



# **Border Liberties and Loyalties**

**North-East England, c. 1200–c. 1400**

M. L. Holford and K. J. Stringer

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## Preface

This book could not have been written without the good offices of the Leverhulme Trust, which generously funded the research project on which our work is based. The project, entitled ‘Border Liberties and Loyalties in North-East England in the Thirteenth and Fourteenth Centuries’, was conducted under the joint direction of Michael Prestwich and Keith Stringer as a collaborative venture between the universities of Durham and Lancaster. It was also associated with the North-East England History Institute when it was supported as a Research Centre by the Arts and Humanities Research Council. We are indeed most grateful to all these bodies for their interest and assistance. It is likewise a pleasure to acknowledge that the publication of our findings has been facilitated by an award from the Marc Fitch Fund.

Part of the ‘Border Liberties’ project was realised in the appearance of *Liberties and Identities in the Medieval British Isles* (Woodbridge, 2008), which was the product of a colloquium held in Durham and edited by Michael Prestwich. In the present study, Keith Stringer focuses on the North-East’s secular liberties and Matthew Holford deals with its ecclesiastical liberties, though each writer has contributed to the other’s work. The Introduction and the Conclusion are jointly authored, with Keith Stringer being responsible for their final form, and for the editing of the book as a whole. In addition to Matthew Holford, two research associates, Alastair Dunn and Andy King, were employed on the project for shorter periods, and we thank them for the preparatory work they undertook. We are also indebted to Davvit Broun, Constance Fraser, Christian Liddy, Cynthia Neville, Tony Pollard, Michael Prestwich, David Rollason and Alan Rushworth, all of whom have given welcome advice and support. Another important debt is to the custodians of the thirty archives we have used. Particular thanks are due to Alan Piper and Michael Stansfield at Durham, and to staff at The National Archives; Balliol College, Oxford; Castle Howard, Yorkshire; Cumbria Record Office, Carlisle; and Northumberland Collections Service. We are also much obliged to Esmé Watson of Edinburgh University Press for her unflappability and encouragement. Keith Stringer is especially beholden to University College, Durham, where his tenure of the Slater Fellowship for two terms in 2003–4 enabled him to begin his researches for the project in

## PREFACE

hospitable surroundings, and within close reach of major library and manuscript resources. His chapters on Tynedale and Redesdale are dedicated to the memory of Rees Davies, who took a keen interest in the project during its initial stages, and who remains a constant source of inspiration.



## *Authors' Notes*

1. As a rule, modern surname forms are used where they exist; otherwise surnames representing identifiable place-names are given according to Ordnance Survey spellings. Throughout all surnames normally appear without any preceding 'de' or 'of'.
2. Knights are not styled 'Sir' on their every occurrence, though their status is made clear whenever it is germane to the argument, and all knights are recorded as such in the Index.
3. Considerations of space have prohibited the inclusion of a full bibliography of relevant printed material, but the key publications consulted are listed in the Abbreviations.
4. While we have benefited from earlier prosopographical writings on the medieval North-East, especially on its office-holders, it has not been practicable to provide regular citations for basic biographical details. The chief works for Durham are C. H. H. Blair, 'The sheriffs of the county of Durham', *Archaeologia Aeliana*, 4th ser., 22 (1944), pp. 22–81; C. M. Fraser, 'Officers of the bishopric of Durham under Antony Bek, 1283–1311', *ibid.*, 35 (1957), pp. 22–38; and, most recently, M. L. Holford, 'Office-holders and political society in the liberty of Durham, 1241–1345 (part 2)', *ibid.*, 5th ser., 37 (2008), pp. 161–82. Those for Northumberland are W. P. Hedley, *Northumberland Families* (Society of Antiquaries of Newcastle upon Tyne, 1968–70), and the following studies by C. H. H. Blair: 'Members of Parliament for Northumberland, 1258–1327', *Archaeologia Aeliana*, 4th ser., 10 (1933), pp. 140–77; 'Members of Parliament for Northumberland, 1327–99', *ibid.*, 11 (1934), pp. 21–82; 'The sheriffs of Northumberland', *ibid.*, 20 (1942), pp. 11–90; 'Knights of Northumberland, 1278 and 1324', *ibid.*, 27 (1949), pp. 122–76.

## Abbreviations

|                        |   |
|------------------------|---|
| AA                     | <i>Archaeologia Aeliana</i>   |
| <i>Acta 1153–95</i>    | <i>English Episcopal Acta 24: Durham 1153–1195</i> , ed. M. G. Snape (Oxford, 2002)                                       |
| <i>Acta 1196–1237</i>  | <i>English Episcopal Acta 25: Durham 1196–1237</i> , ed. M. G. Snape (Oxford, 2002)                                       |
| <i>Acta 1241–83</i>    | <i>English Episcopal Acta 29: Durham 1241–1283</i> , ed. P. M. Hoskin (Oxford, 2005)                                      |
| <i>Bek Recs</i>        | <i>Records of Antony Bek, Bishop and Patriarch, 1283–1311</i> , ed. C. M. Fraser (SS, 1953)                               |
| BF                     | <i>The Book of Fees commonly called Testa de Nevill</i> (London, 1920–31)   |
| BL                     | British Library   |
| Bodl.                  | Bodleian Library, Oxford  |
| Brand, Newcastle       | J. Brand, <i>The History and Antiquities of . . . Newcastle upon Tyne</i> (London, 1789)                                  |
| <i>Brinkburn Cart.</i> | <i>The Chartulary of Brinkburn Priory</i> , ed. W. Page (SS, 1893)  |
| CChR                   | <i>Calendar of the Charter Rolls, 1226–1516</i> (London, 1903–27)   |
| CCR                    | <i>Calendar of the Close Rolls</i> (London, 1892–)  |
| CCW 1244–1326          | <i>Calendar of Chancery Warrants, 1244–1326</i> (London, 1927)  |
| CDS                    | <i>Calendar of Documents relating to Scotland</i> , ed. J. Bain, G. G. Simpson and J. D. Galbraith (Edinburgh, 1881–1986) |
| CFR                    | <i>Calendar of the Fine Rolls</i> (London, 1911–)   |

BORDER LIBERTIES AND LOYALTIES

|                                     |   |
|-------------------------------------|---|
| <i>Chron. Lanercost</i>             | <i>Chronicon de Lanercost</i> , ed. J. Stevenson (Bannatyne Club, 1839)   |
| <i>CIMisc.</i>                      | <i>Calendar of Inquisitions Miscellaneous</i> (London, 1916–)   |
| <i>CIPM</i>                         | <i>Calendar of Inquisitions Post Mortem</i> (London, 1904–)   |
| <i>CPL</i>                          | <i>Calendar of . . . Papal Letters</i> (London, 1893–)  |
| <i>CPR</i>                          | <i>Calendar of the Patent Rolls</i> (London, 1891–)   |
| <i>CR</i>                           | <i>Close Rolls of the Reign of Henry III</i> (London, 1902–38)  |
| <i>CRO</i> (Carlisle)               | Cumbria Record Office, Carlisle   |
| <i>CRO</i> (Kendal)                 | Cumbria Record Office, Kendal   |
| <i>CRR</i>                          | <i>Curia Regis Rolls</i> (London, 1922–)  |
| <i>CWAAS</i>                        | Cumberland and Westmorland Antiquarian and Archaeological Society   |
| <i>Davies, Lordship and Society</i> | R. R. Davies, <i>Lordship and Society in the March of Wales, 1282–1400</i> (Oxford, 1978)                             |
| <i>DCL</i>                          | Durham Cathedral Library  |
| <i>DCM</i>                          | Durham Cathedral Muniments (now housed in Durham University Library, Archives and Special Collections)                |
| <i>DCRO</i>                         | Durham County Record Office, Durham   |
| ‘Durham assize rolls’               | ‘Two thirteenth-century assize rolls for the county of Durham’, ed. K. C. Bayley, in <i>Miscellanea II</i> (SS, 1916) |
| <i>EHR</i>                          | <i>English Historical Review</i>  |
| <i>FA</i>                           | <i>Inquisitions and Assessments relating to Feudal Aids, 1284–1431</i> (London, 1899–1920)                            |
| <i>Fasti Dunelm.</i>                | <i>Fasti Dunelmenses</i> , ed. D. S. Boutflower (SS, 1927)  |
| <i>Foedera</i>                      | <i>Foedera, Conventiones, Litterae</i> , ed. T. Rymer, new edn by A. Clark et al. (Record Commission, 1816–69)        |
| <i>FPD</i>                          | <i>Feodarium Prioratus Dunelmensis</i> , ed. W. Greenwell (SS, 1872)  |

ABBREVIATIONS

|                          |  |
|--------------------------|--|
| Fraser, <i>Bek</i>       | C. M. Fraser, <i>A History of Antony Bek, Bishop of Durham, 1283–1311</i> (Oxford, 1957)   |
| G&B                      | W. Greenwell and C. H. H. Blair, <i>Catalogue of the Seals in the Treasury of the Dean and Chapter of Durham</i> , first published in <i>AA</i> , 3rd ser., pp. 7–17 (1911–20), and then separately (1947) |
| GEC                      | <i>The Complete Peerage</i> by G. E. C[okayne], revised by V. Gibbs et al. (London, 1910–59)   |
| <i>Gesta Dunelm.</i>     | ‘Gesta Dunelmensia, A.D. MCCC’, ed. R. K. Richardson, in <i>Camden Miscellany XIII</i> (Camden Third Series, 1924)   |
| Gibson, <i>Tynemouth</i> | W. S. Gibson, <i>The History of the Monastery Founded at Tynemouth</i> (London, 1846–7)  |
| <i>Greenwell Deeds</i>   | <i>The Greenwell Deeds</i> , ed. J. Walton (Newcastle, 1927)   |
| Hartshorne               | C. H. Hartshorne, <i>Feudal and Military Antiquities of Northumberland and the Scottish Borders</i> (London, 1858), Appendix III, ‘Iter of Wark’ [the 1279–81 Tynedale eyre roll]                          |
| <i>Hatfield Survey</i>   | <i>Bishop Hatfield’s Survey</i> , ed. W. Greenwell (SS, 1857)  |
| HC                       | <i>The House of Commons, 1386–1421</i> , ed. J. S. Roskell, L. Clark and C. Rawcliffe (Stroud, 1992)   |
| <i>Hexham Priory</i>     | <i>The Priory of Hexham</i> , ed. J. Raine (SS, 1864–5)  |
| HN                       | J. Hodgson, <i>A History of Northumberland</i> (Newcastle, 1820–58)  |
| JBS                      | <i>Journal of British Studies</i>  |
| <i>Laing Chrs</i>        | <i>Calendar of the Laing Charters</i> , ed. J. Anderson (Edinburgh, 1899)  |
| Lapsley, <i>Durham</i>   | G. T. Lapsley, <i>The County Palatine of Durham</i> (New York, 1900)   |
| Lucy Cart.               | Lucy Cartulary (xvi cent.), Cockermouth Castle, Cumbria, D/Lec/301   |

BORDER LIBERTIES AND LOYALTIES

- NAR *Three Early Assize Rolls for the County of Northumberland*, ed. W. Page (SS, 1891)
- NCH *A History of Northumberland* (Northumberland County History Committee, Newcastle, 1893–1940)
- NCS Northumberland Collections Service, Woodhorn (formerly Northumberland Record Office, Gosforth)
- NDD *Northumberland and Durham Deeds from the Dodsworth MSS.*, ed. A. M. Oliver (NRC, 1929)
- NER *The Northumberland Eyre Roll for 1293*, ed. C. M. Fraser (SS, 2007)
- Neville, *Violence* C. J. Neville, *Violence, Custom and Law: The Anglo-Scottish Border Lands in the Later Middle Ages* (Edinburgh, 1998)
- Newcastle Deeds* *Early Deeds relating to Newcastle upon Tyne*, ed. A. M. Oliver (SS, 1924)
- Newminster Cart.* *Chartularium Abbatiae de Novo Monasterio*, ed. J. T. Fowler (SS, 1878)
- NH *Northern History*
- NLS *The Northumberland Lay Subsidy Roll of 1296*, ed. C. M. Fraser (Society of Antiquaries of Newcastle upon Tyne, 1968)
- Northern Pets* *Northern Petitions Illustrative of Life in Berwick, Cumbria and Durham in the Fourteenth Century*, ed. C. M. Fraser (SS, 1982)
- Northumb. Fines, i* *Feet of Fines, Northumberland and Durham*, ed. A. M. Oliver and C. Johnson (NRC, 1931)
- Northumb. Fines, ii* *Feet of Fines, Northumberland, A.D. 1273–A.D. 1346*, ed. C. Johnson (NRC, 1932)
- Northumb. PDBR* *Northumbrian Pleas from De Banco Rolls [1272–80]*, ed. A. H. Thompson (SS, 1950)
- Northumb. Pets* *Ancient Petitions relating to Northumberland*, ed. C. M. Fraser (SS, 1966)

ABBREVIATIONS

|                            |   |
|----------------------------|---|
| <i>Northumb. Pleas</i>     | <i>Northumberland Pleas from the Curia Regis and Assize Rolls, 1198–1272</i> , ed. A. H. Thompson (NRC, 1922)                                   |
| Notts. Archives            | Nottinghamshire Archives, Nottingham  |
| NRC                        | Newcastle upon Tyne Records Committee   |
| NYCRO                      | North Yorkshire County Record Office, Northallerton   |
| ‘Office-holders’, i        | M. L. Holford, ‘Office-holders and political society in the liberty of Durham, 1241–1345 (part 1)’, <i>AA</i> , 5th ser., 36 (2007), pp. 93–110 |
| ‘Office-holders’, ii       | M. L. Holford, ‘Office-holders and political society in the liberty of Durham, 1241–1345 (part 2)’, <i>AA</i> , 5th ser., 37 (2008), pp. 161–82 |
| <i>Parl. Writs</i>         | <i>Parliamentary Writs and Writs of Military Summons</i> , ed. F. Palgrave (Record Commission, 1827–34)   |
| <i>Percy Cart.</i>         | <i>The Percy Chartulary</i> , ed. M. T. Martin (SS, 1911)   |
| PQW                        | <i>Placita de Quo Warranto</i> , ed. W. Illingworth (Record Commission, 1818)   |
| PROME                      | <i>The Parliament Rolls of Medieval England, 1275–1504</i> , ed. C. Given-Wilson (Woodbridge, 2005)   |
| PSAN                       | <i>Proceedings of the Society of Antiquaries of Newcastle upon Tyne</i>   |
| Raine, <i>North Durham</i> | J. Raine, <i>The History and Antiquities of North Durham</i> (London, 1852)   |
| <i>Reg. Corbridge</i>      | <i>The Register of Thomas Corbridge, Lord Archbishop of York, 1300–1304</i> , ed. W. Brown (SS, 1925–8)   |
| <i>Reg. Giffard</i>        | <i>The Register of Walter Giffard, Lord Archbishop of York, 1266–1279</i> , ed. W. Brown (SS, 1904)   |
| <i>Reg. Gray</i>           | <i>The Register, or Rolls, of Walter Gray, Lord Archbishop of York</i> , ed. J. Raine (SS, 1872)  |
| <i>Reg. Greenfield</i>     | <i>The Register of William Greenfield, Lord Archbishop of York, 1306–1315</i> , ed. A. H. Thompson (SS, 1931–40)                                |

BORDER LIBERTIES AND LOYALTIES

- Reg. Langley*                      *The Register of Thomas Langley, Bishop of Durham, 1406–1437*, ed. R. L. Storey (SS, 1956–70)
- Reg. Melton*                      *The Register of William Melton, Archbishop of York, 1317–1340*, ed. R. M. T. Hill et al. (Canterbury and York Society, 1977–)
- Reg. Melton*                      Register of Archbishop William Melton of York (1317–40), Borthwick Institute, York, Reg.9A–B
- Reg. Neville*                      Register of Archbishop Alexander Neville of York (1374–88), Borthwick Institute, York, Reg.12
- Reg. Newark*                    *The Register of Henry of Newark, Lord Archbishop of York, 1296–1299*, ed. W. Brown (SS, 1917)
- Reg. Romeyn*                    *The Register of John le Romeyn, Lord Archbishop of York, 1286–1296*, ed. W. Brown (SS, 1913–17)
- Reg. Thoresby*                  Register of Archbishop John Thoresby of York (1352–73), Borthwick Institute, York, Reg.11
- Reg. Wickwane*                  *The Register of William Wickwane, Lord Archbishop of York, 1279–1285*, ed. W. Brown (SS, 1907)
- Reg. Zouche*                    Register of Archbishop William Zouche of York (1342–52), Borthwick Institute, York, Reg.10
- RH*                                  *Rotuli Hundredorum*, ed. W. Illingworth (Record Commission, 1812–18)
- RLC*                                *Rotuli Litterarum Clausarum in Turri Londinensi Asservati*, ed. T. D. Hardy (Record Commission, 1833–4)
- Rot. Scot.*                        *Rotuli Scotiae in Turri Londinensi . . . Asservati*, ed. D. Macpherson, J. Caley and W. Illingworth (Record Commission, 1814–19)
- Royal Letters*                  *Royal and Other Historical Letters Illustrative of the Reign of Henry III*, ed. W. W. Shirley (RS, 1862–6)

ABBREVIATIONS

|                        |   |
|------------------------|---|
| RPD                    | <i>Registrum Palatinum Dunelmense: The Register of Richard de Kellawe, Lord Palatine and Bishop of Durham, 1311–1316</i> , ed. T. D. Hardy (RS, 1873–8) |
| RS                     | Rolls Series  |
| <i>Scriptores Tres</i> | <i>Historiae Dunelmensis Scriptores Tres</i> , ed. J. Raine (SS, 1839)  |
| SS                     | Surtees Society   |
| Stevenson, <i>Docs</i> | <i>Documents Illustrative of the History of Scotland, 1286–1306</i> , ed. J. Stevenson (Edinburgh, 1870)  |
| Storey, <i>Langley</i> | R. L. Storey, <i>Thomas Langley and the Bishopric of Durham, 1406–1437</i> (London, 1961)   |
| Surtees                | R. Surtees, <i>The History and Antiquities of the County Palatine of Durham</i> (London, 1816–40)   |
| TCE                    | <i>Thirteenth Century England</i>   |
| TCWAAS                 | <i>Transactions of the Cumberland and Westmorland Antiquarian and Archaeological Society</i>  |
| TRHS                   | <i>Transactions of the Royal Historical Society</i>   |
| Tynemouth Cart.        | Tynemouth Priory Cartulary (xiv cent.), Alnwick Castle, Northumberland, MS D.XI.1   |
| VCH                    | <i>Victoria History of the Counties of England</i>  |
| YASRS                  | Yorkshire Archaeological Society Record Series  |



# *Manuscript and Record Sources*

## NATIONAL REPOSITORIES

### **The National Archives: The Public Record Office**

*(Unless otherwise specified, all unpublished sources cited in this book are housed in The National Archives.)*

#### *Admiralty*

ADM 75                      Royal Greenwich Hospital: Deeds

#### *Chancery*

C 1                          Six Clerks Office: Early Proceedings  
C 44                        Common Law Pleadings, Tower Series  
C 47                        Miscellanea  
C 49                        Parliamentary and Council Proceedings  
C 54                        Close Rolls  
C 66                        Patent Rolls  
C 67                        Supplementary Patent Rolls  
C 76                        Treaty Rolls  
C 81                        Warrants for the Great Seal, Series I  
C 133-9                    Inquisitions Post Mortem  
C 143                      Inquisitions Ad Quod Damnum  
C 145                      Miscellaneous Inquisitions  
C 146                      Ancient Deeds, Series C  
C 241                      Certificates of Statute Merchant and Statute Staple  
C 255                      Miscellaneous Files and Writs  
C 260                      Recorda

#### *Common Pleas*

CP 25/1                    Feet of Fines  
CP 40                      Plea Rolls  
CP 52                      Brevia Files

MANUSCRIPT AND RECORD SOURCES

*Duchy of Lancaster*

- DL 27 Deeds, Series LS  
DL 29 Accounts of Auditors, etc.

*Exchequer*

- E 32 Justices of the Forest  
E 36 Treasury of the Receipt: Miscellaneous Books  
E 40 TR: Ancient Deeds, Series A  
E 42 TR: Ancient Deeds, Series AS  
E 43 TR: Ancient Deeds, Series WS  
E 101 King's Remembrancer: Accounts Various  
E 122 KR: Customs Accounts  
E 142 KR: Extents, etc., of Forfeited Lands  
E 149 KR: Escheators' Files  
E 159 KR: Memoranda Rolls  
E 179 KR: Subsidy Rolls  
E 198 KR: Feudal Tenure and Distrain of Knighthood  
E 199 KR and Lord Treasurer's Remembrancer: Sheriffs' Accounts, etc.  
E 202 KR: Writs, Original Series  
E 210 KR: Ancient Deeds, Series D  
E 326 Augmentation Office: Ancient Deeds, Series B  
E 329 AO: Ancient Deeds, Series BS  
E 358 Pipe Office: Miscellaneous Enrolled Accounts  
E 359 PO: Account Rolls of Subsidies and Aids  
E 368 LTR: Memoranda Rolls  
E 372 PO: Pipe Rolls

*Itinerant Justices*

- JUST 1 Eyre Rolls, etc.  
JUST 3 Gaol Delivery Rolls

*King's Bench*

- KB 9 Indictments Files, etc.  
KB 27 Coram Rege Rolls

*Palatinate of Durham*

- DURH 3 Chancery Court: Cursitor's Records  
DURH 13 Assizes and Court of Pleas: Plea and Gaol Delivery Rolls  
DURH 20 Exchequer: Auditor's Records

## BORDER LIBERTIES AND LOYALTIES

### *Special Collections*

|      |                                    |
|------|------------------------------------|
| SC 1 | Ancient Correspondence             |
| SC 6 | Ministers' and Receivers' Accounts |
| SC 8 | Ancient Petitions                  |

### *Other Sources*

|     |   |
|-----|---|
| IND | Indexes to Various Series   |
| PRO | Domestic Records of the Public Record Office<br>(including transcripts) |

## **British Library**

### Additional Charters

Cotton Roll XIII.8 Earl of Northumberland's Retinue-list, 1385

### Egerton Charters

### Harley Charters

### MSS Additional

|       |                               |
|-------|-------------------------------|
| 8835  | Wardrobe Book, 1303-4         |
| 28024 | Beauchamp Cartulary, xv cent. |

### MSS Cotton

|                |   |
|----------------|---|
| Claudius D.IV  | Durham Priory: Historical Collections, xv cent. |
| Faustina A.VI  | Durham Priory Register, xiv cent.               |
| Nero C.VIII    | Wardrobe Accounts, 1310-37                      |
| Tiberius E.VI  | St Albans Abbey Register, xiv-xv cent.          |
| Vitellius A.XX | Historical Collections, xiii cent.              |

MS Harley 4843 Durham Priory: Historical Collections, xvi cent.

### MSS Lansdowne

|     |   |
|-----|---|
| 397 | Durham Priory: Miscellaneous Collections, xiv cent. |
| 902 | Transcripts, xviii cent.                            |

### MSS Stowe

|     |  |
|-----|--|
| 553 | Wardrobe Book, 1322-3                  |
| 930 | Durham Priory Register, xiii-xiv cent. |

## OTHER REPOSITORIES

### **Alnwick Castle, Northumberland**

|                            |                                       |
|----------------------------|---------------------------------------|
| MS D.XI.1                  | Tynemouth Priory Cartulary, xiv cent. |
| Northumberland Collections | Transcripts, xix cent.                |

MANUSCRIPT AND RECORD SOURCES

**Balliol College, Oxford**

E.4 Stamfordham and Heugh

**Bodleian Library, Oxford**

MSS Dodsworth 45, 78, 94, 149 Transcripts, xvii cent.  
MS Eng. c. 7032 Towneley Papers, xvii cent.  
MS Laud. Misc. 748 Durham Priory: Historical Collections,  
xv cent.  
MS Tanner 197 Wardrobe Accounts, 1311  
MS Top. Yorks. e. 8 Transcripts, xviii cent.

**Borthwick Institute, York**

Reg.9A–B Register of Archbishop William Melton (1317–40)  
Reg.10 Register of Archbishop William Zouche (1342–52)  
Reg.11 Register of Archbishop John Thoresby (1352–73)  
Reg.12 Register of Archbishop Alexander Neville (1374–88)

**Castle Howard, Yorkshire**

A1 Dacre and Greystoke

**Cockermouth Castle, Cumbria**

D/Lec/301 Lucy Cartulary, xvi cent.

**Cumbria Record Office**

*(a) Carlisle*

D/Ay Aglionby  
D/HA Hough, Halton and Soal of Carlisle  
D/HC Howard of Corby  
D/HGB Blencow of Blencowe  
D/Lons/L Lowther of Lowther, Earls of Lonsdale  
D/MBS Mounsey, Bowman and Sutcliffe of Carlisle  
DMH Mounsey-Heysham  
D/Mus Musgrave of Edenhall  
D/Wal Walton of Alston

BORDER LIBERTIES AND LOYALTIES

D/Wyb                      Wybergh  
MS Machell 5              Transcripts, xvii cent.

*(b) Kendal*

WD/Crk                      Crackanthorpe of Newbiggin  
WD/Ry                        Le Fleming of Rydal Hall

**Durham Cathedral Library**

MS Raine 52                Transcripts, xix cent.  
MSS Randall 3, 5          Transcripts, xviii cent.

**Durham County Record Office, Durham**

D/Gr                         Greenwell Deeds  
D/Lo                         Londonderry Estates  
D/Sa                         Salvin of Croxdale  
D/Sh.H                      Sherburn Hospital  
D/St                         Strathmore Estate

**Durham University Library, Archives and Special Collections**

*(a) Palace Green*

HNP/N                      Howard Family: Northumberland  
SGD 54                      Littleburn, Holywell and Nafferton

*(b) 5 The College*

Durham Cathedral Muniments

Original Deeds, etc.

|               |                        |
|---------------|------------------------|
| Elemos.       | Elemosinaria           |
| Finc.         | Finchalia              |
| Haswell Deeds |                        |
| Loc.          | Locelli                |
| Misc. Ch.     | Miscellaneous Charters |
| Pont.         | Pontificalia           |
| Reg.          | Regalia                |
| Sacr.         | Sacristaria            |
| SHD           | Sherburn Hospital      |
| Spec.         | Specialia              |

MANUSCRIPT AND RECORD SOURCES

Other Sources

|                   |   |
|-------------------|---|
| Bursar's Accounts |   |
| Cart. I-IV        | Cartularia, xv cent.                            |
| Cart. Vet.        | Cartuarium Vetus, xiii cent.                    |
| Reg. II           | Priory Register, xiv-xv cent.                   |
| Reg. Hatfield     | Register of Bishop Thomas Hatfield<br>(1345-81) |
| Rep. Mag.         | Repertorium Magnum, xv cent.                    |

**Essex Record Office, Chelmsford**

D/DBy/T27      Miscellaneous Deeds

**Guildhall Library, London**

MS 31302      Skinners' Company

**John Rylands Library, Deansgate, Manchester**

Latin MS 236      Accounts of Queen's Household, 1357-8  
PHC      Phillipps Charters

**Lancashire Record Office, Preston**

DDTO      Towneley of Towneley

**Levens Hall, Cumbria**

Medieval Deeds

**Lincolnshire Archives, Lincoln**

Dean and Chapter Muniments  
Dij/62/iii      Lincolnshire Churches

**Merton College, Oxford**

Stillington Deeds

**Northamptonshire Record Office, Northampton**

Stopford-Sackville Muniments

**Northumberland Collections Service, Woodhorn**

324                      Blakett-Ord of Whitfield  
SANT/TRA              Society of Antiquaries of Newcastle upon Tyne:  
                                 Transcripts of Records  
Waterford Charters  
ZBL                      Blakett of Matfen  
ZMI                      Middleton of Belsay  
ZSW                      Swinburne of Capheaton

**North Yorkshire County Record Office, Northallerton**

ZAZ                      Hutton of Marske  
ZBO                      Bolton Hall  
ZIQ                      Meynell of Kilvington  
ZQH                      Chaytor of Croft

**Nottinghamshire Archives, Nottingham**

DD/4P, 6P              Portland of Welbeck, 4th and 6th Deposits  
DD/FJ                      Foljambe of Osberton

**Nottingham University, Manuscripts and Special Collections**

PL/E11                      Dukes of Portland: Northumberland Estates

**St George's Chapel Archives and Chapter Library,  
Windsor Castle**

XI.K.                      Ancient Deeds

**Shakespeare Birthplace Trust, Stratford-upon-Avon**

DR 10                      Gregory-Hood of Stivichall

MANUSCRIPT AND RECORD SOURCES

**Society of Antiquaries, London**

MS 120 Wardrobe Book, 1316–17

MS 121 Wardrobe Book, 1317–18

**York Minster Library and Archives**

MS XVI.A.1 Cartulary of St Mary's Abbey, York, xiv cent.





**Map I** The Greater Liberties of North-East England

# *Introduction*

*Matthew Holford and Keith Stringer*

This book is the first full-length modern study of lordship and society in the North-East of England in the thirteenth and fourteenth centuries. In part it explores the workings of political life in the English Borders in ways that may usefully advance research into the structures and dynamics of medieval frontierlands. More particularly, by addressing the institutions and political cultures of medieval England beyond its metropolitan heartlands, it aims to achieve fresh perspectives on the realities of power and politics that underlay Westminster-centred orthodoxies about the English experience of ‘state-making’. And, above all, it seeks to illuminate the significance of the greater north-eastern liberties – that is, largely self-regulating territorial jurisdictions – for local authority and governance and for socio-political cohesion and identification. Similarly, while the North-East had its own setting and history, we hope that our findings will have a wider bearing on the relevance of medieval England’s liberties for people’s lives and loyalties, and will thereby contribute to the mainstream of ongoing debates about ‘state’, ‘society’, ‘identity’ and ‘community’.<sup>1</sup>

It is a commonplace that in our period England consolidated its position as the most centralised ‘state’ in the medieval West. Indeed, even by about 1250 the authority of the English monarchy was ‘ubiquitous and, on its own terms, exclusive’.<sup>2</sup> Yet a closer look at how power was distributed and asserted in the mid-thirteenth-century kingdom is instructive. Much local government was exercised not solely by the crown and its officers, but in different degrees through power-structures enjoying so-called ‘franchisal

<sup>1</sup> For a broader conceptualisation, see K. J. Stringer, ‘States, liberties and communities in medieval Britain and Ireland (c. 1100–1400)’, in M. Prestwich (ed.), *Liberties and Identities in the Medieval British Isles* (Woodbridge, 2008), pp. 5–36.

<sup>2</sup> R. R. Davies, *The First English Empire: Power and Identities in the British Isles, 1093–1343* (Oxford, 2000), p. 93.

rights'.<sup>3</sup> Thus liberties of various sorts (ignoring hundredal and lesser jurisdictions) peppered the countryside from the English Channel to the Scottish Border. The most typical were those with 'return of writs', which allowed liberty-owners to execute all the normal duties and powers of the king's sheriffs, and to hold courts equivalent to county courts, whose competence was much inferior to that of full royal courts, but much superior to that of ordinary honour or manor courts. Several earls and many bishops claimed this prerogative, as did numerous religious houses such as the abbeys of Abingdon, Chertsey, Cirencester, Evesham, Waltham and Westminster. Return of writs was likewise a routine perquisite of privileged boroughs – in 1255–7, for example, no fewer than twenty-two towns received royal confirmations of this right – and it could also be held over large areas, including the Isle of Wight, the Soke of Peterborough, Holderness, Richmondshire, and most of Cambridgeshire and Suffolk.<sup>4</sup> All *fraunchise*, as Chief Justice Scrope was to state in 1329, 'is to have jurisdiction and rule over the people';<sup>5</sup> and such liberties had a real effect on the processes of local governance and control. They therefore provide one important frame of reference within which the operation of local power can be understood; and they were in fact so widespread that none of the king's counties was a uniform legal and administrative unit under the sheriff's direct supervision. Each dissolves on examination into a jumble of jurisdictions.<sup>6</sup>

During the course of Henry III's reign (1216–72), a select number of liberties were also formalising their rights to dispense royal justice in their own courts. They claimed cognisance of the civil pleas usually tried before the king's justices; their criminal jurisdiction covered the crown pleas withdrawn from the king's sheriffs by Magna Carta of 1215. Most of these liberties were located at ecclesiastical centres such as Battle, Beverley and Ripon; and in some cases, as at Bury St Edmunds, Ely, Glastonbury and Ramsey, no crown officer took any part in the hearing of pleas. Even these latter examples, however, did not represent the highest level of local autonomy and authority: justice and administration were conducted by liberty officers, but often on the basis of royal commands; and royal writs were necessary to initiate the possessory assizes and other actions

<sup>3</sup> Useful surveys include S. Painter, *Studies in the History of the English Feudal Barony* (Baltimore, 1943), Chapter 4.

<sup>4</sup> A key study is M. T. Clanchy, 'The franchise of return of writs', *TRHS*, 5th ser., 17 (1967), pp. 59–82.

<sup>5</sup> Quoted in A. Harding, *Medieval Law and the Foundations of the State* (Oxford, 2002), p. 214.

<sup>6</sup> See, for example, B. English, 'The government of thirteenth-century Yorkshire', in J. C. Appleby and P. Dalton (eds), *Government, Religion and Society in Northern England, 1000–1700* (Stroud, 1997), pp. 90–103.

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concerning freehold estates.<sup>7</sup> In contrast, the emergent 'royal liberties', 'regalities' or (ultimately) 'counties palatine' lay more completely outside the orbit of crown jurisdiction, and were defined primarily by the maxim that 'the king's writ does not run there'. Thus in principle they were distinct self-governing entities, and in practice the king and his ministers normally recognised their independent existence. They possessed their own separate 'royal' institutions, which were staffed by their own personnel and replicated in microcosm the apparatus through which the 'state' could assert itself. Each liberty naturally had its own shire organisation; crown and civil pleas were sued before the lord's justices and by his own writs; and it was already assumed that 'regal jurisdiction' included exemption from parliamentary taxation. The lord himself was the main focus of rule and law within the liberty, and it was his peace, not the king of England's peace, that was enforced locally. He also enjoyed broader powers of lordship and patronage similar to those exercised by the crown elsewhere in the kingdom; and his governmental and political authority exceeded that of all other English liberty-owners save the 'lords royal' of the March of Wales. Medieval England's regalities included the earldom of Chester and the palatinate of Lancaster (1351–61 and from 1377); the other concentration was in the North-East.

The various kinds of liberty just described have long attracted scholarly attention; yet, with the notable exception of Chester, the heyday of their historiography was in the first two-thirds of the twentieth century.<sup>8</sup> The resulting studies, many of continuing value, are not easily summarised. But beginning with Gaillard Lapsley's pioneering book on Durham, published as *A Study in Constitutional History* in 1900, they generally centred on institutional theory and forms; and thanks mainly to Helen Cam's writings in the 1940s and 1950s, there was a marked predisposition to set the history of liberties firmly within a power-map defined by the English crown according to its own specifications. So it was that historians in essence accepted the neat-and-tidy view of the world held by thirteenth-century royal lawyers such as Henry Bracton, who took it for granted that all jurisdiction derived from the crown and was exercised exclusively in its name. Indeed, Cam wrote of 'the king's government as administered by the

<sup>7</sup> M. D. Lobel, 'The ecclesiastical banleuca in England', in *Oxford Essays in Medieval History* (Oxford, 1934), pp. 122–40; and, most recently, A. Gransden, *A History of the Abbey of Bury St. Edmunds, 1182–1256* (Woodbridge, 2007), Chapter 20.

<sup>8</sup> Recent work on medieval Cheshire, especially its administrative history, amounts to a small industry. See, for example, P. H. W. Booth, *The Financial Administration of the Lordship and County of Chester, 1272–1377* (Chetham Society, 1981); D. J. Clayton, *The Administration of the County Palatine of Chester, 1442–1485* (Chetham Society, 1990); P. Morgan, *War and Society in Medieval Cheshire, 1277–1403* (Chetham Society, 1987).

greater abbots of East Anglia': liberty-owners were thus to be regarded as royal surrogates and servants, while their officials were also characterised as 'the king's ministers and bailiffs'.<sup>9</sup> Likewise something of a Bractonian consensus emerged that medieval 'state-formation' depended not on any dynamic of governmental pluralism but on the integrating force of central authority and institutions. Accordingly a paradigm was constructed of the linear expansion of crown power and centralisation, so that even 'royal liberties' were relegated to the historical sidelines on the grounds that they became much like standard counties. 'Their inflated reputations', Jean Scammell observed, 'falsify many assessments of the effectiveness of monarchy and the possible extent of immunities in medieval England'; and she went on to conclude that Durham should be seen as little more than 'an enormous estate situated in a remote part of England'.<sup>10</sup> In similar vein, James Alexander categorised Chester, Durham and Lancaster as 'puny local quasi-autonomies', and believed that, so far as Edward I and Edward III were concerned, 'the reality of power they shared not'.<sup>11</sup>

This was a far cry from the view of Robin Storey (echoing Lapsley) that the bishops of Durham 'exercised an authority equal in its scope to that of the King elsewhere in the realm'.<sup>12</sup> Rather, liberties of all types were merely 'cogs' in the 'magnificent machine' of medieval English royal governance.<sup>13</sup> Or, as Eleanor Searle argued in her work on Battle, a liberty's place in the local governmental and political order was decided by the king's decree.<sup>14</sup> There was thus much less interest in the actual powers of liberty-owners over those whom they might call their 'subjects'; or in how a liberty's institutional and political frameworks might have benefited local society and shaped its behaviour, values and loyalties. And traditional approaches have indeed cast a long shadow. Robert Palmer, for instance, set his analysis of the relationship between the jurisdictions of county courts and liberty courts largely within the context of their integration into a single 'national'

<sup>9</sup> H. M. Cam, *Liberties and Communities in Medieval England*, new edn (London, 1963), pp. 183–204, and her 'Shire officials: coroners, constables, and bailiffs', in J. F. Willard et al. (eds), *The English Government at Work, 1327–1336* (Cambridge, MA, 1940–50), iii, p. 149.

<sup>10</sup> J. Scammell, 'The origin and limitations of the liberty of Durham', *EHR*, 81 (1966), pp. 452, 473. Cf. R. B. Dobson, *Church and Society in the Medieval North of England* (London, 1996), p. 89: 'the capacity of the bishops . . . of Durham to play an autonomous role on the Anglo-Scottish Border was virtually non-existent'.

<sup>11</sup> J. W. Alexander, 'The English palatinates and Edward I', *JBS*, 22 (1983), p. 22.

<sup>12</sup> Storey, *Langley*, p. 52; cf. Lapsley, *Durham*, p. 76.

<sup>13</sup> Cam, *Liberties and Communities*, pp. 207, 216.

<sup>14</sup> E. Searle, *Lordship and Community: Battle Abbey and its Banlieu, 1066–1538* (Toronto, 1974), p. 222: 'for the franchise to be . . . maintained, it had constantly to be reinterpreted, and reinterpretation depended upon the king'.

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justice system.<sup>15</sup> More recent work by legal historians has tended, directly or indirectly, to endorse such formulations and conclusions.<sup>16</sup> They likewise sit easily with some current interpretations of the late-medieval English constitution. Thus, to cite Helen Castor, ‘the hierarchies of government, both formal and informal, depended fundamentally on the universal and universally representative authority of the crown’.<sup>17</sup>

Admittedly conceptions of this sort have not gone unchallenged. Rees Davies urged us to recognise that medieval government was everywhere less uniform and unipartite than *étatist* story-lines presuppose. ‘We should’, so we learn, ‘beware of reifying the state, of accepting its own definition of, and apologia for, itself.’<sup>18</sup> For later medieval England, Gerald Harriss has made clear the complexities of the interplay between the ‘public’ and the ‘private’ aspects of local power, and how the ‘private’ could mesh with, parallel or rival the ‘public’.<sup>19</sup> More particularly, some historians of England’s liberties have explicitly called into question the homogenising capacity of the crown’s superiority and control. Edward Miller cautioned against the notion that the thirteenth century saw ‘a taming of liberties, a harnessing of their machinery to the machinery of the state’.<sup>20</sup> We have also been reminded that individual liberty-owners might jealously defend their prerogatives against royal encroachment by insisting that they were independent local rulers, who enjoyed a lawful jurisdiction ‘from time out of mind’.<sup>21</sup> Nor did Simon Walker doubt that John of Gaunt, as duke of Lancaster, was ‘the only source of justice and patronage within his palatinate’, or that his lordship was ‘almost unrestrained by the exercise of royal power’.<sup>22</sup> Even lesser liberties, in Rodney Hilton’s opinion, were significant nodes of local governance since what mattered in ‘an inevitably decentralized state’ was the law as administered by the immediate lord.<sup>23</sup>

<sup>15</sup> R. C. Palmer, *The County Courts of Medieval England, 1150–1350* (Princeton, 1982), Chapter 9.

<sup>16</sup> Compare, for example, the important review of A. Musson and W. M. Ormrod, *The Evolution of English Justice* (London, 1999), by C. Donahue, Jr, in *Michigan Law Review*, 98 (2000), pp. 1725–37.

<sup>17</sup> H. Castor, *The King, the Crown, and the Duchy of Lancaster* (Oxford, 2000), p. 306.

<sup>18</sup> R. R. Davies, ‘The medieval state: the tyranny of a concept?’, *Journal of Historical Sociology*, 16 (2003), p. 289.

<sup>19</sup> G. Harriss, *Shaping the Nation: England, 1360–1461* (Oxford, 2005), especially pp. 163–75.

<sup>20</sup> E. Miller, *The Abbey and Bishopric of Ely* (Cambridge, 1951), p. 242.

<sup>21</sup> For example, A. Gransden, ‘John de Northwold, abbot of Bury St. Edmunds (1279–1301), and his defence of its liberties’, *TCE*, 3 (1991), pp. 91–112.

<sup>22</sup> S. Walker, *The Lancastrian Affinity, 1361–1399* (Oxford, 1990), p. 179, and his ‘Lordship and lawlessness in the palatinate of Lancaster, 1370–1400’, *JBS*, 28 (1989), p. 328.

<sup>23</sup> R. H. Hilton, *A Medieval Society: The West Midlands at the End of the Thirteenth Century* (London, 1966), p. 219.

New work has gone a stage further by powerfully disputing the concept of an inexorable growth of crown regulation and administrative uniformity over the long duration. Thus important studies of Cheshire and Durham by Tim Thornton and Christian Liddy have highlighted the continued governmental vitality of these liberties, the extent to which the monarchy respected their status as entities distinct from the rest of the kingdom, and the resilience of regional autonomy as a potent and enduring idea into the early modern era.<sup>24</sup>

Moreover, some scholars have pointed directly to the roles liberties might play in moulding common attitudes, interests and allegiances. When Nigel Saul referred to fourteenth-century Sussex as ‘a county of communities’, and Tony Pollard found in fifteenth-century Yorkshire “counties” within the county’, they based their assessments on brief if revealing analyses of how each county’s ‘rapes’ or ‘shires’ influenced its social and political structures.<sup>25</sup> Robert Somerville took the view that Lancashire’s palatinate courts created a deep and abiding sense of local attachment because they were prized sources of speedy and familiar justice.<sup>26</sup> Majorie McIntosh’s study of the hundredal liberty of Havering in Essex, and Andy Wood’s long look at privileged mining communities such as that of Alston Moor in Cumberland, have stressed the significance of relatively minor jurisdictions for socio-legal solidarities.<sup>27</sup> Relatedly, Alan Harding has argued for the importance of ‘franchises’ as sources of people’s rightful customs and personal freedoms, so that ‘the meaning of liberties [shifted] from the powers of the prelates and barons to the rights of individual subjects’.<sup>28</sup> No less profoundly, Thornton’s work on Cheshire, and Liddy’s on Durham, have sug-

<sup>24</sup> Thornton: *Cheshire and the Tudor State, 1480–1560* (Woodbridge, 2000); ‘Fifteenth-century Durham and the problem of provincial liberties in England and the wider territories of the English crown’, *TRHS*, 6th ser., 11 (2001), pp. 83–100; ‘The palatinate of Durham and the Maryland charter’, *American Journal of Legal History*, 45 (2001), pp. 235–55. Liddy: ‘The politics of privilege: Thomas Hatfield and the palatinate of Durham, 1345–81’, *Fourteenth Century England*, 4 (2006), pp. 61–79; *The Bishopric of Durham in the Late Middle Ages* (Woodbridge, 2008).

<sup>25</sup> N. Saul, *Scenes from Provincial Life: Knightly Families in Sussex, 1280–1400* (Oxford, 1986), p. 60; A. J. Pollard, *North-Eastern England during the Wars of the Roses* (Oxford, 1990), p. 153.

<sup>26</sup> R. Somerville, ‘The palatinate courts in Lancashire’, in A. Harding (ed.), *Law-Making and Law-Makers in British History* (London, 1980), pp. 54–63.

<sup>27</sup> M. K. McIntosh, *Autonomy and Community: The Royal Manor of Havering, 1200–1500* (Cambridge, 1986); A. Wood, ‘Custom, identity and resistance: English free miners and their law, c. 1550–1800’, in P. Griffiths, A. Fox and S. Hindle (eds), *The Experience of Authority in Early Modern England* (London, 1996), pp. 249–85. On the Alston miners, see further below, especially Chapter 6, pp. 238–40, 275, 279.

<sup>28</sup> Harding, *Medieval Law*, pp. 216–21 (quotation at p. 216), and his ‘Political liberty in the Middle Ages’, *Speculum*, 55 (1980), pp. 423–43.

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gested how major liberties might foster independent political cultures and act as 'imagined worlds' around which local identities could crystallise.<sup>29</sup>

Such insights, it would seem, invite historians to rethink traditional assumptions about the taxonomy of the medieval English 'state' or, to be more precise, the manner in which different governance systems interacted with society, their relative significance for power, loyalty and identity, and the extent to which England's 'local polity' was in reality a polycentric order of multiple local polities. Yet despite some questioning of earlier views, the fact remains that the central issues in recent scholarship have been the institutions of 'bureaucratic monarchy' or, more particularly, government and political society as organised around the king's counties.<sup>30</sup> So it is that liberties in their own rights have rarely figured in the work done over the last decade and more on such seminal themes as the interaction of law and society, the origins and development of 'bastard feudalism', and the emergence of the gentry. Rather, the emphasis has been on deepening our understanding of a legal system and culture presided over by the king and his justices; of the ability of individual magnates (or, more often, their inability) to dominate county politics; and of the role played by the county as a focus for a rising gentry class in terms of service, advancement and identification.<sup>31</sup> Not least the existence and nature of 'county communities' have been keenly argued, largely in relation to a county's administration and its encounters with the crown, and in ways that take little account of the sum of local jurisdictions within, or co-existent with, county jurisdictions.<sup>32</sup> Such approaches have therefore had only limited relevance for registering the possible or actual significance of alternative institutional frameworks for local governance and society.<sup>33</sup> And, certainly, they do not provide ready-made models for illuminating the history of the medieval North-

<sup>29</sup> Thornton, *Cheshire and the Tudor State*, Chapter 2; Liddy, *Bishopric of Durham*, Chapter 5.

<sup>30</sup> Recent reinforcements of state-centred paradigms include A. Jobson (ed.), *English Government in the Thirteenth Century* (Woodbridge, 2004).

<sup>31</sup> See respectively (and most accessibly), A. Musson, *Medieval Law in Context* (Manchester, 2001); M. A. Hicks, *Bastard Feudalism* (London, 1995); P. Coss, *The Origins of the English Gentry* (Cambridge, 2003).

<sup>32</sup> For an influential survey, see C. Carpenter, 'Gentry and community in medieval England', *JBS*, 33 (1994), pp. 340–80. The latest contributions include J. Freeman, 'Middlesex in the fifteenth century: county community or communities?', in M. A. Hicks (ed.), *Revolution and Consumption in Late Medieval England* (Woodbridge, 2001), pp. 89–103; A. Polden, 'The social networks of the Buckinghamshire gentry in the thirteenth century', *Journal of Medieval History*, 32 (2006), pp. 371–94.

<sup>33</sup> A notable recent exception is D. A. Carpenter, 'The second century of English feudalism', *Past and Present*, 168 (2000), pp. 30–71, though the focus is on the continuing importance of the ordinary honour in the political organisation of thirteenth-century England.



East, which had more in common with the highly fragmented governmental landscapes of the March of Wales and of English Ireland than with much of midland and southern England.

Such a statement requires some amplification. In 1352 reference was made to ‘royal liberties’ in Ireland ‘like Durham and Chester [that] take from the king not only great profits, but much of the obedience of the persons enfranchised’.<sup>34</sup> Strictly speaking, this assessment exaggerated the legal-constitutional status of the Irish liberties: after all, their courts were rarely entitled to hold all crown pleas, their church lands were supposed to come under the jurisdiction of the king’s sheriffs, and their inhabitants were liable to the king’s taxes.<sup>35</sup> A closer parallel for the greater north-eastern liberties is supplied by the Welsh March. The prerogatives and rule-making powers of the Marcher liberties were undoubtedly more exclusive, so that they remained in a remarkable sense beyond the reach of the English monarchy and its agents. But it is the magisterial work of Rees Davies on these liberties that has provided the key contextual basis – and the main inspiration – for the present study.<sup>36</sup> Indeed, for all that the March was atypical and distinctive, his analyses of how liberties fitted into and influenced the organisation of governance and loyalties have set an agenda that is generally applicable to the institutional and political configuration of the English polity as a whole. And, in fact, it was Davies’s scrutiny of the March that in due course prompted his reappraisal of the anatomy of the medieval ‘state’, including that of ‘crown-centred’ England itself. For there, too, power might well be characterised by its ‘alternative nodal points’, its ‘multiplex nature’ and its ‘plurality and overlapping context’.<sup>37</sup>

What then were the local coordinates of government and justice in the medieval North-East? A composite snapshot is provided by the Hundred Roll inquests of 1274–5, the Northumberland eyre rolls of 1279, and the *Quo Warranto* inquiries of 1293.<sup>38</sup> The English crown’s direct power in the region was based on the county of Northumberland. Its effective governmental boundaries were much narrower than those of the modern

<sup>34</sup> *CCR 1349–52*, p. 461.

<sup>35</sup> R. Frame, ‘Lordship and liberties in Ireland and Wales, c. 1170–c. 1360’, in H. Pryce and J. Watts (eds), *Power and Identity in the Middle Ages* (Oxford, 2007), pp. 131–3.

<sup>36</sup> See especially Davies, *Lordship and Society*, and his *The Age of Conquest: Wales, 1063–1415* (Oxford, 1991), Chapters 4, 10, 15. Rees Davies’s final book, *Lords and Lordship in the British Isles in the Late Middle Ages* (Oxford, 2009), appeared as our work went to press.

<sup>37</sup> Davies, ‘Medieval state’, pp. 290–1.

<sup>38</sup> *RH*, ii, pp. 17–24; *NAR*, pp. 357–9; *PQW*, pp. 585–605; *NER*, pp. 222–65.

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pre-1974 county;<sup>39</sup> and there were no hundreds or wapentakes, or regular frankpledge and toun, through which the sheriff's authority could be articulated. The shire proper was divided into eight wards, which were primarily administrative-fiscal units; and within them lay numerous baronies, which exercised a hundred-type jurisdiction. Thus their lords had by long usage gallows and infangthief, and the assizes of bread and ale; they might also claim, often by royal grant, rights of chase, warren, market and fair. Such powers were significant forms of local authority: infangthief, for instance, allowed the lord to hang thieves caught red-handed on his lands. But they were scarcely the hallmarks of major jurisdiction, and for purposes of royal administration the baronies were normally treated as regular parts of the county. It was, however, a different matter for the borough of Newcastle and the earl of Lancaster's barony of Embleton, whose rights to return of writs excluded the sheriff. Newcastle also elected its own coroners, and both liberties long retained distinct identities as separate tax-paying communities.<sup>40</sup> Yet neither compared in independence with the five power-structures that had not been absorbed into, or were largely detached from, the routine systems of county and royal governance. These were the liberties recorded in 1279 and in 1293 as entitled to hear all crown and other pleas at their own eyres; and together they dominated much of the North-East, both territorially and governmentally. Durham 'between Tyne and Tees', with Bedlingtonshire, Islandshire and Norhamshire, was controlled by the bishop; Hexhamshire by the archbishop of York; Redesdale by the Umfravilles, an old-established Northumbrian family; Tynedale – for most of the thirteenth century – by the king of Scots; and Tynemouthshire by the prior of Tynemouth. These liberties, it is true, were not equally privileged. Redesdale and Tynemouthshire were 'merely' superior return-of-writs jurisdictions like Battle, Beverley and Ripon; it was therefore only in Durham, Hexhamshire and Tynedale that the king's writ was said not to run. Nevertheless Redesdale and Tynemouthshire had developed wide powers by the later thirteenth century, and both deserve to be considered, as they are in this book, alongside the north-eastern regalities.

Our priority is to assess the capacities of each of these liberties as a local polity in the fullest sense of that term. Thus we examine the nature of the liberty-owner's rights and rule; the extent to which loyalty to the lord

<sup>39</sup> According to the ampler claims made for the crown's jurisdictional supremacy, the medieval county embraced the entire region between the Tees and the Tweed; but we are here concerned with actual practice, not abstract theory.

<sup>40</sup> See, for example, *NLS*, pp. 39–47, 114–15; *The Lay Subsidy of 1334*, ed. R. E. Glasscock (London, 1975), pp. 219, 226. R. R. Reid, 'Barony and thanage', *EHR*, 35 (1920), p. 191, incorrectly assumes that all tenants by barony in Northumberland had return of writs.

overrode other allegiances; and how far his tenants were tied to the liberty by their landed interests and social relationships, by its mechanisms of governance and justice, and by involvement in office-holding. No less importantly, how effectively did each liberty shape or affirm local identities and solidarities by serving the common needs of local society, by forging a sense of collective commitment to its institutions and freedoms, and by developing its own specific culture, customs and traditions? Moreover, to what degree did the power and demands of the 'state' endanger or strengthen a liberty as a unit of government and social organisation, and how did their impact vary over time? In what measure were a liberty's authority and cohesion affected by broader processes of political and socio-economic change?

