Blakiston * (1599-1631) Res.	1585-99 1597- 1599-1631 1615-25 1617-23	Rec. of Redmarshall Vic. of Woodhorn Rec. of Sedgfield Archdeacon of E. Riding, Yorks. Prebend of York	Res. Res. Res.	17 18 0 21 15 8 73 18 0	Bishop Barnes Bishop Matthew Bishop Matthew

contd./

Table VI contd.

Dean	Dates of Preferment	Preferment	How Vacated	Valor Valuation	Patron
<u>STALL 8</u> Adam Shepherd (1560-63) Ob.		None			
Thomas Lever* (1563-67) Dep.	1560-77 1562-77	Archdeacon of Coventry Master of Sherburn Hospital	Ob. Ob.	135 7 0	Bishop Pilkington
Richard Longworth (1567-72) Res.	1564-69 1568-79	Master of St. Johns College Cambridge Prebend of Worcester			
Francis Bunny * (1572-1617) Ob.	1573-78 1573-78 1578-1617	Archdeacon of Northumberland Rec. of Howick Rec. of Ryton Chaplain to Earl of Bedford	Res. Res. Ob.	36 13 4 42 10 8	Bishop Pilkington Bishop Pilkington
<u>STALL 9</u> John Henshaw (1559) Ob.		None			
Thomas Horton (1560) Res.	1560-64	Rec. of St. Magnus, London	Ob.		

contd./

Table VI contd.

Table VI contd.

Dean	Dates of Preferment	Preferment	How Vacated	Valor Valuation	Patron
William Stevenson * (1560-75) Ob.	1561 1562-75 1569-75 1569-75	Preacher at Berwick Vic. of Gainford Vic. of Hartburn Official of Dean & Chapter	Res. Ob. Ob. Ob.	39 16 0 20 0 8	Crown Trinity College, Camb. Bishop Pilkington Dean and Chapter
Richard Fawcett (1575-1610) Ob.	1575-10	Rec. of Boldon	Ob.	24 13 4	Bishop Pilkington
<u>STALL 10</u> John Rudd (1559-78) Ob.	1554-70? 1559- 1559-78 1569-	Vic. of Dewsbury, Yorks Rec. of Riston, Yorks Vic. of Norton Rec. of Romalldkirk, Yorks Prebend of Beverley Chaplain to Edward VI	Ob.	31 11 4	Crown
Hugh Broughton (1578-80) Res.	1580-83	Rec. of Washington	Res.	18 0 0	Bishop Barnes

Contd./

Table VI contd.

Dean	Dates of Preferment	Preferment	How Vacated	Valor Valuation	Patron
Ralph Tunstall * (1580-1619) Ob.	1569-1619 1571- 1572- 1580-82 1581-99 1581-99	Rec. of Croft, Yorks Prebend of York Master of St. Mary Magdalen Hospital, Ripon Rec. of W. Tanfield, Yorks Archdeacon of Northumberland Rec. of Howick Chaplain to Archbishop Grindal	Res. Res	36 13 4	Bishop Barnes Bishop Barnes
<u>STALL 11</u> Adam Holiday (1560-90) Ob.	1560-90	Rec. of Bishop Wearmouth Chaplain to Sir William Cecil	Ob.	89 18 0	Crown
Clement Colmore * (1590-1619) Ob.	1582-1619 1584-1619 1587-95 1587-95 1586-1619 1599-1619	Chancellor Rec. of Brancepeth Rec. of Gateshead Master of St. Edmunds Hospital, Gateshead Prebend of Lichfield Rec. of Middleton-in-Teesdale	Ob. Ob. Res. Res. Ob. Ob.	60 10 4 27 13 8 6 2 4 26 17 0	Bishop Barnes Crown Crown? Crown? Crown
<u>STALL 12</u> George Cliffe * (1588-96) Ob.	-59 1560-65 1562-96 1571-84 oc.1560	Rec. of Elwick Vic. of Billingham Rec. of Elwick Rec. of Brancepeth Official of Dean & Chapter Chaplain to Bishop Tunstall	Dep. Dep. Ob. Res.	20 18 0 11 3 0 20 18 0 60 10 4	Bishop Tunstall Dean and Chapter Bishop Pilkington Adeline Neville Dean and Chapter

contd./

Table VI contd.