The thirteenth and fourteenth centuries are the obvious and critical periods for addressing such matters. The available documentation, notably from the 1250s to the 1340s, is relatively rich. The Durham archive is of course outstandingly important; but archiepiscopal registers covering Hexhamshire, Tynedale eyre rolls and the Tynemouth Priory cartulary give insights into liberty-society interactions of the sort that are rarely possible at other times. Again, these two centuries represented the most formative era in the liberties' histories, especially as regards their relations with the English monarchy. Richard Kaeuper's distinction between the thirteenth-century 'law-state' and the fourteenth-century 'war-state' is a construct that does not entirely convince, but it can usefully be adopted the better to get our bearings.<sup>41</sup> In the thirteenth century, when the crown's supervisory authority dramatically increased even in England's northern outskirts, it was the 'law-state' that tested the rights and powers of liberties, be it through the expansion of the king's justice or by rigorous *Quo Warranto* scrutiny of the claims of liberty-owners. In the event, this kingdom-wide renegotiation of central and local power involved give and take on both sides; but it naturally brings the greater north-eastern liberties into sharper focus, and facilitates assessment in some detail of their strengths and limitations as hubs of governance and social cohesion. The 'law-state' was hardly a spent force in the fourteenth century: while there would be no parallel to the systematic inspection of liberties of 1274–93, the growing appeal of the central royal courts posed fresh challenges.<sup>42</sup> Arguably, however, after the outbreak of the Scottish wars in 1296 it was the pressures and problems of the 'war-state' that had the most decisive effects on the development of the north-eastern liberties. With war came intensified military-fiscal and politi-

<sup>41</sup> R. W. Kaeuper, *War, Justice and Public Order: England and France in the Later Middle Ages* (Oxford, 1988).

<sup>42</sup> See most recently G. Dodd, *Justice and Grace: Private Petitioning and the English Parliament in the Late Middle Ages* (Oxford, 2007).

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cal demands from the crown, a new cohort of royal officials, and increased opportunities for employment and reward in the king's service. No more than in the thirteenth century would 'state centralisation' lead inescapably to serious erosion of a liberty's institutional authority and relevance; paradoxically it may sometimes have reinforced them. Yet war did bring the north-eastern liberties into closer contact with the crown in ways that might deeply affect traditional patterns of power and leadership. In addition, the failures of the 'war-state' resulted in further changes and difficulties, which serve in their turn to highlight the evolving history of individual liberties and their roles in society.

We approached each liberty with the same terms of reference; but inevitably our researches evolved in different ways, partly because of the nature of the relevant historiography. Good general studies exist for Durham, Hexhamshire and Tynemouthshire, while Durham's constitutional and legal development has received detailed attention.<sup>43</sup> Late-medieval Durham's government, landed society and 'community' have also been addressed in Christian Liddy's recent monograph.<sup>44</sup> Such contributions thus made it feasible to concentrate on key themes or episodes where the impact of these three liberties on society could be explored in particular depth. By contrast, the historiographical bases for Tynedale and Redesdale proved to be much less helpful and secure.<sup>45</sup> Moreover, since these were secular liberties, and also lacked major religious houses, the documentation is much less extensive: indeed, the entire corpus of surviving medieval deeds for both liberties can be counted in the low hundreds, whereas by themselves the 'Miscellaneous Charters' in the Durham Cathedral Muniments, most of which predate the Reformation, number some 7,300 items. So Tynedale and Redesdale have required more groundwork treatment, and in other respects the scope of the analyses provided reflects what is possible in the circumstances. Tynedale's 1279–81 eyre roll, for example, gives such a unique insight into the liberty's socio-political culture that it receives much closer analysis than any comparable roll from Durham.

<sup>43</sup> For Durham, special mention should also be made of Constance Fraser's work: notably Fraser, *Bek*, pp. 79–99; 'Edward I of England and the regalian franchise of Durham', *Speculum*, 31 (1956), pp. 329–42; 'Prerogative and the bishops of Durham, 1267–1376', *EHR*, 74 (1959), pp. 467–76; and (with K. Emsley) *The Courts of the County Palatine of Durham* (Durham, 1984).

<sup>44</sup> To minimise overlap with Dr Liddy's work, the chapters on Durham in this book deal in a relatively cursory fashion with the period after Bishop Bury's death in 1345.

<sup>45</sup> Unfortunately the introductory chapters on Tynedale and Redesdale in R. Robson, *The English Highland Clans: Tudor Responses to a Mediaeval Problem* (Edinburgh, 1989), are often misguided.

The available sources have also in part determined that the following chapters are largely studies of ‘gentry’ societies. We use the term as a convenient way of describing potential or actual members of political society between the baronage and the richer peasantry. They might be knighted or unknighthed, and armigerous or non-armigerous; they were often office-holders; and as regards landed wealth, though not necessarily, in our experience, as regards involvement in local politics and governance, a distinction can normally be made between greater and lesser gentry.<sup>46</sup> Sometimes, however, it has been possible and in fact essential to look more widely and deeply into local society and political life – as, for instance, in thirteenth-century Tynedale where one magnate family, the Comyns, took a major role; or in Durham where clergymen were prominent in secular administration; or in Hexhamshire where most landowners had few claims to ‘gentility’. In essence, though, local gentry are our *dramatis personae*.

It is therefore chiefly from their perspective that we have attempted to establish how far each liberty supplied – or failed to supply – a strong basis for ‘identity’ and ‘community’. These concepts are notoriously elusive and contested, as is reflected by the vast literature they have generated in history and the social sciences.<sup>47</sup> Clearly it would be wrong to search for identities by presupposing that they were any less multi-centred and ambiguous in the medieval past than they are today. But we do not consider such a search to be futile, as long as it recognises the possible pitfalls. Formal proclamations of solidarity, for example, can rarely be taken at face value, and it is important wherever practicable to delve behind the rhetoric in order to explore its political context and content. Nor can it automatically be supposed that ‘the community of the liberty’ was incompatible with other senses of ‘community’ or, indeed, anything other than contingent. In assessing such questions, the medievalist almost inevitably turns to the analysis of networks of socio-political association, on the assumption that their patterns offer the surest guide to where people’s attachments and

<sup>46</sup> For a recent review of the historiography of medieval England’s gentry, see P. Coss, ‘Hilton, lordship and the culture of the gentry’, in C. Dyer, P. Coss and C. Wickham (eds), *Rodney Hilton’s Middle Ages* (Past and Present Supplement, 2, 2007), pp. 37–52.

<sup>47</sup> Key statements include C. J. Calhoun, ‘Community: towards a variable conceptualization for comparative research’, *Social History*, 5 (1980), pp. 105–29; A. Shepard and P. Withington (eds), *Communities in Early Modern England* (Manchester, 2000), especially the editors’ introduction. Our approaches have also been influenced by the work of the anthropologist Vered Amit: notably ‘Reconceptualizing community’, in V. Amit (ed.), *Realizing Community* (London, 2002), pp. 1–15; V. Amit and N. Rapport, *The Trouble with Community* (London, 2002).

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allegiances lay.<sup>48</sup> But the impersonal nature of so much of the evidence – mainly legal and estate records – also prioritises the significance of land-ownership and related connections at the expense of less tangible aspects of identification; and we have thus tried to acknowledge both the concrete and the conceptual bases of ‘identity’ and ‘community’.<sup>49</sup>

Finally, though it is not our purpose here to summarise all the issues raised by this study of the North-East’s major liberties, it may be helpful for future reference to stress that at root each liberty’s relevance for individual or collective interests, rights and loyalties depended in equal measure on its institutional resources and its political modalities. The legal and judicial apparatus had to be able to maintain good order and local harmony, and be sufficiently attractive to fend off competition from the royal courts. Much likewise hinged on the ability of a liberty’s privileges, administratively, fiscally or otherwise, to benefit its tenants and residents by shielding them from unwelcome external interference and impositions; and that rested in turn on its efficiency in mediating between the locality and the ‘state’. Also crucial was how far a liberty’s governmental authority and structures gave coherence to local society by providing for communal participation and representation. Beyond these (and other) considerations lies the vital question of the character and style of the liberty-owner’s rulership. From the viewpoint of local society, he was expected to govern with due regard to the common rights and customs of the liberty; he was likewise under a general obligation to be a good lord by acting as a focus of service, protection and reward. But governance and lordship were also matters of personality and practice; and, more especially, there was no guarantee that the lord’s rule would be masterful and fair.

The dynamics of liberty-society relationships were thus complex and unpredictable. If a liberty was well placed to meet local aspirations and expectations, it might well cement loyalty to its autonomy and traditions, mobilise an awareness of ‘community’, and develop its own political ethos. If the converse was true, alternative power-sources and competing affiliations were likely to become more significant, to the general detriment of a liberty’s governmental and socio-political integrity. Equally, however, inadequate lordship might prompt collective action, notably in the form of appeals to a liberty’s privileges as touchstones of communal ‘liberties’. As such comments may serve to indicate, there were therefore

<sup>48</sup> For the methodologies involved, see in particular C. Carpenter, *Locality and Polity: A Study of Warwickshire Landed Society, 1401–99* (Cambridge, 1992), pp. 281–346.

<sup>49</sup> Compare, for example, A. Paasi, *Territories, Boundaries and Consciousness* (Chichester, 1996), p. 12: ‘All . . . identities are, in a sense, fictional identities which are connected with “imagined communities”.’

important variations in how the greater north-eastern liberties developed and operated; nor was it unusual for a liberty to be 'weak' in some aspects and 'strong' in others. In short, like all local polities these power-structures had diverse capacities and vulnerabilities, and their individual fortunes could wax and wane. But it will be seen that even the 'weakest' cannot be discounted as an institutional anachronism or as an irrelevance for local society. The world of north-east England from 1200 was to experience two centuries of profound change; yet liberties would remain basic to that world.

PART I

THE ECCLESIASTICAL  
LIBERTIES





# *Durham: History, Culture and Identity*

*Matthew Holford*

Durham was by some distance the largest of the north-eastern liberties, even not counting its detached members of Crayke (Yorkshire) and Bedlingtonshire, Islandshire and Norhamshire (Northumberland). Its core, ‘the bishopric of Durham between Tyne and Tees’, covered almost 1,000 square miles; and in terms of privileges, as well as of size, Durham was pre-eminent. By the beginning of the thirteenth century, it was well established as an area where ‘the king’s writ does not run’; by the end of that century, the bishops claimed even more substantial privileges. They were accorded by 1293 the exalted, if ill-defined, style of ‘earl palatine’, and thereafter the title of ‘county palatine’ continued to be brandished.<sup>1</sup> As early as 1352, and throughout the fifteenth century, Durham, alongside Cheshire, was understood to represent the most highly privileged liberty in England.<sup>2</sup>

Partly because of its importance, Durham has been by far the most studied of the north-eastern liberties; and, since Lapsley’s pioneering work at the beginning of the last century, it has been central to modern discussions of liberties and their place in the medieval ‘state’. Study of the liberty has also been stimulated by its extensive surviving documentation, now largely shared between The National Archives and the Dean and Chapter Muniments of Durham Cathedral. Both the copious evidence and the volume of earlier writing on the liberty make a detailed chronological narrative at once impractical and superfluous; and the four chapters on Durham in this book therefore adopt a largely thematic approach. Naturally they explore the same key questions as those addressed elsewhere in the

<sup>1</sup> *PROME*, i, p. 591; D. J. Seipp, ‘An Index and Paraphrase of Printed Year Book Reports, 1268–1535’ ([www.bu.edu/law/seipp/index.html](http://www.bu.edu/law/seipp/index.html), accessed 18 May 2007), 1321.034; *Year Books of the Reign of King Edward the Third: Year XVII*, ed. L. O. Pike (RS, 1901), pp. 472–5. On the origin and meaning of these expressions, see J. W. Alexander, ‘The English palatinates and Edward I’, *JBS*, 22 (1983), pp. 1–22; J. Scammell, ‘The origin and limitations of the liberty of Durham’, *EHR*, 81 (1966), pp. 450–2.

<sup>2</sup> *CCR 1349–54*, p. 461; Seipp, ‘Index’, 1440.049; 1441.073; 1452.015.



Map 2 The Liberty of Durham 'between Tyne and Tees'

DURHAM: HISTORY, CULTURE AND IDENTITY



present study: the liberty's position in relation to the crown, the strength of its institutions, the structure of lordship and society, and the impact of the 'law-state' and 'war-state'. But they also attempt to do justice to the features that distinguished Durham from the other north-eastern liberties – notably its well-developed cultural traditions, and the prominence of what contemporaries called 'the community of the liberty'. This first chapter outlines the liberty's privileges, the structure of its landed society, and its relations with the 'state'; it then focuses on the historical traditions associated with the liberty, the 'imagined communities' they nurtured, and how they helped the liberty's privileges to be maintained and developed. The second chapter on Durham looks in more detail at 'the community of the liberty', particularly in relation to the liberty's institutions and government; the third examines the sources of good lordship in the liberty, and the shifting opportunities that law and war came to offer within and outside it; and the fourth is a detailed study of the regime of Bishop Anthony Bek (1283–1311). This final chapter is, in part, a study of heavy lordship, that is, the development and exploitation of the bishops' powers over their subjects. It also reveals the strength of local community, and the increasing reach of the crown, and thus draws together the conclusions of the preceding chapters.

The focus throughout is on the liberty 'between Tyne and Tees', which is referred to variously as the liberty of Durham or the bishopric of Durham, following contemporary usage.<sup>3</sup> In some ways Crayke, Bedlingtonshire, Islandshire and Norhamshire were integral parts of this liberty, and shared its privileges. But their geographical separation from the liberty gave them their own distinctive histories; and this was particularly true of Norhamshire and Islandshire, which were exposed to unique pressures by their position on the Scottish Border. The outlying members of the liberty will therefore receive only incidental mention; like the lesser Yorkshire liberties of the bishops of Durham, Allertonshire and Howdenshire, they require independent treatment.<sup>4</sup>

Because a narrative thread is not always prominent in these chapters, a brief sketch of the liberty's history from around 1200 to 1350 will be helpful. At the beginning of our period, the liberty had assumed its fullest territorial extent, essentially that of pre-1974 County Durham; for the wapentake of Sadberge, on the north bank of the Tees, had been acquired from the crown

<sup>3</sup> The 'bishopric' must be distinguished from the diocese of Durham, which covered – with some exceptions – the modern counties of Durham and Northumberland.

<sup>4</sup> For Norhamshire, with Islandshire, see M. L. Holford, 'War, lordship, and community in the liberty of Norhamshire', in M. Prestwich (ed.), *Liberties and Identities in the Medieval British Isles* (Woodbridge, 2008), pp. 77–97.

by the bishop of Durham in about 1189. However, episcopal rights in this wapentake were not fully established, and had to compete with the claims of local magnates, notably the families of Balliol and Bruce of Barnard Castle and Hartness respectively. The thirteenth century, broadly speaking, saw the expansion of episcopal lordship in Sadberge and in the liberty as a whole, as the bishops' powers as 'lords royal' became increasingly well defined and elaborated. To review some key achievements, the right to initiate legal pleas by writs from the episcopal chancery was established, after challenges in the early 1200s, under bishops Richard Marsh (1217–26) and Richard Poore (1228–37). In 1267 Henry III, acknowledging the 'royal rights' that the bishops enjoyed in Durham, released to Bishop Robert Stichill (1260–74) his claim to the manor of Greatham, forfeited by Peter Montfort for rebellion against the king. Bishop Robert Lisle (1274–83) obtained royal confirmation of his claim to prerogative wardship in the liberty, and under Edward I this claim became more firmly established, with the recognition that the crown's rights of prerogative wardship did not extend 'between Tyne and Tees'. Finally, under Bishop Anthony Bek (1283–1311), it seems that the bishops established the right to restrict alienation of lands held of them in chief, as the king did outside the liberty.<sup>5</sup>

These developments in episcopal lordship were one of the factors leading to the rebellion of 'the community of the liberty' against Bishop Bek in the early years of the fourteenth century, which formed a pivotal period in the liberty's history. Edward I became involved in the dispute between bishop and community; he took the liberty into royal hands, and confiscated the lordships of Barnard Castle and Hartness because they were held by Scottish rebels. The lordships were granted to royal followers, to be held of the crown, and despite the best efforts of bishops Richard Kellawe (1311–16), Lewis Beaumont (1317/18–33) and Richard Bury (1333–45), they stayed only partly under the liberty's jurisdiction. In this respect Anglo-Scottish war dramatically heightened royal interference in the liberty. But other effects of war, while equally profound, were more complex. On the one hand, service to the crown became increasingly important for the liberty's gentry, and this sometimes meant that the crown's influence in the liberty was increased. Conversely, the crown's demands for men and resources from the bishopric prompted unprecedented action from 'the community of the liberty', the *Haliwerfolk*, which was able to establish its immunity from compulsory military service. This 'community' became a real force in the first half of the fourteenth century, in response not only

<sup>5</sup> For these developments, see below, pp. 40, 46–52; Chapter 2, pp. 68–9; Chapter 4, pp. 145–7.

to royal demands, but to the recurrent threat of Scottish attack. It was also 'the community' that took action, around the 1340s, to reform the liberty's legal system.<sup>6</sup>

By 1345 the liberty looked very different from its predecessor of 1200, not only because of war, but because of legal and administrative developments. Paradoxically Durham's governmental structures were becoming increasingly aligned with those of the wider realm; but its privileges were also becoming increasingly well defined, and perhaps even more substantial, and its local community remained assertive. On the one hand, the years around 1345 saw the liberty's legal system reformed, with the assent of the king in Parliament, to bring it into closer alignment with the royal courts. On the other, they saw the development of the so-called 'palatinate seal' of the liberty, which was modelled on the royal great seal to emphasise the bishop's regalian powers; and they saw 'the community of the liberty', the *Haliwerfolk*, refusing to act on the basis of a royal writ. Aspects of the liberty had been transformed, and loyalties had been reshaped; but the 'royal liberty' remained an area where 'the king's writ does not run', and a powerful focus for identities.<sup>7</sup>

It is also necessary to introduce at the outset the liberty's aristocratic families.<sup>8</sup> At the top of the liberty's political society was a handful of magnate families with substantial interests in the bishopric. In the early thirteenth century, the greatest powers were the cross-Border families of Balliol of Barnard Castle and Bruce of Hartness, and the families of Bulmer of Brancepeth and Fitzmeldred of Raby. Less powerful, but still of considerable importance within the liberty, were the Amundevilles, with lands scattered around the south and west of the bishopric; the Daudres, whose principal properties lay at Coxhoe, Croxdale, and Mordon near Sedgfield; and the Hansards, with estates around Evenwood and Walworth.<sup>9</sup>

By the end of the thirteenth century, the picture was very different. The families of Amundeville and Hansard had declined in importance: the former remained lords of Witton-le-Wear, but had alienated Coatham Mundeville and Stillington, while the Hansards had sold the barony of Evenwood. The family of Daudre ended with Walter (d. before 1260), most of whose estates were inherited by his son-in-law Roger Lumley (d. 1279).

<sup>6</sup> Below, pp. 28, 38, 42–3; Chapter 2, pp. 73, 81–95; Chapter 3, pp. 122–35; Chapter 4.

<sup>7</sup> Below, pp. 43, 51–2; Chapter 2, pp. 73, 81.

<sup>8</sup> The structure of landed society in the liberty (c. 1345–1437) is described in much greater detail in C. D. Liddy, *The Bishopric of Durham in the Late Middle Ages* (Woodbridge, 2008), Chapter 2.

<sup>9</sup> See the map in W. M. Aird, *St Cuthbert and the Normans* (Woodbridge, 1998), p. 210.

Meanwhile the most powerful magnate in the liberty had probably become Robert Neville (d. 1282), lord of Brancepeth and Raby, who had united the inheritances of Bulmer and Fitzmeldred. The Nevilles continued their ascendancy in the fourteenth century, joined by the newly prominent families of Hilton and Lumley: it was at Brancepeth, Raby, Hilton and Lumley that the liberty's most imposing castles were built or rebuilt in the later fourteenth century.<sup>10</sup> The families of Balliol and Bruce, which had remained significant throughout the thirteenth century, forfeited their estates in the years around 1300 as a result of Anglo-Scottish hostilities. Their places were taken by the Beauchamps, earls of Warwick, at Barnard Castle, and by the Cliffords at Hartness.<sup>11</sup>

These magnates were at the apex of local society; beneath them was a significant number of gentry families associated more or less closely with the liberty. Some sense of their changing composition over the course of the thirteenth century is given by a near-contemporary list of 'knights dwelling in the liberty of Durham between Tyne and Tees', which names about seventy knightly families active between around 1200 and 1310.<sup>12</sup> Several of these families, like the Harpins of Thornley and the Ludworths of Ludworth, restricted their activities largely to the bishopric. Richard Harpin, active around 1260, was succeeded by William and Richard; their fourteenth-century descendant was John (d. 1349). Walter Ludworth, active in the mid-thirteenth century, had been succeeded before 1296 by Hugh Ludworth, who in turn was followed, before 1317, by Walter Ludworth (d. c. 1348).<sup>13</sup> John Harpin and Walter Ludworth were both well established among the liberty's lesser gentry: John was armigerous, bearing like his ancestors *an eagle displayed*; and both he and Walter were commissioners of array in Easington ward in 1343, alongside Simon Esh.<sup>14</sup> Esh was from a rising family, newly prominent in the first half of the fourteenth century, but like Harpin and Ludworth his interests were largely confined

<sup>10</sup> A. Emery, *Greater Medieval Houses of England and Wales, 1300–1500* (Cambridge, 1996–2006), i, pp. 59–60, 107–9, 117–21, 123–36.

<sup>11</sup> Balliol and Bruce: below, pp. 46–9; Chapter 3, pp. 111–17. Hilton (alias Hylton) and Lumley: see the articles in GEC. Neville, Bulmer and Hansard: H. S. Offler, *North of the Tees* (Aldershot, 1996), Chapter 13. Daudre: Aird, *St Cuthbert*, p. 215; *Greenwell Deeds*, nos. 16, 38; DCRO, D/St/D7/119, 123. Amundeville: C. T. Clay, 'Notes on the family of Amundeville', AA, 4th ser., 24 (1946), pp. 60–70.

<sup>12</sup> The earliest version of the list is edited in *Hatfield Survey*, pp. xiv–xvi; for discussion, see M. L. Holford, "'Knights of Durham at the battle of Lewes': a reconsideration", *NH*, 46 (2009), pp. 185–218. My figure excludes the magnate families discussed above.

<sup>13</sup> Harpin: DURH 3/2, f. 47v; BL, MS Stowe 930, f. 129r; DCM, 2.3.Finc.14; Surtees, I, i, p. 84. Ludworth: DURH 3/2, f. 32v; DCM, 1.2.Finc.18; BL, Additional Ch. 62689, 62693.

<sup>14</sup> G&B, nos. 1194–5; RPD, iv, pp. 269–71.



to the bishopric.<sup>15</sup> These were all men whose world was essentially bounded by Tyne and Tees, although some of the liberty's gentry families (as will be seen more fully below) were ranging more widely afield in the fourteenth century.<sup>16</sup>

Even at the beginning of the thirteenth century, however, the liberty's tenurial structure was less self-contained than, say, Tynedale's.<sup>17</sup> First, the wapentake of Sadberge had formerly been part of Northumberland, and its two most important magnate families, Balliol and Bruce, held or had held important estates in Northumberland and Yorkshire respectively.<sup>18</sup> There were thus significant tenurial connections with those counties. To give only two examples, the family of Feugeres were lords of Castle Levington in north Yorkshire, which was held of the Bruces in the twelfth century; they were also Bruce tenants at Brierton in Hartness. Robert Gower, who was a Bruce tenant at Faceby in Yorkshire in the mid-thirteenth century, also had interests at Elton in Hartness.<sup>19</sup> And there were, in addition, many other connections with neighbouring counties, notably but by no means exclusively at the edges of the liberty. For example, the Spring family, with lands in Winston near Barnard Castle, also held Lartington a few miles away in Yorkshire; the Bassets, lords of Offerton in Durham, also held property in Bebside, Cowpen and Eachwick in Northumberland; and the Washingtons of Washington acquired scattered estates in south Northumberland in the thirteenth century.<sup>20</sup> Again, the families of Hadham and Yeland, which shared the manor of Seaham, also held the serjeanty of Nafferton in Northumberland; Hugh Gubion, lord of Tudhoe around the end of the thirteenth century, was also lord of Shilvington and Whalton in Northumberland; and Tunstall (in Stranton) was part of the Northumbrian barony of Bolam.<sup>21</sup> Several men named in the list of Durham knights, in fact, had only peripheral connections with the liberty since the bulk of their estates lay elsewhere. William Vavasour (d. 1313) held the manor of Cockfield, which his father John had acquired by marriage. But the family's principal seat was at Hazelwood in Yorkshire,

<sup>15</sup> M. L. Holford, 'The Esh family: officeholding and landed society in the palatinate of Durham in the earlier fourteenth century', *NH*, 43 (2006), pp. 229–35.

<sup>16</sup> Below, Chapter 3, pp. 127–35.

<sup>17</sup> Below, Chapter 6, pp. 257–8.

<sup>18</sup> The Bruce family had divided in c. 1140 into the separate branches of Bruce of Annandale (which held Hartness) and Bruce of Skelton in Cleveland.

<sup>19</sup> *VCH, Yorks., North Riding*, ii, pp. 260, 313; *VCH, Durham*, iii, pp. 232–3, 366.

<sup>20</sup> *VCH, Yorks., North Riding*, i, p. 122; *NCH*, ix, p. 319; W. P. Hedley and G. Washington, 'The early Washingtons of Washington', *TCWAAS*, new ser., 64 (1964), pp. 108–23.

<sup>21</sup> *NCH*, xii, pp. 272ff.; *NLS*, nos. 140, 164; *BF*, ii, pp. 1114, 1123; *HN*, i, p. 287.

where William had licence to crenellate in 1290, and where he desired to be buried.<sup>22</sup> Similarly Adam Boltby (d. 1281) held the Durham manor of Bolam near Bishop Auckland, also acquired by marriage; but he had more important properties not only in north Yorkshire, where his family originated, but in Northumberland, because his father Nicholas had married the heiress to the barony of Langley.<sup>23</sup>

Naturally the liberty's magnate families, too, often had important interests outside the bishopric. The Hansards had estates near Northallerton in Yorkshire, and at South Kelsey in Lincolnshire; the Hiltons of Hilton held, in addition to Swine in Yorkshire, Rennington and Shilbottle in Northumberland, acquired by marriage in about 1200 and valued at 100 marks in 1289.<sup>24</sup> Brancepeth and Raby were at the heart of the Nevilles' interests, but they also had extensive estates in Yorkshire, centred on Sheriff Hutton and Middleham. Other magnate families, conversely, had estates in the bishopric that were of very little significance in comparison to their other properties. The Percy manor of Dalton Piercy was peripheral to that family's concerns.<sup>25</sup> Ralph Fitzwilliam (d. 1317) had the manor of Coniscliffe from 1306; but he also held the Cumberland barony of Greystoke, in addition to estates in Northumberland and Yorkshire.<sup>26</sup>

For all these reasons, Tyne and Tees did not neatly delimit a landed society. Most of the liberty's magnates, and a number of its gentry, were accustomed to moving between different social and jurisdictional worlds. Their ties of neighbourhood could be far-ranging. They sued in the crown's courts as well as the bishop's; they were accustomed to seeking the king and other lords, as well as the bishop, for favour. We cannot assume that, in consequence, the liberty was necessarily of less importance to such men. But their possession of estates outside the bishopric could induce an apparent indifference to its privileges, both on the part of the crown, and on the part of landholders themselves. Gilbert II Hansard's confirmation charter from King John in 1199 included his Durham estates; and when Robert Hilton (d. c. 1310) obtained a charter of free warren from Henry III, it extended to Hilton in Durham as well as to Rennington and Shilbottle in Northumberland. Similarly Robert II Ogle's charter of free warren, obtained from Edward III in 1341, included Hurworth-on-Tees as well as

<sup>22</sup> *Early Yorkshire Charters*, vii, ed. C. T. Clay (YASRS, Extra Series, 1949), pp. 170–1; *RPD*, i, pp. 331–5.

<sup>23</sup> *Early Yorkshire Charters*, ix, ed. C. T. Clay (YASRS, Extra Series, 1952), pp. 160–5; *NDD*, pp. 36–7.

<sup>24</sup> In addition to GEC, see W. H. D. Longstaffe, 'The church of Guyzance', *AA*, new ser., 3 (1859), pp. 134–45.

<sup>25</sup> *VCH, Durham*, iii, p. 255.

<sup>26</sup> GEC, v, pp. 513–16.

his Northumbrian properties.<sup>27</sup> The significance of these charters should not be overstated; but they do indicate how the tenurial links that bound Durham to the other northern counties might complicate the claim that ‘the king’s writ does not run’ in the liberty of Durham.

It was an often-repeated claim: ‘the bishop of Durham has royal liberty in his liberties of Durham and Norham, and his writs run there’.<sup>28</sup> And, despite the necessary qualifications, it was much more than a ‘half truth’.<sup>29</sup> All kinds of writs in the liberty were issued in the bishop’s name, rather than the king’s, and the concepts of law and justice that were at the heart of medieval ideas about government were formulated in relation to the bishop. It was the bishop’s peace which felons violated, and which the bishop extended in pardons.<sup>30</sup> A criminal in the liberty might not simply abjure the realm, but ‘the realm and bishopric’; and since the liberty did not send a representative to Parliament, and did not normally contribute to lay taxation, it might even be distinguished from the wider ‘community of the realm’.<sup>31</sup> There was nothing self-evidently absurd in the idea that the bishop within his liberty was like a king, or even that, as Bishop Bek’s steward ‘strongly affirmed’ in 1302, ‘there were two kings in England, namely the lord king of England, wearing a crown as symbol of his regality, and the lord bishop of Durham, wearing a mitre in place of a crown as symbol of his regality in the diocese [sic] of Durham’.<sup>32</sup> Such claims expressed in contemporary terms the fundamentals of the liberty’s position, and represented the views of royal lawyers and the local community as much as of the bishop’s household and administration.<sup>33</sup> The exclusion of the king’s writ from the liberty justified Durham’s freedom from almost all lay taxation; it justified the bishops’ claims to forfeited lands, and to the goods and chattels of outlaws. Thus when Edward II ordered Bishop Kellawe to answer for forfeited lands of the Templars in the liberty, the king was told that Bek had seized them ‘by reason of his royal liberty’, and it seems that Kellawe retained control of the estates.<sup>34</sup> Similarly, in 1351 Bishop Thomas Hatfield (1345–81), on the grounds of his ‘royal liberty’, was able to deny the king the goods of

<sup>27</sup> *Rotuli Chartarum in Turri Londinensi Asservati*, ed. T. D. Hardy (Record Commission, 1837), p. 23; *CChR*, i, p. 454; v, p. 4.

<sup>28</sup> *Northern Pets*, no. 175.

<sup>29</sup> Pace Scammell, ‘Origin and limitations’, p. 456.

<sup>30</sup> Well illustrated by the model forms of episcopal pardon in an early fourteenth-century formulary: DCM, Misc. Ch. 5672, m. 1.

<sup>31</sup> See, for example, DURH 3/92, m. 16d; below, p. 27.

<sup>32</sup> Fraser, *Bek*, p. 98, and n. 5.

<sup>33</sup> Lapsley, *Durham*, p. 31; contrast Scammell, ‘Origin and limitations’, p. 464, and n. 4.

<sup>34</sup> *RPD*, ii, pp. 857–8, with BL, Egerton Ch. 550.

outlaws who had fled to Durham.<sup>35</sup> And in 1338 Edward III seems to have accepted that his commissioners ought not to enter the liberty to assess parliamentary taxation. Writing to Bishop Bury after the grant of wool made in the Parliament of February that year, the king asked Bury to call before him ‘the community of your liberty of Durham’. He hoped that the bishop would be able to persuade the community to make its own grant of wools within the liberty, to be collected by the bishop’s own commissioners.<sup>36</sup> The bishop apparently neglected to execute the writ, and was called to account in 1342 not only for the 1338 grant but for the fifteenth and tenth of 1337; he answered that ‘the men of the liberty’, who were not represented in the Commons, ‘were not accustomed to pay anything with the community of the realm’. Following a search of the exchequer’s records in 1344, his argument that Durham was a ‘royal liberty’ in which the king’s officers should not ‘intermeddle’ seems to have been accepted.<sup>37</sup>

Naturally the liberty was not wholly immune from royal demands. The bishops spent a good deal of their energies in the liberty carrying out the crown’s wishes. Some fifty folios of Kellawe’s register – about one-fifth of its contemporary contents – concern royal writs sent to the bishop for execution, even if not all were acted on without complications;<sup>38</sup> while throughout our period many letters close and patent to the bishops were enrolled by the crown’s clerks. Furthermore, several of the liberty’s privileges were, on occasion, challenged by the crown or its ministers, for many men had an eye on the king’s interests. Thus it was pointed out, around 1284, that if Ranulf Neville did homage to the bishop for his lands between Tyne and Tees before doing homage to Edward I for his other lands, this would be to the disinheritance of the crown; at about the same time, Robert Tilliol was allowed to warrant a charter in Cumberland rather than in the liberty, because to do otherwise ‘would openly fall to the king’s prejudice’.<sup>39</sup> In the first instance, the warning came from an unknown royal servant; in the second case, the decision was made by royal justices, even though the king himself had ordered the sheriff of Cumberland to have Robert appear in the liberty. The king’s servants could have a sharper sense of royal rights than

<sup>35</sup> E 159/127, recorda, Easter, m. 12–12d.

<sup>36</sup> *RPD*, iv, pp. 225–8; also printed in *Treaty Rolls 1337–1339*, ed. J. Ferguson (London, 1972), no. 110, and cf. *ibid.*, nos. 213, 541.

<sup>37</sup> E 159/120, mm. 168–9, 264; *CCR 1341–3*, pp. 610–11; with J. F. Willard, *Parliamentary Taxes on Personal Property, 1290 to 1334* (Cambridge, MA, 1934), pp. 29–32, for the background.

<sup>38</sup> *RPD*, ii, pp. 835–1124 (including, however, writs concerning the diocese as well as the liberty of Durham).

<sup>39</sup> SC 1/31/107; *Select Cases in the Court of King’s Bench*, ed. G. O. Sayles (Selden Society, 1936–71), ii, pp. cxxviii–ix.

the king himself.<sup>40</sup> The liberty's privileges might also simply be forgotten. As one royal official seems to have found it necessary to remind another in the later thirteenth century: 'Sir, you know well that the king's writ does not run in the bishopric of Durham. You must make another writ for those parts according to the tenor of the other writs.'<sup>41</sup>

More important, though, were the occasions on which the bishopric's privileges were overridden by the superior claims of royal prerogative, or by the threat of the 'disinheritance' of the crown. The most dramatic illustration was Edward I's seizure of the lordships of Hartness and Barnard Castle in 1306–7, which contemporaries recognised as a flagrant violation of the liberty's rights.<sup>42</sup> When Robert Bruce was forfeited as a Scottish rebel in 1306 the bishopric was in royal hands, and it was only to be expected that his estates in the liberty would be used to benefit the king's servants.<sup>43</sup> But these grants also occasioned a royal inquiry into the circumstances in which Barnard Castle had been forfeited by John II Balliol in 1296. Unsurprisingly it was found that Bishop Anthony Bek, in confiscating Balliol's estates, had acted to the prejudice of the crown. The lands were taken into the king's hands and granted in 1307 to Guy, earl of Warwick; and despite subsequent twists and turns, the crown's grantees remained in possession.<sup>44</sup> But this was not because the supremacy of royal prerogative was consistently upheld. On the contrary, when Bishop Lewis Beaumont petitioned for the restoration of Hartness and Barnard Castle in 1327, Edward III admitted the justice of the bishop's claims, and then supported those claims against the complaints of Robert Clifford and Thomas Beauchamp.<sup>45</sup> In the event Beaumont and his successors were not able to recover the lordships, but they were prevented by the efforts of the Cliffords and Beauchamps, and by the legal difficulties posed by Edward I's grants, not by concerted royal opposition.

The theoretical supremacy of royal prerogative was never translated into coherent policy, and the crown made no consistent claims to forfeits in the liberty. Bishop Bek seized lands in Stanhope as war-forfeits, and his action was challenged only within the liberty itself, in the bishop's court, in 1345. When lands in Herrington were forfeited in 1314, Bishop Kellawe granted them to John Deanham, in whose family they remained.<sup>46</sup> As

<sup>40</sup> For a similar example, see SC 1/22/190.

<sup>41</sup> SC 1/28/190, and see similarly *RPD*, iv, pp. 420–1.

<sup>42</sup> *Scriptores Tres*, p. 88.

<sup>43</sup> *RPD*, iii, pp. 58–60; *CPR 1301–7*, p. 465.

<sup>44</sup> *RPD*, ii, pp. 795–802.

<sup>45</sup> *PROME*, iv, pp. 40–2; SC 8/149/7437, 7443.

<sup>46</sup> *DURH 13/221/2*, m. 1; *RPD*, ii, pp. 1261–2; *DURH 3/2*, f. 100r.

we have seen, Bek also seized the forfeited lands of the Templars in the liberty; Bishop Beaumont exercised rights of forfeiture in Northamptonshire.<sup>47</sup> Admittedly some disputes over forfeits show that the bishop's subjects might be ready to exploit the opposing claims of crown and liberty. Walter Selby forfeited the manor of Felling in 1318 because of his involvement in the 'rebellion' of Gilbert Middleton. Edward II granted the manor to Ralph Eppleton, while Beaumont granted it to his kinsman Aimery Trew. Eppleton obtained possession, but he himself forfeited the manor after the battle of Boroughbridge (1322). Trew then acquired Felling, and granted the manor to Thomas Surtees, a grant that received royal and episcopal confirmation. But Walter Selby returned to royal favour and attempted, albeit unsuccessfully, to oust Surtees by reminding Edward III that forfeitures belonged only to the crown.<sup>48</sup> Any loyalty to the liberty's privileges was unlikely to take precedence over securing landed title. For similar reasons, inhabitants of the liberty were prepared to use the royal courts when they felt that the legal machinery of the liberty had failed them.<sup>49</sup> But if kings were often invited to challenge the liberty's privileges, royal respect for the bishopric might well lead them to decline. When one case was sued in the royal courts, Edward II was 'unwilling to do anything that might fall to the liberty's prejudice', and simply ordered that a record of the plea be sent to the bishop with a mandate to do justice.<sup>50</sup> Almost exactly the same language had been used in 1241, when John I Balliol attempted to bring a plea concerning Gainford before royal justices in eyre at Lancaster: Henry III was informed by Bishop Farnham that the case pertained to the liberty court and, unwilling to do anything against the liberty of Durham, the king ordered his justices to do no more.<sup>51</sup>

It is true that the bishops often knew when to let their claims lie dormant. Bishop Beaumont made no attempt to challenge the royal seizure of the manor of Silksworth, forfeited by an intimate of Thomas, earl of Lancaster. Edward II granted the manor to Richard Embleton of Newcastle in 1323-4, and it remained in his family's possession. Indeed it was known around the North-East that Silksworth was in the king's gift: Hexham Priory petitioned for lands there, in about 1323, to compensate it for damages from the Scots, and believed it could hold the lands 'of the king, rendering the assized rent

<sup>47</sup> Above, p. 26; Holford, 'War, lordship, and community', p. 86; *FPD*, p. 1.

<sup>48</sup> For the complex story of Felling, see *CPR 1317-21*, pp. 217, 239, 335; 1330-4, p. 240; *C 255/12/2/17*; *Northern Pets*, nos. 184-5, 197-8; *Northumb. Pets*, nos. 121a, 193; *CIMisc.*, ii, no. 880; *FPD*, pp. 8-10; *CCR 1341-3*, pp. 98, 642, 692; *NCH*, ix, pp. 59-61.

<sup>49</sup> Below, Chapter 2, pp. 79-80.

<sup>50</sup> *KB 27/246*, m. 135.

<sup>51</sup> *CR 1237-42*, p. 340.

at the exchequer'.<sup>52</sup> The reality of royal authority in the liberty was thus widely acknowledged. But it is a mistake to expect absolute 'separateness' or 'autonomy', even for a 'royal liberty'.<sup>53</sup> Throughout our period, bishops were ready to call on royal help in disciplining their more recalcitrant subjects, and they readily acknowledged the crown's right to intervene in default of justice.<sup>54</sup> In this respect, in fact, the crown had an acknowledged place in the government of the liberty. But it was a restricted place, and bishops did expect control of the great majority of the liberty's administration. The crown's attitude, as in the Welsh Marches, was one of 'quiescent conservatism', of 'acquiescence and respect'; its interventions, when they occurred, 'operated along certain acknowledged channels';<sup>55</sup> and the bishops of Durham, for their own part, were usually equally respectful of the crown's rights and objectives. By vigorously pursuing their own rights in some respects, and by tactfully waiving them in others, the bishops normally maintained a *modus vivendi* with the crown, which minimised royal interference in the liberty.

In the usual run of things, then, the bishopric's privileges were fully respected. It is true that royal writs were issued in relation to the liberty and its inhabitants. Even if not all were executed,<sup>56</sup> royal officers certainly did sometimes act in the liberty, and not only in the disputed areas of Hartness and Barnard Castle.<sup>57</sup> Nor was the royal chancery always prepared to follow the liberty's example in referring to the 'bishop's peace' rather than the king's.<sup>58</sup> It is also true that the bishop of Durham, very often, owed his position to royal patronage. As Tim Thornton has pointed out, however, and as Anthony Bek, Lewis Beaumont and Richard Bury demonstrated in their different ways, royal appointees were not necessarily less vigorous defenders of the liberty.<sup>59</sup> In the final analysis, the liberty's continued

<sup>52</sup> *CPR 1321-4*, pp. 292, 398; *Northern Pets*, nos. 135, 191-2; DURH 13/223, mm. 8-9.

<sup>53</sup> *Pace*, for example, G. Barraclough, *The Earldom and County Palatine of Chester* (Oxford, 1953), p. 28.

<sup>54</sup> For examples, see C 81/525/7287; DCM, Loc.XXI.18, m. 4; CCR 1327-30, pp. 55-6; 1337-9, p. 39; E 159/120, m. 255.

<sup>55</sup> Davies, *Lordship and Society*, pp. 251, 257.

<sup>56</sup> When a royal pardon was pleaded in the liberty, its validity was denied by Bek's justices; and a knight in Bek's retinue claimed that a royal protection had no authority in the liberty: Fraser, *Bek*, pp. 97, 98, n. 3.

<sup>57</sup> For additional examples, see CR 1242-7, p. 436; E 142/11, mm. 3, 6 (albeit with an interlineated note that the sheriff of Northumberland 'cannot intermeddle' in the bishopric of Durham); C 145/88/2, 21; 145/89/21.

<sup>58</sup> *RPD*, ii, pp. 1017-18; Lapsley, *Durham*, p. 32.

<sup>59</sup> T. Thornton, 'Fifteenth-century Durham and the problem of provincial liberties in England and the wider territories of the English Crown', *TRHS*, 6th ser., 11 (2001), pp. 95-100.

existence depended on royal favour; but such a statement hardly captures the real flavour of the liberty's relationship with the crown. The sceptical accounts of some modern historians thus do the bishopric less than justice.<sup>60</sup> In the words of a fourteenth-century lawyer, the bishop was 'as king' in his liberty;<sup>61</sup> and the relatively few occasions when royal administration intermeddled in the liberty can have counted for little when nearly all local government was carried out by the bishop's men and in his name.

Asked what warrant they had for their 'royal rights', the bishops of Durham could point only to long usage. In 1351 Bishop Hatfield openly admitted that he had no specific charter granting him the chattels of outlaws, claiming only that his 'royal liberty' had given the bishops of Durham such rights from time out of mind.<sup>62</sup> In attempting to explain why successive kings respected these prescriptive claims, some historians have emphasised the direct benefit that 'royal liberties' could offer the crown: the great liberties of Durham, Cheshire and the Welsh Marches originated on military frontiers, it has been argued, and the powers of their lords derived from the kings' desire to maximise their own military effectiveness.<sup>63</sup> But while the crown did sometimes draw attention to Durham's role in the defence of the North, especially after the outbreak of war with Scotland in 1296, much of its concern was focused on the detached part of the liberty in Northamptonshire, on the Scottish Border; and in the fourteenth century the bishopric's privileges in relation to taxation and military service probably hampered rather than enhanced the crown's military strength. Ultimately the argument of reciprocity is not a satisfying explanation for the continued existence and development of Durham's privileges.<sup>64</sup>

A more convincing argument points to the importance of precedent and custom, which favoured the continuance of established privileges.<sup>65</sup> Certainly precedent was usually fundamental to the allowance of the liberty's claims. In 1342 Bishop Bury was able to show that the crown had

<sup>60</sup> Notably Scammell, 'Origins and limitations', *passim*.

<sup>61</sup> Lapsley, *Durham*, p. 31.

<sup>62</sup> E 159/127, recorda, Easter, m. 12–12d.

<sup>63</sup> For examples of this argument, see H. M. Cam, *Liberties and Communities in Medieval England*, new edn (London, 1963), pp. 210–11; S. L. Waugh, *The Lordship of England: Royal Wardships and Marriages in English Society and Politics, 1217–1327* (Princeton, 1988), pp. 82–3; C. D. Liddy, 'The politics of privilege: Thomas Hatfield and the palatinate of Durham, 1345–81', *Fourteenth Century England*, 4 (2006), p. 65; Storey, *Langley*, p. 144.

<sup>64</sup> *CCR 1307–13*, p. 568; *1318–23*, p. 697. Cf. Barraclough, *Earldom of Chester*, p. 29; R. Somerville, 'The duchy and county palatine of Lancaster', *Transactions of the Historic Society of Lancashire and Cheshire*, 103 (1952), p. 29.

<sup>65</sup> See in particular Thornton, 'Fifteenth-century Durham', p. 100; T. Thornton, *Cheshire and the Tudor State, 1480–1560* (Woodbridge, 2000), p. 80, and *passim*.



allowed 'royal liberty' to Beaumont; Beaumont, in 1327, had pointed to Henry III's allowance of Stichill's claim to forfeited lands in the liberty, as had Kellawe in 1316. As Kellawe put it, he and his predecessors had enjoyed such 'royal rights' from time without mind; and while any precedent brought by Stichill in 1267 has not survived, it was probably on a similar basis that his *jura regalia* were recognised by the king's council.<sup>66</sup> On that occasion, the claims of custom and precedent were judged by the king and his advisers; on others, the crown saw fit to consult the wider political community: it was in Parliament that Bishop Lisle was ordered to show his claim to the marriage of Sybil Lumley in 1280.<sup>67</sup> Custom could also be determined by a jury: when, in about 1282, a royal escheator could not discover by inquisition that his predecessors had acted in the bishopric, he himself refused to do so without special warrant.<sup>68</sup> Finally precedent might be established through a painstaking search of documentary evidence. In 1344 such a search established that the bishopric had not usually contributed to lay subsidies: and, thereafter, the liberty was very rarely asked to contribute to such taxes.<sup>69</sup> Once customary rights had been established, by whatever means, the crown was usually ready to respect them; and it is difficult to accept that 'the Durham franchise owed its greatest variations in fortune not to its own theoretical privileges, status or merits, but to the political vicissitudes of its then bishop'.<sup>70</sup>

While a general respect for custom and precedent favoured many liberties, however, the powerful historical traditions associated with Durham gave its lord and inhabitants an unusual ability to maintain and develop their privileges. These traditions presented the liberty as a privileged space, the area 'between Tyne and Tees', which belonged to St Cuthbert and was under his protection. The inhabitants of the liberty were the *Haliwerfolk* or 'the people of St Cuthbert', who also claimed special rights because of their relationship to the saint. At the heart of Durham's distinctive traditions, therefore, was St Cuthbert.

Cuthbert was, of course, far more than a merely local saint. In the Middle Ages his shrine at Durham attracted pilgrims from the length and breadth of Britain.<sup>71</sup> From an early date, the saint had been presented as a patron

<sup>66</sup> E 159/120, mm. 168–9, 264; *PROME*, iii, pp. 230–5; iv, pp. 40–2; *CPR 1266–72*, p. 63.

<sup>67</sup> SC 1/13/90.

<sup>68</sup> SC 1/24/29.

<sup>69</sup> E 159/120, m. 264. For the exceptions, in 1371 and 1436, see below, Chapter 2, p. 94; Thornton, 'Fifteenth-century Durham', pp. 90–1.

<sup>70</sup> Scammell, 'Origin and limitations', pp. 472–3.

<sup>71</sup> V. Tudor, 'The cult of Cuthbert in the twelfth century: the evidence of Reginald of Durham', in G. Bonner, D. Rollason and C. Stancliffe (eds), *Saint Cuthbert, his Cult and*

and defender of England as a whole;<sup>72</sup> indeed, a late-medieval life written at Durham devoted a section to Cuthbert as patron of the English, claiming that any proper Englishman ought to worship him.<sup>73</sup> The saint's banner – apparently first recorded in the 1160s and, from 1296, a vital talisman accompanying English campaigns against the Scots – was a physical symbol of his status as 'the protector of the English'.<sup>74</sup> And the English victory over the Scots at the battle of Neville's Cross in 1346 was only the most striking example of what Durham Priory called the honour 'done to the realm by the merit and prayer of St Cuthbert'.<sup>75</sup>

But although Cuthbert was a figure of national importance and appeal, he did have distinctive local and regional significance. Admittedly this was not restricted to the liberty, but more widely diffused over the North, where the bulk of churches and chapels dedicated to Cuthbert were to be found.<sup>76</sup> His feasts in March and September were rent-terms in Northumberland as well as in Durham, and ships from Newcastle as well as from Hartlepool were named after the saint.<sup>77</sup> At Tynemouth, in 1425–6, the monks were accused of neglecting their proper patronal saints to perform plays for the local populace on St Cuthbert's day, and it was in York Minster that Bishop Thomas Langley of Durham (1406–37) set up a particularly sumptuous representation of the saint's life in stained glass.<sup>78</sup> In no way, then, was Cuthbert's patronal power and influence restricted to the liberty of Durham. Nor, indeed, was his the only significant cult within the liberty.

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*his Community to 1200* (Woodbridge, 1989), pp. 465–6; *Scriptores Tres*, pp. 152–3; DCM, Misc. Ch. 7159\* (c. 1455), partly printed in R. B. Dobson, *Durham Priory 1400–1450* (Cambridge, 1973), p. 32.

<sup>72</sup> *Historia de Sancto Cuthberto*, ed. T. J. South (Cambridge, 2002), Chapters 15–18, 33, and comment; 'De Miraculis', in Symeon of Durham, *Opera omnia*, ed. T. Arnold (RS, 1882–5), Chapters 1, 4; Symeon of Durham, *Libellus de Exordio*, etc. ed. D. Rollason (Oxford, 2000), pp. 110–13, 126–7.

<sup>73</sup> BL, MS Harley 4843, ff. 249v–50r.

<sup>74</sup> On the banner, see Tudor, 'Cult of Cuthbert', p. 460; Dobson, *Durham Priory*, p. 27, n. 3; R. B. Dobson, *Church and Society in the Medieval North of England* (London, 1996), pp. 105–7, and the references there given. The quotation is from BL, MS Harley 4843, f. 249v.

<sup>75</sup> *Historical Letters and Papers from the Northern Registers*, ed. J. Raine (RS, 1873), p. 391. For accounts of Cuthbert's role, see the contemporary narratives collected in translation in D. Rollason and M. Prestwich (eds), *The Battle of Neville's Cross, 1346* (Stamford, 1998), pp. 132–62; also *Poems of Laurence Minot*, ed. J. Hall (Oxford, 1897), pp. 33, 108–15.

<sup>76</sup> A. H. Thompson, 'The MS. list of churches dedicated to St Cuthbert, attributed to Prior Wessyngton', *Transactions of the Architectural and Archaeological Society of Durham and Northumberland*, 7 (1935), pp. 151–77; Dobson, *Durham Priory*, pp. 18–19.

<sup>77</sup> Rents: examples include NCS, ZSW/4/75; NCH, ix, p. 77. Ships: BL, MS Cotton Nero C.VIII, ff. 264v–5v; Dobson *Durham Priory*, p. 30.

<sup>78</sup> John Amundesham, *Annales Monasterii S. Albani*, ed. H. T. Riley (RS, 1870–1), i, p. 214; S. Brown, *York Minster: An Architectural History, c. 1220–1500* (Swindon, 2003), pp. 231–2.

St Hilda's association with Hartlepool, for example, was commemorated in the town's thirteenth-century seals, the main counterseal depicting the abbess with an inscription invoking her protection of her servants.<sup>79</sup> The seal is probably related to the town's acquisition of privileges from Bishop Richard Poore in 1229, and the appearance of Hilda could even be read as a statement about the town's separation from episcopal authority in the wider liberty.<sup>80</sup>

Despite all this, however, Cuthbert did have a distinctive significance within the liberty: he was, in the words inscribed under his statue in Durham Priory, 'patron of the church, city and liberty of Durham'.<sup>81</sup> To some extent, this was true in Islandshire as well as in the liberty between Tyne and Tees. Cuthbert had a cenotaph on Holy Island; the cell on Farne possessed books and other objects which had reputedly once belonged to him; and he gave his name to the local duck, 'the bird of St Cuthbert'.<sup>82</sup> By narrowing the focus still further, however, it is possible to identify distinctive elements of Cuthbert's meaning that were restricted to the liberty between Tyne and Tees. It is likely that his feasts in March and September were more significant social occasions in the bishopric than they were elsewhere: the priory might invite local magnates to the feasts, and expenses connected with them occur in both priory and bishopric accounts.<sup>83</sup> Cuthbert's shrine, furthermore, was the symbolic centre of the liberty, and its significance to the local community was different from its appeal to pilgrims from the wider realm. The local community – 'all the men of the bishopric' – demanded free access to the shrine from Bishop Bek during the dispute of 1300–3, and it was at the shrine that 'each and singular' of the liberty community then swore to uphold the public good.<sup>84</sup> It was with a pregnant sense of symbolism that a fifteenth-century account described how, 'beside the shrine of St Cuthbert', Edward I had commanded Bek to do justice to the local community.<sup>85</sup> And the shrine was also a place where local men could

<sup>79</sup> W. de Gray Birch, *Catalogue of Seals . . . in the British Museum* (London, 1887–1900), ii, nos. 4976–8; *VCH, Durham*, iii, p. 275.

<sup>80</sup> *Acta 1196–1237*, no. 318. For the town's earlier charters, see *VCH, Durham*, iii, p. 270.