Dean	Dates of Preferment	Preferment	How Vacated	Valor Valuation	Patron
Henry Ewbank * (1596-1620) Res.	1581-1612	Prebend of Lichfield	Res.		
	1581-	Rec. of Sheepy, Leics.			
	1583-1611	Rec. of Washington	Res.	18 0 0	Bishop Barnes
	1585-1615	Master of Virgin Mary Hospital, Newcastle	Res.		Newcastle Corporation
	1598-	Rec. of Elwick		20 18 0	Bishop Matthew
	1600-	Rec. of Winston		9 18 0	Bishop Matthew
	1610-	Rec. of Haughton-le-Skerne		53 6 8	Bishop James
	1620-	Rec. of Whickham Chaplain to Dean Matthew Chaplain to Earl of Essex Chaplain to James I Chaplain to Bishop of Lichfield		20 19 0	

Abbreviations:

* :evidence of work in ecclesiastical administration.

Res:resigned

Ob; died

Dep:deprived.

Sources:Miscellaneous e.g. SS.161, SS.22 p.1/10, Forster and Venn, Alumni, Hutchinson, History of Durham, Vol.2 p.142/217.

Table VII: Valuations of Benefices

(a)

Benefice	Valor	Revised Valuation	Date	Increase x Valor
<u>Rectories</u>				
Houghton	124 0 0	400 0 0	c.1560	c. x 3
Brancepeth	60 10 8	200 0 0+	c.1610	c. x 4
Washington	18 0 0	c.100 0 0	1583	c. x 5½
<u>Vicarages</u>				
Ellingham	6 5 4	30 0 0+	1579	c. x 5
Bishopton	4 5 8	12 0 0/30 0 0	1585	c. x 5

(b)

Benefice	Valor	1635 Valuation	Increase x Valor
<u>Rectories</u>			
Sedgefield	73 18 0	400 0 0	c. x 5½
Easington	100 0 0	250 0 0	c. x 2½
Boldon	24 13 4	100 0 0	c. x 4
Ryton	42 10 8	140 0 0	c. x 3½
Middleton-in-Teesdale	26 17 0	200 0 0	c. x 8
Elwick	20 18 0	100 0 0	c. x 5
<u>Vicarages</u>			
Aycliffe	16 0 0	70 0 0	c. x 5
Kelloe	20 0 0	100 0 0	c. x 5

Sources:

- (a) W. Gilpin, Life of Bernard Gilpin, p.189, C.L. Sharpe 49 (Randall Mss) f.246/9, PRO. SP/12. 162. 48.IV.
 C.S. Collingwood, Memoirs of Bernard Gilpin, p.246
 C.L. Raine. 30 (1585 Visitation of Sherburn Hospital: depositions).
- (b) C.L. Hunter 22 (1635 Valuations ... by presentment of Chief Constables).

Table VIII: Business in the Officialty Court*

<u>16/1/1584</u>	Fornication	9
	Failing to maintain Church	4
	Not coming to Church	2
	Tithe	2
	Failure to present	1
	Scolding	1
	'A drayling fellow'	1
<u>9/4/1584</u>	Failing to maintain Church	6
	Fornication	2
	Suspicious living	2
	Football in service time	1
	Not saying service	1
	Slandering a curate	1
	Defamation	1
<u>30/10/1584</u>	Fornication	4
	Failing to maintain Church	2
	Slandering a ministers wife	2
	Refusing to pay a cessment	1
	Saying service irregularly	1
	Suspicious living	1
	Scolding	1
	Unspecified	1
<u>10/7/1585</u>	Fornication	6
	Failing to maintain Church	3
	Suspicious living	3
	Failing to pay court fees	1
	Not attending service	1
	Not receiving communion	1
	Failing to pay a debt to Church	1
	Bowling in service time	1
	Tithe	1
	Unspecified	1
<u>27/5/1596</u>	Negligent church attendance	17
	Working on Sabbath	3
	Fornication	2
	Adultery	1
	Contempt of court	1
	Unlawful baptism and burial	1
	Uncertain	1

contd./

Table VIII contd.

<u>9/3/1598</u>	Fornication	7
	Negligent church attendance	2
	Defamation	2
	Failing to maintain Church	1
	Breaking a marriage contract	1
	Tithe	1
	Uncertain	1
<u>9/8/1599</u>	Failure to present	4
	Negligent church attendance	3
	Recusancy	2
	Fornication	2
	Failing to make an account	2
	Suspected fornication	1
	Unlawful marriage	1
	Non-residence	1
	Suspicious living	1
	Remaining excommunicate	1
	Failing to be catechized	1
<u>17/10/1599</u>	Negligent church attendance	8
	Fornication	5
	Unlawful pregnancy	2
	Suspected fornication	2
	Fornication and drunkenness	1
	'Beastly and incontinent behaviour on the Sabbath'	1
	Suspected bigamy	1
	Sleeping in church	1
	Talking in church	1
	Scolding	1
<u>15/5/1601</u>	Recusancy	3
	Negligent Church attendance	2
	Suspected incontinence	2
	Fornication	1
	Suspicious living	1
	Football in service time	1
	Railing against the Churchwardens	1
	Performing an unlawful marriage	1

contd./

Table VIII contd.

<u>25/6/1602</u>	Negligent Church attendance	7
	Fornication	2
	Defamation	2
	Tithe	2
	Recusancy	1
	Adultery	1
	Remaining excommunicate	1
	Sorcery	1
	Contending for stalls	1
	Failing to co-operate with fellow churchwardens and not attending Church	1
	Refusing to pay ls for not attending Church	1
	Refusing to pay a cessment	1
	Failing to maintain Church	1
	Uncertain	1

* Typical days have been selected to illustrate the type of case the court was dealing with: the figures enumerate separate cases heard on a given day not the numbers of people brought before the court. Often more than one person is included in each case.

Sources: PK. Act Bk A f.10/13, 22/25, 40/43, 60/65,
B 12/16, 59/62, 76/79, 86/88, 151/3, 181/4.

Table IX contd.

Table IX: Income of Officialty Clergy (Durham Diocese)

a) Sources of Income

Preferment	Status	Source of Income	Stipend	Payer of Stipend	Additional Income
<u>Durham</u>					
St. Oswalds	Vicarage	stipend	16 0 0	Dean and Chapter	+
St. Margarets	Curacy	stipend	5 6 8	Dean and Chapter	+
Croxdale	Curacy	tithe	-	-	+
Witton Gilbert	Curacy*	tithe	-	-	
Kimbleworth	Rectory	tithe	-	-	
Edmundbyers	Rectory	tithe	-	-	
Muggleswick	Curacy*	stipend/tithe	3 6 8	Dean and Chapter	
Jarrow	Curacy*	stipend?		Crown	+
St. Hilds	Curacy	tithe	-	-	+
Monkwearmouth	Curacy*	stipend	5 6 8	Crown	
Dalton	Vicarage	tithe	-	-	+
Pittington	Vicarage	tithe	-	-	+
Hesleden	Vicarage	tithe	-	-	
Billingham	Vicarage	tithe	-	-	+
Wolviston	Curacy	stipend/tithe		Vic. of Billingham	
Dinsdale	Rectory	tithe	-	-	
Aycliffe	Vicarage	tithe	-	-	+
Heighington	Vicarage	tithe	-	-	
Merrington	Vicarage	tithe	-	-	+
Whitworth	Curacy	tithe	-	-	

contd./

Table IX contd.

Preferment	Status	Source of Income	Stipend	Payer of Stipend	Additional Income
<u>Northumberland</u>					
Wallsend	Curacy	tithe?			+
Bywell Peter	Vicarage	stipend	10 0 0	Dean and Chapter	
Whittonstall	Curacy	stipend	4 0 0	Dean and Chapter	
Edlingham	Vicarage	tithe	-	-	
Ellingham	Vicarage	tithe	-	-	+
N. Charlton	Curacy	stipend?		Vic. of Ellingham	
S. Charlton	Curacy	stipend?		Vic. of Ellingham	
Meldon	Rectory	tithe	-	-	
Bedlington	Vicarage	tithe	-	-	
Branxton	Vicarage	tithe	-	-	
Allanton	Curacy	stipend?		Vic. of Branxton	
Corsenside	Curacy	stipend?		Vic. of Branxton	
Norham	Vicarage	stipend	20 0 0	Dean and Chapter	+
Berwick	Vicarage	stipend	20 0 0	Dean and Chapter	+
Tweedmouth	Curacy *	stipend	6 13 4 10 0 0	Crown	
Cornhill	Curacy?*	stipend	5 0 0	Dean and Chapter	
Carham	Curacy?*				
Holy Island	Curacy *	stipend	8 0 0 10 0 0	Crown	
Kyloe	Curacy	stipend	6 13 4 10 0 0	Crown	
Lowick	Curacy	stipend	6 13 4 10 0 0	Crown	
Ancroft	Curacy	stipend	6 13 4 10 0 0	Crown	