<sup>81</sup> *Rites of Durham*, ed. J. C. Fowler (SS, 1903), p. 139 (and cf. p. 131).

<sup>82</sup> E. Cambridge, 'Why did the community of St Cuthbert settle at Chester-le-Street?', in Bonner, Rollason and Stancliffe, *Saint Cuthbert*, p. 368; Raine, *North Durham*, p. 347; *Extracts from the Account Rolls of the Abbey of Durham*, ed. J. T. Fowler (SS, 1898–1901), iii, p. 591; J. Raine, *St Cuthbert* (Durham, 1828), pp. 22–3, 119.

<sup>83</sup> DCM, Bursar's Accounts 1349–50(A), m. 6; cf. *RPD*, iv, p. 435, for an invitation to an abbot copied in Bury's letter book. For the bishopric accounts, see DCM, Loc.V.32, m. 2. Material is scattered throughout the priory accounts: cf. *Durham Account Rolls*, iii, index, s.v. Cuthbert, feast of.

<sup>84</sup> *RPD*, iii, pp. 44, 64; *Gesta Dunelm.*, p. 12.

<sup>85</sup> BL, MS Lansdowne 397, f. 111r; cf. Fraser, *Bek*, p. 181.

make particularly solemn undertakings. Rarely can this have been better illustrated than by the oath that Gilbert son of William Hulam swore on St Cuthbert's shrine on 4 September – the feast of the saint's translation – in 1341. Gilbert was suspected of entering fraudulently into an exchange of lands, but an oath at the shrine of the liberty's patron promised to dispel such rumours. Gilbert was by no means prominent in local society: because his seal was little known, those of four neighbours were also affixed to Gilbert's letters patent, dated at the shrine and addressed to 'all the good men of the royal liberty of Durham'. Even such minor figures might need, and be able, to call on Cuthbert's unchallengeable local authority.<sup>86</sup>

As 'patron of the church, city and liberty of Durham', Cuthbert had responsibilities to bishop, to prior and convent, and to the wider local community: responsibilities which were often closely related, but which did not always prove mutually compatible. The monks of Durham naturally revered the saint as a fearsome protector of their priory and its possessions, warning in widely copied couplets of the dire fate awaiting those who despoiled 'the lands of St Cuthbert'.<sup>87</sup> Symeon of Durham's account of the death of Gillo Michael, who had persecuted the saint's followers in the eleventh century, was copied verbatim on the eve of the priory's dissolution as an exemplum 'against those who molest the servants of St Cuthbert'; it also featured in a slightly earlier compilation of miraculous punishments for violations of Cuthbert's liberty – and that mostly meant, in this context, the rights of the priory.<sup>88</sup> When these rights were threatened, Cuthbert's name was readily invoked. Thus the priory's complaints against its treatment by Bishop Bek and his officers repeated incessantly the charge that 'the liberty of St Cuthbert' had been damaged: the bishop assigned officers when the priory was vacant; his bailiff let their lands to farm; his officers exacted carriage – all 'against the liberty of St Cuthbert'.<sup>89</sup>

If the priory's writers and copyists naturally emphasised Cuthbert's protection of their particular institution, however, they recognised that he was equally important to the origin and development of the wider liberty. According to the priory's historical tradition, it was Cuthbert's miraculous interventions in favour of King Guthred and King Alfred in the ninth century that had led to the first grant of 'royal liberty' between Tyne and Tees, and the saint was equally important in the liberty's later history. One story told how William the Conqueror's confirmation of Durham's privileges came after he had learned about Cuthbert's life from local men;

<sup>86</sup> DCM, Misc. Ch. 7009. Cf. Dobson, *Durham Priory*, p. 28, and n. 4, for later examples.

<sup>87</sup> Dobson, *Durham Priory*, p. 12.

<sup>88</sup> BL, MS Harley 4843, ff. 254v–5r; MS Cotton Claudius D.IV, ff. 101r–15v.

<sup>89</sup> DCM, Loc.VII.4, arts. 5, 15, 18 (and cf. 19); Loc.VII.45, art. 26.

according to another, the confirmation was prompted by demonstrations of the saint's power.<sup>90</sup> Nor were these the only occasions when Cuthbert was presented as a vigorous defender of the liberty, its people and their rights. The *locus classicus* was Symeon of Durham's account of Ranulf, a man sent by the Conqueror 'to compel the people of St Cuthbert to pay tribute to the king', and whom the saint afflicted with a crippling illness that remitted only when he crossed the borders of the liberty. The story was retold in a late-medieval life, which called on Cuthbert to protect his people from similar exactions in the present: 'Now, Cuthbert, be a shield and sword for the people of Durham; be a shield to the country, and drive away taxation (*tributum*).'<sup>91</sup>

Throughout the Middle Ages, in fact, Cuthbert was widely recognised in the bishopric as the liberty's patron. Together with St Oswald, he regularly appeared on episcopal seals from the mid-thirteenth century onwards;<sup>92</sup> and it was customary for these seals to be broken and offered at Cuthbert's shrine on a bishop's death. According to a fifteenth-century source, it was also usual on such occasions for the keys to Durham castle to be placed on Cuthbert's shrine.<sup>93</sup> Both traditions suggested that individual bishops were ultimately only representatives of the saint, who remained the true keeper of see and liberty. Naturally the episcopal chancery referred often to the liberty of St Cuthbert, as when a servant of Ranulf Neville offended against the rights of Durham and St Cuthbert, or as when a proclamation forbade tournaments at Darlington or elsewhere in the liberty of St Cuthbert between Tyne and Tees.<sup>94</sup> Such almost casual allusions to the saint were not wholly typical, though. Cuthbert's name carried special weight, and it was normally used only on occasions when such special weight was necessary. Thus a dispute over a wardship with Thomas, earl of Lancaster (d. 1322), led Bishop Kellawe to appeal forcefully in the name of St Cuthbert, while it was threats to episcopal rights of forfeiture that led Lewis Beaumont to petition Edward III in the name of 'the honour of the *corpseint* St Cuthbert of Durham'. Similar threats led Bishop Fordham (1381–8) to dwell on

<sup>90</sup> Symeon, *Libellus*, pp. 197–201 (essentially followed in BL, MS Harley 4843, f. 248v); H. H. E. Craster, 'The Red Book of Durham', *EHR*, 40 (1925), p. 528 (followed in John Wessington's *De Exordio*, Bodl., MS Laud Misc. 748, f. 24r).

<sup>91</sup> Symeon, *Libellus*, pp. 196–9; BL, MS Harley 4843, ff. 248v, 251r.

<sup>92</sup> G&B, nos. 3122ff. Cuthbert also appeared on the seals of the bishop's ecclesiastical officers: G&B, nos. 3177–8, 3183–6.

<sup>93</sup> Bodl., MS Laud Misc. 748, f. 52r; the story prompting the comment derives from Roger Howden, *Chronica*, ed. W. Stubbs (RS, 1868–71), iii, pp. 284–5. See also *Scriptores Tres*, pp. 15–16, 63. *Durham Annals and Documents of the Thirteenth Century*, ed. F. Barlow (SS, 1945), pp. 15, 54, state that the seals of Kirkham and Lisle were broken 'in capitulo'.

<sup>94</sup> *RPD*, i, pp. 107–8, 295–6.

the miracles Cuthbert had worked in favour of earlier kings, and the misfortunes that had befallen those who had harmed the liberty.<sup>95</sup>

Such appeals often had the desired effect, and respect for Cuthbert was undoubtedly an important factor in the maintenance and indeed development of the liberty's privileges.<sup>96</sup> Edward II, for example, ordered his household officers not to intermeddle between Tyne and Tees 'as the king wishes to preserve the liberty of St Cuthbert', and the same king showed concern for the liberty's legal privileges 'on account of his great devotion to St Cuthbert'. It was similarly 'for favour to the liberty of St Cuthbert' that a woman arrested at Darlington by officers of the royal household had been delivered to the bishop's coroner in the 1290s.<sup>97</sup> The clearest expressions of royal regard for the saint, though, must surely be Edward I's claim in 1302 that he saw himself as simply 'the minister and maintainer of the liberty of St Cuthbert', and his assurance that God and Cuthbert would come to the aid of those who desired the welfare of the liberty. No doubt the military significance of the saint's banner was an important influence, especially on Edward I; and Edward III specifically allowed the revival of any lapsed liberty in 1335 because of his affection for Cuthbert, whose banner had been brought out against the Scots.<sup>98</sup> Nevertheless these kings recognised that Cuthbert was the bishopric's patron, and consequently they respected the liberty's privileges.

Cuthbert's patronage of the liberty mattered equally to the local community. In 1344 the freeholders of the area around Hartlepool claimed that they were people 'of the liberty of St Cuthbert', who feared 'the excommunication of God and St Cuthbert brought upon those doing anything against the said liberty'.<sup>99</sup> The saint provided a sanction that helped to maintain the liberty's privileges. It was right that when William Scrope did penance in 1390 for 'certain trespasses' committed against the bishop and his officers, it was by offering a 'notable jewel', to be worth not less than £500, to Cuthbert's shrine.<sup>100</sup> Equally, however, the local community also used Cuthbert to support their own privileges. This was the case in 1311 when 'the magnates, knights and free tenants of the bishopric' argued that if they were forced to do military service beyond the limits of the liberty

<sup>95</sup> *RPD*, iv, pp. 408–9; *PROME*, iv, p. 42; *Rotuli Parliamentorum* (Record Commission, 1783–1832), iii, p. 177. See also *Northern Pets*, nos. 180–1; *RPD*, iv, p. 130.

<sup>96</sup> For earlier comment along these lines, see C. M. Fraser, 'Prerogative and the bishops of Durham 1267–1376', *EHR*, 74 (1959), p. 474; Scammell, 'Origin and limitations', p. 452.

<sup>97</sup> *CCR* 1318–23, p. 16; *CCW* 1244–1326, p. 336; *JUST* 1/226, m. 9d.

<sup>98</sup> *SC* 1/12/155; Fraser, *Bek*, pp. 184–5; *DCM*, 2.3.Reg.3a–b.

<sup>99</sup> *CIPM*, viii, p. 384.

<sup>100</sup> Raine, *St Cuthbert*, Appendix, pp. 9–10; cf. *CCR* 1389–92, p. 64; C 81/507/5667; *Durham Account Rolls*, ii, p. 451.

it would be to ‘the damage of the liberty of St Cuthbert’.<sup>101</sup> But this incident was little more than an echo of the momentous events of 1300, when compulsory military service outside the liberty had been comprehensively rejected by ‘the men of the bishopric’, who claimed their own privileges as Cuthbert’s tenants and servants:

the men of the bishopric . . . united against the bishop, saying that they were *Haliwerfolk*, who held their lands by the service of defending the body of St Cuthbert, and did not have to go forth beyond the boundaries of the bishopric, that is the Tyne and Tees, either for king or for bishop.<sup>102</sup>

Who were the *Haliwerfolk*? The term has only recently been explored in any detail, and in many ways its meaning and development remain mysterious.<sup>103</sup> It is clear, though, that *Haliwerfolk* developed out of the concept of ‘the people of the saint’, used by eleventh- and twelfth-century writers to describe various communities associated with St Cuthbert. By the early twelfth century the word had become firmly identified with the liberty between Tyne and Tees, although between around 1100 and 1225 *Haliwerfolk* occurs only in relation to an area of land rather than a group of people.<sup>104</sup> In the later thirteenth century the term developed a closer association with the privileges of the liberty, and perhaps of its inhabitants, and in the fourteenth century it emerges as a term used by the local community to claim its own privileges.

As Lapsley was the first to show, *Haliwerfolk* should be interpreted as ‘the people of the holy man (*halig wer*)’ or ‘the people of the saint’. The term is clearly related to the Latin expression *populus sancti* or *populus sancti Cuthberti*, used by the eleventh- and twelfth-century historians of Durham, although it is impossible to pin down precisely the identity of this *populus*.<sup>105</sup> In Symeon of Durham ‘the people’ occur in an attempt to cross with Cuthbert’s body into Ireland, and they accompany his body during its wanderings until all but seven of them leave. ‘The people of St Cuthbert’ are

<sup>101</sup> DCM, Loc.XXVIII.14, no. 15.

<sup>102</sup> *Scriptores Tres*, p. 76.

<sup>103</sup> See now V. Watts, *The Place-Names of County Durham* (Nottingham, 2007–), i, pp. 2–4; Liddy, *Bishopric of Durham*, pp. 186–97. Of older discussions, by far the best remains that of Lapsley, *Durham*, pp. 22–4, and n. 6.

<sup>104</sup> The ‘knights’ or ‘men of *Haliwerfolk*’ might be referred to; but in such phrases (as in ‘men of Northumberland’) *Haliwerfolk* itself has a territorial reference.

<sup>105</sup> *Historia de Sancto Cuthberto*, p. 59; ‘De Miraculis’, in Symeon, *Opera*, i, p. 235 (and cf. p. 239).

molested by the pagan king Onlafball in the early tenth century and are later ruined by Bishop Uhtred (944). ‘The people’ again accompany Cuthbert’s body to Ripon, Durham and Lindisfarne. Finally Symeon describes how William the Conqueror was miraculously prevented from harming ‘the people’, and how Ranulf the tax-collector was prevented from imposing tribute on ‘the people of the saint’.<sup>106</sup> No one meaning will fit all these uses of the expression, whose reference seems to have changed with changing circumstances: the group that accompanied Cuthbert to Lindisfarne was not the same community that Ranulf attempted to tax. The best explanation is that the term was used in a shifting way to describe the wider community – that is, beyond the bishop and monks themselves – associated with the body and estates of St Cuthbert. In the words of a fifteenth-century writer:

That people properly  
That dwelt in country Cuthbert by  
His own people was called,  
Because he kept them oft from care.<sup>107</sup>

Symeon was writing in the opening decades of the twelfth century, but by this time the vernacular term for ‘the people of the saint’, *Haliwerfolk*, had undergone an important shift in meaning. As also happened with the words ‘Norfolk’ and ‘Suffolk’, a term describing a community came to identify a territory – in the case of *Haliwerfolk*, the liberty between Tyne and Tees. In charters of around 1114–19, for example, *Haliwerfolk* is distinguished from Yorkshire and Northumberland, and in documentary sources of the twelfth and thirteenth centuries *Haliwerfolk* seems to be used only in this geographical sense.<sup>108</sup> In about 1225 witnesses referred to the bishop of Durham’s exclusive rights to markets and fairs ‘between Tyne and Tees in *Haliwerfolk*’, and to the exclusive right to wreck which resulted from his ‘regality in *Haliwerfolk* and in Norhamshire’.<sup>109</sup> By this date, clearly, the usual territorial reference of *Haliwerfolk* was to the liberty between Tyne and Tees, and this also seems to have been true in the early twelfth century.<sup>110</sup>

The association of *Haliwerfolk* with a clearly defined area was closely

<sup>106</sup> Symeon, *Libellus*, pp. 114–17 (with important comment at n. 66), 130–3, 140–1, 144–5, 148–9, 186–7, 196–9.

<sup>107</sup> *The Life of St Cuthbert in English Verse*, ed. J. T. Fowler (SS, 1891), p. 136 (lines 4614–17).

<sup>108</sup> *Durham Episcopal Charters 1071–1152*, ed. H. S. Offler (SS, 1968), pp. 72, 75; *FPD*, p. 140; *RLC*, i, p. 446; Lapsley, *Durham*, pp. 22–4, and n. 6.

<sup>109</sup> *FPD*, pp. 230, 238, etc.

<sup>110</sup> A forged charter of the twelfth century describes Norham and Holy Island as in ‘Norhimbria’, not in *Haliwerfolk*: *Durham Episcopal Charters*, p. 56.



related to the development of what was later called ‘the royal liberty between Tyne and Tees’. While the pre-Conquest status of the liberty is not fully clear, it has been convincingly argued that its independence from royal writ originated in the earliest grants to the church of St Cuthbert, and was well established by the eleventh century.<sup>111</sup> Certainly by Symeon of Durham’s day, as we will see, the rivers Tyne and Tees formed the boundaries of a privileged area;<sup>112</sup> while Symeon’s account of Ranulf the tax-collector’s imposing unheard-of exactions on ‘the people of the saint’ clearly implies the liberty’s usual exemption from royal demands. Significantly this is the only occasion when ‘the people of the saint’ can plausibly be identified with what came to be called ‘the community of the liberty’. The establishment of the liberty and its identification with a fixed area gave the *Haliwerfolk* a geographical solidity that the term had not previously possessed, and as the people of the saint became identified with the liberty, the primary sense of *Haliwerfolk* became the territory of the liberty itself. The term has an almost purely geographical sense throughout the twelfth and thirteenth centuries. It was never the only way of referring to the liberty as an area, however, and from around 1225 it virtually disappeared, to be replaced by ‘the bishopric of Durham’ or ‘the liberty of Durham’.<sup>113</sup>

Paradoxically the period from around 1225 to 1300, when *Haliwerfolk* very rarely appears in written sources, may well have seen important developments in the meaning of the term. On the few occasions when *Haliwerfolk* does appear in this period, it is usually in close association with the privileged status of the liberty. Henry III’s letters patent of 1267, revoking his grant of Greatham to Thomas Clare and representing a key acknowledgement of the bishop’s right to lands forfeited for treason, referred to ‘the liberty of the bishop of Durham of *Aliwarçfolk*’;<sup>114</sup> and in 1275 a plea concerning the bishop’s powers of prerogative wardship referred to his regality ‘in the liberty of *Haliwerfolk*’.<sup>115</sup> Perhaps when *Haliwerfolk* ceased to be a routine way of referring to the liberty, the word became particularly associated with Durham’s privileged status, aided by its archaic flavour and its associations with St Cuthbert. The need to defend the liberty’s privileges

<sup>111</sup> D. J. Hall, ‘The Community of Saint Cuthbert: Its Properties, Rights and Claims from the Ninth Century to the Twelfth’ (unpublished Oxford University D.Phil. thesis, 1983), Chapter 9.

<sup>112</sup> Below, p. 45.

<sup>113</sup> Examples include *RLC*, i, p. 131; ii, pp. 144, 174.

<sup>114</sup> *CPR* 1266–72, p. 63. I have emended the calendar, which prints *Aliwartfolk*; another version, in a 1327 petition of Lewis Beaumont, reads (or, at least, is printed) *Aliwarthfolk*: *PROME*, iv, p. 41. The significance of such spellings is discussed below.

<sup>115</sup> KB 27/15, m. 17; Fraser, *Bek*, pp. 85–6.

against the king and others may have led to the re-emergence of the concept of *Haliwerfolk* in local culture.

In the late thirteenth century the term is known to have been used only by the bishops of Durham to justify their privileges. There is some evidence, though, that in this period *Haliwerfolk* was also coming to be associated again with the local community, and that its use by the community did not emerge *ex nihilo* around 1300. The evidence, admittedly slender, consists of the changing spellings of the word, and in particular forms such as *Haliwarkfolc*, where the Old English element *wer*, 'man', seems to have been replaced by forms deriving from *weorc*, 'work'. Such spellings seem to originate in the mid-thirteenth century and are also found in early fourteenth-century documents, and it is difficult to know how much weight to place on them.<sup>116</sup> First, such spellings are relatively rare; second, *Haliwerfolk* clearly caused clerks difficulty, particularly in the royal writing offices, and was commonly emended to more familiar forms. Thus a royal confirmation of 1253, referring to grants in *Haliwarfolk*, was copied onto the charter roll with the more comprehensible spelling *Haliwellefolk*.<sup>117</sup> It is possible, however, that the 'work' spellings indicate a new interpretation of the liberty's identity based around the idea of 'holy work'. It is, unfortunately, impossible to be more precise, but the claim of 1300 that the *Haliwerfolk* 'held their lands by the service of defending the body of St Cuthbert' makes it tempting to associate this work with service for land tenure. The *Haliwarkfolk* may then have been imagined as a people distinguished by the privileges and responsibilities that resulted from holding their land of St Cuthbert. It was, perhaps, the result of trying to make sense of the ancient term for the liberty, and this might suggest that the term had become newly significant to the liberty community as well as to its lord. The 'work' spellings may, therefore, provide some context for the claim of 1300 that the *Haliwerfolk* 'did not have to go forth beyond the boundaries of the bishopric, that is, the Tyne and Tees, either for king or for bishop'.<sup>118</sup>

It is clear, though, that this statement was also a reinterpretation of *Haliwerfolk* in the light of novel demands for military service. Neither the claim that land was held by the service of defending Cuthbert's body, nor

<sup>116</sup> They occur in the patent roll text of Henry III's revocation of his grant of Greatham; in inspeximus of this revocation, including one in Kellawe's register; and in copies in that register of documents relating to the bishop's rights in the Tyne: *CPR 1266-72*, p. 63; *RPD*, i, p. 8; iii, p. 8; iv, p. 137.

<sup>117</sup> *DCM*, 1.2.Reg.1; *CChR*, i, p. 432; and, for another example of this spelling, see *CRR*, vi, p. 344.

<sup>118</sup> Relatedly the particular interpretation of the *Haliwerfolk* as defenders of St Cuthbert may have arisen from a perception that the *wer* element derived from Old and Middle English *werian*, *werien*, to defend.

the assertion that the community's military service was restricted to the area between Tyne and Tees, is documented before 1300.<sup>119</sup> But the latter claim did have significant roots in local custom, and was not wholly an invented tradition. The idea that the two rivers set limits to the demands that could be made on the local community, and that these limits were related to holding land in the liberty, was a natural deduction from some of the bishopric's distinctive tenures. The first survey of the liberty, made around 1183, recorded that the villeins of West Auckland were obliged to cart three loads between Tyne and Tees, and that various other tenants were bound to go on missions for the bishop between Tyne and Tees (at their own expense, specifies one entry).<sup>120</sup> Similar services are described in early fourteenth-century inquisitions *post mortem*. At Shadforth, for example, Maud, the widow of Thomas Teesdale, and her fellow parceners owed the service of carrying a tun of wine, once a year, 'wherever the bishop should wish to have it in the bishopric of Durham', and this was probably the same service as that owed 'between Tyne and Tees' at Middleham by Thomas Middleham.<sup>121</sup> Nor were such tenures confined to land held directly of the bishop. In the twelfth century the tenant of Woodstone was obliged to ride at his own expense on his lord's business 'between Tyne and Tees'; and in 1279 land in Stranton was granted for the service of providing an archer for forty days between Tyne and Tees.<sup>122</sup> It is easy to see in such tenures the source of the conviction that the local community could not be required to perform military service beyond the limits of the liberty, even if the explanation of *Haliwerfolk* in terms of this conviction was a novel reaction to novel demands.<sup>123</sup>

Whatever the origins of the 1300 claim, however, the key point is that the attempt to associate a hitherto unrecorded privilege with the traditional identity of the liberty proved, at least in part, successful. Durham's exemption from enforced military service was confirmed by Edward I in February and April 1303, in a dramatic illustration of how the crown could be prepared to accept privileges without any basis in royal grant or written charter.<sup>124</sup> Since 'the community of the liberty' did agree in that year to

<sup>119</sup> R. K. Richardson, 'The bishopric of Durham under Anthony Bek, 1283–1311', *AA*, 3rd ser., 9 (1913), p. 140, n. 31, stated that the latter claim could be traced to 1297; but he was misled by the erroneous dating of Stevenson, *Docs*, ii, nos. 438–9, which belong to April 1303.

<sup>120</sup> *Boldon Book*, ed. D. Austin (Chichester, 1982), pp. 36–7.

<sup>121</sup> DURH 3/2, ff. 7v, 17r; cf. *Hatfield Survey*, pp. 23, 29, 30, 167, etc.

<sup>122</sup> *The Priory of Finchale*, ed. J. Raine (SS, 1837), p. 76; DURH 3/92, m. 16d.

<sup>123</sup> Possibly, furthermore, the claim was influenced by a privilege (confirmed in 1215–16) of the 'barons' of Cheshire, who could not be compelled to do military service beyond the River Lyme: *VCH, Cheshire*, ii, p. 4.

<sup>124</sup> DCM, 2.2.Reg.12; *CPR 1301–7*, pp. 112, 134 (but cf. p. 426).

provide troops willingly, it could be argued that the privilege was worth little, but this is unlikely to have been the local view. In 1311, as we have seen, ‘the magnates, knights and free tenants of the bishopric’ refused to provide military service for Edward II, and the privilege was soon defended by the bishops of Durham. Bishop Bury, in 1341, called it an ‘ancient privilege’ of his liberty.<sup>125</sup> In 1322 Edward II had granted that Bishop Beaumont’s provision of soldiers should not prejudice the liberty; in 1333 Edward III made a similar grant, which in turn was understood as a grant to the community: it was described as ‘Edward III’s charter, that the men of the bishopric should not go outside it to fight’.<sup>126</sup> Bishop and local community alike recognised the significance of the privilege they had won.

The concept of *Haliwerfolk* appears very rarely in other contexts, but it does seem to have remained part of the ‘popular culture’ of the liberty, at least in the fourteenth century – surprisingly the concept was hardly referred to at all during the dispute between Bishop Langley and his tenantry in the early fifteenth century.<sup>127</sup> Around 1300, the chronicle known as the *Gesta Dunelmensia* referred to the people of the liberty, ‘called in English *Haliwerfolk*’, ‘who were accustomed to be free’, indicating that the term was associated, perhaps rather vaguely, with the privileges of the local community. It was in a similar sense that fifteenth-century historical tradition at Durham Priory asserted that ‘royal liberty’ had been granted to Cuthbert, his bishop, the ministers of his church, ‘and the people called *Haliwerfolk*’.<sup>128</sup> Most significant, though, was the appearance of the *Haliwerfolk* before a royal commission in 1344. Summoned to value the lands around Hartlepool of the recently deceased Robert Clifford, the local free tenants refused to do so, claiming that they, ‘like the other men of those parts, were *Haliwerfolk*, and of the liberty of St Cuthbert of Durham’, who would only answer a writ from the bishop’s chancery.<sup>129</sup> Again, *Haliwerfolk* is a vernacular expression for the privileged community of the liberty. Little could illustrate the power of the concept more strongly than its use by freeholders, in an area that had only become part of the liberty relatively recently, and where the bishop’s jurisdiction had been significantly challenged. For it is by no means obvious that Hartlepool belonged to what witnesses in about 1225 had called *Haliwerfolk* ‘between Tyne and Tees’.<sup>130</sup>

<sup>125</sup> Above, pp. 37–8; C 81/280/14468.

<sup>126</sup> *CPR 1321–4*, p. 191; Surtees, I, i, Appendix, p. cxxix. See also below, Chapter 4, pp. 165–6.

<sup>127</sup> The dispute is discussed by Storey, *Langley*, pp. 116–34, but the suggestion that ‘the traditional liberties of the “Haliwerfolk”’ were involved seems unfounded.

<sup>128</sup> *Gesta Dunelm.*, p. 11; DCM, Cart. III, f. 1r, and in a deleted passage in Loc.XXI.4.

<sup>129</sup> *CIPM*, viii, p. 384.

<sup>130</sup> Above, p. 39.

The area 'between Tyne and Tees' has its own importance in any account of the liberty of Durham. It was, first of all, one of the most common ways of referring to the heartland of the liberty, pre-1974 County Durham. The register of Bishop Kellawe alone provides numerous illustrations.<sup>131</sup> 'The bishopric', the usual way of referring to the liberty in the later medieval period, almost invariably denoted the lands between Tyne and Tees.<sup>132</sup> So prominent, in fact, were the two rivers as ways of identifying the liberty that reference could be made simply to the area 'between the waters' (*inter aquas*); and it was 'within the waters' of the bishopric that the bishop's regality extended, according to one of Anthony Bek's retainers.<sup>133</sup> The community of the liberty, similarly, was often imagined in terms of the two rivers. It was 'the good men of the liberty of Durham between Tyne and Tees' who petitioned against Bishop Bek; most strikingly, it was 'the community of the bishopric of Durham between Tyne and Tees' that negotiated throughout the 1310s and 1320s with the Scots.<sup>134</sup> The crown and others recognised the area as one that was particularly privileged: as the late thirteenth-century pseudo-statute *Prerogativa Regis* acknowledged, the king's right of prerogative wardship did not apply 'between Tyne and Tees'.<sup>135</sup> Rather like the *Haliwerfolk*, though, this apparently straightforward concept proves difficult to define precisely. The area included 'inter aquas' was by no means as clear as it appeared, and varied considerably from one period to another. The actual extent of the bishops' jurisdiction and lordship was hardly as comprehensive as the phrase implied; yet, conversely, the phrase itself became an argument for the extension of that jurisdiction. The changing meaning of the expression therefore repays detailed investigation.

The coherence of the liberty 'between Tyne and Tees' was founded on the historical tradition that all the land between the rivers, together with royal rights therein, had been granted to the church of St Cuthbert in the late ninth century. The grant was described in the history of the see written in the fifteenth century by Prior John Wessington, and also formed the basis of

<sup>131</sup> For instance, *RPD*, i, p. 296; ii, p. 858.

<sup>132</sup> For example: 'the boundaries of the bishopric, that is the Tyne and Tees'; 'all placez bitwix the waters of Tyne and Tyse, commonly callyd the bisshopyrke of Duresme' (*Scriptores Tres*, pp. 76, cccclix). For a rare exception, in which 'the bishopric' includes the bishops' lands in Yorkshire, see *CRR*, xx, no. 797.

<sup>133</sup> Fraser, *Bek*, p. 98, n. 3. Similar examples include DCM, Bursar's Accounts, 1298-9, m. 2; 1300-1, m. 3d; 1313-14(A), dorset; 1334-5, m. 1; *Scriptores Tres*, p. 46; *Priory of Finchale*, pp. xxiii, xxvii, xlv.

<sup>134</sup> *RPD*, iii, p. 41; below, Chapter 2, pp. 84-94.

<sup>135</sup> *Prerogativa Regis*, ed. S. E. Thorne (New Haven, 1949), pp. 159-60, for the 'statute', and *ibid.*, p. 26, for late fifteenth-century commentary. Some versions of the text do also refer to the Northumbrian members of the liberty: cf. *Registrum Roberti Winchelsey, Cantuariensis Archiepiscopi*, ed. R. Graham (Canterbury and York Society, 1952-6), ii, pp. 878, 1255.

many of the shorter tracts produced by Wessington and his circle to defend the rights of priory and bishopric. Imagery in the cathedral church also reflected the tradition. Statues of King Alfred and King Guthred in front of the choir commemorated their grants of the lands between Tyne and Tees, and Tyne and Wear, grants which were also depicted in stained glass.<sup>136</sup>

The earliest description of the grants was in a passage of around 1104–28 in the *Historia Regum* of Symeon of Durham, which related how Guthred and Alfred had granted ‘all the land between Tyne and Tees’ to St Cuthbert ‘to increase the earlier bishopric’.<sup>137</sup> These were not, however, the earliest terms in which major royal grants of land to Cuthbert had been described. In the *Historia de Sancto Cuthberto*, probably from the mid-eleventh century, the only grant made by Guthred is of all the land between Tyne and Wear. This is also the only grant referred to in Symeon of Durham’s *Exordio*; and it does indeed seem that the acquisition of lands south of the Wear was a more gradual and piecemeal process.<sup>138</sup> Nevertheless the early tradition that all the land between Tyne and Tees had been granted to Cuthbert embodied the belief that the area and its inhabitants were in some way distinctive; and by at least the eleventh century, the rivers Tyne and Tees had become established as the liberty’s boundaries.<sup>139</sup> Gillo Michael, a Northumbrian whose persecution of the community of St Cuthbert was said to have been punished by the saint himself, was described by Symeon of Durham as from ‘beyond the River Tyne’, and Symeon describes an assembly of ‘all the elders who lived beyond the Tyne’ in his account of Bishop Walcher’s death. He also implies strongly that the Tyne divided the jurisdictions of the bishops of Durham and the earls of Northumbria.<sup>140</sup> He twice portrays the River Tees as a major boundary, and its significance was dramatically demonstrated when William the Conqueror presumed to question the incorruptibility of Cuthbert’s remains. The king was afflicted with a burning fever from which he could have no relief until he had crossed the river.<sup>141</sup>

By the late twelfth century, as we have seen above, some services in the

<sup>136</sup> Bodl., MS Laud Misc. 748, ff. 14v–15r, 17v; DCM, Loc.XXI.18; Cart. III, f. 1r; *Rites of Durham*, pp. 50, 137, 139.

<sup>137</sup> Symeon, *Opera*, ii, p. 115. For the date, see Symeon, *Libellus*, pp. xliv–l. The grant was also described in the *Chronica Monasterii Dunelmensis* reconstructed by Craster and dated by him 1072 × 1083: ‘Red Book of Durham’, pp. 524, 529–31. But because the chronicle has been reconstructed from late sources it is impossible to be sure that the account of the Tyne–Tees grant was originally this early: cf. Symeon, *Libellus*, p. lxxiv.

<sup>138</sup> *Historia de Sancto Cuthberto*, Chapters 9, 13, and comment; Symeon, *Libellus*, pp. lxxiii, 124–5; E. Craster, ‘The patrimony of St. Cuthbert’, *EHR*, 69 (1954), pp. 188–90.

<sup>139</sup> See also Hall, ‘Community of Saint Cuthbert’, pp. 153–66.

<sup>140</sup> Symeon, *Libellus*, pp. 188–9, 200–3, and n. 77, 216–17.

<sup>141</sup> *Ibid.*, pp. 148–9, 156–7, 196–7.

liberty had come to be restricted between Tyne and Tees. The rivers had become key boundaries not just for cultural identification, but for local social and political life. But what, at this date, did 'between Tyne and Tees' mean in practice: what was the geographical area referred to? It is often impossible to be sure; but in the late twelfth century there can have been no implication that the whole area between the two rivers was understood. As John Wessington later recognised, the loss of Hexhamshire to the see of York in about 1100 meant that the north-west boundary of the liberty became the River Derwent, and not the Tyne.<sup>142</sup> Towards the south of the liberty, similarly, significant areas north of the Tees – some of which had earlier been owned by the see of Durham – were under other jurisdiction. The most important of these were the lordships of Hartness and Barnard Castle (the latter including Gainford and associated estates earlier pertaining to Durham), which belonged after the Conquest to the families of Bruce and Balliol respectively.<sup>143</sup> For the purposes of royal administration these lordships were included in the wapentake of Sadberge, part of the county of Northumberland.<sup>144</sup>

Around 1189, however, the wapentake was acquired from the crown by Bishop Hugh du Puiset, and the grant was confirmed to his successor, Philip of Poitou. This acquisition was a significant step towards giving fuller geographical reality to the expression 'between Tyne and Tees', but the incorporation of the wapentake into the liberty's administration and jurisdiction was not straightforward.<sup>145</sup> In some ways the extension of episcopal jurisdiction was swift and effective. Cognisance of pleas was claimed with some success as early as 1200, and assize and eyre rolls survive from 1235–36 and 1242 respectively, while it was partly through the courts at Sadberge that Bishop Richard Poore (1228–37) was able to establish episcopal rights to wreck in Hartness against the claims of Peter Bruce.<sup>146</sup> After one dispute with Bruce, the sheriff of Sadberge created symbols of episcopal jurisdiction from the disputed wreck: a cross, set up near Sadberge on the road

<sup>142</sup> DCM, Loc.XXI.18, m. 2, art. 6, quoting Richard of Hexham (*Hexham Priory*, i, pp. 1–2). But for Wessington's claim to Hexham on the grounds that it lay south of the Tyne, and thus 'within the land of St Cuthbert', see *Hexham Priory*, i, pp. 219–20.

<sup>143</sup> NCH, vi, pp. 14–18; R. M. Blakely, *The Brus Family in England and Scotland, 1100–1295* (Woodbridge, 2005), pp. 17–18, 94–6.

<sup>144</sup> See generally C. M. Fraser and K. Emsley, 'Durham and the wapentake of Sadberge', *Trans. Archit. and Archaeol. Soc. of Durham and Northumberland*, new ser., 2 (1970), p. 73; *HN*, i, pp. 273–88. For the extent of the wapentake, see *VCH, Durham*, iii, pp. 191–4.

<sup>145</sup> For the acquisition of the wapentake, see G. V. Scammell, *Hugh du Puiset, Bishop of Durham* (Cambridge, 1956), pp. 49, 187–9; *Acta 1153–95*, pp. xxviii, xxxiii.

<sup>146</sup> *CRR*, i, p. 249; Blakely, *Brus Family*, pp. 51–2; 'Durham assize rolls', passim; Fraser and Emsley, 'Sadberge', pp. 74–6.

towards Hartlepool; and a candle-stick used in Sadberge church.<sup>147</sup> These symbols suggest something of the changes in mentality that the change of jurisdiction required. Nor was this the only challenge the bishops faced. Their claims of wardship in the wapentake were disputed by the crown in 1243, and their jurisdiction over Tunstall (in Stranton) was challenged in 1256 and 1269. Royal inquisitions *post mortem* for Hugh Balliol (1271) and Walter Surtees (1279) included estates in the wapentake alongside Northumberland properties, and as late as 1279 it could be suggested that homage for Barnard Castle might pertain to the crown, not to the bishop. But a vital acknowledgement of the bishops' regalian rights was obtained in 1267, after Peter Montfort forfeited the manor of Greatham for involvement with the baronial cause. Bishop Robert Stichill successfully claimed the forfeit, after Henry III had revoked his initial grant to Thomas Clare.<sup>148</sup>

Nevertheless, for some time after the acquisition of Sadberge, distinctions continued to be drawn between the wapentake and the liberty 'between Tyne and Tees', sometimes with the implication that the full extent of the bishop's rights was confined to the latter. Royal administrators, during the vacancy of 1208–10, distinguished the wapentake from *Haliwerfolk*; in a list of knights' fees due from the bishopric, compiled in the mid-thirteenth century, the fees 'between Tyne and Tees' were still listed separately from those in Sadberge. In 1266, again, the bishop of Durham was accused of 'exceeding the bounds of his liberty between the rivers of Tyne and Tees' by distraining tenants of Tynemouth Priory in Carlbury and Morton Tinmouth.<sup>149</sup> The bishop's claims in Sadberge were more recent, and therefore potentially more fragile, than his claims elsewhere in the liberty. In wider local society, too, the wapentake was only gradually identified as part of the liberty. In 1242 the burgesses of Durham claimed that no one could buy or sell without their licence between Tyne and Tees – except in the wapentake of Sadberge. They apparently considered the wapentake to be geographically, but not jurisdictionally, between Tyne and Tees.<sup>150</sup>

How the acquisition of the wapentake affected the interests and identities of local families is often difficult to say. Durham Priory had attracted the religious patronage of some families earlier in the twelfth century: Thomas Amundeville issued a quitclaim to the priory before the transfer of the

<sup>147</sup> *RPD*, iii, pp. 46–8, 60.

<sup>148</sup> *CRR*, xvii, no. 1978; *NAR*, pp. 58–9, 201; *CIPM*, i, no. 773; ii, no. 339; *CCR* 1272–9, p. 579; *VCH, Durham*, iii, p. 243; Fraser and Emsley, 'Sadberge', pp. 75–6.

<sup>149</sup> *BF*, i, pp. 23–31 (and, for similar distinctions, cf. *Pipe Roll 10 John*, p. 174; *Pipe Roll 14 Henry III*, p. 260); Surtees, I, i, Appendix, pp. cxxvii–viii; Gibson, *Tynemouth*, ii, p. lvi; *Northumb. Pleas*, no. 793.

<sup>150</sup> 'Durham assize rolls', no. 285.



wapentake, and his successor John (d. before 1236) made a small grant to the priory in Coatham Mundeville.<sup>151</sup> Also before the transfer of Sadberge, Ralph Surtees had granted to Durham Priory the churches of Rounton (Yorkshire) and Low Dinsdale (Durham), and lands in those places, to establish a light at the altar of St Cuthbert. His son Richard joined in the grant and confirmed it after his father's death, and Richard's brother Ralph (d. 1257) made further confirmations.<sup>152</sup> The family was not, in this respect, following the example of its overlords, the Balliols, whose most substantial grants were made to St Mary's Abbey, York, and Rievaulx Abbey.<sup>153</sup> Yet, as will be seen more fully in a subsequent chapter, Balliol lordship was undoubtedly more attractive and important to local families than episcopal lordship.<sup>154</sup> Ralph Surtees is not known to have witnessed episcopal charters or to have been in episcopal service, but he was active as a witness in the Barnard Castle area in the mid-thirteenth century, and was the Balliol steward there.<sup>155</sup> For several Bruce tenants in Hartness, too, immediate ties of lordship seem to have been paramount, notably for those who continued to patronise the family's priory at Guisborough.<sup>156</sup>

Although there was a certain degree of jurisdictional dispute in Hartness, it was the Balliols who did most to obstruct episcopal authority in Sadberge. In the 1230s and 1240s John I Balliol (d. 1268) balked at doing homage to the bishops of Durham for his knights' fees in the wapentake; in 1255 there was a violent dispute over the church of Longnewton, and conflict arose again in 1269, when Alexander Balliol (d. 1278) sent his steward to seize some of Robert Stichill's goods. In 1241 John Balliol had also attempted to avoid the jurisdiction of the bishop's court,<sup>157</sup> but a key acknowledgement of its authority was to take place the following year. In 1242 the abbot of St Mary's, York, attempted to enforce, in the bishop's court at Sadberge, a final concord drawn up at Westminster in 1200 concerning the advowson of Gainford. But John Balliol countered with a fulsome appeal to the privileges of the liberty 'between Tyne and Tees'. He argued that the

<sup>151</sup> Clay, 'Family of Amundeville', pp. 68–70.

<sup>152</sup> H. Conyers-Surtees and H. R. Leighton, *Records of the Family of Surtees* (Newcastle, 1925), pp. 169–71; DCM, 1.11.Spec.7, 8.

<sup>153</sup> *NCH*, vi, pp. 14–75, passim. On tenants' patronage of their lords' foundations, see E. Cownie, *Religious Patronage in Anglo-Norman England, 1066–1135* (Woodbridge, 1998), pp. 172–84; and, for Low Dinsdale's tenure from the Balliols, *CIPM*, ii, no. 339; cf. *DURH* 3/2, f. 101v.

<sup>154</sup> Below, Chapter 3, pp. 112–15.

<sup>155</sup> DCL, MS Randall 3, pp. 202, 219; MS Raine 52, p. 1.

<sup>156</sup> Blakely, *Brus Family*, pp. 138–9, 175.

<sup>157</sup> *Acta 1196–1237*, nos. 182, 291; Fraser, *Bek*, p. 92, n. 1; *HN*, i, p. 279; *JUST* 1/225, m. 1; *NCH*, vi, pp. 41–3, 45; A. Beam, 'John Balliol, the bishops of Durham and Balliol College, 1255–1260', *NH*, 42 (2005), pp. 239–56; above, p. 29.

abbot's writ, which had been obtained from the king during the vacancy of 1237–41, should no longer be valid, since the king's writ ought not to run in the liberty except during a vacancy. He asserted that the abbot, in bringing his writ before royal justices in eyre at York, had defrauded the bishop of Durham, because inhabitants of the liberty should not 'go beyond Tyne and Tees' for any pleas concerning the liberty. And finally he argued that the fine itself had no validity since it had been drawn up when Bishop Philip of Poitou was still living, at a time when no plea could or should have been summoned outside the liberty. Even though the abbot was almost certainly right when he said that Hugh and Eustace Balliol had chosen to use the royal courts, John's manoeuvring brought some success: a new fine was drawn up in the bishop's court, which allowed John to present to the church of Middleton-in-Teesdale in return for the grant of Gainford and its dependent advowsons.<sup>158</sup> In this context, John acknowledged the authority of the bishop's court, and there do not seem to have been any subsequent Balliol challenges to that authority. In 1279 the dower claim of Eleanor Balliol was settled in the bishop's court; and, in the same year, it was before the bishop's justices in eyre that John II Balliol confirmed Great Stainton to Richard Hay. In 1293 the 'franchises' of Barnard Castle were definitively stated to be within the bishop's liberty.<sup>159</sup>

By a process of jurisdictional expansion and cultural assimilation in the thirteenth century, therefore, 'the liberty of Durham between Tyne and Tees' came to acquire a fuller geographical meaning. A list of Durham Priory muniments, compiled around 1250 and entitled 'a roll of charters of *Haliwerfolk*, that is between Tyne and Tees', included documents relating to Hartness and elsewhere in Sadberge; in 1269 Thorpe Bulmer, though in Hartness, was described as 'in the liberty of the bishop between Tyne and Tees'. By 1279 the concept of 'the regality between Tyne and Tees' formed the basis of the bishop's claim to pre-emption in Hartlepool.<sup>160</sup> When the list of 'knights dwelling in the liberty of Durham between Tyne and Tees' was drawn up in the early fourteenth century, it ranged over the whole area between the rivers, with Hartness and Gainford well represented. Indeed,

<sup>158</sup> DURH 3/92, m. 16d, summarised in Lapsley, *Durham*, p. 165; BL, MS Lansdowne 902, f. 358v (dated 16 June 1242, and exemplifying different pleadings in the same case); MS Additional 28024, ff. 178v–9r (dated 23 April 1243). In accordance with this fine, Alexander Balliol presented to Middleton in 1274 (*NCH*, vi, p. 52), and his successors followed suit (York Minster Library, MS XVI.A.1, ff. 314v–15v). For the original fine of 1200, see *Pedes finium Ebor. regnante Johanne*, ed. W. Brown (SS, 1897), p. 5.

<sup>159</sup> JUST 1/225, m. 2d; W. H. D. Longstaffe, 'Stainton in the Street', *AA*, new ser., 3 (1859), p. 78; *Bek Recs*, p. 38; and see also *NER*, no. 1122.

<sup>160</sup> DCM, Misc. Ch. 5678; *CPR 1266–72*, pp. 389, 473; Fraser, *Bek*, p. 86. Pre-emption was the right of buying in preference to others.

this list illustrates that the liberty 'between Tyne and Tees', in its full extent, had assumed a precocious cultural coherence and identity. As a record of local knights and their residences, the list had no practical function – not even a heraldic one, as no arms are recorded. It was essentially an exercise in local history or antiquarianism, and it is a remarkably early example of such an exercise, suggesting a self-consciousness and even local pride that would be difficult to parallel elsewhere at this date.<sup>161</sup>

By the early fourteenth century, then, 'the liberty between Tyne and Tees', in the various contexts in which the phrase was used, usually included the wapentake of Sadberge. Indeed the expression itself became a powerful argument for the bishops' jurisdiction over Hartness and Barnard Castle following their forfeiture by Robert Bruce and John II Balliol. Bishop Kellawe, in 1316, complained that the seizure of these lordships by royal officers was contrary to the 'royal franchise' that he had enjoyed 'from time immemorial between Tyne and Tees'. Lewis Beaumont petitioned Edward III in exactly the same terms in 1327, and his petition was the basis of Edward III's writs ordering the restoration of the estates, ineffectual though these proved to be.<sup>162</sup> The concept of royal liberty between Tyne and Tees was a powerful one. The bishops' claims remained vulnerable, however, because there was good evidence that their jurisdiction in Sadberge was only recently established. This was perhaps why Walter Fauconberg, disputing Kellawe's jurisdiction in Hartness, noted that it lay 'in the wapentake of Sadberge'. It was certainly on such grounds that Bishop Beaumont's claims were refuted by the owners of Hartness and Barnard Castle, Robert Clifford and the earl of Warwick. Beaumont claimed, they argued, to have royal liberty and rights of forfeit 'between the two waters of Tyne and Tees', but in truth *Haliwerfolk*, where the bishop had royal liberty, was only a part of the area between the rivers. The remnant was the wapentake of Sadberge, which belonged from time out of mind to the crown, and in which the bishop did not enjoy royal rights.<sup>163</sup> It is tantalising to speculate about where Clifford and Beauchamp obtained this information, and whether it reflects a lingering dissociation from the liberty in the wapentake itself. It certainly seems likely that the attempts of the Cliffords and Beauchamps to evade episcopal jurisdiction fostered a sense of the area's separateness.<sup>164</sup>

<sup>161</sup> *Hatfield Survey*, pp. xiv–xvi; Holford, "Knights of Durham", pp. 185–218.

<sup>162</sup> Kellawe: *PROME*, iii, pp. 230–5; *RPD*, iv, pp. 129–39, 183–5 (for the correct date of which, see *Northern Pets*, no. 180); cf. *RPD*, iii, pp. 1–9. Beaumont: *PROME*, iv, pp. 40–2; *Northern Pets*, no. 194; *CCR 1327–30*, pp. 48–9, 55–6, 132, 144; *CPR 1330–4*, p. 360.

<sup>163</sup> *PROME*, iii, pp. 157–8; *SC 8/149/7437, 7443*.

<sup>164</sup> For Robert Clifford's attempts to escape the jurisdiction of the bishop's courts over Hartness, see *CCR 1330–3*, p. 372; *1333–7*, pp. 8, 130; *C 260/42/51*.

The bishops' difficulties in establishing control over Hartness and Barnard Castle also came to be compounded by a renewed emphasis on Sadberge's earlier association with Northumberland. Edward I had no difficulty in admitting that Hartness and Barnard Castle were 'in the bishopric of Durham', but from the mid-fourteenth century they came increasingly under the purview of royal institutions and officials said to be acting 'in Northumberland'.<sup>165</sup> William Eure's challenge to the bishopric's rights in 1433 argued that Sadberge should properly be considered as part of that county, and John Wessington, prior of Durham, thought it necessary to refute such claims in one of his tracts.<sup>166</sup> It was even possible for the fragility of the connection between Durham and Sadberge to be exploited by the bishops themselves. One of the most remarkable twists in the history of the wapentake was Bishop Bek's argument of 1307 – in an attempt to minimise the impact of Edward I's confiscation of the liberty – that Sadberge was a 'new purchase from the king's ancestors and quite separate from the royal franchise of the bishopric'.<sup>167</sup> If a bishop himself could make such a claim, it is no surprise that the wapentake did maintain a certain separate identity in the fourteenth century and beyond.<sup>168</sup>

Nevertheless the ability of the wider liberty between Tyne and Tees to incorporate this independent identity is compellingly documented. Among those of 'the community of the franchise of the bishopric of Durham' acting against Bek in 1302 was Alan Teesdale, a Balliol retainer with lands around Barnard Castle. Hartlepool was among the liberty ports refusing to answer Edward I's demands for naval service in 1303, and in 1323 we find men of Barnard Castle and Middleton-in-Teesdale described as 'of the bishopric of Durham'.<sup>169</sup> The most compelling illustration of how the liberty's cultural identity could overcome the challenges to episcopal authority and lordship in the wapentake, however, is the inquisition *post mortem* of Robert Clifford in 1344, referred to above. As we saw, the free tenants of the area around Hartlepool who should have formed the jury for the inquisition refused to do so, claiming that they, 'like the other men of those parts, were *Haliwerfolk*, and of the liberty of St Cuthbert of Durham', who would only

<sup>165</sup> RPD, iii, pp. 55, 58; E 42/501; CP 25/1/287/41/334; CIPM, xii, p. 304; M. A. Hicks, 'The forfeiture of Barnard Castle to the bishop of Durham in 1459', *NH*, 33 (1997), pp. 224–5, 227.

<sup>166</sup> Bodl., MS Laud Misc. 748, ff. 69r–71v. For Eure, see Storey, *Langley*, pp. 116–34.

<sup>167</sup> Fraser, *Bek*, p. 207.

<sup>168</sup> See further below, Chapter 2, pp. 58–65.

<sup>169</sup> Fraser, *Bek*, p. 215, n. 5; *Northern Pets*, p. 227, comment; CCR 1302–7, p. 76; E 101/16/26/8, 19, 37, 60, 72. Alan Teesdale, it must be conceded, may also have had property in Durham and around Hulam and Kelloe: DCM, 3.2.Elemos.8; Misc. Ch. 6229, 6231; *Greenwell Deeds*, nos. 70, 137.

answer a writ from the bishop's chancery.<sup>170</sup> This is a complex situation to interpret, for the royal commissioners, Adam Bowes and Thomas Lambard, were also inhabitants of the liberty who would have been aware of its privileges – although both men had seen royal as well as episcopal service, Lambard precisely because he was a leading burgess of Hartlepool.<sup>171</sup> Clearly respect for the liberty's privileges was not universal; but if Bowes and Lambard were prepared to ignore such privileges, local freeholders were not, and in the face of their opposition nothing could be done.<sup>172</sup>

By around 1300, therefore, the liberty of Durham had become associated with powerful 'imagined communities', and it was widely accepted that the lands between Tyne and Tees formed a particularly privileged area, distinguished by the protection and patronage of St Cuthbert. As we have seen, such claims had their dissenters, but nevertheless these traditions were central to the development of the liberty over the thirteenth and fourteenth centuries. We still need to ask, though, what such 'imagined communities' really meant on the ground, and how they related to other aspects of social identity. At a general level, this question is at the heart of the following chapters, but it can also be considered in a specific context, by looking at the boundaries of the liberty in the rivers Tyne and Tees. The question of exactly where the liberty and its privileges ended, although it involved much historical argument, was far from being of merely antiquarian interest. It determined precisely who had access to the liberty's privileges, and the definition of the bishopric's boundaries illustrates the very real significance the liberty could have for its inhabitants.

The boundary in the River Tyne was in practice the most significant and the most contested. There is relatively little evidence of dispute as regards the Tees, although the bishop's courts did impose a substantial fine on the abbot of Rievaulx for his fishery there, and it is clear that the boundary of the liberty in the river was well known and widely recognised.<sup>173</sup> In contrast, the boundary of the liberty in the Tyne was frequently contested

<sup>170</sup> Above, p. 43.

<sup>171</sup> *CPR* 1343–5, p. 298. For Bowes, see also below, Chapter 3, p. 104; for Lambard, *CPR* 1338–40, pp. 257, 392, 423.

<sup>172</sup> On 18 August 1344 Bishop Bury was ordered to issue the relevant writ, and the inquisition duly took place on 15 September: *CIPM*, viii, p. 384. This followed an earlier inquisition of 26 June 1344, which had been held before the liberty's sheriff/escheator by virtue of an episcopal writ of 20 May: *RPD*, iv, p. 326; *DURH* 3/2, f. 26v.