contd./

Table IX contd.

Table IX contd.

(a) Sources of Income

* Curacies with parish church status: chapels are bracketed after their parish churches.

+ Denotes an additional source of income, either in the form of a permanent augmentation or a lease to an individual incumbent.

† The stipends of the curates of Tweedmouth, Holy Island, Kyloe, Lowick and Ancroft were raised to £10 0 0 in 1575.

Table IX contd.

b) Income from Tithe, 1535-1640

Preferment	Valor Ecclesiasticus: 1535	Valuation: c.1540	Clavis Ecclesiastica: c.1577	Valuation: 1635	Valuation: c.1630/40	Valuation: mid 17th century
Croxdale		5 0 0	7 0 0	20 0 0	(30 0 0) 23 6 8	23 6 8
Witton Gilbert			6 0 0	20 0 0	(35 0 0) 26 13 4	26 13 4
Kimbleworth	3 6 8	3 6 8			6 13 4	6 13 4
Edmundbyers	6 11 4	10 0 0		20 0 0	26 6 8	
Muggleswick		6 0 0	7 0 0		23 6 8	23 6 8
St. Hilds		4 0 0			13 6 8	13 6 8
Dalton	6 0 7	10 0 0		10 0 0	26 13 4	40 0 0
Pittington	14 14 0	12 0 0		40 0 0	30 0 0	50 0 0
Hesleden	7 12 4	10 0 0		40 0 0	30 0 0	70 0 0
Billingham	11 3 0	16 0 0		30 0 0	(60 0 0) 50 0 0	70 0 0
Dinsdale	4 11 4	10 0 0		20 0 0	30 0 0	30 0 0
Aycliffe	16 0 0	20 0 0		70 0 0	50 0 0	80 0 0
Heighington	12 14 8	13 6 8		50 0 0	60 0 0	60 0 0
Merrington	14 4 8	13 6 8		40 0 0	40 0 0	60 0 0
Whitworth		5 0 0	7 0 0	20 0 0	30 0 0	40 0 0
Wallsend		5 0 0			26 13 4	
Edlingham	6 14 4	10 0 0			(40 0 0) 24 0 0	24 0 0 (40 0 0)
Ellingham	6 5 4	10 0 0			(45 0 0) 20 0 0	20 0 0 (45 0 0)