<sup>173</sup> *DURH* 20/1, dorse; M. Harvey, 'Travel from Durham to York (and back) in the fourteenth century', *NH*, 42 (2005), pp. 125–6; C. D. Liddy, 'Land, legend, and gentility in the palatinate of Durham: the Pollards of Pollard Hall', in C. D. Liddy and R. H. Britnell (eds), *North-East England in the Later Middle Ages* (Woodbridge, 2005), pp. 75–6.

both by the crown and by the citizens of Newcastle, on the opposite bank of the river. Indeed the claims of Newcastle, the crown, and the liberty were fundamentally incompatible. In the late thirteenth century, when Newcastle had quashed the rival market established by Tynemouth Priory at North Shields, the burgesses successfully claimed for themselves and for the crown ‘totum portum in aque de Tyne’. This included a monopoly on loading and unloading goods in the river, on their sale (at Newcastle), and on the ensuing tolls and customs.<sup>174</sup> Jurisdiction over the whole water of Tyne, from Hedwin Streams to the sea, was basic to Newcastle’s claims in the fourteenth and fifteenth centuries.<sup>175</sup> In contrast, the bishop and prior of Durham, and the inhabitants of the liberty, believed that the southern third of the Tyne belonged to the bishopric. Their claim was supported by a document which purported to record twelfth-century customs in the river, and stated that the southern third had always belonged to the bishops and St Cuthbert, and the northern third to the county of Northumberland (previously the earldom of Northumbria); while the middle third had been free and common to all ships.<sup>176</sup> The origins of this document are a mystery, but it first seems to have reached Durham in the late thirteenth or early fourteenth century as a copy from the Red Book of the Exchequer; it was, unsurprisingly, also of considerable interest to Tynemouth Priory, which had a copy made.<sup>177</sup> In the early fourteenth century, versions were copied into Bishop Kellawe’s register, and various copies were later made by Durham Priory. The document’s circulation – it was certainly one of the more widely copied items in later medieval Durham – gives some idea of its significance.<sup>178</sup>

Disputes over the river were endemic. In 1243 Durham eyre justices investigated nuisances in the south part of the Tyne; complaints about fisheries erected in the river were made by Newcastle jurors in the royal eyre of 1256; in 1293 there was a royal inquiry into the bishop of Durham’s rights in the river. In 1314 Newcastle men prevented goods from being loaded and unloaded on the south bank of the Tyne, leading Edward II to intervene in favour of Bishop Kellawe; again, in 1336 the people of Newcastle prevented

<sup>174</sup> *PROME*, i, pp. 198–205; Gibson, *Tynemouth*, ii, pp. lxxviii, lxx–i.

<sup>175</sup> R. Welford, *History of Newcastle and Gateshead* (London, 1884–7), i, p. 203; *CCR 1381–5*, p. 573; *CIMisc*, viii, p. 199; Surtees, ii, p. 111.

<sup>176</sup> Printed in Brand, *Newcastle*, ii, pp. 6–7, from BL, MS Stowe 930 (a Durham Priory register), f. 116.

<sup>177</sup> Brand, *Newcastle*, ii, p. 6; cf. *Red Book of the Exchequer*, ed. H. Hall (RS, 1896), iii, pp. 1070–1.

<sup>178</sup> Other copies are noted in *Durham Episcopal Charters*, pp. 62–3, to which may be added DCM, Misc. Ch. 6588; Loc.II.3; Bodl., MS Laud Misc. 748, f. 34v (and also the other copies of Wessington’s *De Exordio*); E 36/173, f. 120 (somewhat abbreviated).

inhabitants of the liberty from landing on the south bank of the river to sell coal and fish.<sup>179</sup> Significantly, when Edward III restored the privileges of the city in 1342, he had to promise Bishop Bury that his own rights would suffer no harm.<sup>180</sup> There were also further disputes about fisheries. Around 1329 ‘the common people dwelling by the water of Tyne in Northumberland’ asked the king to assign conservators to remove newly erected weirs; one of the men recommended for the positions, John Meneville, was accused of attacking the bishop’s fisheries in that year.<sup>181</sup> Again, in 1344 weirs and kiddles in the Tyne were surveyed by royal commissioners. Risking Edward III’s wrath, Bishop Bury initiated proceedings against the commissioners in the liberty courts. He also prosecuted over forty men, all probably from Newcastle, for damaging the liberty’s weirs and preventing boats from unloading on the south bank of the Tyne. One was the then mayor of Newcastle, Richard Galway; thirteen others had served as bailiff or mayor in the 1330s or early 1340s.<sup>182</sup>

Tyne bridge, which linked the liberty and Newcastle, and where ‘the metes and bounds between the county and liberty of Durham and the vill of Newcastle’ were located, was also the scene of significant disputes. Perhaps unsurprisingly, the exact location of the boundary was contested and is now unclear: it was to the middle of the bridge that the market and fairs of Gateshead were said to extend in 1336, and the bishops of Durham seem to have claimed half of the bridge, but a jury in the early fifteenth century allowed them only one-third.<sup>183</sup> At one of these points the boundary markers between Newcastle and the liberty were located, and from there they were removed by the men of Newcastle in the late fourteenth century. Newcastle men had been accused of building ‘at the end of the bridge’ in 1336, but it was the trespass of the late fourteenth century that precipitated the most prolonged and significant conflict over the bridge and its boundaries. The dispute lasted from around 1383 to 1416, and demonstrates clearly how conflict over jurisdictional boundaries could

<sup>179</sup> BL, MS Lansdowne 902, f. 41r; NAR, p. 81; J. Spearman, *An Enquiry into the Ancient and Present State of the County Palatine of Durham* (Edinburgh, 1729), p. 9; RPD, ii, pp. 1014–15; Brand, *Newcastle*, ii, p. 10.

<sup>180</sup> *Scriptores Tres*, Appendix, p. cxxix.

<sup>181</sup> *Northumb. Pets*, no. 218; Bodl., MS Laud Misc. 748, f. 74.

<sup>182</sup> CPR 1343–5, pp. 392–3; CCR 1343–6, pp. 465–6, 554; RPD, iv, pp. 334–6, 353; and see also DURH 3/2, f. 28v. The men from Newcastle were prosecuted for offences committed in 1339: C 260/128/1, 3, 5; DURH 13/226.

<sup>183</sup> Bishop Langley apparently claimed half of the bridge, even though he recovered only one-third (defined as two parts of a moiety) in 1417: KB 27/614, m. 13(5)d; *Scriptores Tres*, pp. ccvii–viii. For the boundary disputes of 1336 referred to here and later in this paragraph, see Brand, *Newcastle*, ii, p. 10.

sharpen the discrete identity of the communities on either side of the River Tyne.<sup>184</sup>

The dispute over the bridge was largely a question of symbolism and jurisdiction, but elsewhere powerful economic interests were involved. Both Newcastle and the crown faced the loss of valuable toll and customs from goods sold in the liberty rather than in the city. Conversely Bishop Bury could claim that the restriction of trade to Newcastle led to the liberty's being impoverished.<sup>185</sup> The fisheries in the river could form a nuisance by obstructing the free passage of goods down the Tyne, but they could equally be a source of no little profit for their owners. Most of the fisheries on the south bank of the Tyne were usually described as belonging to the bishop or the prior; but some were leased out, and others were privately owned. Individuals therefore had their own incentives to maintain the liberty's rights in the southern part of the river. William Sire paid over £8 to lease eight fisheries from the priory in 1340–1. He also possessed his own; and in 1348 he contributed to a payment of £62.13s.4d. for a two-year lease of the bishop's fishery at Gateshead.<sup>186</sup> In this respect, at least, bishop, prior and local community had common interests. It is no surprise that Bishop Hatfield, in 1352, supported the rights in the Tyne of the priory's tenants, or that Prior Wessington in the fifteenth century should have demonstrated that keepers of the south part of the Tyne should be appointed by the bishops of Durham.<sup>187</sup>

It is clear, then, that the boundaries of the liberty of Durham in the river were real enough, and – where possible – clearly marked, and that their significance was continually reaffirmed in the face of challenges from rival jurisdictions. It must nevertheless appear implausible that the river acted as a fundamental influence on social identities and networks, to the extent that (to quote Tony Pollard writing of the Tees) it was a 'barrier' determining 'marriage and friendship, service and clientage'.<sup>188</sup> It was indeed rare for a county boundary to act as a 'barrier . . . to social and cultural networks',

<sup>184</sup> Liddy, *Bishopric of Durham*, pp. 182–6. See also Storey, *Langley*, p. 54; *Newcastle Deeds*, pp. 64–5; Welford, *Newcastle and Gateshead*, i, pp. 246–7, 257–60.

<sup>185</sup> *RPD*, iv, pp. 334–6; cf. *CChR*, v, pp. 290–1; *CCR 1381–5*, p. 349; *Northern Pets*, no. 127.

<sup>186</sup> *Durham Cathedral Priory Rentals: Bursars Rentals*, ed. R. A. Lomas and A. J. Piper (SS, 1989), pp. 35, 66; *DCM*, 1.4.Spec.2–10; *Cart. I*, f. 216r (the payment was made jointly with William Enocson). See also *DCM*, Loc.V.32, for the lease of the bishop's fishery at Gateshead for twenty marks in 1339–40.

<sup>187</sup> *DCM*, Reg. Hatfield, f. 11v; 1.3.Spec.38; R. B. Dobson, 'The Priory of Durham in the time of John Wessington, Prior 1416–1446' (unpublished Oxford University D.Phil. thesis, 1962), pp. 580–6, no. 29. Wessington's tract does not appear to survive, but some of the evidence gathered for it is probably preserved in *DCM*, Loc.V.42.

<sup>188</sup> A. J. Pollard, *North-Eastern England during the Wars of the Roses* (Oxford, 1990), pp. 11–12.



and it is easy to find examples of such links across the Tyne: we might, for example, mention Roger Lumley (d. before 1279) who married Sybil, daughter and heiress of Hugh Morwick, and was buried alongside her in the Franciscan friary at Newcastle.<sup>189</sup> Nor was it impossible that a man of Newcastle should be a 'faithful and constant friend of St Cuthbert'.<sup>190</sup> But if the focus is narrowed to relationships in the immediate vicinity of the Tyne, at Newcastle and Gateshead, the picture is more complicated.

Bad feeling between the communities on opposite banks of the river was certainly a force to be reckoned with. When William Sire contracted a mason to build a staith reaching north into the Tyne from Pipewellgate in Gateshead in 1348, he allowed for the possibility that work would be delayed through damage done 'maliciously . . . by men of Newcastle'.<sup>191</sup> Sire himself, however, who is described in different documents as 'of Gateshead', 'of Jarrow', 'of Pipewellgate', and as 'burgess of Newcastle', indicates that neither boundaries nor identities were always so clearly defined.<sup>192</sup> But although he held a certain amount of property in Newcastle, the bulk of his interests lay in Gateshead and Hebburn, within the liberty, and his will suggests it was the liberty that was most important to him. The priory of Durham apparently received the bulk of the charitable arrangements Sire made while living; of those made in his will, the priory (where he wished to be buried), and the parish church at Gateshead (where his sons were buried), were the principal beneficiaries. The only institutions north of the Tyne to receive bequests were Tynemouth Priory and the four friaries of Newcastle; and here Sire's hand was forced by the almost total absence of friaries between Tyne and Tees.<sup>193</sup>

Social and political links across the Tyne did exist; and the contribution of both Gateshead and Newcastle to the upkeep of Tyne bridge is a reminder of such connections.<sup>194</sup> The two communities could also, at times, be united by an ideology of local cooperation: during a dispute of the 1350s, Newcastle appealed to the 'friendship and neighbourhood' of South

<sup>189</sup> W. M. Ormrod, *Political Life in Late Medieval England 1300-1450* (Basingstoke, 1995), p. 48; GEC, viii, p. 267.

<sup>190</sup> *Durham Account Rolls*, ii, p. 440.

<sup>191</sup> DCM, 4.3.Spec.2 (printed, with wrong date, in Surtees, ii, p. 115).

<sup>192</sup> For an account of Sire, see *Newcastle Deeds*, pp. 174-5. For the descriptions, DCM, 1.4.Spec.3-7, 9-12, 14, 17; 4.3.Spec.1, 3, 4, 8, 17; 2.3.Spec.12; Misc. Ch. 4664; *Newcastle Deeds*, pp. 174-5.

<sup>193</sup> *Newcastle Deeds*, pp. 174-5; *FPD*, pp. 5-6. In an earlier will of 1349, Sire requested burial in the cemetery of St Mary's, Gateshead: DCM, Cart. I, ff. 225v-6r.

<sup>194</sup> *Newcastle Deeds*, pp. 62-128. For entrepreneurial partnerships between men of Newcastle and Gateshead, see inter alia Tynemouth Cart., f. 159v (1328); DURH 3/147/3; *CPR* 1364-7, p. 31 (1364).

Shields.<sup>195</sup> There is, however, no gainsaying either the potential reality of the boundary between bishopric and county, or its potential significance to the local community. For those who lived near the banks of the Tyne and gained their income from the river, ‘the liberty of Durham between Tyne and Tees’ was much more than an ‘imagined community’. Nevertheless it was the imagined communities and cultural traditions explored above that formed the basis of their claims and identities. They knew that it was as ‘the men of the liberty’ (*homines libertatis*) that they had free passage in the Tyne, and that it was to St Cuthbert that a part of the Tyne belonged. Not for nothing was the southern third of the river known as ‘the water of St Cuthbert’, and it was naturally Cuthbert who was invoked on ‘the metes and bounds’ of the liberty on Tyne bridge, which were marked by ‘Cuthbert stones’ (*Cuthbertstones*).<sup>196</sup> On the Tyne, as throughout the liberty as a whole, cultural traditions based around Cuthbert, the territorial extent of his liberty, and the privileges of his people, were fundamental both to actual jurisdictional claims and to the imagination of community.

The rich cultural identity of the liberty of Durham can to some extent be paralleled in other greater liberties, where historical traditions also developed to account for their privileged status.<sup>197</sup> But comparisons with other liberties bring out what was distinctive about the bishopric. First, Cuthbert’s patronage and the liberty’s historical pedigree gave Durham an enviable and perhaps unique ability to maintain and develop its privileges, as is perhaps best illustrated by the *Haliwerfolk*’s exemption from enforced military service. Second, Durham’s historical traditions were available to different groups within the liberty, to the priory and the local community, as well as to the bishop. These traditions were, in Tim Thornton’s words, ‘supportive of the palatine community and its privileges’,<sup>198</sup> and probably to a degree unmatched elsewhere in England. But they could also support the potentially conflicting privileges of bishop and priory, and might be a source of dispute as well as of solidarity. On the one hand, conflicting traditions were a factor in the conflicts between bishop, prior and local community that characterised the final years of Bek’s episcopate. Yet, conversely, the liberty’s cultural identity was one factor behind the coherence of ‘the community of the liberty of Durham’ in the 1310s and 1320s, as we will see in the next chapter.

<sup>195</sup> DCM, 1.3.Spec.38 (summarised in Welford, *Newcastle and Gateshead*, i, pp. 141–2).

<sup>196</sup> Brand, *Newcastle*, ii, p. 10; C 44/24/7; DCM, 2.1.Reg.5.

<sup>197</sup> Below, Conclusions, pp. 427–8; Thornton, *Cheshire and the Tudor State*, Chapter 2.

<sup>198</sup> Thornton, ‘Fifteenth-century Durham’, p. 85.

# *Durham: Government, Administration and the Local Community*

*Matthew Holford*

We have seen that historical and cultural traditions were fundamental to the development of Durham's privileges, and also provided a strong basis for identification and loyalty through the 'imagined communities' of the *Haliwerfolk* or 'the community of the bishopric between Tyne and Tees'. Equally, however, these imagined communities had a complex relationship to facts on the ground; and in particular the wapentake of Sadberge had an ambivalent relationship to the liberty as a whole. As we will find in this chapter, the wapentake's ambiguous status was also reflected in the bishopric's government and administration. Durham and Sadberge were separate for many administrative purposes, and the liberty lacked strong central institutions with jurisdiction over the whole area 'between Tyne and Tees'. Internal divisions, however, were offset by the status of the entire liberty as an area where the king's writ normally did not run. As a rule, all inhabitants of the liberty answered the bishop's writs and recognised his 'royal power'; they also took their pleas to the liberty's courts. The liberty's legal institutions had their deficiencies, but rather than driving people to seek royal justice, these deficiencies called forth collective petitions from 'the community of the liberty': the courts were presented as a matter of communal concern across the bishopric as a whole. In the first half of the fourteenth century, in fact, 'the community of the liberty' was a force with no little institutional and political reality. In the face of the fiscal and military demands of the crown, the oppressive regime of Bishop Anthony Bek (1283–1311), and the ransom payments demanded by the Scots in the 1310s, institutions developed to make and enforce decisions affecting the entire liberty. Eventually these institutions became part of episcopal government, but they originated in genuinely collective action; and such action illustrates the range and depth of commitment to the liberty 'between Tyne and Tees'.

Throughout our period, the division between the 'county of Durham' and the 'wapentake of Sadberge' was fundamental to the administration of the

liberty.<sup>1</sup> Probably in the thirteenth century, and certainly in the fourteenth, Sadberge had its own financial administration and exchequer, and its own coroner. Its sheriff-cum-escheator, while usually the same man as the sheriff of Durham, received separate commissions for business concerning the wapentake; he conducted a separate tourn within the wapentake, which also possessed a distinct 'county' court.<sup>2</sup>

This court was perhaps the most significant aspect of the wapentake's administrative integrity. The relationship of the county court to the 'county community' has been much debated by historians, not least because little is known about proceedings and attendance at most courts;<sup>3</sup> and the evidence from the county courts of Durham and Sadberge is no less difficult to interpret. Suit was widely owed to each court, and also to the 'great courts' which assembled (at least in Durham) three times a year, and which corresponded to the half-yearly 'great' or 'general counties' found elsewhere in England.<sup>4</sup> But suit was a burden not a privilege, and many suitors preferred to fine rather than to discharge their obligations in person; the privileged might even obtain temporary exemption by episcopal grant.<sup>5</sup>

Although we know little of the judicial functions of the liberty's county courts, these are unlikely to have been extensive. The first surviving roll from the Durham court is from the early fifteenth century, when debt constituted the overwhelming majority of business, with the sums involved and the status of the plaintiffs varying considerably.<sup>6</sup> From earlier extracts we learn it was in the Durham *comitatus* that Ranulf Neville impleaded the prior of Durham for detention of animals in 1293–6 and claimed on one occasion damages of 100s.; that recovery of a bond for £20 was sought in about 1331; and that, perhaps most remarkably, Adam Bowes recovered 140 marks from Durham Priory in 1320.<sup>7</sup> But because we have no idea how

<sup>1</sup> For a general account of the liberty's administration in this period, see 'Office-holders', i, *passim*.

<sup>2</sup> *Ibid.*, p. 95; DURH 3/92, m. 17d; DCM, 1.5.Pont.16. Both the wapentake and its court were sometimes described as *comitatus*: for example, DURH 3/2, ff. 73v–4r; 20/1; RPD, i, p. 222; iv, pp. 281, 345–8.

<sup>3</sup> For a summary, see M. C. Prestwich, *English Politics in the Thirteenth Century* (Basingstoke, 1990), pp. 56–9.

<sup>4</sup> DURH 3/2, *passim*; F. Pollock and F. W. Maitland, *The History of English Law*, 2nd edn (Cambridge, 1968), i, p. 540.

<sup>5</sup> For the total fines paid in 1335–6 and 1375–6, see DURH 20/1; DCM, 1.5.Pont.16; for a grant of exemption, NYCRO, ZBO, MG/11.

<sup>6</sup> DCM, Misc. Ch. 5722. Debt and trespass were generally the most common forms of county court litigation in the fourteenth century: R. C. Palmer, *The County Courts of Medieval England, 1150–1350* (Princeton, 1982), pp. 226–8.

<sup>7</sup> DCM, Loc.IV.156; Haswell Deed 81; Misc. Ch. 4026. See also FPD, p. 47: pleas of the wapentake of Sadberge in 1332–3 concerning 10s. owed to the keeper of Tees bridge.

typical such sums were, it is impossible to compare the Durham county courts with their equivalents elsewhere. Generally in the fourteenth century the sums claimed in other county courts were small, yet sums of up to £200 sometimes occur.<sup>8</sup> It is possible that the *comitatus* of Durham and that of Sadberge dealt with pleas which elsewhere in England would have been considered in the higher courts; but we cannot be completely confident that, as in Cheshire, the 'county court was a body with much greater power and judicial importance than its namesakes in other counties'.<sup>9</sup>

It was the other governmental functions of the *comitatus* that – in the liberty as elsewhere in England – were the source of its real significance for the local community.<sup>10</sup> Admittedly it must be emphasised that in important ways the two *comitatus* of Durham and Sadberge could not have mattered as their equivalents did in other parts of the kingdom, where the emergence of Parliament and developments in royal government meant that in the fourteenth century 'the county court stood more closely than before at the centre of the county's political life'.<sup>11</sup> This could not be said of the liberty's county courts; but they were nevertheless major forums for the administrative and public business of the bishopric. First, the county courts – probably held every two or three weeks<sup>12</sup> – were also the occasion for sessions of gaol delivery presided over by the sheriff. When a sheriff was appointed in 1345 he was instructed to deliver the gaols at each *comitatus* 'as was customary', and since earlier known sessions of gaol delivery in Durham were always held on a Monday, the day of the Durham county court, the practice evidently was customary.<sup>13</sup> The juries required by the various cases necessitated the presence of a substantial number of gentry and freeholders. Thus three cases tried at an undated Durham session were heard before twenty-eight

<sup>8</sup> Palmer, *County Courts*, pp. 227–8.

<sup>9</sup> P. H. W. Booth, *The Financial Administration of the Lordship and County of Chester, 1272–1377* (Chetham Society, 1981), p. 8.

<sup>10</sup> Cf. Pollock and Maitland, *History of English Law*, i, pp. 554–5; J. R. Maddicott, 'The county community and the making of public opinion in fourteenth-century England', *TRHS*, 5th ser., 28 (1978), pp. 33–4.

<sup>11</sup> Maddicott, 'County community', p. 29.

<sup>12</sup> The *Quo Warranto* proceedings stated that at Norham crown pleas were heard 'every two or three weeks at the bishop's will' (*PQW*, p. 604). This would tally with the evidence for the sessions of the Durham county court. In 1433 two weeks was the specified interval (Storey, *Langley*, p. 249), and presentations of crown pleas, apparently associated with the *comitatus*, were heard fortnightly on Mondays in the early fourteenth century: K. Emsley and C. M. Fraser, *The Courts of the County Palatine of Durham* (Durham, 1984), pp. 13–14.

<sup>13</sup> *RPD*, iv, pp. 346–7 (cf. DURH 3/30, m. 4d: the gaols of Durham and Sadberge to be delivered by the sheriff 'according to the ancient custom of our royal liberty'); JUST 1/226, m. 1; DCM, Misc. Ch. 2640; Loc.V.36; cf. *CIMisc.*, ii, no. 200. By the early fourteenth century, prisoners detained for homicide were delivered not by the sheriff, but by panels of justices: 'Office-holders', i, p. 98.

different jurors, including William son of Thomas Auford, William son of Thomas Barmpton, William Brackenbury (Bishop Kellawe's chief forester), Hugh Burdon, John Fallodon (probably later an episcopal justice), John Hansard, John Nesbit (an important Hartlepool merchant) and Thomas Tours. This was not untypical: sessions of 1329 or 1330 required similar numbers of jurors of comparable status.<sup>14</sup> Furthermore, inquisitions *post mortem* were usually held 'in the full county court';<sup>15</sup> and the little evidence we have suggests that inquisition juries were similar in composition.<sup>16</sup> These administrative and judicial functions of the *comitatus* were quite distinctive. Elsewhere in England it was not unheard of for inquisitions *post mortem* to be held in the county court, but it was by no means usual; they were often conducted on the estates themselves.<sup>17</sup> Gaols were delivered with varying frequency by special commissions of justices.<sup>18</sup> If the judicial competence of the bishopric's county courts did not make them institutions of particular importance, therefore, their unique administrative functions amply compensated for this. Furthermore, the liberty's higher courts may also have sat on days when the *comitatus* was in session: at any rate, Monday was a very common day on which assizes were heard in Durham.<sup>19</sup>

Because the county courts were well attended, they were justifiably seen as the public forums of local society, and it was recognised that business proclaimed there had in some sense been proclaimed to the whole local community. It was in the *comitatus* of Durham, for example, that it was publicly acknowledged in 1313 that a deed had been fraudulently made, and the acknowledgement was enrolled in the court's records.<sup>20</sup> Notifications of episcopal pardon, and of some episcopal grants, were given there.<sup>21</sup> Bishop Bury's charter of free warren to John Carew was endorsed to the effect that

<sup>14</sup> DCM, Misc. Ch. 2640, mm. 1d-2. For John Fallodon, who first occurs as a justice in 1343, see the relevant entries in 'Office-holders', ii; for Nesbit, C. M. Fraser, 'The pattern of trade in the North-East of England, 1265-1350', *NH*, 4 (1969), pp. 52-3. Burdon and Tours probably used armorial seals: G&B, nos. 468, 2456.

<sup>15</sup> DURH 3/2, *passim*. This is often explicitly the case in Durham; it is also significant that most inquisitions took place on Monday, the day when the *comitatus* was held. The great majority of Sadberge inquisitions *post mortem* occurred on Saturday, and this was evidently the day when that court met.

<sup>16</sup> The abstracts of inquisitions *post mortem* compiled for Bishop Langley (DURH 3/2) omitted details of jurors; but their names sometimes survive in contemporary or later copies of the full inquests: DURH 3/30, m. 6; *RPD*, i, pp. 256-7; DCM, 6.1.Elemos.19; Bodl., MS Laud Misc. 748, f. 73r.

<sup>17</sup> The location of inquests is given somewhat haphazardly in *CIPM*, vii-viii, and regularly from *CIPM*, ix, onwards.

<sup>18</sup> R. B. Pugh, *Imprisonment in Medieval England* (Cambridge, 1968), pp. 255-94.

<sup>19</sup> 'Office-holders', ii, *passim*.

<sup>20</sup> DCM, Haswell Deed 105, dorse.

<sup>21</sup> *RPD*, iii, pp. 239-40, 329, 340-2, 346, 370-1, 416-17.

it had been proclaimed and enrolled in the county courts of both Durham and Sadberge early in 1340.<sup>22</sup> Particularly important inquisitions of public concern might also be held in the courts, such as that of 1336 which inquired into trespasses in the River Tyne ‘against the church and liberty of Durham’.<sup>23</sup>

None of this was unique to the bishopric; county courts elsewhere in England performed similar functions.<sup>24</sup> What was distinctive about the liberty was not only that its courts are likely to have been unusually well attended, but that it had two such institutions. As Bury’s grant to John Carew illustrates, if the bishop was to communicate with local society through the institutions of the liberty, he might well have to consider county and wapentake as separate entities. In fact, the liberty lacked any central court, because its judicial organisation was also powerfully influenced by the separation between Durham and Sadberge. When the bishop held an eyre, the justices in county and wapentake acted independently and left separate records. ‘Pleas of the justices of the wapentake of Sadberge’ survive, probably from 1242, and it is no coincidence that the extant records of the 1279 eyre relate only to Sadberge.<sup>25</sup> For other judicial business the courts of Durham and Sadberge were similarly independent: it was in the bishop’s court at Sadberge, for example, that Thomas Hay brought an assize of mort d’ancestor against John II Balliol in the late thirteenth century, and it was in the same court that a series of final concords relating to Eggleston was levied in the first half of the fourteenth century.<sup>26</sup> County and wapentake received separate judicial commissions, even from the crown during a vacancy of the see; and it is again no coincidence that the 1345 plea roll from the bishopric relates only to the county of Durham.<sup>27</sup> So real, in fact, was the judicial separation between county and wapentake that formal arrangements existed by the late thirteenth century for pleas requiring a jury from both jurisdictions to be heard at Blackditch ‘on the marches between the counties of Durham and Sadberge’.<sup>28</sup>

True, the jurisdictional integrity of county and wapentake was not always honoured. There are some suggestions that the court at Durham had a supe-

<sup>22</sup> NYCRO, ZQH 2/14/87; cf. *RPD*, iii, p. 252.

<sup>23</sup> Brand, *Newcastle*, ii, p. 10, from BL, MS Stowe 930, f. 117r-v. For an inquisition apparently held in the *comitatus* of Sadberge, see DURH 3/202/1-5 (1361); for inquisitions probably held in the Durham *comitatus*, DURH 3/30, m. 8d; 3/202/19, 23, 29, 35, 52.

<sup>24</sup> W. A. Morris, ‘The sheriff’, in J. F. Willard et al. (eds), *The English Government at Work, 1327-36* (Cambridge, MA, 1940-50), ii, pp. 54-5.

<sup>25</sup> ‘Durham assize rolls’, nos. 397ff., with D. Crook, *Records of the General Eyre* (London, 1982), pp. 93, 104, n. 2; JUST 1/225; cf. Fraser, *Bek*, p. 83; Emsley and Fraser, *Courts*, pp. 26-7.

<sup>26</sup> BL, MS Lansdowne 902, ff. 74r, 355v.

<sup>27</sup> *RPD*, iv, pp. 88, 331-2; DURH 3/30, mm. 4d, 12d; 13/221.

<sup>28</sup> Fraser, *Bek*, p. 84.

rior role: the 1242 eyre roll includes a plea from Sadberge which ‘ought to be determined at Durham’, and the 1235–6 roll contains assizes ‘of the wapentake of Sadberge’ heard at Durham.<sup>29</sup> The exchequer at Durham sometimes dealt with moneys from Sadberge: it was at Durham, for example, that the rent of 60s. was paid for the manor of Aislaby, according to an inquisition *post mortem* of 1363. And business relating to the wapentake was sometimes proclaimed in the Durham *comitatus*.<sup>30</sup> Other aspects of administration also treated the bishopric as a whole: the liberty had a single chancery, and the bishop’s steward had jurisdiction over the entire liberty; the hallmote court over which he presided moved freely around the bishopric. Despite these qualifications, though, the routine administrative and judicial organisation of the liberty did pay great respect to the division between county and wapentake. The hallmote court in particular had very little impact in Sadberge, where the bishop’s manorial jurisdiction was limited.<sup>31</sup> It is true that the men who carried out episcopal administration in Durham and Sadberge were, from at least the mid to late thirteenth century, almost invariably identical. The same justices were appointed for both areas, just as the sheriff and escheator of Durham was almost invariably also appointed sheriff and escheator of Sadberge, and prepared a single account for the two districts.<sup>32</sup> Unity of personnel therefore counterbalanced administrative separation; but this did not necessarily affect or reflect local sentiment in county and wapentake themselves. And there can be little doubt that the liberty’s administrative structures both reflected and influenced such local sentiment. As we saw in the previous chapter, despite the wapentake’s incorporation into the liberty ‘between Tyne and Tees’, some sense of its distinctive history and identity remained.<sup>33</sup> That Sadberge retained its administrative integrity must be attributed in some part to the wishes of its local community; and once its separateness was established by administrative routine it could only become increasingly confirmed. The maintenance of these administrative divisions was certainly a matter of concern: among the abuses with which Bishop Anthony Bek was charged in 1303 was that men taken in the county of Durham were being imprisoned in the wapentake of Sadberge, and vice versa.<sup>34</sup>

The wapentake can thus be compared with the hundred of Macclesfield in the liberty of Cheshire. That hundred was held in dower by queens of

<sup>29</sup> ‘Durham assize rolls’, nos. 36, 38–9, 449, etc.; Emsley and Fraser, *Courts*, p. 26. See also a final concord concerning Low Dinsdale, made before the bishop’s justices at Durham in 1236: DURH 3/43, m. 13.

<sup>30</sup> DURH 3/2, ff. 73v–4r; *RPD*, iii, pp. 340–1, 416–17.

<sup>31</sup> *Hatfield Survey*, pp. 194–8; DURH 3/12, ff. 15r, 39r, 46r, 52r, etc.

<sup>32</sup> ‘Office-holders’, i, p. 95; DURH 20/1; DCM, 1.5.Pont.16.

<sup>33</sup> Above, Chapter 1, pp. 46–51.

<sup>34</sup> *RPD*, iii, p. 42 (‘la franchise de Duresme’ here denotes the county, not the liberty as a whole).



England between 1270 and 1347; it acquired extensive administrative independence during that period; and its inhabitants remained jealous of that independence even after the hundred had been reunited with the liberty as a whole.<sup>35</sup> But if Macclesfield challenged Cheshire's central institutions, Cheshire did at least have some claim to possess a central court that was also the *comitatus* of the liberty as a whole, and as a result the connections between the *comitatus* and the local community were strong and significant. 'The community of Cheshire' defended the jurisdictional omnicompetence of the county court, and the community's traditional privilege of giving judgements there that could affect the whole of local society.<sup>36</sup> In 1259–60, for example, it was in the county court that 'the barons, knights and free tenants' of Cheshire decided which writs could be pleaded in time of war; and it was there, in response to the appointment of Thomas Orby as keeper of the liberty's forests, that 'the whole community' defended the traditional rights of the court.<sup>37</sup> The Marcher lordships of Wales had similarly important central institutions. And in England itself the standard county court was an institution that made possible collective action and negotiation on the part of 'the community of the county'.<sup>38</sup>

This was not, it would seem, the case in Durham. There was no single institution, with routine jurisdiction over the liberty as a whole, where the collective business of the bishopric could be transacted. If the 'territoriality' of the local community was moulded by involvement in local administration, it was by the distinct areas of Durham and Sadberge.<sup>39</sup> The suggestion that the county court was where 'the community of the liberty' naturally assembled cannot, therefore, be accepted.<sup>40</sup> In fact, it would seem that any 'community of the liberty' had little institutional basis. It lacked the 'strong sense of administrative . . . identity' out of which, it has been suggested, 'county communities' elsewhere in England developed. It likewise lacked something else which, it has been argued, was essential for 'a county community worthy of the name' – namely, 'an institution capable of represent-

<sup>35</sup> Booth, *Financial Administration*, pp. 86–7; P. Morgan, *War and Society in Late Medieval Cheshire, 1277–1403* (Chetham Society, 1987), pp. 69–70; D. M. Clayton, *The Administration of the County Palatine of Chester, 1442–85* (Chetham Society, 1991), pp. 60–1.

<sup>36</sup> Booth, *Financial Administration*, pp. 8–9, 52; cf. *Calendar of the County Court, City Court and Eyre Rolls of Chester, 1259–1297*, ed. R. S. Brown (Chetham Society, 1925), pp. xvi–xix; Palmer, *County Courts*, pp. 56–74; Clayton, *Administration of Chester*, pp. 3–11.

<sup>37</sup> *County Court Rolls of Chester*, pp. 1–2.

<sup>38</sup> Davies, *Lordship and Society*, pp. 155–7; Maddicott, 'County community', pp. 31, 39–40.

<sup>39</sup> For 'territoriality', see P. Coss, *The Origins of the English Gentry* (Cambridge, 2003), pp. 9–10.

<sup>40</sup> Lapsley, *Durham*, pp. 109–14; Emsley and Fraser, *Courts*, p. 12.

ing gentle society and providing a forum in which the landed classes could articulate their political concerns'.<sup>41</sup>

While the implications of these administrative divisions should not be underestimated, however, they were counterbalanced by other features of the liberty's government and culture which did make the bishopric as a whole an important focus both for identification and for the articulation of community. First, there was the privileged status of the whole area between Tyne and Tees, and its enclaves in Northumberland, as a 'royal liberty' in which, for the most part, the king's writ did not run, and where the overwhelming majority of government was carried out by the bishop's men and in his name. This was a basic fact of the political culture of the liberty, which impinged on every aspect of local life, even if few people acknowledged its impact as explicitly as William Twizel of Norham did when he described how he had obtained a mortmain licence from Bishop Richard Bury 'exercising his royal power (*regia potestas*)'.<sup>42</sup> The language and symbols of government, reflected in the bishops' writs and seals, embodied the liberty's distinctive status. It is true that the well-known 'palatinate' seal, representing on the obverse the bishop enthroned, and on the reverse the 'prince-bishop' on horseback in full armour, was a relatively late development. It appears first in Hatfield's episcopate (1345–81), used for temporal rather than spiritual business relating to the liberty, and was a product of that bishop's administrative reorganisation. It had a precedent towards the end of Bury's episcopate (1333–45), when a chancery seal depicting St Cuthbert enthroned was introduced; but for the majority of Bury's episcopate, and during those of his predecessors, a single seal was apparently used for all episcopal business concerning the diocese as well as the liberty of Durham.<sup>43</sup> The iconography of these earlier seals is more varied and less assertive than the 'palatinate' seals, with their obvious echoes of the royal great seal, and their clear allusion to the bishop's regalian powers – an allusion that was plain to contemporaries.<sup>44</sup> No such allusions can be read in the earlier seals, even those depicting St Cuthbert enthroned; and the image of the bishop enthroned on Bek's seal is more likely to be a reflection of his general ostentation and magnificence than a reference to the liberty's

<sup>41</sup> W. M. Ormrod, *Political Life in Late Medieval England, 1300–1450* (Basingstoke, 1995), pp. 48–9.

<sup>42</sup> DCM, 4.1.Spec.40.

<sup>43</sup> G&B, nos. 3133–4, 3138. Bury was also the first bishop of Durham for whom a separate seal *ad causas* is known. It is attached to a document of 1343, and resulted from administrative reorganisation in the same year: *Reg. Langley*, i, pp. xiii–xiv. For the earlier bishops, see G&B, nos. 3108–31.

<sup>44</sup> As is revealed by the testimony of some of the liberty's tenants in 1433: Storey, *Langley*, p. 257.

regalian status.<sup>45</sup> Its precedent was certainly not followed on the seals of Richard Kellawe, Lewis Beaumont, Robert Graystones and Richard Bury. Indeed, the inclusion of the arms of England on the seals of Bek, Beaumont and Bury gestured towards the wider realm rather than to the liberty in particular. And since these earlier seals were not used solely for business relating to the liberty, as Hatfield's great seal seems to have been, their iconography was aimed at a more general audience.

Nevertheless the fact remains that it was the bishops' seals, and not the king's, with which the inhabitants of the liberty would have been most familiar, and which provided the principal symbol of political authority in the liberty. It is significant that a new seal was created for the liberty when it was taken into royal hands in 1302, and that a special seal was used by the crown during vacancies: the usual insignia of royal authority could not be applied without modification to the liberty.<sup>46</sup> The distinctiveness of the liberty was, furthermore, embodied in some of the seals used by the bishop's officers. The surviving fourteenth-century seals of the liberty's sheriffs (from 1313–14, 1339 and 1371) all show a mitre rising from a coronet, accompanied by the sheriff's name or initials. This consistent iconography, which may well have had earlier origins, clearly represented the bishop's dual temporal and spiritual roles, and suggested his regalian powers.<sup>47</sup> The seals of royal officials showed no such consistency in their iconography: the seals of royal sheriffs, for example, generally include a castle, but 'are so varied that they were almost certainly procured by the sheriffs themselves'.<sup>48</sup> The Durham seals may have been subject to more central supervision, and in this context the bishops perhaps showed more concern for the image of their authority than did the crown.

For much of our period, the bishops also maintained a mint. Durham was not unique in possessing this privilege: there were mints at Canterbury and Bury St Edmunds in the thirteenth century, and at York in the fourteenth.<sup>49</sup> Furthermore, the dies for the Durham mint were

<sup>45</sup> G&B, no. 3125, and n. 37; J. Alexander and P. Binski (eds), *Age of Chivalry: Art in Plantagenet England, 1200–1400* (London, 1987), nos. 285–6.

<sup>46</sup> For the 1302 seal, see DCM, Rep. Mag., f. 11r; Cart. III, f. 222r. Its design is unknown. For vacancy seals, DCM, Misc. Ch. 7282; G&B, nos. 3044, 3048A; Storey, *Langley*, p. 52.

<sup>47</sup> G&B, nos. 325, 1747, 2512; C. H. H. Blair, 'The sheriffs of Northumberland', *AA*, 4th ser., 20 (1942), p. 21, with illustration. The seals of 1339 and 1371 are particularly close in design. For similar iconography, see G&B, no. 3182; W. de Gray Birch, *Catalogue of Seals . . . in the British Museum* (London, 1887–1900), i, no. 2521.

<sup>48</sup> P. D. A. Harvey and A. McGuinness, *A Guide to British Medieval Seals* (London, 1996), pp. 40–1; cf. Blair, 'Sheriffs of Northumberland', pp. 19–23.

<sup>49</sup> M. R. Allen, 'Ecclesiastical mints in thirteenth-century England', *TCE*, 8 (2001), pp. 97–122; M. R. Allen, 'The archbishop of York's mint after the Norman Conquest', *NH*, 41 (2004), pp. 25–38.

strictly controlled by the crown (although unofficial dies were sometimes used), and they carried the king's name and image. Yet the coins issued by the mint did carry symbols of successive bishops, especially from Bek's episcopate onwards. The cross moline from Bek's arms was replaced by an episcopal crosier under Kellawe, which in turn gave way to a lion and lis mark derived from Beaumont's arms. A coin of Beaumont or Bury showed a crown on the reverse, while Hatfield's coins returned to the crosier symbol.<sup>50</sup> There was little reference here (with the possible exception of the crown) to the bishops' regalian powers, nor was there any continuity in the coins' iconography. It is also clear that standard royal coins also circulated in the liberty, possibly in greater numbers than local ones. Nevertheless the circulation of episcopal coins, with their distinctive imagery, did mean that royal coins, as what John Watts has called 'icons of central power distributed throughout the realm', were not unchallenged.<sup>51</sup>

Furthermore, the liberty's seals and writs were recognised as symbols of its administrative integrity. As we have noted, when the liberty was taken into royal hands in 1302 a new seal was specially created, an event that received particular notice at Durham Priory. The seal was intended and recognised as a symbol of the liberty's continued independence.<sup>52</sup> Royal writs directed at the liberty were, on occasion, subject to violence: it was understood that they presented a threat to the liberty's autonomy.<sup>53</sup> And in a final, telling example, in 1344 the freeholders around Hartlepool refused to act on the basis of a royal writ. They belonged, they said, to 'the liberty of St Cuthbert of Durham, where a writ of the realm does not run', and would only answer a writ from the bishop's chancery.<sup>54</sup> The details of government – in whose name a commission was executed, and whose seal was appended to the relevant writs – could be part of how local society defined itself, and the liberty's structures of governance could provide some basis for collective identification, even in the wapentake of Sadberge.

<sup>50</sup> This is a crude summary of the very complex evidence, based on the comprehensive discussion in M. R. Allen, *The Durham Mint* (British Numismatic Society Special Publication, 2003), *passim*.

<sup>51</sup> J. Watts, 'Looking for the state in later medieval England', in M. Keen and P. Coss (eds), *Heraldry, Pageantry and Social Display in Medieval England* (Woodbridge, 2002), p. 264. Coins from the York mint seem to have been less distinctive: C. Caine, *The Archiepiscopal Coins of York* (York, 1908), pp. 41–8.

<sup>52</sup> The only surviving reference to the seal is its description in a priory repertory and cartulary: above, n. 46.

<sup>53</sup> *RPD*, iv, pp. 65, 73–4; *JUST* 1/226, m. 9; *DCM*, Loc.VII.45, art. 30; Fraser, *Bek*, p. 97.

<sup>54</sup> *CIPM*, viii, p. 384.

The cultural and administrative distinctiveness of the liberty as a whole, therefore, was often more significant than its internal divisions. The authority of its lord and institutions was recognised, and also valued, both in wapentake and in county, and the value placed on the liberty's institutions is most evident in the readiness of local people to purchase legal writs from the episcopal chancery to sue civil actions in the bishop's – or sometimes the prior's – court.<sup>55</sup> By the twelfth century the bishop's 'free court', as it would be called in 1303, had already established considerable independence from the institutions of royal justice, and it was accepted that – except in default of justice – it should hear all pleas concerning the liberty, although it is not entirely clear whether pleas were initiated by royal or episcopal writ.<sup>56</sup> It is true that this court had some difficulty in keeping pace with royal justice, and that its independence was challenged around 1200. In a case heard before the *curia regis* in 1204, because the grand assize was not available in the liberty, Geoffrey Fitzgeoffrey invoked the principle that no free man should be impleaded of a free tenement without a royal writ; and he claimed that in the reign of Henry II (1154–89) only royal writs had been pleaded in the liberty. The outcome of Geoffrey's case is unknown, but in 1207, when the liberty court heard an assize of darrein presentment without a royal writ, the bishop was called before the *curia regis*. And in 1208 'the knights and free tenants of *Haliwerfolk*' obtained a charter from King John which, among other things, aimed to make Angevin justice fully available in the liberty. The charter stipulated that those knights and free tenants could plead and be impleaded 'according to the common assizes of the kingdom of England'; that they should not be impleaded for their free tenements except by a writ of the king or his chief justice, 'as was customary in the time of Henry II'; and all this notwithstanding 'any custom or use in *Haliwerfolk* that is not right and common in the realm'.<sup>57</sup>

It is not fully clear how and why this charter was obtained, but it seems that towards the end of Philip of Poitou's episcopate (1197–1208), a group

<sup>55</sup> For one example of the bishop's writ of right sued in the prior's court, see DCM, 1.9.Spec.19, 20. On the prior's free court, which also had a significant criminal jurisdiction, see C. M. Fraser, 'The free court of the prior of Durham', in C. D. Liddy and R. H. Britnell (eds), *North-East England in the Later Middle Ages* (Woodbridge, 2005), pp. 111–17; C. J. Neville, 'The courts of the prior and the bishop of Durham in the later Middle Ages', *History*, 85 (2000), pp. 216–29.

<sup>56</sup> Lapsley, *Durham*, pp. 161–3. For simplicity, in what follows references are to the bishop's 'court', notwithstanding the judicial independence of Durham and Sadberge already discussed.

<sup>57</sup> CRR, iii, pp. 108–10; v, pp. 6–7; *Rotuli Chartarum in Turri Londinensi Asservati*, ed. T. D. Hardy (London, 1837), p. 182; J. Scammell, 'The origin and limitations of the liberty of Durham', *EHR*, 81 (1966), p. 460. It is unclear whether the Durham plea mentioned in CRR, vi, p. 170, was begun by royal or episcopal writ.

within the liberty attempted, without full success, to obtain royal common law procedures in the bishopric. In August 1207 John allowed Bishop Philip all the prerogatives he had enjoyed in his court 'before the knights of *Haliwerfolk* sought their rights from us'; and it was probably in this connection that the Pipe Roll recorded a payment of 1,000 marks from the bishop, 'to have the king's goodwill', in Michaelmas 1207.<sup>58</sup> As the assize of darrein presentment heard in 1207 indicates, Bishop Philip continued to issue writs for his court; and it was only when the bishopric became vacant in 1208 that the royal charter could be obtained, probably after 'the knights of *Haliwerfolk*' had paid handsomely 'to have the assizes of the kingdom of England, saving the rights of the bishopric of Durham'.<sup>59</sup> But the saving clause, which also occurred in the charter itself, was significant; and if the charter was intended to replace episcopal with royal writs it did not have the desired effect. Philip of Poitou's successor, Richard Marsh (1217–26), issued original writs from his chancery. His right to do so seems to have been accepted in the liberty – witnesses in the 1220s had no doubt about the validity of episcopal writs – and, after 1224, it seems to have been tacitly accepted by the crown, even if it never received explicit royal confirmation. A writ of darrein presentment concerning the advowson of Kimblesworth issued from the episcopal chancery in 1222 or 1233, and the plea was settled by final concord in the bishop's court; original writs of mort d'ancestor issued by Bishop Poore (1228–37) were referred to in 1234–5.<sup>60</sup>

In some ways the liberty continued to be integrated with royal justice. The evidence suggests that, as Jean Scammell argued, 'an eyre could only be held in Durham when the king's eyre was in the vicinity'; and although the crown's itinerant justices did not enter the liberty, it was customary for them to deliver the articles of the eyre to the bishop's justices, who would inquire accordingly in the liberty. This probably occurred in 1235–6, 1241–2, 1256 and 1269, although plea rolls survive only for the first two occasions; in 1279 Bishop Robert Lisle did not receive the articles as was customary, but an eyre was nevertheless held by the bishop's justices.<sup>61</sup> Outside the eyre, however, although the fragmentary evidence prevents definitive conclusions, it seems likely that the bishopric's court was largely independent of the crown's judicial system.<sup>62</sup>

<sup>58</sup> *RLC*, i, p. 90; *Pipe Roll 9 John*, p. 70.

<sup>59</sup> *Pipe Roll 13 John*, p. 37.

<sup>60</sup> *FPD*, pp. 231ff.; *RLC*, i, pp. 631–2; *Acta 1196–1237*, nos. 287, 324–5.

<sup>61</sup> Scammell, 'Origin and limitations', p. 464; 'Durham assize rolls'; *PQW*, p. 604; *JUST* 1/225; Crook, *General Eyre*, p. 148. *Pace* Crook, crown pleas were held in 1279: see *DURH* 3/92, m. 16d; BL, MS Lansdowne 902, f. 359r.

<sup>62</sup> For an assize of mort d'ancestor initiated by the bishop's writ and heard at Sadberge around 1283, see BL, MS Lansdowne 902, f. 74r.

Nevertheless some historians have doubted the importance of this court, arguing that it became ineffectual in comparison with royal justice. It is certainly true that, from the late thirteenth century, men associated with the royal courts had come to play an important role in hearing civil pleas in the liberty.<sup>63</sup> Royal justices, and king's serjeants and pleaders, were increasingly prominent among the justices appointed by Bek; and, by Kellawe's episcopate (1311–16), such men were very often present when civil pleas were heard in the bishopric. William Deanham, Thomas Fishburn, Hugh Lowther and Lambert Threekingham, for example, were all professional lawyers in the royal courts and in the king's service.<sup>64</sup> Bury appointed, among others, the lawyers and royal justices Richard Aldbrough, Roger Blakiston and Robert Parving.<sup>65</sup> And since these men received fees from Bury for their work, and the legal terms in the liberty seem to have been organised to avoid clashes with the royal courts, we can conclude that they were not merely appointed but acted.<sup>66</sup>

There can be little argument that such appointments indicate the growing influence of the crown – the 'law-state' – on the governance of the liberty. Whether they were made at the initiative of bishop, crown or local community, their aim was surely 'to ensure a royal standard of justice' in the liberty.<sup>67</sup> But whether 'the tacit introduction of royal justices' was 'a highly dangerous expedient', and a direct challenge to the liberty's privileges, is a very different question.<sup>68</sup> It is significant that any supervision of justice was done informally; for Durham cannot be compared to those lesser liberties whose courts required the presence of a royal justice acting specifically in that capacity.<sup>69</sup> It can also be argued that the presence of royal justices, formal or informal, rather than posing a threat to liberty courts, indicated and guaranteed their continuing vitality. If a 'royal standard of justice' had to be maintained, this was because the liberty's lord and community did not want the major civil and criminal pleas to be heard by the crown's justices

<sup>63</sup> See in general 'Office-holders', i, pp. 97–8.

<sup>64</sup> Fishburn and Lowther: *The Earliest English Law Reports*, ed. P. A. Brand (Selden Society, 1996–), ii, pp. xxxvi–xli, lxxxi–vii. Deanham: 'Office-holders', i, p. 98. Threekingham: C. M. Fraser, 'Officers of the bishopric of Durham under Antony Bek, 1283–1311', *AA*, 4th ser., 35 (1957), p. 37.

<sup>65</sup> For these men, see E. Foss, *The Judges of England* (London, 1848–64), iii, pp. 390–1; J. R. McGrath, 'Sir Robert Parvyng', *TCWAAS*, new ser., 19 (1919), pp. 30–91; J. H. Baker, *The Order of Serjeants-at-Law* (Selden Society, Supplementary Series, 1984), index, s.v. Aldburgh, Blaykeston, Parvyng.

<sup>66</sup> For payments, see DCM, Loc.V.32; for dates, 'Office-holders', i, p. 98.

<sup>67</sup> Emsley and Fraser, *Courts*, p. 30.

<sup>68</sup> Scammell, 'Origin and limitations', p. 466.

<sup>69</sup> *Ibid.*, p. 465.

elsewhere, or the competence of the liberty courts to become restricted to lesser actions.

It is true that in the North-East, as in other parts of England, contemporaries appreciated the problems that the judicial independence of liberties could cause for the maintenance of law and order. ‘The people of the bishopric of Durham’ as much as ‘the people of the county of Northumberland’ recognised that the liberty offered opportunities for criminals from north and south of the Tyne; and in 1341 the bishop of Durham arranged a form of ‘extradition treaty’ with the liberty’s four neighbouring counties.<sup>70</sup> But if much contemporary complaint focused on liberties as havens for county criminals, for the local community itself it was the ability of Durham’s judicial mechanisms to settle its disputes, protect landed rights and maintain ‘the bishop’s peace’ that was paramount. It is by no means simple to assess the effectiveness of these mechanisms: quite apart from methodological difficulties, the paucity of records makes it impossible to gauge the extent of disorder in the liberty. That said, however, the liberty does not seem to have witnessed the breakdown of law and order that affected Northumberland in the 1310s. The *schavaldours* or bandits who ranged north of the Tyne did not, on the testimony of a slightly later chronicler, trouble the bishopric to any similar extent, due to the forceful action taken by Bishop Kellawe: ‘some he hanged, others he drove outside the bishopric’.<sup>71</sup> It is probably also significant that Gilbert Middleton’s ‘rebellion’ of 1317–18, undoubtedly the most serious incident of local disorder in the early fourteenth-century North-East, was very largely a Northumberland affair.<sup>72</sup> It is true that the abduction of the bishop-elect Lewis Beaumont, and of the cardinals who were accompanying him, took place in the bishopric, and that the profits to be had from the temporalities of the liberty, while the see was vacant, provided one of the reasons for delaying Beaumont’s consecration.<sup>73</sup> The identifiable participants in the rebellion, however, were mostly from north of the Tyne. The relatively few men from the liberty who probably took part, such as Walter Selby and Marmaduke Basset, all held property in Northumberland as well as in Durham, and the major incidences of rebellion outside Northumberland were not in Durham but

<sup>70</sup> *Northumb. Pets*, no. 102; *RPD*, iv, pp. 244–7. For earlier arrangements for the exchange of criminals between Northamptonshire and Northumberland, and between Durham and Yorkshire, see Fraser, *Bek*, p. 93; Emsley and Fraser, *Courts*, p. 26.

<sup>71</sup> *Scriptores Tres*, p. 94. See generally A. King, ‘Bandits, robbers and *schavaldours*: war and disorder in Northumberland in the reign of Edward II’, *TCE*, 9 (2003), pp. 115–29.

<sup>72</sup> A. E. Middleton, *Sir Gilbert de Middleton* (Newcastle, 1918), provides the fullest narrative account.

<sup>73</sup> *Ibid.*, pp. 24–6, translating DCM, Misc. Ch. 4238.



in north Yorkshire.<sup>74</sup> There is some evidence, therefore, that the ‘devolution’ of judicial authority to the liberty made not for lawlessness but for good and effective rule. The liberty certainly did not offer ‘freedom from law-enforcement’ in the ecclesiastical sphere, as Ranulf Neville found to his cost under Bishop Kellawe when he was excommunicated for incest with his daughter.<sup>75</sup> Nor is it likely to have done so in the secular sphere.<sup>76</sup>

The effectiveness of the liberty’s judicial systems in securing and protecting the landed rights of its inhabitants is also difficult to assess, and it must be admitted that some of the signs are not promising. Before 1345 ‘the people of the liberty of Durham and Norhamshire’ petitioned the crown because the liberty’s chancery offered them only a limited number of legal writs. The same petition complained of ‘default of justice more than elsewhere in the realm’; and there had been other complaints to king and council, earlier in the fourteenth century, about the ‘disinheritance’ to which the liberty’s judicial system had condemned its inhabitants.<sup>77</sup> The local community would seem to have found the liberty’s judicial machinery wanting; and, in its default, we might suppose that the king’s courts were the obvious alternative. If the judicial privileges of the bishopric meant so little to its inhabitants, then the liberty had become little more than an inconvenience to them.

This argument was advanced by Jean Scammell in an influential article which considered the liberty’s legal system to be one of the most significant of its limitations in the later Middle Ages. Scammell argued that royal intervention in the early thirteenth century restricted the Durham justices to holding pleas initiated by writs used at that time. The liberty thus lacked ‘a foundation on which a jurisdiction parallel and equal to the king’s might grow’, and the bishops were able to increase their civil jurisdiction only with explicit royal consent. This ‘static infertility of franchise’ meant that, at least by the time of Edward I’s reforming legislation, the liberty’s courts were increasingly inadequate to meet the needs of local landowners, who turned

<sup>74</sup> V. H. Galbraith, ‘Extracts from the *Historia Aurea* and a French “Brut” (1317–47)’, *EHR*, 43 (1928), p. 208. For these men’s lands, see Middleton, *Gilbert de Middleton*, Chapter 13. The participation of Geoffrey Henknowle, with holdings at Evenwood, Henknowle and Middleton-in-Teesdale in the bishopric, and lands in Yorkshire, must be regarded as unproven. He was later named as an insurgent; but he witnessed a charter of Beaumont in 1320 (DCM, Reg. II, f. 71v), and it is difficult to imagine Beaumont’s associating with one of his abductors in this way.

<sup>75</sup> *Scriptores Tres*, p. 94; for further detail, see H. S. Offler, *North of the Tees* (Aldershot, 1996), Chapter 14, p. 194.

<sup>76</sup> *Pace Scammell*, ‘Origin and limitations’, p. 470.

<sup>77</sup> *Northern Pets*, no. 175; cf. nos. 170–1, and no. 173, for which a date of c. 1327 is likely: *Rotuli Parliamentorum* (Record Commission, 1783–1832), ii, p. 14, with *PROME*, iii, p. 459.

instead to the royal courts. The liberty was thus undermined from within as its inhabitants looked to the king, rather than to the bishop, for the exercise of justice.<sup>78</sup> It is a powerful argument; but a very different perspective has been offered by Tim Thornton. Examining the cases that reached the royal equity courts of Chancery and Star Chamber in the fifteenth and sixteenth centuries, Thornton found only a trickle of cases from the bishopric.<sup>79</sup> Although he did not give figures from the central courts of King's Bench and Common Pleas, the obvious inference is that most of the inhabitants of the bishopric were satisfied with the justice available there in the period concerned. At least in respect of equitable jurisdiction, the bishop's justice was as attractive as the crown's.

Although Scammell and Thornton reached very different conclusions, both recognised that the quality of justice in the liberty was of vital importance to local people. Extra-judicial dispute resolution was common and important in late-medieval England, but its processes often worked in tandem with the courts, not as an absolute alternative to them. The legal system remained central to the stability of landed society, and it was crucial for the bishop to offer adequate civil remedies if his 'royal liberty' was to meet the needs of local society. Did it do so in the thirteenth and fourteenth centuries? Scammell seems to have been correct in her claim that in the thirteenth century 'the bishop's courts, *unsupported by a royal eyre*, had only been able to hear such civil pleas as could be begun by the old executive type of writ, including writ of right, plus the petty assizes and possibly a number of other writs which were commonly used either during John's reign or in 1227 when the eyre last came'.<sup>80</sup> This situation, however, was transformed when many new writs, including entry and formedon, became routinely available in the liberty's courts. That had certainly happened by 1345.<sup>81</sup> So, for the period after around 1345, Scammell's argument loses

<sup>78</sup> Scammell, 'Origin and limitations', pp. 461, 463.

<sup>79</sup> T. Thornton, 'Fifteenth-century Durham and the problem of provincial liberties in England and the wider territories of the English crown', *TRHS*, 6th ser., 11 (2001), pp. 83–100.

<sup>80</sup> Scammell, 'Origin and limitations', p. 463 (her emphasis).

<sup>81</sup> It is not fully clear when these writs became available. A significant reform apparently occurred in 1345. In January entry and formedon seem to have been freely available from the bishop's chancery (DURH 13/221, *passim*); and in March Durham Priory was able to recover three acres in Iveston by a writ of entry. It was explicitly said that such a writ 'was lacking until now in the bishopric of Durham' (DCM, 3.3.Sacr.14b). But Thomas Blagrys had pleaded a writ of entry in the bishop's court before 1342; formedon had been pleaded in the liberty by 1337 (*FPD*, p. 202; Durham University Library, Archives and Special Collections, SGD 54/20A; cf. CP 40/324, m. 318–318d; 40/333, m. 83d); and there is nothing to suggest that these pleas were not begun by episcopal writs.

much of its force. For the pre-1345 period, its relevance hinges on how far the limited repertoire of available writs hindered the operation of justice.

It is of course impossible to give a definitive answer to this question. On the one hand, the records of the central royal courts, and of the crown's itinerant justices, are of enormous bulk, and in large part unprinted; on the other, the records of legal activity within the liberty are few and far between. Nevertheless the weight of the evidence does powerfully suggest, against Scammell and in favour of Thornton, that the liberty's courts were the first and natural recourse of the local community, as was implied by those who gave evidence concerning the bishop's rights around 1225.<sup>82</sup> A starting-point is provided by published and calendared records, which strongly indicate that it was rare for cases from Durham to come before the king's courts. The eyre records of Northumberland up to 1293 are in print, as are pleas relating to Northumberland in the *curia regis* and assize rolls up to 1272, and in the court of Common Pleas between 1272 and 1280. All contain only a handful of cases relating to the bishopric.<sup>83</sup> There are no Durham pleas in the roll of King's Bench for Trinity term 1297, which has been printed in full, and no Durham pleas were heard in Common Pleas in 1327–8.<sup>84</sup> The inhabitants of other liberties attempted to bring pleas in the royal courts, only for jurisdiction to be claimed by liberty bailiffs; these 'franchises' may therefore have had difficulties in satisfying local requirements for justice, but this does not seem to have been the case in Durham.<sup>85</sup> The extracts of Northumberland entries on the rolls of Common Pleas and King's Bench, made for the duke of Northumberland in the nineteenth century, reveal few pleas from south of the Tyne;<sup>86</sup> and, more particularly, the few Durham cases that came before King's Bench in Edward II's reign were all heard outside the liberty for exceptional reasons.<sup>87</sup> Again, when royal justices held assizes at Newcastle in the fourteenth century, they heard no pleas relating to the bishopric, and there is no evidence that the bishop appointed attorneys to crave his liberty, as did the lord of Redesdale and

<sup>82</sup> *FPD*, pp. 220–301, *passim*.

<sup>83</sup> *NAR*; *NER* (civil pleas only); *Northumb. Pleas*; *Northumb. PDBR*. Individual cases are discussed below.

<sup>84</sup> *Placita coram Domino Rege: Pleas of the Court of King's Bench, Trinity Term, 25 Edward I (1297)*, ed. W. P. W. Phillimore (British Record Society, 1898); *Index of Placita de Banco, 1327–28* (Lists and Indexes, 1909); cf. A. J. Lilburn, 'Northumberland cases from the De Banco Rolls 1–5 Edward III', unpublished typescript, NCS, SANT/TRA/2/5.

<sup>85</sup> Claims of jurisdiction are noted in *Index of Placita de Banco*; for some Yorkshire examples, see *ibid.*, ii, nos. 733, 757, 762–3, 768, 771. See also below, Chapter 5, pp. 223–6 (Tynemouthshire); Chapter 8, pp. 370–1, 373–6, 395–6 (Redesdale).

<sup>86</sup> Alnwick Castle, Northumberland Collections, vols 23ff.

<sup>87</sup> *Ibid.*, vol. 25; below, pp. 78–80.

the prior of Tynemouth.<sup>88</sup> Remarkable though it may seem, therefore, the bishop of Durham does not appear to have found it necessary to prevent his subjects from suing in the royal courts.<sup>89</sup>

An examination of final concords – legal settlements used for the conveyance of land – likewise indicates that the liberty courts were actively used.<sup>90</sup> Granted, these concords do not conclusively demonstrate the efficacy of the liberty's courts as a means of dispute resolution, for while they purported to record the settlement of a legal dispute, the great majority were collusive or fictitious. That inhabitants of the liberty chose to raise concords in its courts does, however, show that they trusted the ability of those courts to enforce such agreements. For much of the thirteenth century, records are incomplete and problematic, but from the episcopate of Anthony Bek (1283–1311) fines from the liberty typically outnumber those from Northumberland by a ratio of three or even four to one. In Northumberland, the advantages of final concords were often outweighed by the inaccessibility of the king's court; in Durham, there were no such difficulties, and the readiness of local people to raise fines speaks highly of the convenience and effectiveness of the liberty's courts.

It was also most unusual for concords to be made by inhabitants of the liberty before royal justices. Examples from 1228, 1239 and 1240 were made during vacancies of the see, and one reserved the privileges of the liberty.<sup>91</sup> Even during vacancies, in fact, it was usual for the jurisdictional integrity of the liberty to be maintained, and the courts continued to be used by the local community: the bishopric court heard pleas during the vacancy of 1274, and final concords were still made at Durham in 1307 when the liberty was in royal hands.<sup>92</sup> Even magnates who held most of their estates outside 'Tyne and Tees' often used the liberty's institutions for lands within the bishopric, including lands in Sadberge. The Percies, for example, used the court at Sadberge for final concords relating to their manor of Dalton

<sup>88</sup> The following rolls have been examined: JUST 1/658–61, 1230C, 1238–9, 1254, 1265, 1268, 1271, 1274, 1277, 1283C, 1299, 1306, 1364, 1417, 1424, 1435, 1453, 1464, 1475, 1485. Thanks to the kindness of David Crook, it was also possible to sample Common Pleas writs (CP 52) from Edward III's reign while these were being listed. The bishops did appoint attorneys to claim jurisdiction over clergy: *NAR*, pp. 125, 365, 368.

<sup>89</sup> For legal records relating to Yorkshire, we are less well served by published materials or readily available extracts; but similar conclusions can be drawn. See, for example, *Three Yorkshire Assize Rolls for the Reigns of King John and King Henry III*, ed. C. T. Clay (YASRS, 1911).

<sup>90</sup> The following two paragraphs are based on M. L. Holford, 'Feet of fines for the liberty of Durham, 1228–1457', *EHR* (forthcoming). The bulk of final concords from the liberty do not survive, but to a significant extent its archive of feet of fines can be reconstructed from later indices and inventories, most notably IND 1/10151, ff. 4r–14v.

<sup>91</sup> *Northumb. Fines*, i, nos. 272–81; *Feet of Fines for the County of York from 1232 to 1246*, ed. J. Parker (YASRS, 1925), pp. 89, 174.

<sup>92</sup> JUST 1/225, m. 3; *Greenwell Deeds*, no. 110; see also *CR 1237–42*, pp. 29, 203.

Piercy.<sup>93</sup> The Greystoke and Fitzwilliam manor of Coniscliffe, too, came under the authority of the liberty's institutions. It is true that the manor was included in licences for alienation granted by Edward I to John Greystoke and Ralph Fitzwilliam; but the final concord granting the manor to John for life was raised in the bishop's court at Sadberge.<sup>94</sup> As we have seen, the Balliols acknowledged only with reluctance that Barnard Castle should be under the jurisdiction of the bishops of Durham; but after 1200 final concords concerning that barony were nevertheless made in the bishop's court. The only apparent exception is the fine of 1344 raised in Common Pleas by which Thomas Beauchamp, earl of Warwick, conveyed Barnard Castle and Gainford 'in Northumberland': and this seems to have been an isolated act of defiance.<sup>95</sup> And throughout our period, tenants and neighbours of the Balliols and the earls of Warwick levied fines in the bishop's court with some frequency.

Finally, local charters provide some evidence of the nature of legal activity. References to land recovered before the bishop's justices are relatively frequent, whereas we know of no references to royal justices except during the confiscations of the liberty in 1302–3 and 1305–7.<sup>96</sup> The implication is that the bishop's court was the first and usually the only resort of local society. Even in 1304, when a deed acknowledged the possibility of royal justices hearing pleas in the liberty, it was the bishop's justices who were mentioned first.<sup>97</sup> We can conclude, therefore, that the limited number of writs available in the bishopric before around 1345 was not a fundamental obstacle, and was probably more than compensated for by the relative ease with which other writs could be obtained, and by the accessibility of the courts themselves. That writs of entry and formedon were not routinely available was undoubtedly problematic; but it is unlikely to have fatally compromised the effectiveness of the liberty's courts.<sup>98</sup> Admittedly we have an unnamed bishop's testimony that 'many people of the liberty'

<sup>93</sup> *Percy Cart.*, pp. 205, 376–7.

<sup>94</sup> *CPR 1292–1301*, pp. 303–4, 340; CRO (Carlisle), D/HC/2/16/1; *NDD*, p. 69. Three other fines of 1278–80 concerning Coniscliffe noted in an antiquarian manuscript (*NDD*, p. 67) were likewise raised in the liberty: cf. IND 1/10151, f. 12.

<sup>95</sup> Above, Chapter 1, pp. 48–9; CP 25/1/287/41/334.

<sup>96</sup> References to bishop's justices: DCM, Misc. Ch. 5787, 6178; 2.1.Elemos.26a; 1.2.Finc.2, 37; 1.9.Spec.2a; 1.10.Spec.78; 1.15.Spec.38; 3.9.Spec.36; 3.10.Spec.63; 3.12.Spec.8; 3.16.Spec.28; 4.13.Spec.50; 4.14.Spec.28; Haswell Deeds 6, 9, 17A, 55. Royal justices: see the following note, and *Bek Recs*, no. 123.

<sup>97</sup> DCM, 4.12.Spec.14.

<sup>98</sup> For the attractions of the writ of entry, see P. Brand, *The Origins of the English Legal Profession* (Oxford, 1992), p. 29; R. C. Palmer, 'The origins of property in England', *Law and History Review*, 3 (1985), pp. 24–46. In a rather different case, around 1322, a defendant in the liberty court complained about the issue of a *scire facias*, arguing that only

were complaining about the inability of his chancery to issue writs of entry, escheat, ael, besael and formedon.<sup>99</sup> But this was not a major hindrance to justice, since the crown, on petition from the bishop's subjects, was prepared to command the issue of such writs, presumably allowing actions to go forward in the liberty.<sup>100</sup> When the bishop asked the king to order him to do right to his subjects because no other remedy was available, he was asking for a mandate to issue such writs.<sup>101</sup> They might be open to challenge: when Bishop Bury, at Edward III's command, issued a writ of formedon, the defendant complained to the king that it could not legitimately be pleaded in the liberty.<sup>102</sup> But the reform achieved by 1345 put paid to such challenges; and difficulties before that date can be overstated. In the early nineteenth century it was still 'a matter of great convenience' for the inhabitants of Ely to have 'justice administered as it were at their very doors';<sup>103</sup> and in the fourteenth century the problems Cumberland and Northumberland faced by virtue of their distance from the central courts were unlikely to affect the bishopric. 'The lieges of Cumberland' complained of the difficulties of serving on assizes and juries outside the county; while 'the poor people of Northumberland' complained in about 1320 of the 'disinheritance' they suffered because no royal assize justices had visited the county for ten years and more.<sup>104</sup> In contrast, inhabitants of the bishopric might flatly refuse, on the basis of their privileges, to appear on juries outside it; and assizes were held throughout the 1310s.<sup>105</sup>

All this evidence is confirmed by the comparison that can be made between the volume of Durham litigation in the liberty and that in the central courts in 1345. Plea rolls for civil business in the liberty survive from January of this year; they relate only to the 'county of Durham' and not to the 'wapentake of Sadberge', and writs of entry and formedon had become available by this time. Nevertheless the range and number of pleas brought by all ranks of local society, when contrasted to the paucity of

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royal justices could grant such a writ; but the bishop's justices ignored the complaint, and Bishop Beaumont denied that they had acted contrary to statute: C 255/5/2/36.

<sup>99</sup> *Select Cases in the Court of King's Bench*, ed. G. O. Sayles (Selden Society, 1936-71), ii, pp. cxlv-vi, discussed by Scammell, 'Origins and limitations', p. 466.

<sup>100</sup> As is implied by *Northern Pets*, no. 170, and the endorsements to nos. 171-3; and cf. *Rot. Parl.*, ii, p. 14.

<sup>101</sup> *Select Cases in King's Bench*, ii, pp. cxlv-vi.

<sup>102</sup> *Northern Pets*, no. 170.

<sup>103</sup> James Bentham, 1812, quoted by H. M. Cam, *Liberties and Communities in Medieval England*, new edn (London, 1963), p. 187.

<sup>104</sup> *Northern Pets*, no. 63; *Northumb. Pets*, nos. 91-2.

<sup>105</sup> Below, Chapter 3, p. 135. For the dates of known judicial sessions, see 'Office-holders', ii, passim.

pleas from the liberty in the central courts over roughly the same period, make it abundantly clear that the bishopric was essentially a separate judicial zone, and that its judicial status benefited the local community, which wished to preserve it.<sup>106</sup> There may have been formal mechanisms for punishing those who sued outside the liberty, as there were in thirteenth-century Tynedale: if so, they have left no trace, and can rarely have been necessary.<sup>107</sup>

A more detailed review of those pleas from the liberty that did come before royal justices invites only a few qualifications to the above picture. Several cases reached the royal courts for simple procedural reasons. The liberty's court, for example, might require the crown's assistance in securing the appearance of parties without lands in the bishopric.<sup>108</sup> In 1298 William Aislaby sued his bailiff of Trafford and Aislaby in Common Pleas; but this was presumably because the bailiff, Peter 'of Ayton in Cleveland', had lands only in Yorkshire. On another occasion, the record of pleas at Durham was sent to royal justices on information that defendants outlawed in the liberty were at large in Yorkshire, and the case was transferred to the jurisdiction of the royal courts.<sup>109</sup> Another action remained undetermined while the liberty was in royal hands under Edward I, and its cognisance was reserved to Edward II.<sup>110</sup> Only by a good deal of special pleading can such examples be said to demonstrate, as Scammell seemed to suggest, that the inhabitants of the liberty sought royal justice in the first instance;<sup>111</sup> rather they illustrate procedural difficulties that affected the medieval legal system at all levels. And the ability of the liberty's courts to overcome such problems, with the ready assistance of royal justices, is compellingly illustrated by the plea between Peter Nuthill and Edmund Kilham over the manor of Littleburn near Brancepeth. The case began in the liberty court in 1337; complex difficulties saw it removed to Common Pleas, King's Bench and Chancery – but it was in the court at Durham, it would seem, that Nuthill finally released

<sup>106</sup> DURH 13/221 (including some later pleas, and on m. 4d cases apparently from 16 April 1343); CP 40/341; KB 27/339 (both Hilary 1345).

<sup>107</sup> As we will see, though, the bishop's officers did sometimes exert private pressure to prevent pleas from being brought outside the liberty (below, p. 80). For Tynedale, see below, Chapter 6, p. 243.

<sup>108</sup> CPR 1266–72, pp. 389, 473; KB 27/182, m. 32; *Select Cases in King's Bench*, ii, pp. cxxviii–ix; Emsley and Fraser, *Courts*, pp. 27–8; Lapsley, *Durham*, pp. 232–4.

<sup>109</sup> CP 40/123, m. 66; RPD, iv, pp. 215–21; *Northern Pets*, no. 174.

<sup>110</sup> This was the case of Ralph Fitzwilliam against William Sayer and others, which accounted for a significant part of the Durham litigation in King's Bench under Edward II. Most of the relevant references are given in Fraser, *Bek*, p. 217, n. 5.

<sup>111</sup> Scammell, 'Origin and limitations', p. 470.

his claim in 1355.<sup>112</sup> Again, a plea of dower called from the liberty into Common Pleas, and from there before the king in Chancery, was returned to Bishop Bury in 1341 ‘on account of your liberty of Durham’, to be finally concluded in the bishop’s court.<sup>113</sup>

Other examples cited by Scammell concern advowsons Edward II claimed against Beaumont, pleas that would naturally be heard in the royal courts.<sup>114</sup> And while the crown had an acknowledged jurisdiction over pleas from the liberty in case of error, errors were not automatically referred to the royal courts: Richard Fitzmarmaduke, for example, before turning to Edward II, sued a writ of error from the chancery of Bishop Kellawe.<sup>115</sup> The overwhelming indication, then, is that the royal courts were used by the liberty’s inhabitants only in exceptional cases and for very particular reasons. One of these reasons does admittedly deserve further attention: the difficulty or impossibility of proceeding in the liberty courts against the bishop or his ministers. It was not possible for the bishop to be sued in his own courts, as is particularly well illustrated by a plea brought in King’s Bench in 1352 by Marmaduke Lumley against Bishop Hatfield. Lumley, ‘according to the custom of the liberty used in pleas or business touching the bishop’s person’, had petitioned Hatfield on several occasions asking for repayment of a debt, but the bishop had ignored his requests, and Lumley had consequently turned to the ‘superior lordship’ of the king.<sup>116</sup> It was on such procedural grounds that in 1199 William Kambure had complained in the *curia regis* that the bishop of Durham had imprisoned him wrongfully; that Richard and Margery Gosbeck sued Bishop Stichill for wardship of the manor of Tunstall in the 1269 Northumberland eyre; and that William Hebburn sued Bishop Beaumont for a sum of money in King’s Bench in 1317.<sup>117</sup> Ralph Warsop complained to Edward II of his imprisonment by Bishop Kellawe; and it was for similar reasons that Guy, earl of Warwick, sued Bishop Bek and his officers in King’s Bench for an

<sup>112</sup> Durham University Library, Archives and Special Collections, SGD 54/11, 14, 20A; CP 40/324, m. 318–318d; Bodl., MS Dodsworth 94, ff. 98v–9r; *Year Books of the Reign of King Edward the Third: Years XIV and XV*, ed. L. O. Pike (RS, 1889), pp. 142–4, 364–6; *Year Books of the Reign of King Edward the Third: Year XVII*, ed. L. O. Pike (RS, 1901), pp. 472–3.

<sup>113</sup> *RPD*, iii, pp. 348–9.

<sup>114</sup> Scammell cited *RPD*, ii, pp. 948–9; KB 27/249, rex, m. 4; 27/255, rex, mm. 17d, 21d. Other examples include KB 27/249, rex, m. 3; below, p. 135, n. 213.

<sup>115</sup> *RPD*, ii, pp. 997–8, 1008–9; CP 40/324, m. 318–318d; cf. Lapsley, *Durham*, pp. 182–4, 212–13.

<sup>116</sup> KB 27/369, m. 72; see also C 255/5/3/34.

<sup>117</sup> *Northumb. Pleas*, no. 13 (and cf. nos. 773, 793, 801); *NAR*, p. 201; KB 27/257, m. 118d.



attack on Middleton-in-Teesdale.<sup>118</sup> And while the bishop's officers might be brought to justice in his courts, it is easy to picture circumstances in which this could be difficult. Around 1308, for example, John son of John Durham complained to the king that the bishop's officers had seized his land and chattels and that he was unable to obtain justice in the liberty, and around 1310 Alan Teesdale made similar charges.<sup>119</sup> In 1291 Bek's steward and forester imprisoned a woman who had complained about them to the king; in 1370 the liberty's sheriff forced Robert Fawdon and his wife to enter into a bond for £40 to prevent them from seeking remedy from the king or his council.<sup>120</sup> Such abuses, or alleged abuses, were thus a predictable cause of complaint to the crown; but both abuses and complaints seem to have been infrequent, and did not undermine the day-to-day administration of justice in the liberty.

Finally it should cause no surprise that, where there were reasonable grounds for doing so, parties whose pleas had not succeeded in the liberty attempted to have their cases reviewed by royal justices.<sup>121</sup> But several royal interventions in the liberty's judicial system confirm, paradoxically enough, that it was the bishopric's courts around which local expectations of justice were focused. In 1330, when William Kelloe and William Silksworth had difficulties in bringing pleas before the bishop's justices, they did not turn to the royal courts. Instead they petitioned the king to ensure that the pleas went forward in the liberty, as did Robert Silksworth in 1325 and Roger Esh in 1331.<sup>122</sup> Similarly when Ida, widow of John Fitzmarmaduke, obtained a royal letter in her favour, it was to demand that Bishop Kellawe show her 'such remedy and redress by judgement of your court as reason demands'.<sup>123</sup> It is likely that 'the unfailing willingness of the bishop's subjects to complain to the king' was not, as Scammell

<sup>118</sup> *RPD*, ii, pp. 1030–1, 1046–8. Warwick's case was one of the exceptional actions comprising the bulk of Durham litigation in King's Bench in Edward II's reign. See Fraser, *Bek*, pp. 221–8; *Bek Recs*, pp. 209–13; KB 27/197, m. 89; 27/198, m. 53d; 27/199, m. 52d; 27/200, m. 74d; 27/201, mm. 28d, 73; 27/202, m. 82d; 27/203, m. 58; and further occurrences until 27/221, m. 39.

<sup>119</sup> KB 27/195, m. 11d; 27/196, m. 9d; 27/197, m. 34d; C 255/5/2/4; *Bek Recs*, nos. 127, 158; Fraser, *Bek*, pp. 216–17.

<sup>120</sup> JUST 1/226, m. 9d; *CCR* 1369–74, pp. 319–20.

<sup>121</sup> Above, Chapter 1, p. 29.

<sup>122</sup> C 260/40/13B, 39B; 260/41/13; 255/5/2/47; cf. 260/50/26; *CCR* 1330–3, pp. 58, 285. In all these cases the source of the difficulty was Edward II's grant of Silksworth to Richard Embleton, which had made it impossible for the bishop's justices to proceed. For a comparable case, where pleas were apparently able to go forward in the liberty, see *CCR* 1313–18, p. 360; and note also Walter Selby's attempt to recover Felling by assize of novel disseisin at Durham: *CCR* 1341–3, p. 642.

<sup>123</sup> *RPD*, iv, pp. 526–7. Her dower was indeed recovered in the bishop's court, albeit with subsequent complications: DCM, Misc. Ch. 6262.

suggested, an ‘abiding weakness of Durham’s immunity’.<sup>124</sup> It was rather an accepted part of the liberty’s judicial system when no other remedy was available, as we have seen in relation to the crown’s authorisation of writs of entry and formedon. This makes it the less surprising that the community could seek royal intervention, as it did at some date before 1345, by appealing to the king’s duty to ‘do right to all both within franchise and without’.<sup>125</sup>

Thus, although the crown could be as important as the bishop in delivering justice in the liberty, the importance of the bishopric’s courts to the local community should still be emphasised. It is, in fact, perhaps best illustrated by the collective achievement of legal reform around 1345. This was necessitated by the inadequacies of the liberty’s judicial systems; but it was precisely because the liberty’s courts mattered that reform was sought and achieved. Had the local community been content to sue at Westminster such efforts would have served little purpose. And we are justified in referring again to ‘the community’ because the reforms were – at least in name – genuinely collective enterprises, secured by ‘the community of the bishopric’. An unnamed bishop had complained of the paucity of writs his chancery could issue, but his petition, brought ‘before the king and a great council’, was answered to the effect that such a request for change of the law could only be decided in Parliament, with the assent of king, bishops, earls and others, and at the request not only of the bishop but of ‘the community of the bishopric’. It was presumably this response that lay behind the petition of ‘the people of the liberty of Durham and of Northamptonshire’, which sought the same results and which was endorsed to exactly the same effect as the earlier petition.<sup>126</sup> As ever, the social realities behind the language of community are opaque; but the crown took the question of collectivity seriously. Reform required the collective assent of the local community; the liberty’s courts were important enough to motivate collective action and petitioning; and by 1345 the desired result had been achieved.

What was ‘the community of the liberty’? Historians have long been familiar with ‘county communities’ elsewhere in England, but for a number of reasons ‘liberty communities’ are often more elusive. In other parts of England, the administrative, judicial and financial demands of the crown provided a stimulus to the development of collective obligations and interests within

<sup>124</sup> Scammell, ‘Origin and limitations’, p. 470.

<sup>125</sup> *Northern Pets*, no. 175 (where the petition is dated ‘post 1345’, but it was clearly drawn up before that date).

<sup>126</sup> *Select Cases in King’s Bench*, ii, pp. cxlv–vi; *Northern Pets*, no. 175.

the county. 'County communities' had, under King John, begun to negotiate collectively with the crown for relief from royal officials and exactions, and to offer collective payments for privileges.<sup>127</sup> In Durham itself 'the knights and free tenants of *Haliwerfolk*' obtained an important charter from King John in 1208; 'the knights of *Haliwerfolk*' paid him for this charter; and the knights and free tenants of the liberty contributed to his passage to Ireland.<sup>128</sup> Elsewhere in England, however, the negotiations and payments of the early thirteenth century can be seen as the beginning of long-lasting collective action on the part of 'county communities' in relation to royal government.<sup>129</sup> This was not the case in thirteenth-century Durham. The liberty's relations with royal government were for the most part indirect, and the people of the liberty seem after 1208 to have had no cause to turn collectively to the crown. Financial contributions were exacted from the liberty during vacancies of the see – in 1228–9 an aid from the knights and free tenants of the bishopric produced over £350 – but if such contributions could be substantial, they were also infrequent.<sup>130</sup> And in the fourteenth century the liberty was not usually subject to royal lay taxation; while other royal demands on the liberty, notably military service, became much slighter after the early 1300s.

The demands of episcopal lordship on the liberty, for most of our period, also seem to have been light. If episcopal administration in the thirteenth century prompted collective activity and organisation at the level of the liberty as a whole, it has left little trace. We hear only, in the mid-thirteenth century, of 'the barons, knights, and other tenants of the bishop' complaining about the men of Hartlepool; and of 'the knights of the country' complaining about the townfolk of Durham.<sup>131</sup> Furthermore, the bishops seem rarely to have asked for 'aids' or 'contributions' from their lay subjects.<sup>132</sup> This was in striking contrast to such other 'royal liberties' as Cheshire and the Welsh Marcher lordships. Although the men of Cheshire paid no taxation at all in the years between 1292 and 1346, in the following decades they made significant financial contributions to the Black Prince. In 1346 an aid of £1,000 was 'freely granted'; in 1353 an eyre was bought off, and

<sup>127</sup> J. R. Maddicott, 'Magna Carta and the local community 1215–1259', *Past and Present*, 102 (1984), pp. 25–65.

<sup>128</sup> Above, pp. 68–9; *Pipe Roll 13 John*, p. 34; cf. *Pipe Roll 14 John*, p. 36.

<sup>129</sup> Maddicott, 'Magna Carta', *passim*.

<sup>130</sup> Aids and tallages levied by the crown during vacancies, and recorded in the Pipe Rolls, were summarised by the treasurer and barons of the exchequer around 1311 in SC 1/33/134.

<sup>131</sup> 'Durham assize rolls', nos. 48, 289–91 (and cf. nos. 284–5).

<sup>132</sup> See most recently C. D. Liddy, 'The politics of privilege: Thomas Hatfield and the palatinate of Durham, 1345–81', *Fourteenth Century England*, 4 (2006), pp. 61–79.

various rights were granted or confirmed, in return for 5,000 marks; and further communal fines were exacted between 1357 and 1362.<sup>133</sup> The Welsh Marcher lordships paid similarly high levels of communal fines, and their lords were also able to levy various “gifts”, “aids”, “tallages”, “mises” [and] “subsidies”.<sup>134</sup>

Durham was hardly ever subject to such demands. Although the lack of financial records from the liberty for most of the thirteenth and fourteenth centuries means that our knowledge is incomplete, levies on any scale are likely to have left some kind of record. There are indeed a couple of references to financial exactions under Bek, who ordered the constable of Barnard Castle to levy money from his bailiwick, and was said to have tallaged episcopal lands to the unlikely tune of 10,000 marks.<sup>135</sup> After Bek, however, an aid granted to Hatfield in 1349 is the only levy comparable with the subsidies of Cheshire or the Welsh Marches.<sup>136</sup> The absence of other aids is not easy to explain. In the thirteenth century the bishops certainly had the power to levy ‘through the whole bishopric’ a ‘common aid’, contributions to which might be specified in charters of feoffment or might simply be ‘reasonable’.<sup>137</sup> When tenants in Bedlingtonshire commuted various services in the 1250s, they were to be quit of merchet and aid, ‘except when all the freemen of the bishopric give aid’.<sup>138</sup> If this aid related to the ‘common aid’ levied by the crown during vacancies, it was worth around £350, but we do not know how frequently, or with what success, the bishops attempted to raise it.<sup>139</sup> What seems likely, however, is that developments in public finance outside the liberty curtailed the bishops’ powers to impose such taxes. As royal taxation came to require the consent of the community of the realm in circumstances of necessity, the bishops may have found it increasingly difficult to justify ‘tallages’ and ‘aids’ on lay

<sup>133</sup> Booth, *Financial Administration*, pp. 119–24.

<sup>134</sup> Davies, *Lordship and Society*, p. 184; more widely, T. Thornton, ‘Taxing the king’s dominions: the subject territories of the English crown in the late Middle Ages’, in W. M. Ormrod, M. Bonney and R. Bonney (eds), *Crises, Revolutions and Self-Sustained Growth* (Stamford, 1999), pp. 97–109.

<sup>135</sup> DCM, Loc.XXI.18, m. 5; Misc. Ch. 5646. See also *PROME*, ii, pp. 484–5; *CCR 1333–7*, p. 190.

<sup>136</sup> The 1349 aid is fully discussed below, p. 92.

<sup>137</sup> Examples include *Acta 1241–83*, nos. 55–6, 58, 91, 115, 170; *Greenwell Deeds*, no. 6; DCRO, D/Lo/F2, 3, 8, 9, 11. Specification of the sums due for ‘common aid’ occurs in charters until around 1260, but very rarely thereafter – though specifications for ‘common tallage’ appear later, and it is likely that ‘aid’ and ‘tallage’ were one and the same: *Acta 1241–83*, nos. 208, 245; DURH 3/2, f. 25r.

<sup>138</sup> *Boldon Buke*, ed. W. Greenwell (SS, 1852), p. 39.

<sup>139</sup> For an aid granted ‘by grace’ to Bishop Poore by the freemen of Howdenshire and Norhamshire, see *CPR 1232–47*, p. 190.

society, even if they were still able to call on 'contributions' from the local clergy.<sup>140</sup>

For much of its history, then, the liberty did not face the collective obligations that the English shires had to meet, and pressures to develop collective institutions and identities were correspondingly weaker. Only in the first half of the fourteenth century did an exceptional series of circumstances prompt the emergence and development of a 'community of the liberty'. First, especially after 1296, there were the demands of the emerging Edwardian 'war-state', which in Durham, as elsewhere, required collective action and decision-making on the part of local communities. Thus in 1296 it was decided, 'by the assent of the community of the whole bishopric', that each vill in the liberty should supply carriage to Scotland in accordance with its size.<sup>141</sup> In 1300 Edward I thanked 'the knights, good men and the whole community' of the liberty for the military service they had granted him 'by common assent'; conversely the *Haliwerfolk* had collectively refused such service earlier in 1300, and 'the magnates, knights and free tenants' of the liberty arranged with the crown in 1311 to make a communal payment of £200 in lieu of providing military service.<sup>142</sup>

Another stimulus to collective activity was the oppressive regime of Anthony Bek (1283–1311). 'The knights and free tenants of the liberty' swore a common oath to resist Bek in April 1300, and to contribute collectively to the costs of pursuing pleas in Parliament and the other royal courts; and 'the community of the liberty' petitioned Edward I and negotiated collectively with the bishop.<sup>143</sup> Further communal action was required a few years later by the impact of Scottish raids. From 1311 until 1317, and then again in 1327 and 1343, the inhabitants of the liberty found it expedient to purchase respite from Scottish attacks with substantial cash payments, averaging perhaps £1,000 a year in the 1310s.<sup>144</sup> Finally there were

<sup>140</sup> Cf. G. L. Harriss, *King, Parliament and Public Finance in Medieval England to 1369* (Oxford, 1975), passim. References to clerical contributions include Lapsley, *Durham*, p. 274; DCM, Bursar's Accounts, 1298–9, m. 2; Bursar's Accounts, 1334–5; Reg. Hatfield, ff. 131v–2r. Bek was accused of extorting a tenth from his clergy: DCM, Misc. Ch. 5646.

<sup>141</sup> JUST 1/226, m. 5d.

<sup>142</sup> Surtees, I, i, Appendix, p. cxxix; DCM, Loc. XXVIII.14, no. 15.

<sup>143</sup> Below, p. 87; Chapter 4, pp. 153, 158, 162–7.

<sup>144</sup> The figures given in C. McNamee, *The Wars of the Bruces* (East Linton, 1997), p. 135, are certainly too low. A truce in 1311, not there listed, may have cost as much as 1,000 marks, partly met by a clerical subsidy of 10d. in the pound (*RPD*, i, p. 97). The truce of 1312–13 cost 1,000 marks according to the Durham Priory chronicler (*Scriptores Tres*, p. 94), and £2,000 according to *Chron. Lanercost*, p. 220. In 1313, when the clerical contribution was 20d. in the pound, the total sum was probably between 1,500 and 2,000 marks. In 1315 the Scots demanded 800 marks and – probably when that payment was late – exacted what was called in 1343 a 'double payment' of 1,600 marks (*Scriptores Tres*,

three payments made to the crown to avoid visitations of royal justices in eyre during vacancies of the see: in 1311 Bishop Kellawe paid 1,000 marks on behalf of 'the men of the bishopric'; in 1333 'the community of the liberty' paid 1,000 marks; and in 1345 the community offered £400, a sum eventually levied by Bishop Hatfield in 1349.<sup>145</sup>

Almost all these payments were negotiated by 'the community of the liberty', and the language of collective action is particularly prominent in the 1310s. In 1312, in Bishop Kellawe's absence, a truce was made between King Robert I and 'the men of the community of the bishopric of Durham between Tyne and Tees', and the envoys who negotiated the truce were appointed by that community. In 1314–15 Durham Priory entered into a bond with Thomas Randolph, earl of Moray, 'for the community of the bishopric of Durham', hostages were sent to Scotland 'from the community', and Richard Fitzmarmaduke ordered the seizure of money from the priory, 'with the assent of the clergy and laity of the whole community and liberty'. In 1317–18, during a vacancy of the see, the sums raised to pay for a truce were repeatedly said to be 'from the community of the bishopric of Durham', and William Deanham was in Scotland 'on the business of the community'.<sup>146</sup> Again, to give a later example, the eyre fine of 1345 was negotiated on behalf of 'the community of the liberty', and 'the community' arranged to pay the expenses of its representatives.<sup>147</sup>

The social and political realities behind such language are inevitably obscure and complex. Contemporaries rarely troubled to describe 'the community', and although it was sufficiently capable of definition to sue and be sued in the bishop's court, the glimpses offered by the records hardly present a coherent picture.<sup>148</sup> It seems certain that some people were recognised as having a greater voice in the community than others did, and it is no surprise that these could be identified as 'the more substantial men' (*bones genz*) of the bishopric. It was these 'greater men' with whom

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pp. 96–7; *RPD*, iv, pp. 160–5, 274). The sums paid in 1317–18 were also very large: they were partly met by a considerable clerical levy of 30d. in the pound (two instalments of 15d.). By 9 November 1317 somewhere in the region of 900 marks had been received, exclusive of what the bishop and clergy owed for their temporalities; but on 1 May 1318 the community was still said to owe Bruce 1,000 marks (DCM, Misc. Ch. 4111, 4265, and see also 4399).

<sup>145</sup> *Scriptores Tres*, p. 93; *CFR*, iv, pp. 378–9; v, p. 422; below, p. 92.

<sup>146</sup> *RPD*, i, pp. 204–5; *Scriptores Tres*, Appendix, no. 94; DCM, Misc. Ch. 3455, 3531, 4458, 5010, 6029.

<sup>147</sup> *CFR*, v, p. 422; DCM, Misc. Ch. 6059.

<sup>148</sup> For actions against 'the community', see below, pp. 87, 91. Around the second quarter of the fourteenth century, John Harpin provided surety for twenty marks he had received from Durham Priory in case 'the community of the bishopric' was to exact the money from the priory: DCM, Misc. Ch. 4487.

the prior of Durham consulted in the 1310s. In 1311, similarly, it was 'the magnates, knights and free tenants' who granted £200 to Edward II; in 1349 it was 'the magnates, nobles and the whole community' who authorised the aid granted to Hatfield.<sup>149</sup> So, too, when Edward III hoped to have the liberty contribute to the wool grant of 1338, he asked Bishop Bury to call together at Durham or elsewhere 'the prelates, abbots, priors, earls, barons, knights and others whom you will know, and also the community of your liberty of Durham'.<sup>150</sup> In all these cases it seems to be implied that the magnates would have taken the leading role.

This was not always the case, however, and it is far from clear that the Durham truces with the Scots, like those arranged by some other northern communities in the 1310s, were in the hands of 'a small group of local gentry and magnates'.<sup>151</sup> The variety of figures who were involved at various points in representing the community speaks against such an assumption. Middling and lesser gentry, such as Roger Fulthorpe, Simon Esh and John Allenshields, were important in the organisation of the truces; and when the eyre fine of 1345 was agreed, two rising lawyers, Roger Blakiston and Thomas Seaton, represented the community. It is likely that the distinctive administrative structures of the liberty, in which significant office was often held by local figures of relatively low status, meant that those with a stake in 'the community of the liberty' were always likely to extend outside the circles of leading landed families.<sup>152</sup>

At times, even quite obscure people could claim to represent 'the community', as is best illustrated by the truce of 1315. When the Scots entered the liberty on 25 November of that year, all those 'of the community of the bishopric' then at Durham decided to take action to prevent impending disaster. Each swore to stand by whatever should be decided 'for the good of the community'. The Scots demanded immediate payment of 1,600 marks, but the sum was not ready to hand. It was therefore decided that 'certain men of the community' should go from house to house in Durham bailey, taking whatever money they found. A later levy 'from the community' would satisfy those whose money was seized. Two searchers – William Kelloe of Thornley and David Rothbury – were appointed

<sup>149</sup> *RPD*, i, p. 191; *DCM*, Loc.XXVII.31, mm. 1–2 (arts. 4 and 24); Loc.XXVIII.14, no. 15; *DURH* 3/30, m. 4d.

<sup>150</sup> *RPD*, iv, p. 227.

<sup>151</sup> C. McNamee, 'Buying off Robert Bruce: an account of monies paid to the Scots by Cumberland communities in 1313–14', *TCWAAS*, new ser., 92 (1992), p. 82; cf. J. Scammell, 'Robert I and the north of England', *EHR*, 73 (1958), p. 398.

<sup>152</sup> *RPD*, i, pp. 204–5; *Greenwell Deeds*, no. 138; *DCM*, Misc. Ch. 4265; *CFR*, v, p. 422. See further 'Office-holders', i, pp. 103–4; below, Chapter 3, pp. 118–21; Chapter 4, p. 152.

and they took, among other sums, £70 from William Hebburn's house in the bailey: Hebburn later initiated the legal case in which these details emerge.<sup>153</sup> He was a substantial Durham burgess, who was bailiff in 1312, 1316 and 1325–6.<sup>154</sup> Kelloe was a man of some standing in and around Thornley; but Rothbury is a very obscure figure.<sup>155</sup> All these men could nevertheless claim to be part of the community and to act on its behalf. Nor, it is clear, was common action and common assent simply empty rhetoric. Collective decisions were taken on that November day, preceded by discussion and debate, and reinforced by a collective oath; and this oath was to be the undoing of Hebburn's attempt to recover his £70 against William Kelloe. As Kelloe pointed out, the money had been taken 'by common assent of the whole locality (*pais*)', and royal justices agreed that if Hebburn was to recover the sum it should be from 'the community'.<sup>156</sup>

A range of people, then, might act on behalf of 'the community' and participate in its decisions, and 'the assent of the community' was not always an empty phrase. In 1311 the refusal to provide military service to Edward II seems to have been preceded by some sort of assembly and discussion among 'the magnates, knights and free tenants' of the liberty.<sup>157</sup> In 1296, when Bek had needed carriage from the liberty to support himself and his troops on campaign in Scotland, the request was probably put to a similar assembly.<sup>158</sup> And another assembly is recorded in 1300, when opposition to Bek's regime reached crisis point. According to the chronicle accounts, 'the knights and free tenants of the liberty' assembled in the cathedral church, where one of their number called for a collective oath to defend the rights of the church of Durham; after some disagreement, an oath was indeed sworn on the shrine of St Cuthbert. Shortly afterwards they decided to pursue their claims in Parliament at their common expense.<sup>159</sup>

In none of these cases, of course, did such assemblies encompass all freeholding society. Bek's officers and others continued to support the bishop

<sup>153</sup> KB 27/242, m. 60, best printed in *RPD*, iv, pp. 159–65; a more recent edition in *Select Cases on Trespass From the King's Courts, 1307–1399*, ed. M. S. Arnold (Selden Society, 1985–7), i, pp. 135–9, lacks the verdict.

<sup>154</sup> *FPD*, pp. 66–7; *DCM*, 1.2.Spec.42; 2.11.Spec.33; 3.14.Spec.16; *Cart. II*, f. 257r.

<sup>155</sup> For Kelloe, see *Greenwell Deeds*, nos. 114, 116–17, 119, 135; *DCM*, Misc. Ch. 6236, 6238; G&B, no. 1485. He must be distinguished from his contemporary and namesake Master William Kelloe, clerk and administrator. I have found no other reference to Rothbury.

<sup>156</sup> *Northern Pets*, no. 130; *RPD*, iv, pp. 160–5.

<sup>157</sup> Bishop Kellawe's account of the local community's decision refers to 'careful consideration': *DCM*, Loc.XXVIII.14, no. 15.

<sup>158</sup> Above, p. 84.

<sup>159</sup> *Gesta Dunelm.*, p. 12; *Scriptores Tres*, p. 76.



during his disputes with Durham Priory and ‘the community’, and here ‘the community of the liberty’ thus represented only a particular interest group, albeit one with a very wide base.<sup>160</sup> Nevertheless it does seem that in general many freeholders considered themselves to be part of ‘the community’ and claimed a place in its decision-making. Thus when Thomas Auford’s cart was seized at Willington in 1296 on the basis of a decision made by ‘the community of the liberty’, he objected that ‘all the freemen of the whole bishopric were then on campaign with the bishop at their own expense’.<sup>161</sup> His argument was apparently that any collective decision was invalidated by the absence of the majority of the liberty’s freeholders. It was because Auford saw himself and his fellow free tenants as part of ‘the community’ that he did not accept a decision made when they were not represented.

The difficulties faced by a select body in making binding decisions on behalf of wider local society were not unique to the liberty. Elsewhere in England, for example, there was considerable uncertainty about whether decisions taken in a county court were binding on the county as a whole.<sup>162</sup> ‘The community of the liberty of Durham’, which lacked even an established central meeting-place such as the county court, faced still greater constitutional hurdles. This was one reason why ‘the community of the liberty’ remained a deeply problematic concept whose legitimacy was always open to challenge. Its social composition and organisation, as well as its constitutional basis, were shifting and disputed; and attitudes to ‘the community’ in wider local society were mixed. Consequently, as we will see, attempts to levy communal payments from the liberty as a whole had only limited success.

It is unclear how several of these payments were organised, partly because in the early 1300s there was no established method of assessment. In 1296 each vill was expected to provide carriage according to its size; in 1302 the ‘the whole community of the county’ apparently made contributions ‘according to the amount of their lands’.<sup>163</sup> Only under the pressure of the truce-payments did a more settled system arise, and it took time to develop. In 1312 Bishop Kellawe was unable to persuade the inhabitants of the wapentake of Sadberge to contribute to the ‘payment (*frette*)’, as the

<sup>160</sup> Below, Chapter 4, pp. 148–52.

<sup>161</sup> JUST 1/226, m. 5d.

<sup>162</sup> Booth, *Financial Administration*, p. 142, n. 31; J. G. Edwards, ‘Taxation and consent in the court of Common Pleas’, *EHR*, 57 (1942), pp. 473–82; W. N. Bryant, ‘The financial dealings of Edward III with the county communities, 1330–60’, *EHR*, 83 (1968), p. 763.

<sup>163</sup> JUST 1/226, mm. 5d, 8–8d.

truce-payment was described, and had to seek assistance from the earl of Warwick.<sup>164</sup> The bishop's letter strongly suggests that lay contributions to the truce-payment were informal and, to a significant extent, voluntary: there was no systematic attempt to apportion the sum among local society, and there were no mechanisms for ensuring that apportioned sums were paid. Any such voluntary system was vulnerable to the 'free rider' able to take advantage of the truces without personally contributing, and it was therefore imperative to develop more adequate systems of assessment and compulsion. The clergy of the liberty had always been taxed along with the other clergy of the realm, according to fixed assessments of income, and so it was straightforward for Kellawe to negotiate clerical subsidies, and to enforce their payment. Subsidies from the archdeaconry of Durham were levied by the bishop from as early as 1311.<sup>165</sup> In contrast, the liberty had no real experience of lay taxation, and mechanisms for spreading the cost of the truces among lay society were slower to emerge.<sup>166</sup> By 1314–15, however, some form of assessment based on individual settlements was probably in existence; it is certainly recorded in 1318 and with particular clarity in 1327.<sup>167</sup> By this date, and doubtless earlier, collectors for the different wards of the liberty were being appointed, and may have acquired some official powers of compulsion. Although there is no direct evidence, it seems likely that these collectors, like those of the clerical subsidies, were appointed by the bishops: at any rate, the role played by 'the bishop's ministers' in the administration of secular and clerical levies is abundantly documented. In 1312 and 1313 it was these 'ministers' who seized money, apparently wherever they could find it, to satisfy the Scots, even if their right to do so was not universally accepted.<sup>168</sup> The bishop's officers proved to be vital in implementing the decisions of 'the community'; and the power of episcopal lordship was partly what enabled the liberty, in striking contrast to other northern counties, to keep making collective payments to the Scots throughout the 1310s and 1320s.<sup>169</sup>

By 1343, when the truce-money was raised 'as was customary of old' by commissioners appointed by the bishop, methods of assessment had

<sup>164</sup> *RPD*, i, p. 191.

<sup>165</sup> *Ibid.*, pp. 97, 637; DCM, Misc. Ch. 4254, 4416, 4702.

<sup>166</sup> For the methods adopted in Cumberland and Northumberland, see McNamee, 'Buying off Robert Bruce', p. 81; McNamee, *Wars of the Bruces*, p. 132.

<sup>167</sup> In 1314–15 the priory paid £9.4s. 'pro temporalitate', the last word written over 'maneriis': DCM, Bursar's Accounts, 1314–15 (A). For 1318, see DCM, Misc. Ch. 4399 (which refers to Newminster Abbey's contribution for Chopwell); for 1327, Misc. Ch. 4607–10.

<sup>168</sup> DCM, Misc. Ch. 6035.

<sup>169</sup> Cf. McNamee, *Wars of the Bruces*, p. 135.

acquired a certain maturity.<sup>170</sup> In this year a payment of £160 was agreed – we do not know the details – by ‘the common counsel and unanimous assent of the whole community of the lordship and royal liberty of Durham and Sadberge’. A separate levy of £8.13s.4d., also authorised by common assent of ‘the community’, covered the expenses of messengers and others carrying the money to the Scots. Both sums were divided among the liberty’s wards in ways that perhaps reflected the distribution of episcopal incomes from the liberty. Sadberge bore one-fifth of the charge, divided equally between its two wards. The wards of Darlington and Stockton together bore two-fifths; so did Chester and Easington. Darlington paid twice what Stockton paid; Chester and Easington each paid around one-fifth. Within the wards themselves the division and assessment of the sums were at the discretion of the commissioners, who were local gentry and freeholders of middling rank. The sums were to be assessed from ‘vills and hamlets’, and the commissioners were authorised to distraint for them, and then to attach, arrest and imprison any persons resisting distraint. This may well have become the system used for later levies from the liberty, although no assessments were given to Bishop Hatfield’s commissioners in 1345 or 1349.<sup>171</sup>

It seems, then, that the pressure of meeting truce-payments led to the development of what was essentially a system of lay taxation in the liberty. This system, in theory, enabled payments negotiated by small groups, claiming to represent ‘the community of the liberty’, to be shared across the liberty as a whole – ‘the community’ in its broadest sense. This wider community, however, had only limited enthusiasm for such contributions, and many of the levies imposed on the liberty failed to produce the required sums. Thus in 1332 a further clerical levy was necessary to deal with outstanding arrears for an unknown payment;<sup>172</sup> and, perhaps most tellingly, it took some twelve years for the crown to recover £240 of clerical taxation that had been given to the Scots in 1315. The money had been collected for the subsidy of 1314 granted by the northern convocation, and had been deposited in Durham Priory for safe-keeping. It was taken from the priory in 1315 ‘with the assent of the clergy and laity of the whole

<sup>170</sup> *RPD*, iv, pp. 273–7; for the background, see J. Campbell, ‘England, Scotland and the Hundred Years War in the fourteenth century’, in J. Hale, J. R. L. Highfield and B. Smalley (eds), *Europe in the Late Middle Ages* (London, 1965), pp. 191–2. Campbell accepted the dating of 1344 given in *RPD*; but while difficulties in establishing the precise beginning of Bury’s pontifical year make dating problematic, the document almost certainly belongs to 1343.