contd./

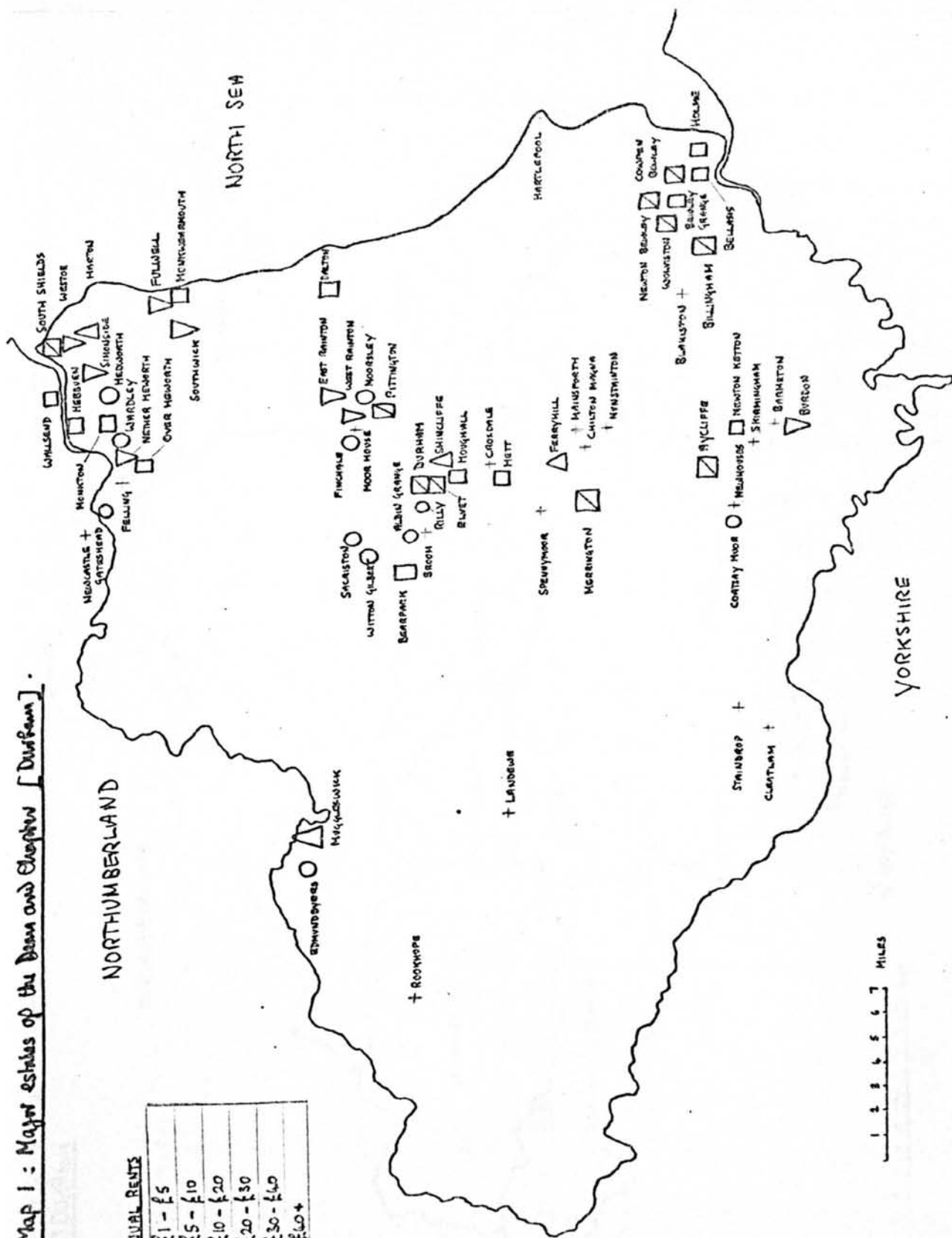
Table IX contd.

Preferment	Valor Ecclesiasticus: 1535	Valuation: c.1540	Clavis Ecclesiastica: c.1577	Valuation: 1635	Valuation: c.1630/40	Valuation: mid 17th century
Meldon	4 7 8	8 0 0			12 0 0	
Bedlington	13 6 8	13 6 8			(80 0 0)	
Branxton	3 16 8	5 0 0			66 14 0	100 0 0
					24 0 0	24 0 0