<sup>171</sup> DURH 3/30, mm. 1d, 4d. For the levies of 1345 and 1349, see below, p. 92.

<sup>172</sup> DCM, Misc. Ch. 5088.

community and liberty'.<sup>173</sup> The crown demanded payment of the sum; and although the priory failed in its attempts to recover the money through litigation against 'the community', Edward II was eventually able to force Bishop Beaumont to collect it anew through clerical and secular levies. These, however, were not organised until 1324 or 1325, and even then the total raised fell short, so that the bishop was ordered to levy a further £140 in 1327.<sup>174</sup> Ultimately the crown was able to recover at least some of its money, but not without considerable delay and only after significant pressure had been brought to bear. Given the political will to organise sufficient subsidies, and given willingness to pay them on the part of local society, the costs of communal payments could be distributed through the liberty as a whole. But such willingness seems to have been in relatively short supply. As we have seen, William Hebburn also attempted to recover £70 seized from him in 1315, which Edward II similarly ordered Beaumont to levy from the local community; but the bishop seems simply to have ignored these instructions.<sup>175</sup>

It is likely, therefore, that the truce-payments were spread only to a limited degree among 'the community of the liberty' as a whole, and relied disproportionately on the contributions, willing or otherwise, of wealthy men and institutions. Similar difficulties emerged with the collective proffers made to the crown in 1311, 1333 and 1345 to avoid royal eyres. The priory chronicler described how in 1311 'the men of the bishopric' refused to repay a fine Bishop Kellawe had paid to Edward II, and

<sup>173</sup> The circumstances of the seizure are set out in an inquisition (5 January 1324) summarised on the dorse of E 202/19/1, unnumbered writ of 16 November 1323 to Bishop Beaumont, according to which 'in the time of Richard Kellawe' the bishop and the men of the liberty met Robert Bruce at Chester-le-Street and bought peace for £1,000. Because the whole sum was not to hand, Richard Fitzmarmaduke and others, by order of the bishop, and with the assent of the whole community, took £240 from Durham Priory. This does not quite fit with the evidence of any known truce-payments, but probably refers to the crisis of November 1315 when the Scots demanded 1,600 marks, or just over £1,000. The same writ makes it clear that the money had been raised from a subsidy of 12d. in the mark granted by the York convocation and not, as Scammell assumed, a papal tenth ('Robert I and the north of England', p. 399, n. 1). Such a subsidy was granted in August 1314: *Records of Convocation*, xiii: *York, 1313-1461*, ed. G. Bray (Woodbridge, 2006), p. 7, n. 15. See also DCM, Loc. XXVII.31, m. 3d, art. 37; Reg. II, f. 86v.

<sup>174</sup> DCM, Misc. Ch. 4198, 4354, 5060, 6029. In answering a royal writ of 8 March 1324 ordering assessment of the £240 from 'the men of the community and liberty', Beaumont stated that he had done what he could, but 'the malice of the times' and the poverty of the bishopric had prevented the writ's full execution (E 202/19/1, unnumbered). As the writ makes clear, the money was to be repaid by the community as a whole, not (as McNamee implies) just by the clergy. See also BL, MS Cotton Faustina A.VI, f. 36v (undated), which records receipt, by the liberty's steward and receiver, of £40 of the £240.

<sup>175</sup> Above, p. 87; KB 27/257, m. 118d.

it is doubtful – given the difficulties of the following years – if the bishop ever recovered the sum.<sup>176</sup> Payment of the fine of 1333 was protracted and problematic;<sup>177</sup> so was that of 1345. On 1 June 1345 the keepers of the liberty were notified that the royal eyre had been postponed; and on 3 June Roger Blakiston and Thomas Seaton agreed on behalf of ‘the community of the bishopric of Durham’ to pay £400 in return for its cancellation.<sup>178</sup> In January 1346 they reclaimed £20 from ‘the community’ to cover their expenses to London.<sup>179</sup> Yet collection of the £400 itself was much more difficult. Bishop Hatfield attempted to levy the sum soon after his consecration in August 1345, but with little success: another commission to audit and collect this levy was appointed in January 1346.<sup>180</sup> That in turn probably had little effect. Hatfield seems finally to have threatened to impose his own eyre on the liberty. He was ‘granted’ 400 marks by the local community early in 1349, allegedly on account of his expenses in keeping the liberty ‘unharmed’, and appointed a commission to levy the sum on 9 March 1349.<sup>181</sup> It can hardly be coincidental that this was less than a week after he had, at the request of ‘the community of the liberty of Durham’, withdrawn a general commission to his own justices. The threat and levy seem to have been enough to raise the required sums, and the debt was finally cleared at the exchequer in 1351.<sup>182</sup>

To a certain extent, then, institutions were developed in the first half of the fourteenth century that provided the compulsion necessary to cement a ‘community of the liberty’. From this perspective ‘the community’ was, in Maitland’s words, very much something ‘drilled and regimented’ by higher authority.<sup>183</sup> Such an emphasis on compulsion is salutary. It reminds us that ‘community’ has only assumed relatively recently the connotations of shared values and social unity that it often carries in historical writing. The danger of ‘anachronistic overtones of identity and unity’ is one of the attractions of the older translation ‘commonalty’, which also has the advantage of emphasising that it was common or collective characteristics,

<sup>176</sup> *Scriptores Tres*, p. 93.

<sup>177</sup> *CCR 1333–7*, pp. 138, 182; *CFR*, iv, pp. 378–9, 444–6; *Richard d’Aungerville of Bury: Fragments of his Register and Other Documents*, ed. G. W. Kitchin (SS, 1910), p. 107; *Rot. Parl.*, ii, pp. 99–100; cf. *Northern Pets*, pp. 231–2.

<sup>178</sup> *CCR 1343–6*, pp. 524, 560; *Rotulorum Originalium . . . Abbreviatio*, ed. H. Playford and J. Caley (Record Commission, 1805–10), ii, p. 177; *CFR*, v, p. 422.

<sup>179</sup> *DCM*, Misc. Ch. 6059.

<sup>180</sup> For the commissions of 1345 and 1346, see *DURH 3/30*, m. 1d.

<sup>181</sup> *Ibid.*, m. 4d.

<sup>182</sup> Liddy, ‘Politics of privilege’, p. 70; *E 372/196*, m. 21d.

<sup>183</sup> Pollock and Maitland, *History of English Law*, i, p. 688.

rights or responsibilities which were at the heart of *communitates*.<sup>184</sup> In many cases, as Maitland emphasised, common obligations were imposed and did not arise out of collective action; and the ways in which actions were organised, or obligations met, did not necessarily imply any real unity.

Nevertheless the legalistic ‘commonalty’ and the more affective ‘community’ should not be entirely distinguished, and ‘community’ was not only something that was ‘drilled and regimented’. In the first place, we must remember that assemblies of ‘the community’ and mechanisms for communal activity did not begin as ‘top-down’ impositions of the bishops of Durham: they arose independently of, or even in opposition to, episcopal administration. In resisting Bek’s regime in 1300–2, in buying off royal demands for military service in 1311, and in paying the Scots in the 1310s, ‘the community of the liberty’ was much more than a fiction created by episcopal institutions or by the liberty’s elites. Second, if ‘the community’ was an ideal, it was one to which people might be prepared to subordinate their individual interests. Individuals and institutions were regularly described as acting on behalf of the community, and such expressions were more than rhetorical turns of phrase. Richard Fitzmarmaduke, notably, was rightly said to have laboured strenuously on behalf of the bishopric in the 1310s to protect the liberty from Scottish attacks.<sup>185</sup> The truce-payments were made possible not only by episcopal lordship but by the willingness of people to act ‘for the good of the community’ or ‘for the good of the country’.<sup>186</sup> It has been argued that men like Fitzmarmaduke were largely self-interested, concerned above all with the potential profits that could be had from controlling the collection of the truce-money and its delivery to Scotland.<sup>187</sup> But it is likely that opportunities for profiteering have been considerably overstated. The payments and levies were subject to audits, which are reflected in the surviving documentation; and the many acquittances preserved in the archives of Durham Priory do not indicate successful peculation. Even claims for expenses were monitored with some care.<sup>188</sup> Of course the negotiation and payment of the truces did offer opportunities for personal advancement. Simon Esh, prominent in the administration of

<sup>184</sup> M. Prestwich, *Plantagenet England 1225–1360* (Oxford, 2005), p. 405.

<sup>185</sup> DCM, Loc.XXVII.31, m. 2 (arts. 15, 25); Offler, *North of the Tees*, Chapter 14, p. 208, n. 51.

<sup>186</sup> DCM, Loc.XXVII.30, dorse, art. 15.

<sup>187</sup> See in particular Scammell, ‘Robert I and the north of England’, p. 401; also McNamee, *Wars of the Bruces*, p. 138, and ‘Buying off Robert Bruce’, p. 82; Offler, *North of the Tees*, Chapter 14, p. 199.

<sup>188</sup> DCM, Misc. Ch. 4458, endorsed to the effect that it was witnessed by the prior of Durham and many others.

the bishopric in the 1330s and 1340s, made his first mark on the liberty's public life during a 1323 embassy to Carlisle, when he was already proclaiming his ambition through his seal.<sup>189</sup> But such opportunities arose as a by-product of what was essentially public service. The organisation of the truces involved labour and risk: it was one of the factors behind Richard Fitzmarmaduke's murder by Robert Neville in 1318.<sup>190</sup> We should not doubt that 'the good of the community' was a key motivating factor, and it was the community of the liberty as a whole, including the wapentake of Sadberge. In 1312 Bishop Kellawe remonstrated with the earl of Warwick over the failure of Barnard Castle to contribute towards a payment that had ensured its protection; and Hartlepool, which was in the wapentake, was specifically exempted by Robert I from a truce granted to 'the whole bishopric of Durham'.<sup>191</sup>

In the first half of the fourteenth century, then, 'the community of the liberty' was a significant force in the political life of the bishopric, as institutions developed to meet the pressures of Bek's regime, of royal demands, and of Scottish exactions. As these pressures declined later in the fourteenth century, so did the community become correspondingly less important. Hatfield's levy of 1349 was virtually the last occasion on which this 'community' took action that could be described as affecting the liberty as a whole. It is true that the royal parish tax of 1371, to which the liberty was forced to contribute, was described as having been 'freely granted' by the community of the liberty; and that, even if this was a convenient fiction by which the formal jurisdictional independence of the liberty was preserved, it nevertheless reflected a genuinely collective obligation.<sup>192</sup> But Edward III granted that the 1371 subsidy should not fall to the future prejudice of the liberty; and the bishopric was not to be subject to further taxation until 1436. This was one reason why the robust defences of local privilege, which characterised the political culture of fifteenth-century Cheshire, had no parallel in Durham.<sup>193</sup> Paradoxically, that is to say, the very privileges of the liberty, and the effectiveness with which they were defended by the bishops

<sup>189</sup> DCRO, D/Gr/138; M. L. Holford, 'The Esh family: officeholding and landed society in the palatinate of Durham in the earlier fourteenth century', *NH*, 43 (2006), p. 231.

<sup>190</sup> Offer, *North of the Tees*, Chapter 14, *passim*.

<sup>191</sup> Above, pp. 88–9; *Northern Pets*, no. 131.

<sup>192</sup> Liddy, 'Politics of privilege', pp. 71–3; W. M. Ormrod, *The Reign of Edward III* (London, 1990), p. 204.

<sup>193</sup> E 159/151, recorda, Michaelmas, m. 15 (saving the superior rights of the crown); *CPR 1374–7*, p. 30; *CFR*, xvi, p. 262; Storey, *Langley*, p. 55; T. Thornton, *Cheshire and the Tudor State, 1480–1560* (Woodbridge, 2000), pp. 1–5.

of Durham, inhibited the bishopric from becoming a potent force for action and identification.

Nevertheless the development of ‘the community’ in the early 1300s, for all the problems in pinning it down, does bear witness to the range and depth of identification with the liberty over the whole area between Tyne and Tees. Admittedly doubts remain about whether commitment to the liberty and its institutions was as strong in Sadberge as in the county of Durham. Even in the thirteenth century, some men from the wapentake were prominent in the liberty’s administration, such as the sheriff, justice and steward John Gilet of Eggescliffe.<sup>194</sup> On the other hand, however, almost all those who are evidenced as taking a leading role in ‘the community of the liberty’ were principally associated with the county, and we have seen that the inhabitants of the wapentake were not quick to contribute towards the 1312 truce. It is also suggestive that the great majority of the deeds and recognisances enrolled in the episcopal chancery during Bury’s episcopate – enrolments that well illustrate how the inhabitants of the liberty came to value its institutions – related to county rather than to wapentake.<sup>195</sup> In 1313 money was bequeathed for the upkeep of all the bridges throughout the bishopric of Durham; but this was a bequest by John Daudre of Shotton and Sedgfield, in the historic county.<sup>196</sup> Again, this may indicate that identification with the wider liberty was strongest in its historic core. Yet the fact remains that it was the liberty as a whole that provided the most important, and perhaps the only, focus for collective action and identification. It was ‘the community of the liberty’, not of Durham or of Sadberge, that petitioned the crown; and Sadberge – in contrast, for example, to the wapentake of Macclesfield, and to south Tynedale (in 1314–15) – did not petition or act collectively.<sup>197</sup> The separate identity of Sadberge seems to be emphasised only in the private petitions of magnates seeking to escape episcopal overlordship.<sup>198</sup> The division of the liberty into county and wapentake, and the absence of a central *curia* or *comitatus*, did not prevent the bishopric as a whole from acting as a potent vehicle for identification and action.

<sup>194</sup> Below, Chapter 3, p. 108.

<sup>195</sup> DURH 3/29, *passim*. Such enrolments in the episcopal chancery were well established by at least the time of Bishop Beaumont: *NDD*, p. 263; Reg. Melton, f. 703r; DCM, Loc. XXVIII.23.

<sup>196</sup> *RPD*, i, pp. 497–8.

<sup>197</sup> *PROME*, ii, pp. 106, 194; iii, pp. 85–6; SC 8/12/577–8; below, Chapter 7, p. 323.

<sup>198</sup> Above, Chapter 1, p. 50.



## *Durham: Patronage, Service and Good Lordship*

*Matthew Holford*

Liberties were typically distinguished from county society by their structures of lordship. The independence of liberties from the normal orbit of royal government went hand-in-hand with the intensification of seigneurial authority, and the quality of that lordship was central to how a liberty mattered in local society. Heavy lordship could provoke challenges to a liberty-holder's authority; conversely, good lordship could make a liberty something more than an administrative and jurisdictional entity. The opportunities for service and advancement in a liberty; the availability of local office; the lord's management of patronage – all these could determine whether or not a liberty became a focus for the aspirations and ambitions of local society. Durham was no different, and this chapter explores the workings of good lordship in the bishopric. It examines the bishop's servants and familiars, the patronage they received, and their place in local society. It assesses the opportunities offered by the liberty to careerists from within and beyond the bishopric; and it considers the bishops' relations with wider landed society by exploring how successfully they competed as good lords with the Balliol and Bruce families in the thirteenth century, and with the crown in the fourteenth century.

The patronage available to the bishops of Durham was extensive. Naturally lands could not be granted out on the same scale as they had been in the twelfth century, but the bishop remained overlord of most of the liberty's estates, and enjoyed correspondingly extensive powers of escheat, marriage and wardship. The lands in his gift became even more extensive as episcopal claims to prerogative wardship and to lands forfeited for treason developed in the thirteenth century. Local administration was under the bishop's control, and offered a further store of patronage. The bishop could also grant pardons and offer his protection to men pursued in his court. He could give exemptions from all the burdens that might fall on his subjects and tenants, including reliefs, fines and service on juries and assizes.

Such favours were not all of great worth: the wardships and marriages in the bishop's gift in 1242 ranged in value from forty marks to merely half a mark.<sup>1</sup> But the range and scope of the bishop's patronage was without rival in the liberty.

There are, however, considerable difficulties in determining how these resources were distributed, and with what effect. Even from the 1340s, when a regular series of rolls from the liberty's chancery survives, records of the bishopric's administration remain fragmentary: there are very few account rolls for the liberty before the fifteenth century, and the records of the hallmote court – a significant source for the management of episcopal lands – do not begin until 1348. These difficulties are only partly offset, for the 1310s, by the survival of Bishop Kellawe's register, and for much of the thirteenth and fourteenth centuries we must rely to a large extent on what can be gleaned from other sources. Episcopal grants of land were likely to be preserved in private and institutional archives, both as evidence of title, and because they required the assent of Durham Priory. As a result they are relatively well documented and can be discussed with some confidence. But leases of episcopal property, vital though they could be in affecting the shape of landed society, are very poorly recorded. We know only a little more about grants of wardships, and the lack of financial documentation means that we can say little about how the bishops used their power of pardoning amercements or fines, or about the annuities or fees they offered.

There are further difficulties, common to much of the study of medieval patronage. The circumstances behind most grants are unknown to us: some may have been paid for at market rates, and such payments are not always recorded. When the wardship of the lands of Thomas Eppleton was granted to Walran Lumley in 1341, only a later note to the liberty's chancellor reveals that Walran paid at least £60 for it.<sup>2</sup> Lumley doubtless thought he could turn a profit from the transaction, but the grant was by no means as generous as it appears at first sight. It must also be remembered that patronage was not always dispensed at the bishop's pleasure to reward his personal servants and followers.<sup>3</sup> Early in the fourteenth century, Bishop Kellawe was asked 'by many friends' to retain Simon Rothbury in a suitable position.<sup>4</sup> All too often such requests, and the identity of those who made them, leave no trace in the surviving record, but it is clear that the resources

<sup>1</sup> 'Durham assize rolls', nos. 140–54.

<sup>2</sup> *RPD*, iii, pp. 353–5.

<sup>3</sup> The warrants recorded in Bishop Bury's chancery rolls for 1343–5 do, however, suggest that it was the bishop, and not his steward or council, at whose instance most patronage was dispensed: *RPD*, iv, pp. 269–363, *passim*.

<sup>4</sup> *DCM*, Loc.XXVIII.14, no. 7.

of episcopal patronage might be exploited by the crown and local magnates as well as by the bishops of Durham.

These caveats must be born in mind throughout the following discussion, but the problems are not insurmountable. The surviving evidence allows us to trace patterns of episcopal patronage with some confidence, and although the importance of patronage in medieval political life has sometimes been downplayed,<sup>5</sup> the patterns are well worth tracing. It is certainly possible to accept that, in the liberty as elsewhere, patronage was often routine and uncontroversial; nor was it always the only or even the most important influence on actions and loyalties. But it is difficult to deny the importance that the use or abuse of patronage might have in local society.

In their distribution of favour and patronage the bishops of Durham faced potentially conflicting obligations. They were expected to advance their personal servants and familiars; equally, they were rulers of the liberty as a whole, and obliged as such to give good lordship to the entire local community. These responsibilities were different in degree and in kind, but 'the desire to reward and the obligation to govern' could nevertheless come into conflict.<sup>6</sup> As Simon Walker argued of John of Gaunt, in the palatinate of Lancaster, 'the more favour he showed towards his own followers, the more disaffected would grow the rest of the county community'.<sup>7</sup> Furthermore, any similar difficulties the bishops of Durham may have faced were exacerbated by the fact that they often came to the liberty from other posts.<sup>8</sup> They might bring with them households of some size: the permanent household or *domus*, primarily concerned with the bishop's domestic needs, and the extended household or *familia*, whose membership was not formalised and could include a range of companions, associates and advisers.<sup>9</sup> Both groups might include men from a variety of areas who had entered the bishops' service at earlier stages in their careers. Bishops might also bring with them responsibilities to kinsmen from other parts of England. And endowing such personnel with land or office in the liberty risked disrupting and alienating local landed society.

<sup>5</sup> See, for example, E. Powell, 'After "After McFarlane": the poverty of patronage and the case for constitutional history', in D. J. Clayton, R. G. Davies and P. McNiven (eds), *Trade, Devotion and Governance* (Stroud, 1994), pp. 1–16.

<sup>6</sup> R. A. Griffiths, *King and Country: England and Wales in the Fifteenth Century* (London, 1991), p. 166.

<sup>7</sup> S. Walker, *The Lancastrian Affinity, 1361–1399* (Oxford, 1990), p. 145.

<sup>8</sup> Only three bishops were elected from Durham Priory in our period: Robert Stichill (1260–74), Robert Lisle alias Robert of Holy Island (1274–83) and Richard Kellawe (1311–16).

<sup>9</sup> For the distinction between *domus* and *familia*, see C. Given-Wilson, *The Royal Household and the King's Affinity* (London, 1986), p. 2.

In practice, however, it seems that such disruptions were rare. The problems resulting from administration by 'bailiffs from other parts' were one reason for the difficult relations between Bishop Anthony Bek (1283–1311) and his tenants and Durham Priory.<sup>10</sup> But such difficulties were apparently unusual, even if the priory chronicler did complain about the expense of the *familia* of Bishop Lewis Beaumont (1317–33).<sup>11</sup> Not all bishops seem to have brought with them significant households from elsewhere: Walter Kirkham (1249–60), for instance, did not do so.<sup>12</sup> When *familiares* from outside the liberty did accompany bishops, clerics were prominent among them; and since they could be endowed with ecclesiastical patronage, the impact on lay society was relatively muted. Two examples concern John Romsey, steward in the second quarter of the thirteenth century, who had probably moved to Durham from Salisbury with Bishop Richard Poore (1228–37); and William Boston, steward under Bek, who was from Bek's county of Lincolnshire. Both these men received benefices in the liberty.<sup>13</sup> Moreover, when members of the bishops' *familia* were clergy of some distinction, already beneficed elsewhere, their desire for local advancement may not have been great. Of the eight scholars in Richard Bury's *familia* identified by his contemporary biographer, only two seem to have received preferment in the liberty: Richard Kilvington, dean of Lanchester in 1339, and rector of Gateshead in the same year; and John Mauduit, dean of Auckland in 1343.<sup>14</sup>

'Outsiders' in the bishops' *domus* perhaps had a rather greater effect on lay landed society. Although little is known of most bishops' domestic households, episcopal grants allow us to identify a number of *servientes*, *valetti* and *domicelli*.<sup>15</sup> Some, such as Geoffrey the cook or Jordan the barber in the mid-thirteenth century, were relatively menial servants; others, such as Andrew 'the messenger', *valettus* of Bishop Robert Stichill (1260–74) and attorney of Bishop Robert Lisle (1274–83), probably carried out a variety of administrative work; and others still are likely to have

<sup>10</sup> *FPD*, p. 192.

<sup>11</sup> *Scriptores Tres*, p. 118.

<sup>12</sup> *Acta 1241–83*, p. xlii.

<sup>13</sup> *Acta 1153–95*, p. l; C. M. Fraser, 'Officers of the bishopric of Durham under Antony Bek, 1283–1311', *AA*, 4th ser., 35 (1957), p. 24; *Fasti Dunelm.*, pp. 109, 112–13.

<sup>14</sup> N. Denholm-Young, 'Richard de Bury (1287–1345)', *TRHS*, 4th ser., 20 (1937), p. 165; A. B. Emden, *A Biographical Register of the University of Oxford to AD 1500* (Oxford, 1957–9), ii, pp. 1050, 1243.

<sup>15</sup> On the household, see Lapsley, *Durham*, pp. 99–103; G. V. Scammell, *Hugh du Puiset, Bishop of Durham* (Cambridge, 1956), pp. 232–3; Storey, *Langley*, pp. 92–8; and, for an illuminating incident in the later fourteenth century, C. J. Neville, 'Homicide in the ecclesiastical court of Durham', *Fourteenth Century England*, 1 (2000), pp. 103–14.

provided more honourable personal attendance – men like Roger Pichard, Bek's *domicellus*, or Nicholas Skelton, *valettus* of Bishop Thomas Hatfield (1345–81).<sup>16</sup> All such men had a claim on episcopal patronage; and they received it with some frequency throughout our period in the form of grants of office, usually at the lower levels of liberty and estate administration. William Brown, a household servant of Bishop Beaumont, was made gaoler of Durham castle; other servants of Beaumont were appointed keepers of episcopal parks.<sup>17</sup> Many grants of parkerships and forest offices under Hatfield went to members of the bishop's *domus* such as the valet of his kitchen, Walter Brantingham.<sup>18</sup> Episcopal servants could also hold more prominent positions. John Haldan, *serviens* of Bishop Kirkham, served for a brief period as sheriff of the liberty in the mid-thirteenth century; Nicholas Skelton, *valettus* of Bishop Hatfield, was a coroner, and John Belgrave, Hatfield's chamberlain, was also his chief forester.<sup>19</sup> The attractions of such office were even greater when, as seems to have been the case by the mid-fourteenth century, its duties could be assigned to deputies.<sup>20</sup>

Although we can rarely be certain about men's origins or account for their associations with the bishops' households, it is clear that a number came from outside the liberty. Some, such as Walter Slater of Howden in the 1270s or William Brown of Easingwold, near Crayke, in the 1320s, were drawn from the vicinity of the bishops' Yorkshire estates.<sup>21</sup> Other servants may have moved with bishops from former sees; but some, equally, were taken over from previous bishops of Durham,<sup>22</sup> or newly recruited from local society. Bury's *serviens*, John Ferrour, can be placed with some confidence in Beaumont's household.<sup>23</sup> Kirkham's *serviens*, John Hollingshead (who took his name from Hollingside in Whickham or Holmside in Chester), and

<sup>16</sup> *Acta 1241–83*, nos. 85, 97, 117; DCM, Misc. Ch. 1816; *Feet of Fines for the County of York from 1272 to 1300*, ed. F. H. Slingsby (YASRS, 1956), p. 39; *Bek Recs*, nos. 162–3; DCM, Reg. II, f. 276v.

<sup>17</sup> *CPR 1321–4*, p. 417; *1330–4*, pp. 189, 307.

<sup>18</sup> DURH 3/31, m. 12d (cf. m. 2–2d).

<sup>19</sup> *Acta 1241–83*, no. 91; DCM, Reg. II, ff. 122r, 276v.

<sup>20</sup> There is little evidence for the deputising of office before Hatfield's episcopate (1345–81). The oaths sworn by some of Hatfield's coroners permitted them to appoint deputies (DCM, Loc. XXVIII.2, nos. 16, 20, 22); references to under-coroners appear around the same time; and in 1366 the chief forester of the liberty swore that he would not sell his office without the bishop's consent (DCM, Reg. Hatfield, f. 46v).

<sup>21</sup> *Acta 1241–83*, no. 181 (Slater); *CPR 1321–4*, p. 417 (Brown). For Brown, see also Surtees, iii, p. 403 (where his surname appears as 'Grenne').

<sup>22</sup> P. Hoskin, 'Continuing service: the episcopal households of thirteenth-century Durham', in P. Hoskin, C. Brooke and B. Dobson (eds), *The Foundations of Medieval English Ecclesiastical History* (Woodbridge, 2005), pp. 124–38.

<sup>23</sup> For Bury's 'dilectus serviens' Ferrour, see *RPD*, iii, pp. 342–3. His appearance as a witness to DCM, Misc. Ch. 192, suggests an association with Beaumont's household.

Stichill's *valettus*, Lawrence Bearpark, were clearly local men; John Travers, *serviens* of Beaumont and Bury, was from Girsby on the Tees.<sup>24</sup>

The patronage received by such men was relatively generous. Robert Strig, Beaumont's parker at Wolsingham, occupied a position that had formerly gone to two men, and his daily salary of 4d. amounted to over £6 p.a. This was little less than the fee of the liberty's chief forester, and for a position that must have been considerably less onerous. William Mackary and William Belers under Bury occupied similar positions and received the same fee as Strig.<sup>25</sup> But only a small number of men could benefit from such appointments, because grants for life made by previous bishops were usually respected: William Brown, appointed keeper of Durham gaol for life by Beaumont, was still its keeper under Bury. Bury likewise confirmed in office Adam Scott, forester of Lanchester ward, who had originally been appointed by Kellawe; and Hatfield in turn kept in place Bury's servant William Belers.<sup>26</sup> The supply of lucrative and undemanding office at the disposal of any given bishop was somewhat limited.

Many of the bishops' domestic servants had thus to be rewarded with other forms of patronage, and in particular land and wardships. But while grants of land to domestic servants were not infrequent, they were usually modest. Kirkham conveyed forty acres of land in fee simple to Geoffrey the cook, while Jordan the barber received small amounts of property in London and Durham.<sup>27</sup> Stichill's *valetti* Andrew 'the messenger' and Lawrence Bearpark received similarly minor endowments, as did Bek's *domicellus* Roger Pichard, and Bury's *serviens* John Ferrour.<sup>28</sup> Bek's butler, John Winchester, gained land that had probably been held by another episcopal butler.<sup>29</sup> When Bury made a more substantial grant, in Howdenshire, to his *valettus* (and later executor) William Ash, it was of land previously held 'at the bishop's will', probably by another episcopal servant, and the grant was for the term of William's life only.<sup>30</sup> Gifts of wardships may well have been similarly restrained: Kellawe granted only one to a household man, Nicholas son of William Holtby, *domicellus*.<sup>31</sup> In sum, then, the impact

<sup>24</sup> *Acta 1241-83*, nos. 78, 118; M. Harvey, 'Travel from Durham to York (and back) in the fourteenth century', *NH*, 42 (2005), p. 130.

<sup>25</sup> *CPR 1330-4*, p. 189; *1343-5*, pp. 41, 433-4.

<sup>26</sup> Brown: *CPR 1321-4*, p. 417; DURH 20/1; DCM, Loc.V.32, m. 1. Scott: DCM, Reg. II, ff. 110v-11r. Belers: DCM, Reg. Hatfield, f. 50r.

<sup>27</sup> *Acta 1241-83*, nos. 85 (cf. *Bek Recs*, no. 60), 97; DCM, Misc. Ch. 1816.

<sup>28</sup> *Acta 1241-83*, nos. 117-18; *Bek Recs*, nos. 162-3; DCM, Misc. Ch. 7155; *RPD*, iii, pp. 342-3.

<sup>29</sup> DCRO, D/Sa/D354.

<sup>30</sup> *RPD*, iii, pp. 365, 376-7; DCM, Reg. II, ff. 120v, 127v-8r.

<sup>31</sup> *RPD*, ii, pp. 1293-4; cf. *VCH, Yorks., North Riding*, i, p. 275, for Nicholas's possible links with Redmire in Richmondshire.

of the bishop's *domus* on local society was limited. The bishop's domestic servants did occupy a number of lesser offices, but the other patronage they received was run-of-the-mill. Furthermore, the influence of new arrivals from outside the liberty was tempered by survivals from earlier households and by recruitment into the *domus* from within the liberty itself.

Grants to the bishops' lay kin and *familiares* were not always so moderate. In the early thirteenth century the wardship of the valuable Escolland manor of Seaham was conferred by Bishop Richard Marsh on Robert de Mariscis, evidently a relative.<sup>32</sup> The Henry Lisle to whom Bishop Lisle granted the escheated manor of Langley, with free warren therein, and probably the wardship of the heir of Thomas Amundeville, can be identified – albeit not with complete certainty – as the bishop's brother.<sup>33</sup> In the 1310s, similarly, Bishop Kellawe's brother Patrick received the wardship of Robert Hansard's lands in Walworth, and of the lands of Roger Romanby; and Kellawe's sisters Alice and Cecily received other grants.<sup>34</sup> Bury's kinsman, Roger Aungerville, is one of the few laymen known to have received an annuity (£10) from the bishop.<sup>35</sup> Again, Bek's most valuable grants were probably those he made to Henry Percy, one of his close lay associates: the manors of Langley and Whorlton, and most of the manor of Westwick.<sup>36</sup> Here the potential for disruption in local society was surely greater. But precisely because many of the bishops' kin and *familiares* were outsiders to the liberty, they might have little interest in maintaining a landed presence there. Robert de Mariscis conveyed the Escolland wardship to Nicholas Hadham (seemingly a servant of Bishop Marsh), whose family apparently came to share the ownership of Seaham.<sup>37</sup> Henry Percy seems to have granted Langley to his retainer Robert St Oweyn, who then alienated it to Henry Scrope.<sup>38</sup> Again, Aimery Trew, a kinsman of Lewis Beaumont to whom the bishop had granted the forfeited manor of Felling, conveyed it in turn to Thomas Surtees (d. c. 1345) of Low Dinsdale.<sup>39</sup> Manors thus passed

<sup>32</sup> *RLC*, ii, p. 137. The Yeland moiety of Seaham was valued at £20 in 1281: C 133/27/15.

<sup>33</sup> NYCRO, ZBO MG/1–4; JUST 1/225, m. 5d; *Acta 1241–83*, pp. xxxiii, liv.

<sup>34</sup> *RPD*, ii, pp. 1215, 1303–4, 1306, 1309. Note also that the lands of Richard Harpin were in the custody of William, Nicholas and John Kellawe (*RPD*, ii, p. 851), although no grant of wardship survives; and that Patrick and Cecily Kellawe received, probably by episcopal grant, forfeited lands of the Templars in Foxden: *RPD*, ii, pp. 857–8; BL, Egerton Ch. 550.

<sup>35</sup> *RPD*, iii, pp. 374–5.

<sup>36</sup> *Percy Cart.*, p. 376; *RPD*, ii, p. 800; NYCRO, ZBO MG/5.

<sup>37</sup> *RLC*, ii, p. 137; Surtees, i, p. 269; *NCH*, xii, pedigree following p. 272.

<sup>38</sup> NYCRO, ZBO, MG/7a–b, 8, 9. Long-standing Percy interests in the liberty were limited to Dalton Piercy: *VCH, Durham*, iii, pp. 255–6. For St Oweyn, see also *CIPM*, v, p. 411; *Percy Cart.*, p. 164.

<sup>39</sup> DCM, Misc. Ch. 5858; *CPR 1330–4*, p. 240.

from *familiares* to rising local families – and the real importance of such episcopal grants probably lay in the opportunities for property speculation they opened up.

It was only when generous episcopal patronage was combined with the independent means and desire to accumulate holdings in the liberty that familiars were able to make a significant local mark. One example is provided by the future bishop of Ely, William Kilkenny (d. 1256), an associate of Bishop Poore, who received the manor of Stanley by episcopal grant, acquired other property at Stotfold near Hartlepool and elsewhere in the liberty, and was the founder of a gentry family which rose to a position of some local importance in the fourteenth century.<sup>40</sup> But it was unusual for this to happen when men's main interests lay at some distance from the liberty. Thus Geoffrey Russell of Milton (Northamptonshire) had only a fleeting connection with the bishopric. Having entered Bishop Stichill's service, he was steward of the liberty between around 1269 and 1274. He acquired Coatham Mundeville and Carlbury, but both were soon alienated, Coatham to Bishop Lisle, and Carlbury, in the following generation, to the Fitzmarmadukes.<sup>41</sup> The connection between the Russells and the Fitzmarmadukes did prove to be enduring: they served together in Scotland in 1303 and 1314, and it was perhaps as a result of Richard Fitzmarmaduke's links with the Russells that he developed significant interests in Northamptonshire.<sup>42</sup> But the distance of Geoffrey Russell's main interests from the liberty meant that his intrusion into local society was short-lived.

All told, therefore, most episcopal patronage of household servants, *familiares* and kin had, for the greater part of our period, relatively little effect on the traditional social order; and it was likewise rare for individuals to monopolise favour to an extent that provoked local antagonism. Only an isolated example is apparently offered by Master Roger Seaton, of Seaton in Rutland, who had entered the service of Bishop Kirkham by 1259, and continued to serve his successor Robert Stichill.<sup>43</sup> Seaton received a good deal of the bishops' ecclesiastical patronage: he was master of Sherburn Hospital, around the third quarter of the thirteenth century, and also had

<sup>40</sup> *Acta 1196–1237*, no. 328; Lancashire Record Office, DDTO E 4/31–7; BL, Egerton Ch. 519; *Acta 1241–83*, nos. 23–4. *VCH, Durham*, iii, p. 240, deals briefly with the family in the fourteenth century.

<sup>41</sup> 'Office-holders', i, p. 101; BL, Additional Ch. 66337; DCL, MS Randall 3, pp. 34–5; JUST 1/225, m. 3d; Notts. Archives, DD/FJ/1/114/1–5.

<sup>42</sup> *CDS*, v, nos. 2406, 2983; cf. C 81/1726/65. For Richard's Northamptonshire interests, see H. S. Offler, *North of the Tees* (Aldershot, 1996), Chapter 14, pp. 200–1.

<sup>43</sup> *The Earliest English Law Reports*, ed. P. A. Brand (Selden Society, 1996–), i, pp. cxxv–vi.



the valuable living of Egglecliffe.<sup>44</sup> He likewise accrued several wardships: he had custody of the lands of John Rounton, perhaps in the 1260s, and was also granted, before 1274, custody of the lands of Humphrey Conyers, and the marriage of Humphrey's heir.<sup>45</sup> Around 1270 Seaton also claimed to have possession of the manors of Blakiston, Fulthorpe, Grindon, Sheraton and Wynyard. Sheraton was the seat of the Rountons; and it is likely that the other manors were also Seaton's by virtue of wardships. They were subject to attacks, suggesting that Seaton's influence in local society and his domination of episcopal patronage were resented.<sup>46</sup>

Seaton's case was unusual; but from the late thirteenth century episcopal servants from outside the liberty did make an increasing mark on local society. Professional or semi-professional lawyers and administrators with origins in Northumberland or Yorkshire became prominent in the liberty's government, and because their family interests lay close to the bishopric, they were more likely to put down lasting roots there. In the late thirteenth century there was Guichard Charon of Horton and Stickley in Northumberland, who was steward of the liberty under Bishop Lisle.<sup>47</sup> In the early fourteenth century William Deanham, a rising Northumbrian lawyer, acted as chancellor of the liberty under Kellawe, and a justice under Kellawe and Beaumont.<sup>48</sup> A contemporary of Deanham's was Adam Bowes, who seems to have originated in Richmondshire. This man of law, who acted as an attorney in Common Pleas by 1299, was retained by Bek, and was sheriff of the liberty under Kellawe, and a justice until the early 1340s.<sup>49</sup> In the following generation the outstanding example was John Meneville. He was from a Northumberland family with roots in the Tyne valley, but transferred the principal focus of his ambitions to the liberty, where he was sheriff from around 1339 to 1342, and a justice of oyer and terminer between around 1336 and 1348.<sup>50</sup>

<sup>44</sup> DCRO, D/Sh.H 586; DCM, SHD 1/19; *Acta 1241-83*, p. xlvi.

<sup>45</sup> DCM, 2.1.Elemos.26a; KB 27/15, m. 17.

<sup>46</sup> *Northumb. PDBR*, nos. 82, 151, etc.; *Northumb. Pleas*, no. 822.

<sup>47</sup> *NCH*, ix, pp. 251-8.

<sup>48</sup> The best account remains *HN*, II, ii, p. 15.

<sup>49</sup> CP 40/130, m. 374; *Boldon Buke*, ed. W. Greenwell (SS, 1852), pp. xxxv-vi. For his origins, see Surtees, IV, i, p. 107; C. M. Newman, *The Bowes of Streatlam, County Durham* (Durham County History Society Occasional Papers, 1999), p. 4.

<sup>50</sup> B. A. Barker, 'The Claxtons: A North-Eastern Gentry Family in the Fourteenth and Fifteenth Centuries' (unpublished Teesside University Ph.D. thesis, 2003), pp. 187-9, 249-50. For Meneville's judicial appointments under Hatfield, see DURH 3/30, mm. 3-4d, 5d, and also m. 8d, an inquisition of 1353 where he is styled bishop's justice.

All these men acquired significant interests in the bishopric by purchase, marriage or episcopal grant. Charon obtained the manors of Beamish and Tanfield, and land in the surrounding area; Bowes acquired the manors of Streatlam and Stainton, and land around Barnard Castle and Durham.<sup>51</sup> Both Deanham and Meneville built up property in the neighbourhood of Easington.<sup>52</sup> Charon's estates went by marriage to another Northumbrian, Bertram Monboucher; but the other families concerned survived for at least a couple of generations. Deanham's estates passed to his son William (d. c. 1350) and grandson Edmund (d. c. 1351). Adam Bowes's son Robert was sheriff in the 1350s, and John Meneville's son William was sheriff in the 1360s: both were prominent figures in local society, and the Bowes family remained important until well after the medieval period.<sup>53</sup> It thus seems likely that the aspirations and identities of these families came to be shaped by the opportunities available in the liberty.<sup>54</sup>

Episcopal service was by no means the only thing that drew such men to the liberty. Guichard Charon may well have acquired Beamish and Tanfield before he entered Lisle's service; similarly John Meneville had married the daughter of William Silksworth, thereby obtaining interests in the Easington area, before 1325.<sup>55</sup> But these men, newly established as they were, were quick to see the opportunities offered by local administration in the liberty, and the rewards of service enabled them and other incomers to consolidate their position in local society. They seem to have done so smoothly enough, although it is perhaps significant that they were rarely in demand as witnesses. It is true that when Robert Gernet granted six marks' annual rent to a chantry in Elwick church in 1327, many episcopal servants and associates were witnesses, including William Deanham, John his brother, Adam Bowes and John Meneville. But their presence is explained by the fact that the incumbent of Elwick was

<sup>51</sup> Streatlam and Stainton were gained through marriage to the Traynes heiress, which according to a later pedigree took place around 1336–7: *Durham Visitation Pedigrees 1575, 1615, 1666*, ed. J. Foster (London, 1887), p. 34. For Adam's other lands in the liberty, see DCM, Misc. Ch. 6314; BL, Additional Ch. 66376, 66394; *CIPM*, v, no. 615; *RPD*, ii, p. 1132; iii, p. 358.

<sup>52</sup> Deanham: *RPD*, ii, pp. 1307–8; *Hatfield Survey*, p. 127. Meneville's acquisitions around Hawthorn, Haswell and Easington are particularly well documented; see, for example, DCM, 1.2.Finc.35–6; Misc. Ch. 5787, 5788b–c, 5794, 6160, 6175–9, 6264; Haswell Deeds, *passim*.

<sup>53</sup> Newman, *Bowes of Streatlam*, *passim*.

<sup>54</sup> It is quite possible, for example, that the cross moline featuring in the arms of Adam Bowes proclaimed his association with Bishop Bek: G&B, nos. 324, 3125.

<sup>55</sup> Tanfield was granted by Philip Ley to Charon and his wife Isabel; they were married by 1270, while Charon was apparently lord of Beamish in 1268: NCS, Waterford Ch. 38; Surtees, ii, pp. 223, 225. For Meneville, see *NCH*, vi, p. 192.

Master Luke Perrers, Bishop Beaumont's doctor.<sup>56</sup> Deanham, Bowes and Meneville found it easy enough to marry into local families, but all were more prominent as witnesses to episcopal charters than to the dealings of their neighbours.

Only where the acquisitions of these *arrivistes* were at the expense of established local families were they likely to have generated ill-feeling, and there is little evidence of such difficulties. A violent incident at Penshaw in 1328 may reflect tensions over the acquisition of the nearby manor of Offerton by William Deanham's brother and fellow lawyer, John Deanham (d. c. 1327).<sup>57</sup> Otherwise, only a tantalising hint is offered by the list of knights of the liberty and their residences compiled for unknown reasons in the early fourteenth century. This seems to go to some lengths to omit Guichard Charon: his properties at Beamish and Tanfield are represented respectively by the earlier family of Ley and by the later family of Monboucher.<sup>58</sup> Perhaps, then, some relatively recent arrivals, particularly those who had acquired properties by purchase rather than by marriage, were not fully accepted as part of the local community in conservative circles.

Episcopal service probably made significant contributions to the advancement of men like Bowes, Charon, Deanham and Meneville, for the rewards of office could be considerable. By the fourteenth century, and very likely earlier, almost all the offices in the liberty were *feed*, some generously. In the later fourteenth century the steward could expect £40 p.a., and the chief justice £10, the same fee as that received by the sheriff since at least the early 1300s.<sup>59</sup> The chief forester of the liberty received ten marks p.a., and some of the parkers, as we have seen, could expect almost as much.<sup>60</sup> The wages of other estate officials and coroners are less well documented, and were certainly less substantial; but for someone on the margins of gentility, they could still be significant. Office itself was therefore among the most impor-

<sup>56</sup> DCM, Misc. Ch. 192; *Fasti Dunelm.*, p. 100; R. Donaldson, 'Patronage and the Church: A Study in the Social Structure of the Secular Clergy in the Diocese of Durham (1311–1540)' (unpublished Edinburgh University Ph.D. thesis, 1955), ii, p. 91.

<sup>57</sup> DCM, Loc.V.33, m. 3, summarised in C. M. Fraser and K. Emsley, 'Law and society in Northumberland and Durham, 1290 to 1350', *AA*, 4th ser., 47 (1969), pp. 62–3.

<sup>58</sup> *Hatfield Survey*, pp. xiv–xvi; M. L. Holford, "'Knights of Durham at the battle of Lewes': a reconsideration", *NH*, 46 (2009), pp. 190–1.

<sup>59</sup> *Hatfield Survey*, p. 267; DURH 20/1; DCM, 1.5.Pont.16. The details of fees in the receiver's account of 1339–40 are unfortunately damaged (DCM, Loc.V.32, m. 1); and if there was a section for fees in the account of 1306–7, it has also been lost (*Boldon Buke*, pp. xxv–xxxix). Royal keepers' accounts during vacancies of the see provide no sure guide to usual episcopal practice.

<sup>60</sup> The forester's fee is apparently first documented in 1353: DCM, Reg. II, f. 122r.

tant patronage at the bishops' disposal. Even if the lands of Thomas Surtees (d. c. 1345) in the liberty were really worth 100 marks p.a., the £40 he probably received as steward would have been a very considerable addition to his income.<sup>61</sup> Similarly, the lands of Simon Esh (d. c. 1360) were valued at just over £4 in his inquisition *post mortem*; his sheriff's fee of £10 was much more valuable.<sup>62</sup>

Fees were not always promptly paid, but nor were they the only benefit of office, quite apart from the possibilities of corruption and extortion. All bishops used other forms of patronage to reward their servants. They received wardships, as did John Romsey, steward (c. 1247) of Bishop Farnham; Robert Burnigill, constable of Durham (c. 1261–7); and, as already noted, Master Roger Seaton.<sup>63</sup> Bishop Kellawe made significant grants to John Evenwood, steward of Evenwood and a favoured episcopal officer, and also to Walter Goswick, constable of Norham castle.<sup>64</sup> Again, in all episcopates, officers received a significant proportion of grants of land, and these could be substantial and valuable. William Middleton, steward (c. 1252–4) of Bishop Kirkham, received in fee the manor of Little Haughton, which Kirkham had recently repurchased for £60; Bishop Lisle granted the manor of Hardwick-on-Sea to his sheriff John Malton.<sup>65</sup> Most grants, admittedly, were more modest – the fifty acres of waste granted by Bek to Roger Esh, or the toft and 127 acres of waste Bek gave to Walter Barmpton, were more typical and not worth a great deal.<sup>66</sup> The manor of Harbour House, which originated in a grant of waste made by Bishop Kellawe to his brother Patrick, was unusually valuable when it was assessed at five marks in the early fifteenth century.<sup>67</sup> Nevertheless for lesser officers such grants could still mean a good deal. Episcopal service could therefore contribute significantly to social mobility in the liberty.

Furthermore, the bishop's patronage of familiars from outside the liberty did not prevent him from being potentially the most important patron and employer within local society itself. Inhabitants of the liberty might

<sup>61</sup> The valuation was given to the lands of Nicholas Surtees in the liberty in 1279 (*NAR*, p. 354); the inquisition *post mortem* (1378) of Thomas's son gave a value of only around £17 (*DURH* 3/2, ff. 101v–2r). The family's Northumberland lands were worth (it was said in 1279) £21.13s.4d: *NAR*, p. 354.

<sup>62</sup> M. L. Holford, 'The Esh family: officeholding and landed society in the palatinate of Durham in the earlier fourteenth century', *NH*, 43 (2006), p. 233.

<sup>63</sup> 'Durham assize rolls', no. 426; *DCM*, 1.2.Finc.18; above, pp. 103–4.

<sup>64</sup> *RPD*, ii, pp. 1179–80, 1259–61, 1293.

<sup>65</sup> *Acta* 1241–83, nos. 101, 248.

<sup>66</sup> *Bek Recs*, nos. 22, 41.

<sup>67</sup> *DURH* 3/2, f. 182v; H. M. Dunsford and S. J. Harris, 'Colonization of the wasteland in County Durham, 1100–1400', *Economic History Review*, 56 (2003), pp. 44–5.

find employment in the episcopal *domus*; others, like Walter Barmpton, Simon Esh, John Evenwood and Thomas Surtees, held significant office in the liberty, and were rewarded accordingly. Although clergy, most of whom were ‘outsiders’, inevitably loomed large in the administration of an ecclesiastical liberty, local laymen were by no means excluded from its opportunities. For some men from the liberty, therefore, episcopal service offered considerable attractions. Indeed, not only did they receive fees and other rewards: offices were typically held at the bishop’s pleasure, often for many years, and lengthy tenure of office afforded much local influence. The sheriffs of Durham also carried greater clout than did their fellows outside the liberty because they discharged tasks performed elsewhere by escheators, most notably the holding of inquisitions *post mortem*. If these men were more heavily burdened than most sheriffs, by the same token they were more powerful locally; and they were also likely to be appointed justices in the liberty. All this could make office in the liberty appealing, and its rewards are especially well illustrated by the case of John Gilet, steward and sheriff of the liberty around the mid-thirteenth century. He hailed from Eggescliffe near Stockton-on-Tees, acquired land throughout the bishopric, and had assumed knighthood by 1259. His descendants were much less eminent, and his own prominence derived very largely from episcopal service and its profits.<sup>68</sup> In the fourteenth century there was William Walworth (d. 1353), sheriff for much of the period between 1320 and 1333, who came from a family with small holdings in Darlington and nearby Walworth. William and his father were buying up small parcels of land in Darlington from the beginning of the fourteenth century; but the pace of William’s purchases there, and in Preston-le-Skerne, quickened significantly after around 1320.<sup>69</sup> In 1321 he acquired interests in Great Burdon; later, in the 1330s, he obtained land worth rather more than £10 in Longnewton.<sup>70</sup> By his death he had accumulated a sizeable estate, and it is little surprise to find that his son Thomas assumed arms.<sup>71</sup> It is clear that the most active period of William’s purchases coincided with his tenure of office in the liberty, and that it was essentially the profits of episcopal office that enabled the family’s transition from freeholders to gentry.

Service in local administration was therefore more closely related to careerism and social mobility than was usually true of county government.

<sup>68</sup> ‘Office-holders’, i, p. 104.

<sup>69</sup> DCM, Misc. Ch. 1564–5, 6344\*; 1.5.Spec.43a–b, 44, 48, 50.

<sup>70</sup> DCM, Misc. Ch. 318, 322, 5319a–b, 5474a–b. He also acquired lands in Mordon near Sedgfield at an uncertain date: DCM, Misc. Ch. 5371.

<sup>71</sup> G&B, no. 2561 (and cf. no. 2559). William himself used an armorial seal in 1334, but it was not his, and its owner cannot be identified: G&B, no. 2565.

It is also likely to have figured more prominently among the aspirations and loyalties of local men. And in the lower ranks of the liberty's administration, loyalties to successive bishops are likely to have been particularly strong. The bishop's estate officials, bailiffs, foresters and coroners – when they were not familiars – tended to be drawn from the middling ranks of freeholding society, and often devoted themselves to episcopal administration. They were men like Bernard Thrislington, who took his name from a village near Ferryhill, where he quitclaimed rights of common to Durham Priory in 1309.<sup>72</sup> He seems to have had some connection with episcopal administration under Kellawe; under Beaumont he was established as one of the liberty's foresters, and was also bailiff of Darlington in 1327 or 1328.<sup>73</sup> It was partly as a result of such service that he was able to build up a modest collection of lands in the vicinity of Bishop Auckland, and his career is likely to have been typical.<sup>74</sup> It is paralleled a little later by that of John Thropton, who first appears in about 1320 as coroner of Darlington ward, an office he still held in the 1340s when he sat on Bury's council. In 1339–40 Thropton also had a general responsibility for some of the bishop's manors, and was bailiff and approver of the borough and mill of Auckland; and he had similar duties at the beginning of Hatfield's episcopate.<sup>75</sup> His career seems to have been spent in estate management for successive bishops, and probably enabled him to rise from being a relatively minor landholder in the neighbourhood of Auckland to leasing the borough and mill.<sup>76</sup> The Pollard family of Pollard Hall provides other examples of episcopal estate officers whose service allowed them to build up their landed holdings.<sup>77</sup> The allegiances and loyalties of such men may well have been more clear-cut than was true at the higher levels of the bishopric's administration. As will be seen in more detail in the next chapter, on the relatively rare occasions when these loyalties were put to the test, the liberty's foresters, coroners and bailiffs were essentially the bishop's men, in a way that could not be said of some higher-ranking officers. Bek's disputes with Durham Priory and with his tenantry reveal how important such lesser officers were in the enforcement of episcopal lordship;

<sup>72</sup> DCM, 1.13.Spec.18; 4.12.Spec.11. See also JUST 1/226, m. 6d.

<sup>73</sup> RPD, ii, pp. 1278–9; E 210/11277; DCM, Misc. Ch. 1328.

<sup>74</sup> For the lands, see *Hatfield Survey*, pp. 47, 49, 50, 58.

<sup>75</sup> DCM, Loc.V.32, mm. 1, 2, 6d; Loc.XXVIII.2, no. 6; *Hatfield Survey*, p. 207; RPD, iv, p. 349.

<sup>76</sup> Thropton also gained the manor of Offerton around 1341, possibly by purchase: *Greenwell Deeds*, nos. 163–4. For the inquisition *post mortem* of his son William (DURH 3/29, m. 9d), see DURH 3/2, f. 51v.