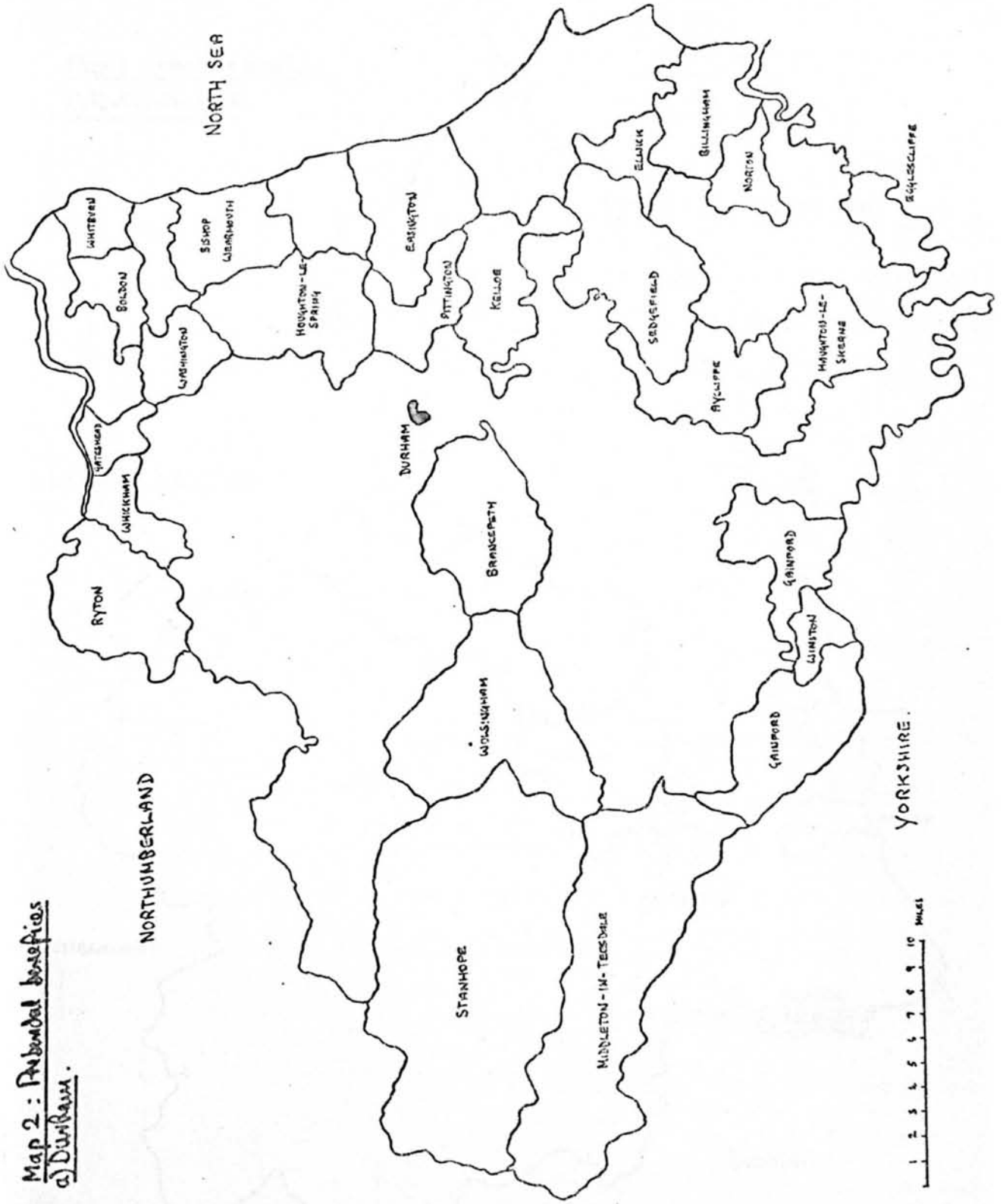
Sources: SS.22 p.1/10, PK.TB (1587/8), DUL M and S 10 f.224/6, C.L. Hunter 22 (1634 Valuations by presentment of chief constables), PK. D and C. Registers, etc.

Map 1: Major estuaries of the Bismarck and Chapman [Dufurum].