<sup>77</sup> C. D. Liddy, 'Land, legend, and gentility in the palatinate of Durham: the Pollards of Pollard Hall', in C. D. Liddy and R. H. Britnell (eds), *North-East England in the Later Middle Ages* (Woodbridge, 2005), pp. 78–86.

and in part it was because these men owed a great deal to Bek that he could rely on their loyalties.<sup>78</sup>

In the upper ranks of the liberty's administration, loyalties may well have been more complex, in large part because of the position of Durham Priory, which distinguished the bishopric from several other 'royal liberties'. The bishop of Durham was not 'effectively . . . the only source of patronage and employment' in the liberty, as John of Gaunt perhaps was in Lancashire, in part because his palatinate did not possess a major religious house.<sup>79</sup> Durham Priory, in contrast, had been an important landowner in its own right since around 1083 when 'the patrimony of St Cuthbert' was divided into episcopal and monastic lands.<sup>80</sup> Its judicial lordship was considerable: the priory's 'free court' exercised a significant criminal jurisdiction over its tenants, and also heard pleas concerning lands, even if these were initiated by the bishop's writ.<sup>81</sup> Moreover, while the resources of the priory's patronage could not compete with those of the bishop, they were nonetheless substantial, and the priory was a significant employer and retainer. It feed a number of episcopal officers: in the mid-thirteenth century one of the men receiving a pension from the priory was William Middleton, who is almost certainly to be identified with Bishop Kirkham's steward (1252-4) and justice (1256).<sup>82</sup> The priory often appointed as its stewards men with close connections to episcopal administration, such as John Romsey, John Malton and Adam Bowes.<sup>83</sup> In part, no doubt, such appointments reflected the priory's desire to acquire the goodwill of the bishop's officers. But the priory was also an important patron in its own right. For example, Richard Chancellor was steward of the priory before he became prominent in the bishopric's government in the 1260s; William Walworth seems to have been employed by the priory only in 1335-6, when he was no longer sheriff; and John Meneville was also feed during a period, 1348-56, when he had largely ceased to hold office in the liberty.<sup>84</sup> In other cases it seems likely that the priory retained men before they became prominent in episcopal service. Thomas Surtees was feed in 1325, before he was steward of the bishopric;

<sup>78</sup> Below, Chapter 4, pp. 148-9, 156-7.

<sup>79</sup> Walker, *Lancastrian Affinity*, pp. 141-2.

<sup>80</sup> W. M. Aird, *St Cuthbert and the Normans* (Woodbridge, 1998), pp. 145-7, 160-5.

<sup>81</sup> See the references cited above, Chapter 2, p. 68, n. 55.

<sup>82</sup> DCM, Cart. Vet., ff. 166v, 175v. Compare the list in *Durham Annals and Documents of the Thirteenth Century*, ed. F. Barlow (SS, 1945), p. 87, and comment in J. R. Maddicott, *Law and Lordship: Royal Justices as Retainers in Thirteenth- and Fourteenth-Century England* (Past and Present Supplement, 1978), p. 6.

<sup>83</sup> DCM, 4.9.Spec.50; 4.7.Spec.17; 3.11.Spec.5; Bursar's Accounts, 1330-1, 1333-4.

<sup>84</sup> DCM, 4.7.Spec.12 (datable 1244 × 1258); 1.8.Spec.40 (dated 1259); and Bursar's Accounts, for years mentioned in the text, in the 'fees' sections.

Roger Blakiston was feed from 1331, and was active on the priory's business in the 1330s, but does not appear as an episcopal justice until 1339 at the earliest.<sup>85</sup> The priory must have had an important claim on these men's loyalties, not least because they were sworn to aid and counsel it against all men, usually without reservation.<sup>86</sup>

The priory also offered other checks and balances to episcopal lordship. As we saw in an earlier chapter, it had a claim to St Cuthbert's protection, and to represent 'the liberties of St Cuthbert'.<sup>87</sup> Its privileged position within the liberty was recognised by the *Convenit* of 1229; and it was not only the priory's servants who pledged fealty to it. The bishop's officers, and even members of the bishop's household, also swore to keep the priory's privileges unharmed: John Thropton, coroner and estate official, did so in 1345.<sup>88</sup> Partly by reason of its position as landlord, and partly because of its associations with Cuthbert, the priory thus had important claims on the loyalties of local society.<sup>89</sup> Indeed when 'the knights of the bishopric' resisted an attack on local privilege in the late thirteenth century, it was to defend the priory against a visitation by the archbishop of York.<sup>90</sup>

It is on these 'knights of the bishopric' that we must now concentrate. The bishop was obliged to be a good lord to his servants, *familiares* and officers. But as lord of 'the royal liberty of Durham', the bishop was also a natural focus for the aspirations of a much wider local community, which might look to him for patronage and lordship. What did this mean in practice for local society?

In some areas of the liberty, in the thirteenth century at least, it is clear that the lordship of the greater local families quite eclipsed that of the bishops of Durham. Particularly important were the families of Bruce and Balliol, based as their estates were in the wapentake of Sadberge, where the bishop was by no means the leading landowner, and where his 'royal liberty' and lordship were recently and imperfectly established. Such was admittedly less true of the Bruce honour of Hartness, which became increasingly integrated with the liberty 'between Tyne and Tees' in the

<sup>85</sup> Surtees: DCM, Reg. II, ff. 89v–90r. Blakiston: *ibid.*, f. 103; Bursar's Accounts 1332–3, 1333–4; Misc. Ch. 2641. Blakiston, however, was acting as an attorney for Bishop Beaumont by 1331: E 159/107, m. 229d.

<sup>86</sup> For examples of such oaths, see DCM, Misc. Ch. 4047, 4585.

<sup>87</sup> Above, Chapter 1, p. 35.

<sup>88</sup> DCM, Loc. XXVIII.2, is a file of such oaths from 1345 onwards; Thropton's is no. 6, dated 16 May 1345, shortly after Hatfield's election. For the *Convenit*, see *Acta 1196–1237*, no. 282.

<sup>89</sup> See further R. B. Dobson, *Durham Priory 1400–1450* (Cambridge, 1973), p. 192.

<sup>90</sup> *Scriptores Tres*, p. 60.



thirteenth century, partly because of the bishops' success in establishing their jurisdiction along the coast and in the port of Hartlepool.<sup>91</sup> For the inhabitants of the honour the pull of Bruce lordship might remain significant: the family's foundation at Guisborough received some patronage from Hartness tenants, and it was the service of Robert Bruce the Competitor (d. 1295), rather than of bishops Lisle and Bek, that was sought by the local lawyer Geoffrey Hartlepool.<sup>92</sup> Nevertheless there were strong social and administrative links between Hartness and the wider liberty. John Fitzmarmaduke married Isabel, Bruce's daughter, and received a grant of land in Stranton; both he and his son Richard also witnessed Bruce charters concerning Hartness. But their main interests in the liberty were elsewhere, around Horden, Ravensworth and, above all, Silksworth, where John Fitzmarmaduke's chief residence lay.<sup>93</sup> William Feugeres, a proprietor in Brierton near Hartlepool and a Bruce charter witness, also held land by episcopal grant near Whickham; Gilbert III Hansard, another charter witness, frequently attested episcopal *acta*.<sup>94</sup> John Mason of Hartlepool was Robert Bruce's bailiff of Hartness in 1294; but John's probable relative, Richard Mason, was acting on Bishop Bek's behalf in Hartlepool in 1299.<sup>95</sup>

As for the Balliol lordship of Barnard Castle, it was incorporated into the liberty's jurisdiction over the first half of the thirteenth century, despite the tendency of successive Balliols to resist the overlordship of the bishops of Durham. Episcopal jurisdiction over the area was thus real enough, and the thirteenth-century plea rolls indicate that the local community turned readily to the bishop's court.<sup>96</sup> Even so, the bishops could not usually compete effectively with the Balliols in terms of securing the loyal service of local society. Charter witness-lists suggest that the lordship was cohesive and relatively self-contained in the thirteenth century; and its most important external connections were not with the liberty, but with adjoining areas of Yorkshire and with the Balliol barony of Bywell in south Northumberland.

<sup>91</sup> Above, Chapter 1, pp. 46–7, 49.

<sup>92</sup> R. M. Blakely, *The Brus Family in England and Scotland, 1100–1295* (Woodbridge, 2005), pp. 138–9, 175; *Earliest English Law Reports*, ii, pp. lv–vii.

<sup>93</sup> Offler, *North of the Tees*, Chapter 14, pp. 196–7; for the estate in Stranton, see DURH 3/92, m. 17d; CCR 1389–92, pp. 428–9.

<sup>94</sup> For the Bruce charters alluded to here, see *Cartularium Prioratus de Gyseburne*, ed. W. Brown (SS, 1889–94), ii, p. 335; CDS, ii, no. 1606 (10); Bodl., MS Top. Yorks. e. 8, ff. 27r–9r.

<sup>95</sup> DCRO, D/St/D13/1/2, p. 34; RPD, iv, pp. 50–1. Richard remained in Bek's employment, and served as bailiff of Hartlepool under Kellawe: *Boldon Buke*, p. xxxiv; *Greenwell Deeds*, no. 127.

<sup>96</sup> Above, Chapter 1, pp. 48–9; 'Durham assize rolls', passim; JUST 1/225, passim.

The leading families of the honour can be identified from inquisitions of the late thirteenth and early fourteenth centuries.<sup>97</sup> The families of Surtees of Low Dinsdale, and Traynes of Stainton and Streatlam, each owed the service of a knight's fee to Barnard Castle. Eggleston and Sledwich were the seats of the families of Eggleston and Mauburn, each of which owed half a fee; Langton and Summerhouse belonged to the families of Langton and Wybers. All these houses were knightly in the later thirteenth century, and their members were prominent witnesses to the surviving Balliol deeds relating to Barnard Castle. For example, Robert Traynes, Ingram Mauburn, Henry Eggleston and Ralph Langton witnessed the charter of John I Balliol (d. 1268) to the burgesses of Barnard Castle; Traynes and Langton, together with John Eggleston, attested a subsequent grant of Alexander Balliol (d. 1278).<sup>98</sup> Traynes was one of the men who entered into an obligation on Alexander's behalf in 1274; Langton used the 'powerful visual medium' of heraldry to identify himself as a Balliol follower.<sup>99</sup> Henry Spring (fl. c. 1280), who also derived his arms from those of the Balliols, was John I Balliol's executor, and witnessed Alexander Balliol's charter to Barnard Castle.<sup>100</sup> The Spring family apparently originated at High Cliffe (in Winston), and also had interests at Lartington (Yorkshire), two miles west of Barnard Castle, from the early thirteenth century. An earlier Henry Spring of High Cliffe was granted the manor of Houghton-le-Spring by Robert Fitzmeldred, lord of Raby, and a later member of the family was styled Henry of Houghton. But there is no doubting the continued significance to the family of Barnard Castle and the Balliols.<sup>101</sup>

The knightly families of Eggleston, Langton, Mauburn, Spring and Traynes also recur as witnesses to local gentry deeds from the mid-thirteenth to the early fourteenth centuries.<sup>102</sup> In their company were the

<sup>97</sup> In addition to references given below, see for what follows *RPD*, ii, pp. 795–802; *CIPM*, v, pp. 411–13; *CCR 1313–18*, pp. 489–90; and the biographies in Holford, "Knights of Durham", pp. 201–18.

<sup>98</sup> Surtees, IV, i, pp. 71–2.

<sup>99</sup> J. R. Walbran, *The Antiquities of Gainford* (Ripon, 1846), Appendix, no. 30; C. H. H. Blair, 'Early armorials of the North', *AA*, 4th ser., 23 (1945), p. 36. The quotation is from D. A. Carpenter, 'The second century of English feudalism', *Past and Present*, 168 (2000), p. 53.

<sup>100</sup> Historical Manuscripts Commission, *Fourth Report* (London, 1874), Appendix, p. 444; Blair, 'Early armorials', p. 36.

<sup>101</sup> *The Pudsay Deeds*, ed. R. P. Littledale (YASRS, 1916), nos. 442–3; *VCH, Yorks., North Riding*, i, p. 122; *NCH*, vi, p. 46, n. 3; G&B, no. 2286.

<sup>102</sup> This charter evidence consists principally of the muniments of the Bowes family, which were dispersed in the early twentieth century. Significant deposits are held at the British Library (Additional Ch. 66317–488) and Durham County Record Office (D/St), and a smaller collection is at the John Rylands Library (PHC/247–57). Other medieval deeds catalogued in the nineteenth century (DCRO, D/St/D13/1/2) and copied by earlier

prominent free tenants of the lordship and the surrounding area, men like Adam Bart of Whorlton, Jocelyn Westwick of Westwick, and Gilbert, lord of Greystone.<sup>103</sup> Bernard Langton attested a charter of Ranulf Neville, as did Eudo Pyburn, a freeholder in Cleatlam, who witnessed many Barnard Castle charters.<sup>104</sup> But most of the families associated with Barnard Castle did not have extensive interests elsewhere in the liberty; nor did they regularly supply witnesses to episcopal charters. Balliol lordship did, however, attract knights from neighbouring areas of the liberty; and in about 1200 Thomas Amundeville, of Coatham Mundeville and Trafford, seems to have been the steward of Eustace Balliol (d. c. 1209) at Bywell in Northumberland.<sup>105</sup>

Charters relating to the lordship of Barnard Castle were also witnessed by men who did not bear local surnames, notably Adam, Nicholas, Robert and William Hindley, and Robert and William Westbury.<sup>106</sup> Sometimes these witnesses also held prominent positions in the thirteenth-century lordship. Its recorded stewards include not only local men such as Adam Bart, Ralph Surtees and (probably) Jocelyn Westwick, but William Hindley, William Westbury, and William Sawcock of Sawcock near the Balliol lordship centre of Stokesley in Yorkshire.<sup>107</sup> The presence of men like Sawcock suggests the wide-ranging attractions of Balliol lordship; but more significant is the occurrence of William Hindley, which testifies to the close connections between the lordships of Bywell and Barnard Castle. William took his name from a place between Bywell and Whittonstall in the Tyne valley, an area where he and his relatives held land and were important charter witnesses.<sup>108</sup> The Adam Hindley who held a fraction of a knight's fee in Barnard Castle in the late thirteenth century, and the William Hindley with land in nearby Headlam in the early fourteenth century, were almost certainly his

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antiquarians (DCL, MS Randall 3; MS Raine 52) cannot now be traced. The charters copied in MS Randall 3, pp. 203–27, well illustrate the arguments made here.

<sup>103</sup> See, for example, DCRO, D/St/D1/1/1, 5 (the latter dated 1286).

<sup>104</sup> DCL, MS Randall 3, p. 98; E 210/9075. Both men are also prominent witnesses to a Fitzwilliam charter concerning Coniscliffe: DCM, Misc. Ch. 510.

<sup>105</sup> C. T. Clay, 'Notes on the family of Amundeville', *AA*, 4th ser., 24 (1946), pp. 69–70.

<sup>106</sup> DCL, MS Randall 3, pp. 204–5, 210, 218–19, 225. The origin of the Westburys has not been traced.

<sup>107</sup> Surtees, *IV*, i, pp. 71–2; DCL, MS Randall 3, pp. 204, 210, 218–19, 225. The 'Jocelyn' who was steward of the castle (*ibid.*, p. 227) was probably Jocelyn Westwick. For Sawcock, see also *VCH, Yorks., North Riding*, ii, pp. 29–30. Robert Skutterskelfe, constable of Barnard Castle in 1272 (DCM, Misc. Ch. 6909a), was also named after a place near Stokesley, and held lands at Faceby and Carlton in Cleveland: *VCH, Yorks., North Riding*, ii, pp. 233, 313.

<sup>108</sup> *NCH*, vi, pp. 159, 182–5, 187, 199. For a confirmation by Hugh Balliol (probably the Hugh who died in 1228) to Robert Hindley of lands near Broomley, see *ibid.*, p. 254, n. 8.

descendants, owing their property in the district to the Balliols.<sup>109</sup> Similarly, Robert Wybers drew an annuity from the Bywell estate of Newlands, and was probably a descendant of the William Wybers who witnessed earlier Bywell charters and was the steward of John I Balliol.<sup>110</sup> But Robert also appears associated with Summerhouse in the list of knights of the liberty of Durham, and was a regular witness to Barnard Castle charters in the later thirteenth century. Robert's nephew was Adam Meneville of Whittonstall, who seems to have held Summerhouse in the 1310s.<sup>111</sup> Conversely, the Alan Teesdale who witnessed charters relating to Whittonstall in the early thirteenth century, and who was granted a small amount of land there, surely originated from the Barnard Castle area.<sup>112</sup> Charter witness-lists offer further evidence of the close connections between the two Balliol lordships. The Barnard Castle families of Surtees and Traynes attested late twelfth-century Balliol charters concerning the Tyne valley; while the steward William Sawcock is probably to be identified with the witness to a Whittonstall charter.<sup>113</sup> Together the Bywell and Barnard Castle lordships seem to have formed something of a composite honorial community which – probably in contrast to lordships elsewhere in England – retained its vitality throughout the thirteenth century.<sup>114</sup> More particularly, it says much for the strength of the Balliols' influence that tenants and servants from the Barnard Castle area might have weaker links with the rest of the liberty of Durham than they had with Bywell. Their patterns of association, as much as their choices of heraldry, reveal how far their lives and aspirations were shaped by Balliol lordship.<sup>115</sup>

The forfeiture of the Bruce and Balliol estates in the years around 1300 inevitably meant that the structures of lordship in the wapentake of Sadberge would be profoundly altered. Hartness was finally forfeited in 1306, while the liberty was in Edward I's hands, and its control passed immediately by royal grant to the Clifford family, which retained it for the rest of the medieval period. Until 1461 it was held of the crown, and

<sup>109</sup> *RPD*, ii, p. 801; *CIPM*, v, no. 615; JUST 1/225, m. 5.

<sup>110</sup> C 132/36/5; *NCH*, vi, p. 186, n. 1; DCM, Misc. Ch. 6909\*; *Pudsay Deeds*, no. 443.

<sup>111</sup> DCM, Misc. Ch. 5492; *CIPM*, v, no. 615; *CCR* 1313–18, pp. 489–90. The Menevilles of Summerhouse are to be distinguished, sometimes with difficulty, from the Yorkshire Meinills, with interests in Snotterton in Staindrop (*NDD*, pp. 262–3); and John Meneville of Summerhouse, who also gained the manor of Sledwich, is to be distinguished from his namesake and contemporary, the sheriff and justice: Bodl., MS Eng. c. 7032, f. 89r; *RPD*, iv, pp. 271, 276.

<sup>112</sup> *NCH*, vi, pp. 182, n. 3, 185, n. 3.

<sup>113</sup> *Ibid.*, p. 186, n. 1.

<sup>114</sup> Cf. Carpenter, 'Second century of English feudalism', *passim*.

<sup>115</sup> For the Surtees arms, which reflected Balliol associations, see below, p. 117.

the crown automatically controlled the lordship when the Clifford heirs were under-age.<sup>116</sup> The Balliol forfeiture occurred in 1296, while the liberty was under Bishop Bek's control, and Bek was able to seize the estates.<sup>117</sup> But in 1307 the lordship was confiscated by Edward I and granted to Guy Beauchamp, earl of Warwick. It, too, came to be held of the crown, and although successive bishops fought to regain superiority over Hartness and Barnard Castle they had no more than passing or nominal success. The crown took control of both estates during minorities, when its officers were a real force within them.<sup>118</sup> Otherwise the pattern of lordship and service was determined principally by the changing interests and fortunes of the Clifford and Beauchamp families respectively.

The Beauchamps are the more amply documented. In the early fourteenth century, when northern England was central to national concerns, Barnard Castle provided a useful base for Earl Guy (d. 1315), who promised to assert active and vigorous lordship in the area. When Bishop Kellawe wrote to the earl in November 1312, asking him to encourage the inhabitants of the wapentake of Sadberge to contribute to the truce-money recently paid to King Robert I, he clearly took it for granted that Guy had real power there.<sup>119</sup> After Guy's death, the family's authority was disrupted during the long minority of Thomas Beauchamp between 1315 and 1329. In the 1330s, however, interest in consolidating the family's holdings in the area resumed: and it was probably then that attempts were made to acquire the manor of Streatlam on Earl Thomas's behalf.<sup>120</sup> But as the concerns of the earls of Warwick shifted away from the North, so does their involvement in the locality seem to have diminished. By the early fifteenth century the demesne lands at Barnard Castle had been farmed out, and some of the castle defences abandoned. Perhaps it was only when Richard, duke of Gloucester, acquired the lordship in the 1470s that the proprietary family again become a major force in local society.<sup>121</sup>

Following Guy of Warwick's death, then, Beauchamp lordship in the area was disrupted and, after a brief recovery, became increasingly distant. In consequence Barnard Castle came more firmly under the influence of

<sup>116</sup> D. Austin, 'Fieldwork and excavation at Hart, Co. Durham, 1965-75', *AA*, 5th ser., 4 (1976), pp. 72-8.

<sup>117</sup> For the administration of the lordship under Bek, see *DCM*, Loc.XXI.18, m. 5 (fifteenth-century notes from Bek's register); *RPD*, ii, p. 800; *CIMisc*, ii, no. 240.

<sup>118</sup> *CIPM*, v, no. 561; vi, nos. 247, 611; *CIMisc*, ii, no. 240; *Northern Pets*, nos. 165-6.

<sup>119</sup> *RPD*, i, p. 191.

<sup>120</sup> *DCL*, MS Raine 52, p. 178; *Surtees*, IV, i, p. 101.

<sup>121</sup> D. Austin, 'Barnard Castle, Co. Durham, first interim report: excavations in the town ward, 1974-6', *Journal of the British Archaeological Association*, 132 (1979), p. 55; A. J. Pollard, *The Worlds of Richard III* (Stroud, 2001), Chapter 9.

bishop and crown; and the shift is exemplified by the changing affiliations of the Surtees family. Ralph Surtees, as has been noted, was the steward of the Balliols in the mid-thirteenth century; and the Surtees arms derived from those of the Balliols. But in the fourteenth century the family was prominent among the liberty's leading administrators. Thomas Surtees (d. c. 1345) was steward from around 1330 to 1343; his son Thomas (d. 1378) was a justice and commissioner in the liberty towards the end of his life. He was also sheriff and knight of the shire for Northumberland, and his father had acted with some frequency as a royal commissioner in that county. Both men continued to reference the Balliols in their arms;<sup>122</sup> but royal administration and service to the bishops of Durham came to replace service to the lords of Barnard Castle.

Outside the wapentake of Sadberge, in the core of the liberty of Durham, episcopal lordship was longer established and faced less competition. Nevertheless, to concentrate in the first instance on the thirteenth century, it seems clear that the personal lordship of the bishops then meant little to most of the knightly families of the liberty. Indeed, in this century, only a few knights were involved in the liberty's administration, and these were more or less the only local men who had close associations with successive bishops.

After all, opportunities in the liberty's administration were in many ways limited.<sup>123</sup> Appointment to office was at the bishop's pleasure, and there seems to have been little pressure for the annual, or even regular, replacement of officers. Coroners and foresters were often appointed for life; while stewards and sheriffs might serve for considerable periods: John Malton was probably sheriff, and Guichard Charon steward, from 1274 to 1283. As a result there were relatively few openings in local administration, and opportunities for laymen were also curtailed by the important role played by clergymen in local governance. Clerics supplied almost all the liberty's thirteenth-century treasurers and chancellors, as well as most of the constables of Durham castle; and many stewards were ecclesiastics. For example, John Romsey, steward under bishops Poore and Farnham, and still a man of importance in episcopal circles under Bishop Kirkham, was rector of Easington; John Bell, steward in 1257, was rector of Sprotbrough (Yorkshire); Bek's stewards, William Boston and Peter Mauley, were both senior clergymen.<sup>124</sup> Many churchmen were also appointed justices in the

<sup>122</sup> DURH 3/30, m. 9-9d; *CPR 1330-4*, pp. 202, 528; *1340-3*, pp. 151, 432. For Surtees arms, see G&B, nos. 2346-8.

<sup>123</sup> The following analysis is based on 'Office-holders', i, pp. 99-100, 102-3.

<sup>124</sup> For Bell, see *Acta 1241-83*, p. xlvi.

bishopric. Other offices, as has been seen, were held by men from outside the liberty, who are best described as professional administrators, retained by bishops or attracted by the prospects of episcopal service. Finally, as has also been seen, a significant proportion of other local office was held by lay incomers who belonged to the bishops' *domus*.

For all these reasons, the involvement of local laymen in the administration of the thirteenth-century liberty was relatively minimal. Admittedly such involvement is not always easy to assess: several officers, both lay and clerical, are obscure figures. Silvester Darlington (sheriff in the 1240s) and Lawrence Lintz (sheriff in *c.* 1271–4) were, to judge from their names, local men; but the backgrounds of many other sheriffs are a total mystery. Again, the scarcity of thirteenth-century records means that we are perhaps liable to underestimate the administrative roles of local men: in 1253, for instance, John and Gilbert III Hansard, who are not otherwise recorded in the liberty's administration, seem to have been involved in affording a session of the bishop's court.<sup>125</sup> Nevertheless the available evidence presents a reasonably coherent picture, especially for the upper echelons of the liberty's governance, and it is one in which only a small number of local laymen were appointed to greater offices. In the 1250s and 1260s there was John Gilet of Eggescliffe, steward, sheriff and justice; in the 1260s there was Richard Chancellor of Brafferton, steward and justice.<sup>126</sup> These were the only stewards, in the second half of the thirteenth century, whose interests are known to have centred on the liberty; and it is likely that both men could boast some administrative expertise: Chancellor also served as the steward of Durham Priory; while Gilet first comes to light as an attorney in 1236, and acted as bailiff under a royal keeper of the liberty in 1240. They were sometimes joined as liberty justices by Marmaduke Fitzgeoffrey, Thomas Herrington and Robert Burnigill (if indeed the last was a layman).<sup>127</sup> Herrington, or perhaps a father of the same name, was constable of Norham in 1261, and Fitzgeoffrey's son, John Fitzmarmaduke, was constable of Norham in 1275. Otherwise, however, the knightly families of the liberty played little role in its administration: the great majority of 'the knights of the liberty' in about 1300, men like Hugh Burdon, Jordan Dalden, Richard Harpin, Gilbert Heworth, Walter Washington and Richard Yeland, held no major office;

<sup>125</sup> BL, MS Stowe 930, f. 81v.

<sup>126</sup> Chancellor is apparently to be identified with the 'Sir Richard Chancellor dwelling at Brafferton' named in the list of Durham knights: see Holford, "Knights of Durham", p. 214.

<sup>127</sup> Hoskins, on uncertain authority, describes Burnigill as Stichill's chaplain (*Acta 1241–83*, p. 1). He was styled clerk in 1258 (DCM, 1.3.Spec.22); and he, or perhaps a namesake, was married by 1260: *Greenwell Deeds*, nos. 38, 40.

nor had their ancestors. Indeed, Robert Neville (d. 1282), who represented one of the liberty's most powerful families, occurs only once as a justice, during the eyre of 1279–80.<sup>128</sup> It thus seems likely that the key factors determining appointments in the thirteenth-century liberty's administration were personal connections with successive bishops, and administrative and legal experience, rather than landed status.

Service to the bishops in informal capacities is naturally much harder to be certain about; but witness-lists to episcopal charters do not suggest close links between the thirteenth-century bishops and the majority of greater local families. A small number of knightly witnesses appear very frequently, a few attest persistently but infrequently, and most occur only occasionally. For example, in Bishop Stichill's charters of the 1260s and early 1270s we can readily identify the stewards Richard Chancellor and Geoffrey Russell, together with the justices Marmaduke Fitzgeoffrey and Thomas Herrington, as particularly frequent witnesses. Similarly, of thirty-two witnessed charters from Lisle's episcopate (1274–83), almost all were attested by his steward Guichard Charon; the other regular lay witnesses were John Fitzmarmaduke and Thomas Herrington. This suggests that only a few local families, with other links to episcopal service and administration, enjoyed close associations with the thirteenth-century bishops. Thomas Herrington and Marmaduke Fitzgeoffrey were also among the relatively few local knights in receipt of episcopal grants in the thirteenth century.<sup>129</sup> Our knowledge of patronage is, as always, incomplete: nevertheless the absence of most of the liberty's greater gentry from the list of the bishops' known beneficiaries is striking.

These gentry were nevertheless 'the bishop's knights', and he was still their lord.<sup>130</sup> The authority of episcopal lordship was undoubtedly recognised by local knights. It was, for example, in Bishop Stichill's court at Durham that William Layton ratified an exchange of land with Durham Priory in 1268. That the lands to be exchanged were of equal value was to be ensured by a committee of seven arbitrators: on William's part were Alexander Biddick, Robert Burnigill and the clerk John Plessy. The superior arbitrator agreed by both sides was Thomas Herrington.<sup>131</sup> Layton later

<sup>128</sup> Cf. Ofler, *North of the Tees*, Chapter 13, pp. 14–15. See GEC, ix, pp. 495–6, for the offices in Yorkshire and Northumberland to which Neville was appointed by the crown.

<sup>129</sup> *Acta 1241–83*, passim, with the following charters or references to grants omitted from that volume: H. E. Bell, 'Calendar of deeds given to the Society by Lord Ravensworth', AA, 4th ser., 16 (1939), no. 11; DCM, Misc. Ch. 1816; Lancashire Record Office, DDT0 E 4/25; NYCRO, ZBO MG/1–3; RPD, ii, p. 1197.

<sup>130</sup> Cf. *Acta 1241–83*, no. 92: Bishop Kirkham's charter of 1259 to Gilbert III Hansard, 'dilectus et fidelis miles noster'.

<sup>131</sup> FPD, pp. 188–90. For a similar example, see DCM, SHD 3/7.



witnessed Bishop Lisle's charters, but does not seem to have been closely associated with Stichill; here, nevertheless, Layton was represented by men prominent in Stichill's administration. Biddick was sheriff, and Burnigill may well have been constable of Durham, while Herrington, as noted above, was a close episcopal associate. The bishop's officers gave security to the transaction, as they may also have done when, at other times, they witnessed private local charters. Similarly, on several occasions, the threat of distraint by episcopal officers offered security for property transactions in the liberty; and from Beaumont's episcopate (1317-33), and probably before, a number of the liberty's inhabitants had their debts enrolled on the bishop's chancery rolls, empowering the liberty's officers to distraint in case of default.<sup>132</sup> There can be little doubt that throughout the period local society normally trusted in, and had frequent recourse to, the coercive powers of the liberty's officers. Nonetheless this was not the personal lordship of the bishops themselves. In the twelfth century, it is possible that the bishops had enjoyed closer relations with their knights.<sup>133</sup> In the liberty of Ely, any close personal association between the bishop and his knights had largely waned by the thirteenth century, as administrators were recruited from other, more professional sources, and as the honour court gave way to the liberty court.<sup>134</sup> Much the same may have happened at Durham.

In many ways the situation in the fourteenth century was similar.<sup>135</sup> Clergy continued to supply many of the liberty's chancellors, treasurers and even stewards. Two of Beaumont's stewards, John Lisle and Robert Brompton, were ecclesiastics; so was Thomas Haswell under Bury; so, later in the fourteenth century, were William Westley, Alan Shitlington, Hugh Westwick and William Bassingham under Bishop Hatfield. As in the thirteenth century, many officers, including Adam Bowes and John Meneville, were administrators or men of law with origins outside the liberty. Others were drawn from the episcopal household: the sheriffs Nicholas Sutton (1320, 1323) and John Hanby (1327), both Yorkshiremen, were probably familiars of Bishop Beaumont. And several officials with roots in the liberty were episcopal servants, or semi-professional administrators, of comparatively low status. Personal service or administrative talent probably explains the appointment of some relatively minor men as sheriff, including John Birtley

<sup>132</sup> *RPD*, iv, p. 358; BL, Additional Ch. 66337; NCS, ZSW/5/1; DCM, 1.5.Spec.45; DURH 3/29, *passim*; and cf. DCRO, D/Sa/D360; above, Chapter 2, p. 95, n. 195. Private deeds witnessed by the liberty's stewards, sheriffs and justices are too numerous to list.

<sup>133</sup> Cf. Scammell, *Puisset*, pp. 222-6.

<sup>134</sup> E. Miller, *The Abbey and Bishopric of Ely* (Cambridge, 1951), pp. 194-8.

<sup>135</sup> Cf. 'Office-holders', i, pp. 99-100, 103.

(c. 1311), Richard Stanley (1316), and William Walworth, a burgess of Darlington, who was sheriff for much of Beaumont's episcopate (1317–33).

So it was that the involvement of the liberty's gentry in local government remained pretty slight. Remarkably, only one of the liberty's sheriffs in the first half of the fourteenth century was a knight: John Creppings, whose interests lay mostly outside the liberty, and who was appointed during a difficult and untypical period in Bishop Bek's administration.<sup>136</sup> Furthermore, although there were undoubtedly some commissions of array in the early fourteenth century, the liberty is not likely to have seen an 'explosion of commissions' comparable with that seen elsewhere in the kingdom as a result of the growing military-fiscal demands of the crown.<sup>137</sup> Nor was there any comparable explosion of judicial commissions. Commissions of oyer and terminer were issued to small groups of justices, buttressed in exceptionally important cases by local magnates such as Ralph Neville or the prior of Durham; but, as was also the case in the fifteenth century, 'gentry participation was slight'.<sup>138</sup> There was thus a real contrast between the liberty and other parts of England, where it was usual for a high proportion of the gentry to be involved in local administration. These 'county gentry', it has been argued, emerged as a class united by their role in royal service, with identities increasingly based on the shire, the arena in which their royal service usually took place.<sup>139</sup> Nothing similar is likely to have happened in Durham; and many men focused their ambitions instead on local knights and magnates. Simon Esh, for example, proclaimed through the heraldry of his seal his desire for advancement through neighbouring families: Clifford, Harpin and probably Allenshields. John Allenshields was a retainer of Robert Hilton of Hilton (d. c. 1310) and of his grandson Robert. Some of the liberty's gentry even sought office beyond the bishopric: John Farnaces was a justice in Tynemouthshire, for example, while John Allenshields was under-escheator of Northumberland around 1311.<sup>140</sup> The lack of openings in the liberty's government probably made service with other lords, often outside the liberty, particularly attractive, although it was only in the last quarter of the fourteenth century that men with significant interests in the liberty, notably Thomas Surtees (d. 1378), Bertram Monboucher (d. 1388) and Ralph Eure (d. 1422), played major roles in the administration of Northumberland.

<sup>136</sup> Fraser, 'Officers', p. 30; C. Moor, *Knights of Edward I* (Harleian Society, 1919–32), i, p. 247.

<sup>137</sup> P. Coss, *The Origins of the English Gentry* (Cambridge, 2003), pp. 165–201. *RPD*, iv, pp. 512–13, refers to the bishop's array of 500 footmen from the liberty in 1314.

<sup>138</sup> Pollard, *North-Eastern England*, p. 163.

<sup>139</sup> Coss, *Origins of the English Gentry*, passim.

<sup>140</sup> Holford, 'Esh family', pp. 231–2; *Greenwell Deeds*, no. 273; below, Chapter 5, p. 214; *Northumb. Pets*, no. 20.

That said, however, the patronage and opportunities in the bishop's gift remained considerable, and some of the liberty's knightly families did play a greater part in the bishopric's government from around the beginning of the fourteenth century. John Fitzmarmaduke may have acted in some official capacity in the liberty in the 1290s, perhaps as the collector of an aid or subsidy: with two other men, one of whom was Bek's receiver, he was said to owe the bishop £800.<sup>141</sup> John's son, Richard Fitzmarmaduke, was steward of the liberty under Bishop Kellawe. In the 1290s Robert Hilton may have been constable of Durham castle, in one of the rare periods when this office was not held by a clerk; and Robert's grandson and namesake was a keeper of the peace in 1312. Ralph Fitzwilliam was a justice of the liberty under Bek, who also appointed him constable of Barnard Castle; he likewise served under Kellawe as a keeper of the peace.<sup>142</sup> Thomas Surtees (d. c. 1345) was steward under Beaumont and Bury; and from Bury's episcopate onwards, an increasing number of the liberty's sheriffs and justices were local gentry: men like Roger Esh (justice c. 1334–45), Simon Esh (sheriff 1334–9 and 1342–3, and justice c. 1336–41); Roger Blakiston (justice from c. 1343) and William Blakiston (sheriff 1345); and the sheriffs Robert Bowes (1350–5), William Claxton (1358–63) and William Meneville (1364–70).

Many of these changes are to be explained by war. The defence of the bishopric, after the outbreak of Anglo-Scottish hostilities in 1296, required the expertise and authority of the liberty's knights; and force and authority were also necessary to contain the problems of law and order that arose in the early fourteenth century, largely through war. As bishops increasingly required the services of local men to serve under them in war, or for the protection and governance of the liberty, their interrelationships inevitably became both closer and more formalised. Thus not only were members of the liberty's greater families appointed to more posts in local administration, but there is increasing evidence of their being retained. They also appear more frequently as witnesses to episcopal charters, and they increasingly become the recipients of episcopal largesse and patronage.

The pace and extent of these developments are not easy to gauge. But although John Fitzmarmaduke had acted as constable of Norham castle under Bishop Lisle (1274–83), his relationship with Bek does seem to have been different. It is not certain that John, styled 'bishop's bachelor' in a charter he received from Bek, was retained by that bishop; but the grant itself is an indication of changing relationships. In the thirteenth century, as

<sup>141</sup> *Bek Recs*, no. 39.

<sup>142</sup> Fraser, 'Officers', pp. 27–8; *RPD*, i, pp. 180–1; ii, pp. 1181–2; DCM, Loc.VII.45, no. 27; Loc.XXI.18, m. 5; DCRO, D/St/D13/1/2, pp. 36–7.

we have seen, few knightly families secured important grants. Marmaduke Fitzgeoffrey received from Bishop Kirkham only licence to make a park. John Fitzmarmaduke, however, obtained from Bek the manor of Wheatley, a property forfeited by a Scottish landholder who had refused allegiance to Edward I, and also forfeited land in Northhamshire.<sup>143</sup> In the event, because of the vicissitudes often affecting forfeited land, neither grant stood; but there was nevertheless a significant break here with thirteenth-century traditions.

Kellawe's episcopate (1311–16), when the Scottish wars posed a more immediate threat to the security of the liberty, saw a significant increase in the formal bonds between bishop and local knights, even if the chronicler at Durham Priory was probably exaggerating when he said that the bishop retained 'almost all the knights and serjeants-at-arms of the bishopric'.<sup>144</sup> Richard Fitzmarmaduke was retained, at a fee of twenty marks p.a., to counsel the bishop in all matters and to help to keep the peace in the liberty. Robert Neville was retained on similar terms for £10, and Ralph Fitzwilliam contracted to defend the liberty and uphold the peace for an annual fee of £100 for himself and two bachelors.<sup>145</sup> Fitzmarmaduke, Neville and Fitzwilliam were all frequent witnesses to Kellawe's charters; alongside them were other prominent knights of the liberty, such as Jordan Dalden, Robert Hilton, Walter Washington and Thomas Whitworth, who were apparently all regular counsellors of the bishop.<sup>146</sup>

It seems that Kellawe's successors retained less widely, but Ralph Neville (d. 1367) received an annuity of £20 from Bishop Beaumont, who also granted to him the manor of Evenwood for life.<sup>147</sup> Under Hatfield, similarly, Neville's son John (d. 1388) was retained for a fee of £20 p.a.<sup>148</sup> Perhaps surprisingly, however, the bishops of Durham did not become leading retainers of men in the liberty or in the North-East more widely.<sup>149</sup> Hatfield's fee could not compete with the £100 John Neville received from John of Gaunt;<sup>150</sup> and, more generally, the scale of episcopal retaining for

<sup>143</sup> *Acta 1241–83*, no. 100; *Bek Recs*, no. 55 (the suggested date is confirmed by the notes from Bek's lost register in DCM, Loc.XXI.18, m. 5); *Northumb. Pets*, no. 19. Fitzmarmaduke was also granted free warren: Bell, 'Calendar of deeds', no. 19. For his breach with the bishop in 1300–1, see below, Chapter 4, p. 154.

<sup>144</sup> *Scriptores Tres*, p. 94

<sup>145</sup> *RPD*, ii, pp. 1169–70, 1181–2.

<sup>146</sup> See especially *ibid.*, pp. 1125–1312.

<sup>147</sup> E 326/6095 (which may suggest that Beaumont retained Neville for life); DCM, Reg. II, f. 102r.

<sup>148</sup> DURH 3/31, m. 2. Surtees, ii, p. 272, wrongly attributes this retainer to Bishop Bury.

<sup>149</sup> Much the same was true in the fifteenth century: Pollard, *North-Eastern England*, p. 123.

<sup>150</sup> Walker, *Lancastrian Affinity*, p. 276.

most of the fourteenth century seems to have been limited. The absence of accounts makes certainty impossible; but a receiver-general's account of 1385–6 lists only eight men retained by Bishop Fordham 'for counsel' or 'in peace and war'.<sup>151</sup> This could hardly compare with the twelve knights and twenty-four esquires retained by Thomas Berkeley (d. 1361), or the seven knights and forty esquires in the fee of the earl of Devon in about 1385.<sup>152</sup> The changing relationships between magnates and knights and the bishops in the fourteenth century should not, therefore, be exaggerated, and certainly did not compare with the changes that occurred in the same period between magnates and the crown, or gentry and the crown.<sup>153</sup> Episcopal favour is unlikely to have been worth feuding over. The famous dispute between Richard Fitzmarmaduke and Robert Neville concerning 'which of the two was to be the greater lord' occurred in the context not of episcopal patronage, but of the substantial sums paid for the protection of the liberty against the Scots during the vacancy of 1317–18.<sup>154</sup>

The greatest opportunities resulting from war lay outside the liberty, not within it. It was crown service that was largely responsible, for example, for the increasing importance in the liberty of the Washingtons of Washington. For most of the thirteenth century they had been of no more than local prominence, on the margins of knighthood.<sup>155</sup> But in about 1290 Walter III Washington began to witness Bek's charters with some frequency, and he was styled knight from around 1299. His descendants were also knighted, and witnessed charters of bishops Kellawe, Beaumont and Bury.<sup>156</sup> Walter III had served in Scotland under Bek in 1296; his son William was a king's esquire or yeoman in 1314, and served in Scotland in 1315–16, and Walter himself was on campaign there in 1317. William was again on royal service

<sup>151</sup> *Hatfield Survey*, p. 267. They were John Conyers, Gilbert Elvet, William Lambard, John Neville (retained for counsel); William Blakiston, William Bowes, Walter Hawick, William Washington (retained in peace and war). The same men, with the exception of Hawick, and without the distinction between 'counsel' and 'peace and war', were feed in c. 1384–5: DURH 20/114/8.

<sup>152</sup> N. Saul, *Knights and Esquires: The Gloucestershire Gentry in the Fourteenth Century* (Oxford, 1981), p. 69.

<sup>153</sup> Cf. C. Given-Wilson, *The English Nobility in the Later Middle Ages* (London, 1987), pp. 153–9, and his 'The king and the gentry in fourteenth-century England', *TRHS*, 5th ser., 37 (1987), pp. 87–102.

<sup>154</sup> Offler, *North of the Tees*, Chapter 14. The quotation is from Thomas Gray, *Scalacronica 1272–1363*, ed. A. King (SS, 2005), pp. 78–9.

<sup>155</sup> The family's early history is best traced by W. P. Hedley and G. Washington, 'The early Washingtons of Washington', *TCWAAS*, new ser., 64 (1964), pp. 108–23. For its sub-knightly status, cf. *Acta 1241–83*, no. 119; Bell, 'Calendar of deeds', nos. 8, 22–3; *FPD*, p. 116.

<sup>156</sup> See inter alia Bell, 'Calendar of deeds', no. 26; *NDD*, p. 15; *Greenwell Deeds*, nos. 115, 122, 124, 131, 197; *DCM*, Reg. II, ff. 76v, 102v–3r; *Haswell Deeds* 63–4; *RPD*, ii, pp. 1128, 1130, 1133, etc.; iii, pp. 284–6.

in Scotland in 1327, 1335, 1336 and 1337, on the last occasion leading 100 hobelars from the liberty to relieve the siege of Edinburgh castle.<sup>157</sup> Nor were the Washingtons alone in advancing their status in the liberty through service to the crown. In the thirteenth century the Daldens of Dawdon cannot be traced in close association with episcopal households, but Jordan Dalden (d. 1349) witnessed several charters of bishops Kellawe, Beaumont and Bury.<sup>158</sup> His family had risen in stature since the beginning of the fourteenth century, when Jordan's father had royal letters of protection for service in Scotland in 1301, as Jordan himself did in 1303. Jordan is again documented in Scotland in 1318; in 1319 he was in the retinue of Earl Robert Umfraville, warden of the march of Northumberland.<sup>159</sup> And another example is offered by Robert Binchester of Binchester and Hunwick, who rose partly through military service to the crown to become one of the more prominent knights of the liberty under bishops Beaumont and Bury.<sup>160</sup>

For many of the liberty's magnates and knights, then, episcopal lordship was becoming both more and less important in the fourteenth century. It must be emphasised that the surviving evidence makes it difficult to avoid underestimating contacts between bishops and local lay society. It is as well to bear in mind the claims of Bury's biographer that he wished to avoid being pestered by 'magnates', and that he brought up in his household the children of the liberty's noble families. A memorandum of 1344 suggests that the bishop's council was dominated by members of the liberty's administration; but we cannot be sure that this is a representative picture. Bury referred to Ralph Neville as his 'very dear friend', and it is likely that Neville was among the bishop's regular advisers; he was later to be described as a councillor of Bishop Hatfield.<sup>161</sup> Nor should we underestimate the extent of the bishop's continuing power and authority in the liberty he governed, which meant that his lordship in other senses was never negligible. Nevertheless that authority was lessened in the fourteenth century, as

<sup>157</sup> *CCW 1244-1326*, p. 70; *CDS*, v, nos. 2112, 3095, 3117; *CPR 1327-30*, p. 10; E 101/15/6, m. 1; 101/19/36, m. 3; 101/20/17, mm. 4, 5, 9; BL, MS Cotton Nero C.VIII, f. 262v.

<sup>158</sup> E 210/11277; *DCM*, Reg. II, ff. 89v, 102v-3r; 4.3.Pont.11; Haswell Deeds 63-4; *RPD*, iii, pp. 284-6.

<sup>159</sup> *CDS*, v, nos. 2329, 2438, 3176; E 101/15/26; cf. BL, MS Stowe 553, f. 52.

<sup>160</sup> Below, pp. 130-1.

<sup>161</sup> *Scriptores Tres*, pp. 128-30; *RPD*, iii, p. 209; iv, p. 349. For Neville, together with John Eure, Robert Hilton and Marmaduke Lumley, as Hatfield's councillors, see the document printed in Surtees, iii, p. 130, but apparently with wrong date and reference. The text is lost, but seems to have been on Hatfield's first chancery roll, dated 1363, as noted in BL, MS Lansdowne 902, f. 43v.

service to the crown helped to make some of the bishop's subjects increasingly powerful figures, and as growing ties of service and lordship outside the liberty led men to look to other sources for patronage and protection.

Some purchase on these issues is offered by a letter of around 1312, which describes a stage in the dispute between Geoffrey Hartlepool and Ralph Fitzwilliam over the manor of Brierton near Hartlepool.<sup>162</sup> The letter, which provides a rare insight into local conflict, was prompted by the arrival of Fitzwilliam's men at Brierton to prevent crops from being harvested. The writer, perhaps Geoffrey Hartlepool's estate official, had complained in the first instance to Bishop Kellawe and his council, who had exerted some moderating influence on Fitzwilliam. The manor was not held directly of the bishop; even his overlordship was in doubt following the grant of Hartness to Robert Clifford (d. 1314), and it was Clifford to whom Geoffrey Hartlepool had been ordered to do homage in 1307.<sup>163</sup> Nevertheless Brierton still lay within 'the liberty of the bishopric of Durham'; it was the bishop who was seen as the principal arbiter in the area, and who was to some extent able to impose his authority. Yet the writer's mood was bleak. Hartlepool had angered Fitzwilliam by presenting a petition against him in Parliament; furthermore, Fitzwilliam was a keeper of the peace in the liberty and had been retained to defend it against the Scots. He therefore had the right to call on the assistance of local society, and no one in the neighbourhood of Brierton was prepared to side against him. Finally Bishop Kellawe was unwilling to antagonise Fitzwilliam because he was an intimate of Piers Gaveston, earl of Cornwall. The writer concluded that Hartlepool's best chance of reaching a settlement – if he was not prepared to put in an appearance himself to gather local support – was to persuade either the bishop or Marmaduke Thweng to write to Fitzwilliam.<sup>164</sup>

Episcopal lordship, therefore, remained important; but the letter exposes the limitations to which it was subject in the 1310s. Edward II was later angered at Kellawe because he had not supported Gaveston strongly enough against 'the community of the realm';<sup>165</sup> and the bishop may already have had reason to be wary of the earl of Cornwall's connections. The demands of war, meanwhile, had made Fitzwilliam an important representative of episcopal authority, retained by Kellawe to defend 'the

<sup>162</sup> DCRO, D/St/D13/1/2, pp. 36–7 (a nineteenth-century transcript; the original, then among the Bowes muniments, cannot now be traced). For brief accounts of the dispute, see Lapsley, *Durham*, pp. 211–12; *VCH, Durham*, iii, p. 366; Fraser, *Bek*, p. 217, n. 5.

<sup>163</sup> *CPR 1307–13*, p. 17.

<sup>164</sup> Thweng had a claim to superior lordship over Hartness, which he asserted after Robert Clifford's death in 1314: *VCH, Durham*, iii, p. 256.

<sup>165</sup> *Scriptores Tres*, p. 94.

royal liberty of the bishop, his lands, people and ministers' at an annual fee of £100.<sup>166</sup> That Fitzwilliam came to hold such a position, with the local weight it carried, was itself a result of his earlier military experience: he had served Edward I in Wales in the 1270s and 1280s, was captain for the defence of Northumberland in 1297, and was continually summoned for military service in the early 1300s.<sup>167</sup> This military experience made him more important in the liberty than his ancestors had been, and this in turn led to an expansion of his family's local interests. But war was not the only explanation for the dispute at Brierton and the difficulties it raised. Geoffrey Hartlepool had looked for help outside the liberty by petitioning Edward II in Parliament. He complained that the transfer of pleas concerning Brierton from the king's court to the bishop's was against 'the law and custom of the realm' and an affront to the royal dignity. Hartlepool was a royal lawyer, who must have had ready access to the king; and he received a favourable response on the grounds of the king's duty to show justice to all the inhabitants of his kingdom.<sup>168</sup> The 'law-state' as well as the 'war-state' lay behind the cross-currents of authority revealed by the Brierton dispute.

Law and war are indeed the final pieces in the jigsaw of lordship in the bishopric in the fourteenth century. Both 'law-state' and 'war-state', from the late thirteenth century, made the crown's servants more influential locally than had previously been the case. This led in turn to a corresponding increase in the crown's own influence in the liberty. First, the expansion of the central royal courts, and the emergence of a professional elite among the men who pleaded in those courts, opened up new opportunities for lawyers and administrators from the bishopric. There had, of course, always been openings for such men outside the liberty. John Lithgrains, named after a now lost place in the vicinity of Middleton-in-Teesdale, was connected from early in his life with the Balliols, whose armorial bearings he adopted, and with bishops Lisle and Bek.<sup>169</sup> But his administrative career took him much wider afield, and in 1267 he was clerk to the sheriff of Northumberland. He spent later years in the service of, among others, the archbishops of York and of the crown, acting as justice, commissioner and

<sup>166</sup> The only surviving indenture, for one year, was dated Christmas 1312: *RPD*, ii, pp. 1181–2.

<sup>167</sup> *GEC*, v, pp. 513–16.

<sup>168</sup> *DCRO*, D/St/D13/1/2, p. 35 (undated); cf. *PROME*, iii, pp. 68–9 (in the Parliament of 1315); *RPD*, ii, pp. 1056–8.

<sup>169</sup> Blair, 'Early armorials', p. 36; *DCM*, Misc. Ch. 6146\*, 6347 (*Acta* 1241–83, nos. 47, 58, misread the name); *Acta* 1241–83, no. 248; *JUST* 1/225, m. 7; *Bek Recs*, nos. 23, 53. Useful earlier biographies include *Reg. Romeyn*, ii, pp. 44–5, n. 2; Moor, *Knights of Edward I*, iii, pp. 51–2. For his origins, see *DCRO*, D/Sa/D443.



sheriff throughout the North and elsewhere in England in the last decades of the thirteenth century.<sup>170</sup>

Nevertheless the emergence, during Edward I's reign, of a legal profession with the right of pleading in the central royal courts did offer new routes to advancement for men from the liberty.<sup>171</sup> Geoffrey Hartlepool provides a good example. He began his career as a legal agent for his lord, Robert Bruce the Competitor, in the 1280s. By 1291, however, he was a serjeant of Common Pleas, and by 1302 he had been retained as a king's serjeant-at-law.<sup>172</sup> Service for Bruce had involved him with the central courts, but the opportunities offered by these courts drew him away from the liberty. Indeed, it was he who, in 1302, sued for Edward I against Bishop Bek and his ministers concerning various infringements of royal prerogative.<sup>173</sup> Nor was he unique in seeing the openings that lay outside the liberty. Three contemporary lawyers – Thomas Fishburn, William Kelloe and John Lisle – came from the same corner of the liberty, and all pursued successful careers in the royal courts.<sup>174</sup> And it was probably as a result of their connections with the central courts and administration that both Fishburn and Lisle were feed by Durham Priory as early as 1278.<sup>175</sup>

Similar careers can be traced in the fourteenth century. Roger Blakiston, for example, was a serjeant-at-law and a royal justice and commissioner.<sup>176</sup> The profits of legal service also allowed men from around the liberty to establish themselves in the bishopric. Such figures included William Deanham's brother John, king's serjeant in 1320–7, when he had already acquired his substantial estates at Coxhoe, Hardwick-on-Sea, Herrington, Nettlesworth, Offerton and Penshaw.<sup>177</sup> The Scropes – well-known exam-

<sup>170</sup> Blair, 'Sheriffs of Northumberland', p. 35. For his employment by the archbishops of York, see *Reg. Giffard*, p. 16; *Reg. Wickwane*, no. 714; *Reg. Corbridge*, ii, no. 896.

<sup>171</sup> Cf. P. Brand, 'The serjeants of the common bench in the reign of Edward I: an emerging professional elite', *TCE*, 7 (1999), pp. 81–102.