ANNUAL RENTS	
+	\$1 - \$5
○	\$5 - \$10
□	\$10 - \$20
△	\$20 - \$30
△	\$30 - \$40
⊠	\$40 +

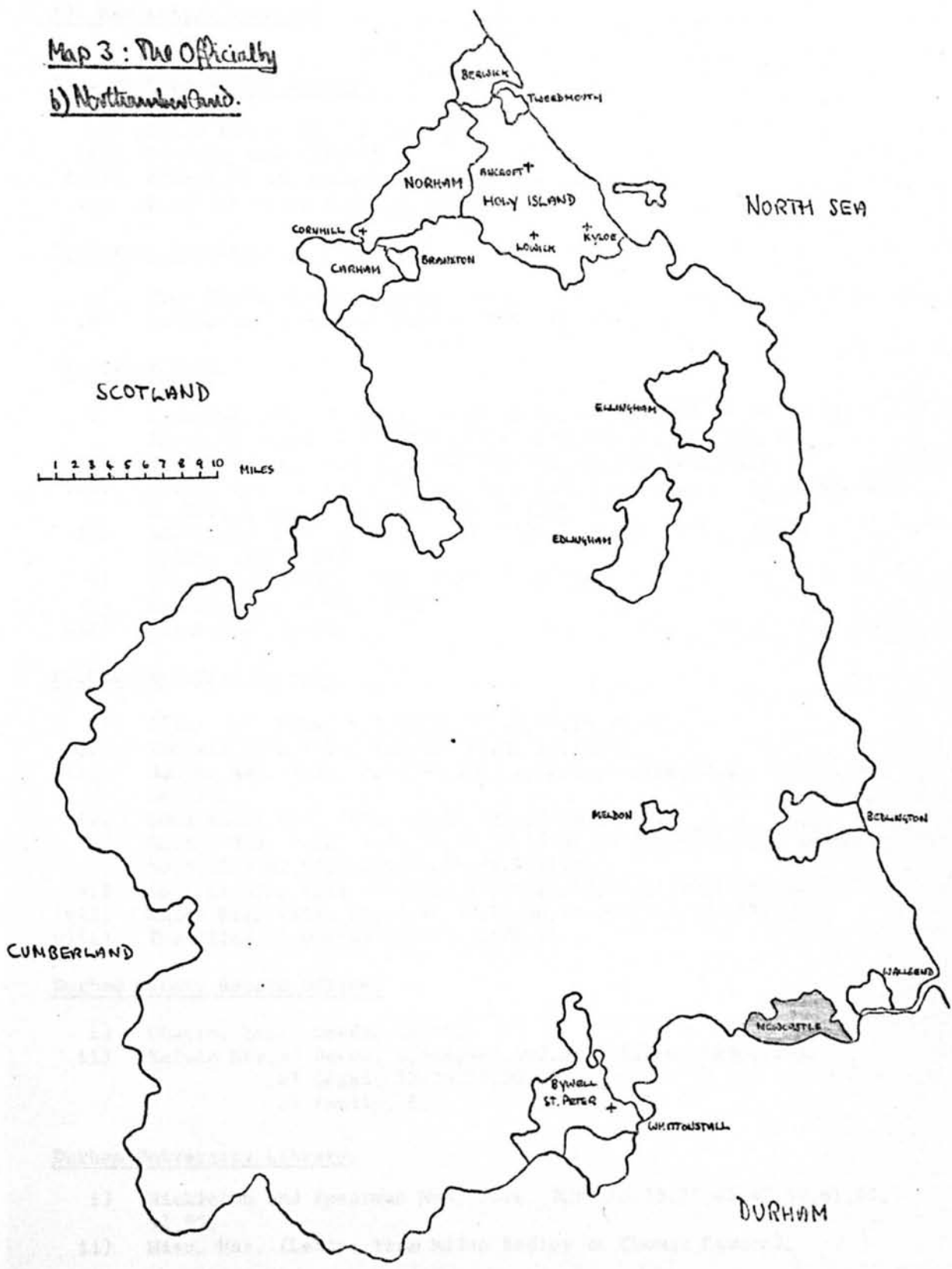


Map 2 : Parishal boundaries
a) Durham.



Map 2: Prebendal beneficesb) Northumberland

Map 3: The Officially
b) Northumberland.



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- i) Guild Books. GM.1,2,3,4,5,6,7.
- ii) Account Book (1600-11).
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- i) High Commission Act Books, 1-14.
- ii) Bishopthorpe Papers. Bundle 28.No.19.

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- i) Lansdowne Mss. Vols. 3,7,8,11,12,17,19,24,25,27,28,29,34,36, 39,43,57,66,68,76,77,79,81,85,87,172,902,981,982,983,984.
- ii) Harleian Mss. Vols. 151,156,175,594,595,822,6082,6853.
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- iv) Additional Mss. 12506, 18203, 22583, 30352, 31983, 32657, 33206, 33207, 36294.
- v) Sloane Mss. 1056, 1058, 1322, 1710, 3836.
- vi) Egerton Mss. 2790, 3048.
- vii) Royal Mss. 7A.VI.

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- i) Allan Mss. Vols. 4,7,10,11,12,13,15,16,18,22.
- ii) Randall Mss. Vols. 4,6,8,9,10,11,12,13,14.
- iii) Hunter Mss. Vols. 3,4a,4b,5,6,11,12,13,18,18a,22,23,32,32a,35a, 38,132.
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