<sup>172</sup> *Earliest English Law Reports*, ii, pp. lv–vii.

<sup>173</sup> JUST 1/226, mm. 1–1d, 3d.

<sup>174</sup> *Earliest English Law Reports*, ii, pp. xxxvi–xl, lxxv–ix, lxxvii–lxxxii. Fishburn can tentatively be identified as the Thomas, son of Thomas clerk of Fishburn, who witnessed a Stillington charter around 1268: Merton College, Muniments 2299.

<sup>175</sup> Along with the other serjeants-at-law William Selby and Gilbert Thornton: *Extracts from the Account Rolls of the Abbey of Durham*, ed. J. T. Fowler (SS, 1898–1901), ii, p. 488; cf. J. H. Baker, *The Order of Serjeants-at-Law* (Selden Society, Supplementary Series, 1984), index and obituary, s.v.

<sup>176</sup> Baker, *Serjeants-at-Law*, index, s.v. Blaykeston.

<sup>177</sup> *Select Cases in the Court of King's Bench*, ed. G. O. Sayles (Selden Society, 1936–71), iv, pp. lxxxvii–xc, cvii–xv; *Greenwell Deeds*, nos. 113, 120, 131, 163–4, 202, 204; *RPD*, ii, pp. 1162–3, 1261–2; DCM, 3.9.Pont.4; DURH 3/2, f. 5v. The properties passed after John's death to his brother William, and they constituted for a time one of the principal estates in the liberty: C 47/1/13; E 198/3/19.

ples of social advancement through the legal profession – also made significant acquisitions in the liberty.<sup>178</sup> The increasing professionalisation of the royal courts, and the increasing fees that a select body of professional lawyers was able to charge, thus had a significant impact within the liberty. The land-market was opened to the speculations of rising men from neighbouring counties; and careers in the royal courts became increasingly attractive to talented men from the liberty. Moreover, when men from the bishopric entered the king's service, they acquired his patronage and protection, and the king's defence of their interests could easily have repercussions for the governance of the liberty itself. Geoffrey Hartlepool was granted the reversion of the forfeited manor of Keverstone by Edward I while the liberty was in royal hands; he also benefited from the persistent support of Edward II during his suit with Ralph Fitzwilliam over Brierton.<sup>179</sup>

Nevertheless only a small number of men with roots in the liberty had the desire or ability to become professional lawyers in the central courts, still less to reach the upper levels of the royal judiciary. The opportunities afforded by the expansion of the royal courts were always somewhat limited; and it was through war, not law, that the king's lordship affected the liberty most widely and profoundly in the fourteenth century. The impact of war was complex; but, in the first place, it increased the regional influence of magnates whose main interests lay elsewhere, and thus further increased the range of lordship and patronage available to the liberty's inhabitants. Henry Lacy, earl of Lincoln (d. 1311), was overlord of Embleton and therefore already had a certain presence in local society: the lawyer Thomas Fishburn, from Fishburn four miles north-west of Embleton, had entered the earl's service by 1291.<sup>180</sup> But the earl's connections in the liberty were significantly increased by his involvement in Scottish warfare from 1298, when he was present at the battle of Falkirk and was granted the lands of James the Stewart of Scotland. He recruited the services of John Allenshields, who also held land at Fishburn, and was the receiver of the earl's Scottish lands in the opening years of the fourteenth century. In 1298 Emery and Peter Kelloe of Kelloe, three miles from Fishburn, were employed on the business of Thomas, earl of Lancaster, who since 1294 had been Earl Henry's

<sup>178</sup> NYCRO, ZBO, MP/8, 11; MG/7–11. See further B. Vale, "The profits of the law and the "rise" of the Scropes: Henry Scrope (d. 1336) and Geoffrey Scrope (d. 1340), chief justices to Edward II and Edward III", in M. A. Hicks (ed.), *Profit, Piety and the Professions in Later Medieval England* (Gloucester, 1990), pp. 91–102.

<sup>179</sup> *CPR 1301–7*, p. 465; *Scriptores Tres*, p. 88; *RPD*, ii, pp. 1056–8, 1068–71, 1077–9, 1087–90, 1110–13; iv, p. 509.

<sup>180</sup> *RPD*, ii, p. 1237; *VCH, Durham*, iii, pp. 239, 326; *DURH 3/2*, ff. 20v–1r; *Earliest English Law Reports*, ii, pp. xxxvi–xl.

son-in-law.<sup>181</sup> By the start of the fourteenth century, Lacy himself had retained the military services of William Washington, who served again with him in 1307, together with Robert Binchester, another rising figure in the liberty.<sup>182</sup>

After the Earl Henry's death, several of his retainers were taken over by Thomas of Lancaster, and Lacy's ties with the liberty help to explain Lancaster's connections there. These contacts had developed significantly by the 1310s. Several prominent figures from the liberty were among those pardoned in 1313 for the death of Piers Gaveston: they included Jordan Dalden, Richard Fitzmarmaduke, and his close associate William Silksworth, together with William's brother Robert, Robert Binchester, John Conyers, Richard Rothbury, William Washington, Thomas Whitworth and John Yeland.<sup>183</sup> Men from the liberty were less prominent in the pardons issued to Lancaster's adherents in 1318, but Binchester again appears, alongside Peter Brackenbury and Geoffrey and Walter Henknowle.<sup>184</sup>

While it is unlikely that all these men were true associates of Lancaster, both Binchester and Fitzmarmaduke, at least, were closely connected to him. Fitzmarmaduke was granted an annuity of £20 by the earl, and exchanged lands with him.<sup>185</sup> Binchester, who in 1318–19 was also in receipt of an annuity of £20, was appointed keeper of Lancaster's castle at Dunstanburgh in 1319, and his connections with the earl are attested by Bishop Beaumont's declaration that Binchester was innocent of any involvement in the 'rebellion' of Gilbert Middleton in 1317–18.<sup>186</sup> Recent historians may be sceptical about Lancaster's involvement in Middleton's rebellion, but the association was clearly made by contemporaries; and, as a well-known Lancastrian associate, Binchester evidently needed to dissociate himself from Middleton.<sup>187</sup>

<sup>181</sup> DL 29/1/2, m. 15; DURH 3/2, ff. 20v–1r; 'A second calendar of Greenwell deeds', AA, 4th ser., 7 (1930), no. 28.

<sup>182</sup> DL 29/1/2, m. 15; CDS, v, no. 2684 (reading 'Wessington' for 'Bessington'). Allenshields also served with Lacy in 1307: CPR 1301–7, p. 323.

<sup>183</sup> CPR 1313–17, pp. 21–5.

<sup>184</sup> CPR 1317–21, pp. 227–35.

<sup>185</sup> G. A. Holmes, *The Estates of the Higher Nobility in Fourteenth-Century England* (Cambridge, 1957), pp. 71, 136–7, 141; J. R. Maddicott, *Thomas of Lancaster, 1307–1322* (Oxford, 1970), pp. 42, 54–5, 61.

<sup>186</sup> Maddicott, *Thomas of Lancaster*, pp. 20, 46, 339; A. King, 'Lordship, castles and locality: Thomas of Lancaster, Dunstanburgh castle and the Lancastrian affinity in Northumberland, 1296–1322', AA, 5th ser., 29 (2001), p. 225; C 47/27/8/40.

<sup>187</sup> For recent analysis, see A. King, 'Bandits, robbers and *schavaldours*: war and disorder in Northumberland in the reign of Edward II', TCE, 9 (2003), pp. 115–29; for allusions to Lancaster's involvement, A. E. Middleton, *Sir Gilbert de Middleton* (Newcastle, 1918), pp. 40–5.

The collapse of Lancastrian fortunes after the battle of Boroughbridge (1322) nevertheless had relatively little impact on the liberty. Richard Fitzmarmaduke was already dead, and Robert Binchester had probably distanced himself from Lancaster and was looking to the opportunities of episcopal and royal service. He was a regular witness to Beaumont's charters in the early 1320s, and very soon after Beaumont's accession he had begun to benefit from the bishop's patronage.<sup>188</sup> But Binchester's principal energies were directed towards royal service, which provided his greatest rewards. In the autumn of 1322 he led troops from the liberty, and was assigned to the custody of Holy Island with twenty men-at-arms and sixty hobelars. In December 1326 he was confirmed as keeper of Richmond castle, and of manors in Yorkshire and Northumberland, and was on the king's business in negotiations with King Robert I.<sup>189</sup> His career continued to flourish under Edward III: he was granted lands in Berwick in 1334, and also received a grant of lands in Scotland from Edward Balliol.<sup>190</sup>

Binchester was far from being the only inhabitant of the liberty to be drawn into the crown's service in war: on the contrary, war brought royal service within the reach of new numbers of men. Naturally the magnates and knights of the liberty were conspicuous among them. The greater families of the liberty in the fourteenth century – Fitzmarmaduke, Hilton, Lumley and Neville – were all prominently involved from the late thirteenth century onwards. Robert Hilton (d. c. 1310), for example, was summoned for military service against the Scots between 1296 and 1305; his grandson and heir, also Robert (d. c. 1322), was serving in the marches of Scotland in 1315 and was captured there in 1319. This Robert's son Alexander (d. c. 1361) was summoned for military service in 1335 and had earlier had letters of protection to go overseas with William Zouche in 1332.<sup>191</sup> Knightly families were also prominent, and (in what must be regarded as a minimum list) those of Basset, Binchester, Dalden, Hadham, Hansard, Ley, Rothbury, Washington and Yeland all saw service in Scotland or France. The opportunities of military service also drew lesser gentry and freeholders of the liberty, men like John Allenshields, William Brackenbury and Peter his son, John Burnigill, Geoffrey Henknowle, Robert Kilkenny and Walter Ludworth. Alongside them were burgesses such as the Durham men John Page, John Spicer and Ralph Warsop.<sup>192</sup>

<sup>188</sup> DCRO, D/St/D7/2; DCM, Reg. II, ff. 71v, 89v, 91r–2r, 102v–3r.

<sup>189</sup> BL, MS Stowe 553, ff. 61r, 82r; *CCR* 1323–7, p. 624; *CPR* 1324–7, pp. 342, 344; 1327–30, p. 20.

<sup>190</sup> *CDS*, iii, nos. 1114, 1223; *Northumb. Pets*, no. 142(b).

<sup>191</sup> *GEC*, vii, pp. 20–4.

<sup>192</sup> See, for example, *CDS*, v, nos. 3172, 3176, 3231 ('Geoffrey de Hencuel'), 3243 ('John de Brimynghill'); *CPR* 1313–17, p. 536; C 81/1736/62; E 101/20/17 mm. 6, 8.

Service might open up wide-ranging opportunities for such men and profoundly reshape their aspirations. Thus John Gildford of Collierley, who served under Walter Huntercombe in the later thirteenth century, chose to difference the Huntercombe arms when bearing *argent, two bars gemelle sable*.<sup>193</sup> Similarly the lion rampant, which featured from the early fourteenth century in the arms of the Washington family, may well have echoed the arms assumed around 1300 by the lords Percy, under whom Washingtons often served.<sup>194</sup> Alan Teesdale, who had been a Balliol retainer in the 1290s, moved in the 1310s and 1320s to associating with Hugh Despenser the younger and John Cromwell, and he entered royal service as a king's esquire.<sup>195</sup> Or there was Richard Whitparish, a freeholder in the area of Broom Park and Aldin Grange, who from the later 1330s served with William Bohun, earl of Northampton, in Scotland and France.<sup>196</sup>

Only a handful of people – Robert Binchester, Jordan Dalden and the Washingtons, for example – had real military careers. Nevertheless through service in the king's armies, under whatever captains, royal lordship became increasingly important to parts of the liberty's society. And whenever royal servants turned to the crown for the protection of their local interests, the king's concern with, and influence on, the governance of the liberty inevitably grew. This concern is especially well documented in the 1310s, due to the survival of copies of royal letters under the privy seal addressed to Bishop Kellawe.<sup>197</sup> Thus Edward II sought the bishop's favour on behalf of Robert Hansard; William Basset of Offerton, on the king's service in Scotland, obtained a royal writ asking Kellawe to safeguard Basset's property at Penshaw.<sup>198</sup> Royal favour even extended to such small fry as John Page of Durham. In 1314 he had letters of protection while

<sup>193</sup> C. H. H. Blair, 'Knights of Durham who fought at Lewes, 14th May 1264', *AA*, 4th ser., 24 (1946), p. 199.

<sup>194</sup> G&B, nos. 2608, 2609(i); W. H. D. Longstaffe, 'The old heraldry of the Percies', *AA*, new ser., 4 (1860), p. 162; E 101/388/5, m. 19; 101/19/36, m. 3; 101/20/17, mm. 4, 9; C 81/1736/75; *CCR* 1313–18, p. 201.

<sup>195</sup> *Northern Pets*, no. 166, comment; *CPR* 1292–1301, pp. 1–2; 1324–7, p. 195; 1327–30, p. 427; *PQW*, p. 594; *Yorkshire Hundred and Quo Warranto Rolls*, ed. B. English (YASRS, 1996), p. 212; *CFR*, iii, pp. 70, 397; E 101/14/15, m. 9; 101/373/15, m. 8d; and *JUST* 1/1225, m. 6, which identifies him as the chamberlain of Hugh Despenser the younger. Alan was presumably related to the 'king's serjeant' Hugh Teesdale, who similarly appears to have been connected to Cromwell: *CPR* 1313–17, pp. 178–9.

<sup>196</sup> *CPR* 1334–8, pp. 530–1; 1345–8, pp. 494, 532, 546; C 81/1734/24, 31, 40; E 101/19/36, m. 5; A. Ayton and P. Preston, *The Battle of Crécy, 1346* (Woodbridge, 2005), pp. 206, n. 229, 209; *CDS*, iii, no. 1516; *DURH* 3/30, m. 3d. For his interests in the liberty (and those of his father Richard, chief forester, d. 1343), see inter alia *DURH* 3/2, ff. 67v–8r; *RPD*, iii, pp. 343–4; iv, pp. 272–3; *Hatfield Survey*, pp. 119, 214; *VCH, Durham*, iii, p. 159.

<sup>197</sup> Printed in *RPD*, iv, pp. 483–531.

<sup>198</sup> *Ibid.*, pp. 514–15, 528–9.

engaged in the defence of Berwick; and around this time Edward II ordered Kellawe to do Page justice concerning lands he had been granted by Bek.<sup>199</sup> He seems to have held only a small amount of property in Durham.<sup>200</sup>

Royal servants like these also received such patronage in the liberty as the crown had to dispense: Ralph Eppleton, king's esquire, and probably from the Durham family of that name, was one of those to be granted the forfeited manor of Felling by Edward II.<sup>201</sup> Such men likewise brought the crown's authority to bear on the distribution of episcopal patronage. Edward II wrote to Kellawe asking the bishop to grant land in Morton Tinmouth to the king's 'dearly beloved' Thomas Greystone, and charters were duly drawn up on 2 March 1312.<sup>202</sup> But although Greystone was successful, it must be admitted that the actual impact of the apparent stream of royal parchment is often unclear. The scope of the crown's interest in the liberty and its governance is evident; the effect of that interest is much more obscure. We can be reasonably certain, however, that royal pressure was not easily disregarded; indeed it seems likely that it was relatively prominent among the many pressures balanced by the bishops in their distribution of patronage. It is certainly possible to point to some men whose gains from episcopal patronage owed everything to royal favour and nothing to service in the liberty.

By far the best example is provided by the career of John Weardale, and although his story has already been told in part elsewhere, it bears repetition and amplification.<sup>203</sup> He was perhaps, like Hugh Weardale, one of the men from the bishop of Durham's forest of Weardale whom Bek used to blockade Durham Priory in 1300.<sup>204</sup> John Weardale, however, took whatever martial proclivities he may have had into royal service. He first occurs in 1304, when he was rewarded with wine and victuals worth £5 for delivering a Scottish prisoner to the king. By 1307 he was heading a company of fifty-four archers in the king's army in Scotland; by 1310 pardons rewarding service in Scotland were being issued at his request.<sup>205</sup> It was around this point that royal favour began to influence his position in the liberty itself. In 1309 Bek granted him lands near Chester-le-Street. It is

<sup>199</sup> *CDS*, v, no. 2978; *RPD*, iv, p. 511. He was owed money, for unknown reasons, by 'the community of the vill of Durham'.

<sup>200</sup> If, as is likely, he is to be identified with the John Page whose messuage in Durham was forfeited following his adherence to Thomas of Lancaster (C 145/88/2, 89/21) and whose son John later conveyed lands, probably also in Durham (BL, Additional Ch. 66344).

<sup>201</sup> *CPR* 1317–21, p. 335.

<sup>202</sup> *RPD*, ii, pp. 1154–6; iv, p. 525.

<sup>203</sup> King, 'Bandits', pp. 115–16.

<sup>204</sup> For Hugh, see *RPD*, iv, pp. 31–3, 62–3.

<sup>205</sup> *CDS*, ii, no. 1585; *CPR* 1301–7, p. 250; E 101/373/15, m. 19d; *CCW* 1244–1326, p. 329.

likely that the grant was made at royal request, and it was probably again at royal request that Bek, at about the same time, appointed Weardale forester of Lanchester ward. Certainly there is no evidence that Weardale had any other connections with episcopal service or administration.<sup>206</sup>

Unsurprisingly Weardale retained his office during the vacancy of the see in 1311, but he was replaced on Richard Kellawe's accession. Shortly afterwards Edward II wrote to the bishop an aggrieved letter requesting Weardale's reinstatement. This seems to have had some effect; but soon after he was dismissed again, probably because his duties in the king's service prevented him from discharging his responsibilities. Edward wrote again requesting Weardale's reinstatement, and asking that he be allowed to appoint a deputy if he could not perform the office in person.<sup>207</sup> Whether or not this had the desired result, Edward's letter was of little use to Weardale, who – at least according to the Durham Priory chronicler – was one of the brigands or *schavaldours* ranging over the North-East in this period. He met his death in 1312, in obscure circumstances, at the hands of a retainer of Bishop Kellawe.<sup>208</sup> The consequences were naturally serious. Weardale's killer, Roger Fawside, was captured by Ralph Fitzwilliam and imprisoned at Durham, where Edward II attempted to ensure his safe custody.<sup>209</sup> More seriously, the king (again according to the priory chronicler) attempted to have Kellawe transferred from the bishopric and to have his brother Patrick arrested. Only Kellawe's gift to Edward of a warhorse and 1,000 marks enabled reconciliation.<sup>210</sup>

Although Weardale's career was hardly typical, it does have wider resonance as an illustration of how the 'war-state' extended the reach of royal lordship and patronage in the liberty. But while that extension could be dramatic, it is not always obvious how it affected local attitudes towards the liberty and its privileges, and the difficulties of generalising can be illustrated by two contrasting examples. One has already been touched on in previous chapters – the attempt of Adam Bowes and Thomas Lambard to carry out, on behalf of the crown, the inquisition *post mortem* of Robert Clifford (d. 1344), and the refusal of local freeholders to cooperate on the grounds that they were *Haliwerfolk* who ought not to obey the king's writ.<sup>211</sup> Both Adam and Thomas themselves were local landholders and

<sup>206</sup> Fraser, *Bek*, p. 212, appears to be mistaken in describing Weardale as 'one of Bek's followers'.

<sup>207</sup> *Bek Recs*, no. 142; *RPD*, iv, pp. 491, 504–5. In another letter Edward II asked Kellawe to be 'gracious and favourable' to Weardale in all things: *RPD*, iv, pp. 493–4.

<sup>208</sup> *Scriptores Tres*, p. 94; *CCW 1244–1326*, p. 385; *RPD*, i, p. 254; *CPR 1307–13*, p. 542.

<sup>209</sup> *RPD*, iv, pp. 497, 526.

<sup>210</sup> *Scriptores Tres*, p. 94.

<sup>211</sup> See especially above, Chapter 1, pp. 51–2.

both, although they acted as royal commissioners, also served Bishop Bury.<sup>212</sup> Nevertheless they were prepared to allow the needs of the crown to take precedence over the claims of local privilege.

The counter-example comes from 1322, when proceedings in King's Bench to recover the advowson of Whitburn for the crown were respited. In the words of the record, 'Jordan Dalden and other jurors of the liberty of the bishop of Durham between the waters of Tyne and Tees claim that they ought not to be placed on assizes or juries anywhere outside that liberty. They say that they and their ancestors have used and enjoyed this freedom from time out of mind, and ask that nothing be taken further in this plea to the prejudice of that right.'<sup>213</sup> It does not particularly matter whether the jurors said this because they objected to the crown's claims, or because they simply wished to spare themselves the inconvenience of a journey outside the liberty. The jurors were prepared, as Adam Bowes and Thomas Lambard were not, to prioritise local privilege over the king's needs; and this was despite the fact that Jordan Dalden had been in royal service in Scotland since the early fourteenth century. Service to the crown did not necessarily imply any lesser commitment to the liberty and its rights.

For all the difficulties of inferring identities and loyalties from socio-political networks and patterns of association, however, we can identify the shifting structures of lordship in which identities and loyalties in the liberty took shape. Without doubt these structures changed considerably from the mid-thirteenth to the mid-fourteenth century; and assessing the changing position of the bishops of Durham in their liberty is no easy matter. It is true that, as the Brierton dispute suggests, episcopal authority did come to be complicated and even challenged by the increasing influence of the crown and of magnates in the liberty. It is also true that the bishops were never the sole sources of patronage, employment and favour in the liberty – as the Black Prince may have been in Cheshire, or John of Gaunt in Lancashire.<sup>214</sup> In the thirteenth century, the families of Bruce and Balliol offered powerful alternative foci for the associations and ambitions of local families. From the late thirteenth century, service to the crown, in royal courts and in royal armies, provided an equally attractive alternative to episcopal service, and war opened up opportunities with other lords. Furthermore, although the patronage at the bishops' disposal was extensive, it was used modestly; relatively few local men benefited from it, or

<sup>212</sup> For Thomas Lambard, see *RPD*, iv, pp. 271, 276, 329.

<sup>213</sup> KB 27/249, rex, m. 4; cf. KB 27/250, rex, m. 5; 27/251, rex, m. 1d.

<sup>214</sup> P. H. W. Booth, *The Financial Administration of the Lordship and County of Chester, 1272–1377* (Chetham Society, 1981), pp. 6–7; above, p. 110.



were retained, and it is unlikely that the lives of the liberty's greater families centred on the bishops' residences, as those of the Gloucestershire gentry did on Berkeley castle.<sup>215</sup> And, finally, throughout the period the legitimacy of episcopal power had a potential rival in Durham Priory, where the body of St Cuthbert was housed, and which might claim with equal validity 'the liberties of St Cuthbert' – as indeed might the local community, the *Haliwerfolk* itself.

All this might suggest that, if questions of local hegemony and influence are considered broadly, the bishops of Durham not only were less masterful in their liberty than the kings of Scots were in thirteenth-century Tynedale, but exerted less impressive lordship than some English magnates did in their 'countries' without any panoply of institutional privilege. Yet we must not overstate the limitations of the bishops' lordship. They may never have dominated local society as did King Alexander III or, in a different context, Richard Beauchamp, earl of Warwick (d. 1439).<sup>216</sup> But, as an ecclesiastical liberty, Durham was not subject to the drastic fluctuations that might, as a result of dynastic misfortune, affect a secular 'franchise' or the regional influence of an aristocratic family. Its successive bishops were men of different character and abilities; and the time they spent in the bishopric also varied a great deal according to their other responsibilities.<sup>217</sup> All, however, defended 'the liberty of St Cuthbert' which, in Bishop Kellawe's words, 'is ours to guard';<sup>218</sup> and all exerted an influence on the shape and aspirations of local society. Despite changes of personnel, therefore, Durham enjoyed a real continuity of lordship. Men might well move from one episcopal *domus* or *familia* to another, and the composition of the liberty's officeholders rarely changed dramatically when a new bishop took office. In an ecclesiastical liberty, opportunities for local families were always lessened by the claims of clergymen and outsiders; but it does seem that local men who wanted 'in' were able to obtain office and favour. The liberty, we can surmise, was central to the identities of men like Simon and Roger Esh; Thomas Surtees (d. c. 1345) served the crown on a few occasions, but his lengthy service as steward of Durham (1330–3, 1337–43) surely mattered more to him. The liberty was able to support the ambitions of local gentry, and this is one reason why these gentry did not become integrated with neighbouring county society to the extent that can be witnessed in

<sup>215</sup> Saul, *Knights and Esquires*, p. 74.

<sup>216</sup> Below, Chapter 6, *passim*; C. Carpenter, 'The Beauchamp affinity: a study of bastard feudalism at work', *EHR*, 95 (1980), pp. 514–32.

<sup>217</sup> Compare the itineraries in *Acta 1241–83*, pp. 251–6; Fraser, *Bek*, pp. 233–49.

<sup>218</sup> *RPD*, i, p. 296.

fourteenth-century Tynedale.<sup>219</sup> In fact, as has been seen with the families of Meneville and Bowes, the liberty could also redirect the aspirations and identities of men from Northumberland and Yorkshire. Even in the fourteenth century, when the crown and some magnates exerted an increasing influence in the liberty, this influence was often brought to bear on patronage in the bishopric itself, so that the liberty and its opportunities remained central to men's concerns.

Moreover, if lordship is understood as 'the power to command, to compel and to exploit',<sup>220</sup> then there can be no doubting the bishops' importance throughout the period. They indeed had a control of government and justice that the Beauchamps could only have dreamed of in Warwickshire, and a virtual monopoly not only of legitimate secular force, but of ecclesiastical sanction. Such powers meant that their lordship as a whole was never negligible. It might touch on every aspect of their subjects' lives, and it thereby gave the bishops the potential to exercise a decisive influence on the liberty's social and political order. It was a potential that was rarely realised to its fullest extent; but the effects, for good or ill, could be dramatic. And, as will be seen in the next chapter, at no period was this better illustrated than under Bishop Anthony Bek.

<sup>219</sup> Below, Chapter 7, pp. 334–55.

<sup>220</sup> R. R. Davies, 'The medieval state: the tyranny of a concept?', *Journal of Historical Sociology*, 16 (2003), p. 295, quoting Robert Boutruche.

# *Durham under Bishop Anthony Bek,* *1283–1311*

*Matthew Holford*

We saw in the preceding chapter how the regalian powers of the bishops of Durham gave them access to considerable stores of patronage, and could make their good lordship extremely attractive. By the same token, the bishops had the ability to be fearsomely heavy lords. Private and public powers are not always easy to distinguish in medieval England, but the distinction was particularly difficult in greater liberties where ‘public’ rights were in ‘private’ hands. And doubtless the ‘private’ power and authority of the bishops of Durham were immeasurably increased by their control of the bishopric’s ‘public’ government. The bishops were sometimes told that they were no more than the king’s ministers in the liberty, and on occasion they made the same claim themselves;<sup>1</sup> but such rhetoric should not distract us from the role of the liberty’s government in preserving and extending the bishop’s rights, possessions and income. The liberty’s officers were the bishop’s salaried servants: the sheriff of Durham swore to execute the bishop’s orders, and to maintain ‘the rights and prerogative of the bishop’, not of the king.<sup>2</sup> The coroners, too, were the bishop’s men: while their peers elsewhere in the kingdom – and indeed in most liberties – were elected in the county court or its equivalent, in Durham they were (with one exception) appointed by the bishop.<sup>3</sup> They shared many duties with their royal counterparts, but they also helped to administer the bishop’s estates. They collected rents from the bishop’s free tenants, and were able to discipline his customary tenants with the resources of ‘public’ rather than simply manorial authority.<sup>4</sup>

<sup>1</sup> *Bek Recs*, no. 82; *RPD*, i, p. 78; iv, pp. 420–1.

<sup>2</sup> *RPD*, iv, pp. 347–8 (the oath of the Durham sheriff in 1345).

<sup>3</sup> The exception was the coroner of Sadberge, who held office by hereditary serjeanty: Storey, *Langley*, p. 62.

<sup>4</sup> See, for example, C. J. Neville, ‘“The bishop’s ministers”: the office of coroner in late medieval Durham’, *Florilegium*, 18 (2001), pp. 47–60; Storey, *Langley*, pp. 62, 69–70; R. H. Britnell, ‘Feudal reaction after the Black Death in the palatinate of Durham’, *Past and Present*, 128 (1990), pp. 32–3.

The combination of 'public' and 'private' administration that characterised the office of coroner in the liberty was displayed *par excellence* in what was, in the thirteenth and fourteenth centuries, the liberty's most important office – that of steward. On the one hand, the steward had a general responsibility for the liberty's secular administration, and was said in 1388 to supervise its government. On the other, the steward had overall charge of the bishop's estates: he supervised the bishop's hallmote court, and detailed references to his management of episcopal properties occur in the receivers' and bailiffs' rolls of the liberty.<sup>5</sup> This was in marked contrast to a liberty like Bury St Edmunds, where the steward was concerned only with enforcing the abbot's governmental authority, and had no responsibility for running his estates.<sup>6</sup> In Durham the government of the liberty as a whole was hard to separate from the administration of the bishop's estates and finances and from his 'private' lordship.

The bishop's control of local government allowed him to assert this lordship vigorously. When rights of wreck were claimed against Peter Bruce in Hartness early in the thirteenth century, it was the bishop's bailiffs who seized a disputed boat, and the bishop's justices who ordered the bishop's sheriff to erect symbols of episcopal jurisdiction. The same justices amerced Bruce's men for seizing wreck on a different occasion; at another time, excommunication and distraint compelled Bruce to release a prisoner he had taken, an offence for which the bishop's justices fined him £20.<sup>7</sup> When wardships were disputed between the bishop and his tenants, the bishop had the support of his officers. Similarly episcopal actions after the Black Death demonstrate how the bishop 'was able to employ the officers of local government to support his estate policy', with the liberty's coroners arresting or distraining defaulting tenants.<sup>8</sup>

Such powers can be paralleled in other liberties, and their abuse is often a recurrent theme. Lordship was exploited beyond what was acceptable to the local community; the community sought to secure redress and where possible to limit the powers of lordship, be it through negotiation, opposition by force, or appeals to a higher power – usually the crown. Such heavy lordship was an important stimulus to the development of collective identities within liberties. It encouraged reflection on the rights and customs the

<sup>5</sup> 'Office-holders', i, p. 96. In the fifteenth century the stewardship declined in importance, and the receiver-general became the principal agent of the bishop's administration: Storey, *Langley*, pp. 80–1; A. J. Pollard, *North-Eastern England during the Wars of the Roses* (Oxford, 1990), p. 162.

<sup>6</sup> H. M. Cam, *Liberties and Communities in Medieval England*, new edn (London, 1963), p. 189.

<sup>7</sup> *RPD*, iii, pp. 46–8.

<sup>8</sup> DCM, 1.5.Pont.3, art. 12; Britnell, 'Feudal reaction', pp. 32–3.

local community had enjoyed in earlier times, and consequently on that community's own 'liberties'. The organisation of resistance could be a spur to communal activity; and if a collective 'charter of liberties' was secured, such a document might well give 'the community of the liberty' a solidity it had not previously possessed, thereby providing the basis for future self-assertiveness.

In Durham, in fact, serious opposition to episcopal lordship seems to have been relatively rare. Admittedly this impression may simply reflect the uneven survival of evidence, because after Bek's episcopate the handful of extant fourteenth-century financial and judicial records from the liberty provides little basis for tracing episcopal lordship. The picture might be very different if we had knowledge of the proceedings before the justices appointed in 1357 to enquire into the 'oppression' of the local community.<sup>9</sup> Other records do contain references to the misdeeds of episcopal officers; but such references are few.<sup>10</sup> While any argument from silence is difficult, the general absence of complaint may nevertheless reflect the willingness of most thirteenth- and fourteenth-century bishops to exploit the liberty in ways that recognised the traditional rights of its freeholders.<sup>11</sup> It is probably significant, for example, that none of the surviving fourteenth-century receivers' rolls refers to an aid or a tallage, and that sums from other casual 'feudal' revenue and from the profits of justice were always low. Such income in 1339–40 brought in perhaps 5 per cent of the total, as against around 80 per cent from rents and farms. There is a striking contrast with the Welsh Marcher lordships where casual revenue and judicial profits could often account for over half a liberty's yield.<sup>12</sup> Arbitrary and unpredictable exactions do not seem to have been so typical in Durham; and it was perhaps for this reason that real opposition to episcopal regimes arose on only two occasions in the Middle Ages, first in the early fourteenth century and again in 1433.<sup>13</sup> On both occasions a bishop's exploitation of his regalian powers was a major source of grievance. But it was in 1300–5

<sup>9</sup> DURH 3/30, m. 12d. For the context of this commission, see P. L. Larson, *Conflict and Compromise in the Late Medieval Countryside: Lords and Peasants in Durham, 1349–1400* (London, 2006), Chapter 6.

<sup>10</sup> KB 27/246, m. 135 (a case brought in the royal eyre visiting the liberty during the vacancy of 1317–18); CCR 1369–74, pp. 319–20.

<sup>11</sup> For relations with unfree and customary tenants, poorly documented before around 1350, see Britnell, 'Feudal reaction', passim; Larson, *Conflict and Compromise*, passim.

<sup>12</sup> DCM, Loc.V.32; Davies, *Lordship and Society*, especially pp. 179, 187. Cf. J. Scammell, 'The origin and limitations of the liberty of Durham', *EHR*, 81 (1966), p. 472; above, Chapter 2, pp. 83–4, for aids levied from the liberty in the thirteenth century.

<sup>13</sup> For the dispute of 1433, see Storey, *Langley*, pp. 116–34; C. D. Liddy, *The Bishopric of Durham in the Late Middle Ages* (Woodbridge, 2008), pp. 208–35.

that episcopal lordship provoked the most forceful and effective collective opposition, and although the dispute has been examined by modern scholars, it repays further consideration. First, it provides an opportunity to explore in depth the development and impact of the bishops' powers as 'lords royal' over their subjects. Second, the exceptional documentation of the dispute provides a snapshot of loyalties and identities in the liberty which, if necessarily fleeting in duration, is nevertheless unparalleled in detail. And, finally, the resolution of the dispute allows the arguments advanced in earlier chapters to be developed, since the roles played by bishop, crown and local society reflected the cultural and political dynamics already described.

The course of the dispute can be summarised briefly.<sup>14</sup> It originated in opposition to the 'new and unheard-of impositions' that were seen to characterise Bek's administration of the liberty, and this opposition was galvanised by two factors. First, there were the heavy military demands of Edward I in the winter of 1299–1300: these led to an affirmation of the 'traditional' right of the *Haliwerfolk* to be free from military obligations outside the bishopric. Second, there was Bek's attempt to carry out a visitation of Durham Priory early in 1300, which was disputed by Prior Richard Hoton: thereupon the priory was blockaded by the bishop's forces, and Bek appointed a new prior, Henry Lusby. These events pushed the local community into swearing a collective oath in April 1300 to seek justice from the bishop and, if he failed them, from the crown. At the same time Prior Hoton pursued his case against Bek before the king, and in Parliament in 1302 he was able to show that Bek's officers had imprisoned a man carrying royal letters of protection. Such an insult to royal authority provoked Edward I's confiscation of the liberty on 7 July 1302. While the liberty was in royal hands, pleas were heard against the bishop and his ministers, and a petition of grievances was presented, in the spring of 1303, by 'the community of the liberty'. This formed the basis for a 'charter of liberties', which was issued in May 1303 and paved the way for the restoration of the liberty in July of that year. That was not the end of matters, however. Prior Hoton still had grievances against Bek; and the local community was soon complaining to the king that the bishop and his officers were refusing fully to implement the terms of the charter. Royal justices were sent to the liberty in March 1305, and the charges brought before them, which again included the imprison-

<sup>14</sup> The principal earlier accounts are R. K. Richardson, 'The bishopric of Durham under Anthony Bek, 1283–1311', *AA*, 3rd ser., 9 (1913), especially pp. 130–208; Fraser, *Bek*, Chapters 7–9.

ment of messengers carrying royal letters, led to the second confiscation of the liberty on 8 December 1305. And the liberty was to remain in royal hands until the end of Edward I's reign.

At the heart of the dispute was the ability of the bishop of Durham ruthlessly to exploit the resources of his liberty. Contemporary commentators were themselves in no doubt that dissension had been provoked by a dramatic and unprecedented change in the liberty's administration. It was Walter Guisborough who described how almost all the inhabitants of the bishopric revolted 'in defence of their liberties' in the face of 'new and unheard-of impositions' by the bishop.<sup>15</sup> As we will find, matters were not quite this straightforward, but there can be little doubt about Bek's intensification of episcopal lordship. It can be seen, for example, in the income he drew from the liberty. Receipts in 1306-7, which excluded franchisal rights in crown hands, were still significantly greater than they were to be in 1339-40.<sup>16</sup> The two accounts cannot be compared closely because too much of Bek's is damaged, but what survives suggests that the extra income came from a limited range of sources. The perquisites of Bek's hallmote court, for example, were worth £231.9s. from two tourns; Bury's produced only £101.9s.7d. from three tourns.<sup>17</sup> Freedom to increase many rents and farms was restricted, but in other areas the bishop, as the lord of a 'royal liberty', was less constrained. Judicial lordship, 'feudal' incidents, forest jurisdiction and prerogative rights could all be exploited with vigour. It is no coincidence that such areas were at the heart of local grievances in 1302-3.

Episcopal forest was thus a significant source of dispute. Usually forest, and the relatively unrestricted seigneurial authority that went with it, was a royal prerogative; but lords of greater liberties also claimed forest jurisdiction, and its exercise provoked similar opposition to that found in royal forests.<sup>18</sup> It did so, for example, in the Welsh Marcher lordships, and in Cheshire in 1215 and again in the 1350s.<sup>19</sup> In Durham, similarly, forest

<sup>15</sup> *The Chronicle of Walter of Guisborough*, ed. H. Rothwell (Camden Third Series, 1957), p. 348.

<sup>16</sup> To the nearest pound, £4,028 (*Boldon Buke*, ed. W. Greenwell (SS, 1852), pp. xxxiii-iv, total receipts of £5,695 minus foreign receipts of £1,667) as against £3,396 (DCM, Loc.V.32), both sums including arrears.

<sup>17</sup> *Boldon Buke*, p. xxxi; DCM, Loc.V.32, m. 6d; cf. Larson, *Conflict and Compromise*, p. 107, for later incomes (1349-62). 'The community of the liberty' complained in 1303 that freemen were being forced to plead in the hallmote court: *RPD*, iii, p. 42.

<sup>18</sup> The key work remains *Select Pleas of the Forest*, ed. G. J. Turner (Selden Society, 1901), and the grievances of inhabitants of the royal forest are well illustrated by the Somerset complaints of 1277 there printed and discussed, at pp. xxi-ii, 125-8.

<sup>19</sup> Davies, *Lordship and Society*, pp. 123-6; *VCH, Chester*, ii, pp. 169-70, 175, 185-6.

administration had long been an area of dispute between bishop, priory and local community, and access to the important economic resources provided by the forest was closely monitored by successive bishops.<sup>20</sup> In 1208 the men of *Haliwerfolk* had found it necessary to obtain a guarantee of their forest rights in King John's charter.<sup>21</sup> When the respective rights of bishop and priory in the liberty were set out in the *Convenit* of 1229, the bishop reserved his forest, and the priory's attempts later in the thirteenth century to obtain common pasture, pannage and estover in areas of the forest were only partly answered by a grant of Bishop Stichill.<sup>22</sup> Several of the specific complaints brought against Bek's forest administration can be paralleled in earlier and later sources. The charge in 1303 that ameracements in the forest court were imposed 'at will', disregarding the suitors and the seriousness of the offence, echoed a mid-thirteenth-century complaint that the bishop's foresters had amerced one of the prior's men at their will.<sup>23</sup> 'Chief foresters' were singled out as ministers likely to have oppressed the local community in 1357.<sup>24</sup> The long-standing unpopularity of forest law and forest officials is not in doubt.

Bek, however, seems to have exploited the forest with new vigour.<sup>25</sup> It provided issues of £180 in 1306–7; Bury, in 1339–40, could manage only £135, including the arrears from the previous year's account.<sup>26</sup> Some of the ways in which Bek's income was maximised were undoubtedly legitimate: the sale of coal and timber, for example, was closely regulated.<sup>27</sup> But other innovations encroached on the traditional customs of those within and without the forest. In the first place, since the bishop was accused of increasing the number of his foresters, it seems that forest administration expanded under Bek, an expansion that is itself evidence of the bishop's concern for his rights and profits.<sup>28</sup> This placed a greater burden on the

<sup>20</sup> On these resources, see generally J. Birrell, 'Common rights in the medieval forest: disputes and conflicts in the thirteenth century', *Past and Present*, 117 (1987), pp. 22–49.

<sup>21</sup> *Rotuli Chartarum in Turri Londinensi Asservati*, ed. T. D. Hardy (Record Commission, 1837), p. 182.

<sup>22</sup> G. V. Scammell, *Hugh du Puiset, Bishop of Durham* (Cambridge, 1956), pp. 216–17; *Acta 1153–1237*, no. 282, art. 19 (and cf. nos. 39, 192, for 'salva foresta' clauses); DCM, 2.5.Pont.4; *Acta 1241–83*, no. 131.

<sup>23</sup> *RPD*, iii, pp. 44–5; DCM, 2.5.Pont.4 (section 2, arts. 7–10).

<sup>24</sup> *DURH* 3/30, m. 12d.

<sup>25</sup> For other reviews of the evidence, see Fraser, *Bek*, pp. 87–8; K. Emsley and C. M. Fraser, *The Courts of the County Palatine of Durham* (Durham, 1984), pp. 60–1.

<sup>26</sup> 1306–7: *Boldon Buke*, p. xxxiii (stock provided a further £50, giving a final total of £230); 1339–40: DCM, Loc.V.32, m. 6d. In the fifteenth century the sums were in the region of £125: Storey, *Langley*, p. 71.

<sup>27</sup> *JUST* 1/226, mm. 3d, 5d; Emsley and Fraser, *Courts*, p. 61, n. 6.

<sup>28</sup> *RPD*, iii, pp. 65–6.



forest's inhabitants, since some officials received part of their fee in grain renders from local vills, and in the mid-fourteenth century, at least, these burdens fell on free tenants.<sup>29</sup> It is also likely that Bek had attempted to expand the area of his forest: one of the community's demands in 1303 was that the forest should be no larger than it had been in King John's reign.<sup>30</sup> Admittedly Bek may not have begun this expansion. In 1314 a jury found that the abbot of Newminster and his men had been free to hunt at Chopwell until Walter Barmpton attempted to claim the area as episcopal forest; but the policy was traced back to Bishop Robert Lisle (1274–83), and Barmpton first appears as forester towards the end of Lisle's episcopate.<sup>31</sup> All the same, Bek continued this policy with rigour. In 1287 the prior of Finchale received a fine of 500 marks for hunting in an area which he supposed to be his common chase, but which the bishop evidently claimed as his forest: a dramatic illustration of the potential severity of forest ameracements.<sup>32</sup>

In other areas, too, Bek intensified thirteenth-century developments in episcopal lordship. The exploitation of waste land had long been an important source of income and patronage: throughout the second half of the thirteenth century, the bishops of Durham were responsible for 80 to 90 per cent of all known grants of waste in the liberty. But such grants reached new heights under Bek, who was responsible for more than any other bishop except Richard Kellawe (1311–16), whose charters are exceptionally well recorded.<sup>33</sup> When the reclamation of waste took place near areas that were already cultivated, it threatened to harm the interests of existing tenants by eating into their common land. Robert Binchester, for example, complained that Bek's assarting in Old Park north of Binchester had left insufficient pasture for his tenement. Conversely John Mason, master of the bishop's works at Auckland, was granted 100 acres of land in Auckland that had been common to the vills of Coundon and Byers. But he found it impossible to keep hold of the entirety because of 'the abusive words of the people of Coundon'.<sup>34</sup>

There is some evidence that Bek had attempted to expand episcopal power in much more dramatic ways. One of his foresters claimed that the bishops had forest 'throughout the whole liberty', which seems to echo

<sup>29</sup> The later evidence is DURH 3/202/34–9; but cf. *RPD*, iii, p. 66.

<sup>30</sup> *RPD*, iii, p. 44.

<sup>31</sup> *RPD*, ii, pp. 1283–6.

<sup>32</sup> *RPD*, iv, pp. 71–2.

<sup>33</sup> H. M. Dunsford and S. J. Harris, 'Colonization of the wasteland in County Durham, 1100–1400', *Economic History Review*, 2nd ser., 56 (2003), p. 48. See also, for example, *RPD*, ii, pp. 1177, 1195–7.

<sup>34</sup> DCM, Reg. II, f. 91r–v; Cart. IV, ff. 257r–8v. For a dispute over approvements under Bishop Lisle, see *RPD*, iv, pp. 10–11.

the privileges of the Welsh Marcher lords who claimed control even over wood growing on their tenants' own land. It is clear that such a claim in the bishopric had no historical foundation.<sup>35</sup> Bek's attempts to control freemen's rights over mills offer another possible parallel to the Marches, where Roger Mortimer, in the lordship of Chirk, exacted payment from free tenants for the right to build mills on their land.<sup>36</sup> Bek destroyed a mill of Durham Priory at Jarrow and prevented the priory from erecting one on Holy Island;<sup>37</sup> and in 1303 it was necessary for the community to obtain explicit confirmation of the right of every freeman to erect a mill on his land. This followed a complaint that the bishop's bailiffs had prevented free tenants from constructing mills and establishing mines on their demesne land, 'against the common law'; and a confirmation of free tenants' right to mine for coal and iron in several and common land was also included in the 'charter of liberties'.<sup>38</sup> The implication seems to be that Bek had also attempted to obtain a general jurisdiction over mining in the liberty.

Claims such as these probably were, as Walter Guisborough asserted, 'new and unheard-of impositions'; so too, it is likely, were some of Bek's 'prerogative' claims.<sup>39</sup> One, modelled on the royal prerogative, seems to have been control over the alienation of land held of the bishop in chief. This privilege is of uncertain origin, and is not, in fact, clearly evidenced under Bek, although it was well established under his much better-documented successor Bishop Kellawe.<sup>40</sup> But the community's petition in 1303 that men be allowed to grant, sell and lease their lands at will suggests that Bek was exercising some control over alienation; and when Henry Kelloe tried to lease land in Plawsworth in 1291 the bishop's steward seized the property and kept it for three years. It may well have been confiscated on the pretext that it had been alienated without licence.<sup>41</sup> It is also possible that the seizure of land alienated without licence was one of the factors

<sup>35</sup> JUST 1/226, m. 3d; cf. Davies, *Lordship and Society*, p. 123. The bishops' forest rights early in the thirteenth century were described by witnesses in the document known as *Attestaciones Testium*, printed in *FPD*, pp. 220–301.

<sup>36</sup> L. B. Smith, 'The Arundel charters to the lordship of Chirk in the fourteenth century', *Bulletin of the Board of Celtic Studies*, 23 (1968–70), p. 156.

<sup>37</sup> *RPD*, iv, pp. 39–41, although the prior did not prosecute in one instance (JUST 1/227, m. 4d).

<sup>38</sup> *RPD*, iii, pp. 42, 62–3. The grant to the community concerning mills excluded land that already owed suit to a mill.

<sup>39</sup> See generally C. M. Fraser, 'Prerogative and the bishops of Durham, 1267–1376', *EHR*, 74 (1959), pp. 467–76.

<sup>40</sup> *RPD*, ii, pp. 1246–7, 1252–3, 1280; cf. *RPD*, iii, pp. 328–9, 344; DURH 3/202, *passim*.

<sup>41</sup> *RPD*, iii, p. 43; JUST 1/226, m. 10. Henry eventually sold the land to the bishop for ten marks. Fraser, 'Prerogative', p. 470, interprets this episode as showing that the bishop had the right to buy at his own price land his tenants had alienated.

behind the community's petition that lands should not be seized by the bishop without a writ, except on the death of a tenant-in-chief.<sup>42</sup> These scraps of evidence suggest that Bek exercised some control over the alienation of lands held in chief, and it is also likely that he was the first bishop to do so, at any rate outside eyres. The royal prerogative developed fitfully over the thirteenth century, and became firmly established only during the reign of Edward I: *Prerogativa Regis*, from early in Edward's reign, allowed for the alienation of small parcels of land; the articles of the escheators, from after 1295, forbade any diminution of a tenement. Similar restrictions in the liberty are unlikely to have preceded these developments.<sup>43</sup>

Bek's prerogative claim to the tithes of all assarted land in the liberty was probably also a recent development. Bek's steward asserted that the bishop, as king and prince within his liberty, could act as the king of England did elsewhere in claiming such tithes – and this was the context for the well-known statement that there were two kings in England, the king himself, and the bishop of Durham, wearing a mitre as symbol of his regality in the bishopric of Durham.<sup>44</sup> The claim was challenged by Durham Priory, which had been active in the reclamation of waste from the later thirteenth century, and hoped to keep the tithes for itself; and the priory's complaints suggest that the claim had been newly made by Bek and his administrators, probably borrowing creatively from royal lordship. After all, William Boston, Bek's steward, had previously been in royal service.<sup>45</sup>

In several ways, therefore, the bishops' powers in their 'royal liberty' were becoming increasingly extensive in the later thirteenth century. They established greater rights over forest, and expanded the area defined as forest; and they claimed common land as 'waste' to be granted out at will. Bek pushed these claims further still; and, in addition, he claimed to restrict the creation of private mills and mines, and exercised controls over the alienation of lands held in chief. All these developments increased the bishop's income at the expense of his subjects.

On the other hand, some of the bishop's prerogatives which were the object of complaint in 1302–3 were well established. Such was the case, for

<sup>42</sup> *RPD*, iii, p. 43.

<sup>43</sup> On the royal prerogative, see S. L. Waugh, *The Lordship of England: Royal Wardships and Marriages in English Society and Politics, 1217–1327* (Princeton, 1988), especially pp. 94–5.

<sup>44</sup> JUST 1/226, m. 1d; Fraser, *Bek*, pp. 98–9.

<sup>45</sup> The priory claimed to have been deprived of such tithes since Bek's accession: DCM, Misc. Ch. 5646; cf. DCM, Cart. II, f. 298r, and the now missing 3.13.Spec.39, as noted in Rep. Mag., f. 96v. When Bishop Kellawe had granted the tithes of assarted land in St Andrew Auckland to Kepier Hospital it was, significantly, with the priory's consent: *RPD*, ii, pp. 1272–7. For Boston, see Fraser, *Bek*, pp. 100–1.

example, with prerogative wardship. This was also modelled on the crown's rights: although whereas the crown enjoyed the wardship of all the lands of its tenants-in-chief by knight service, the bishop, it seems, claimed the wardship only of lands held by knight service.<sup>46</sup> Like its royal counterpart, the episcopal prerogative had a lengthy history. Bishops were certainly attempting to exercise it in the first half of the thirteenth century, although it was no more popular in the liberty than its royal equivalent was in the kingdom at large.<sup>47</sup> A later tract described how, around the mid-thirteenth century, Robert Fitzmeldred had forcefully taken from the bishop custody of St Helen Auckland, Ralph Coatham had ejected the bishop's officers from Coatham Stob, and Walter Egglecliffe had kept them from Little Stainton.<sup>48</sup> In 1269 Richard and Margery Gosbeck sued Bishop Stichill in the king's courts for the custody of the manor of Tunstall; but the bishops were increasingly successful in defending their rights. When Stichill's prerogative right was disputed by Robert Neville in the 1270s it was upheld by the crown, and before 1285 the bishops' rights received semi-official endorsement in the pseudo-statute *Prerogativa Regis*, according to which the crown's rights of wardship did not hold 'between Tyne and Tees'.<sup>49</sup> The bishops' claims nevertheless remained contentious. In 1302 Ranulf Merlay, a substantial freeholder in Hawthorn, sued Bek's steward, coroner and bailiff. In 1298 they had deprived Ranulf of the wardship of the heir of Jollan Merlay, and of Jollan's lands in Hawthorn, because Jollan also held land in Broomy Holm in chief of the bishop. The Hawthorn lands were of some value, and the case illustrates the resentment that the bishop's claims could arouse among middling and lesser society in the liberty.<sup>50</sup>

All the same, the community could not claim that prerogative wardship was newly established, and objections to a payment called *woodhire* were similarly ill-founded. Also known as *forestagium*, this was a customary

<sup>46</sup> *Bek Recs*, p. 94; *PROME*, iii, pp. 230–5; *RPD*, iv, p. 136.

<sup>47</sup> Waugh, *Lordship*, pp. 72–3, 234, 239, 255, 270.

<sup>48</sup> DCM, 1.5.Pont.3, art. 12; printed from a different copy in Richardson, 'Bek', pp. 192–3, n. 21. Although not confirmed by other sources, this account is largely credible, but its accuracy is not beyond doubt: the claim that Bek and John Balliol had shared the wardship of the Durham lands of William Surtees was clearly erroneous if William was the man of this name who died around 1261.

<sup>49</sup> *NAR*, p. 201; DCM, Loc.XXI.18, m. 4; BL, MS Stowe 930, f. 148r; KB 27/15, m. 17; *CCR* 1272–9, p. 109. For *Prerogativa Regis*, see above, Chapter 1, p. 44.

<sup>50</sup> JUST 1/226, m. 8d. For Jollan Merlay, who had a son called Ranulf, see DCM, Misc. Ch. 5782, 5786; *Greenwell Deeds*, no. 146. In 1327 the various lands of this Ranulf in Hawthorn were said to be worth twelve marks beyond due services, and the manor of Broomy Holm was worth nothing beyond the services of 18s.: DURH 3/2, f. 4v. None of these lands was held in chief of the bishop, so the tenure on the basis of which Bek's claims were founded is unknown.

charge of money or hens for taking dead-wood from the bishop's forest. The claim in 1303 that this payment was new was quite unjustified. The charge is well documented in the early thirteenth century, and it is not surprising that Bek should have refused to relinquish it, and that later bishops should have continued to collect it.<sup>51</sup> The claim that the local community was protesting against 'new and unheard-of impositions' cannot, therefore, be taken wholly at face value. The community's protests encompassed not simply Bek's – admittedly rigorous – enforcement of his rights, but broader developments in episcopal lordship which had come, over the course of the thirteenth century, to increase the bishops' powers at the expense of their subjects.

'The community of the liberty' has figured prominently in the preceding pages, largely because the language of community is so prominent in the records of the dispute. We have seen in a previous chapter how this 'community' is often nebulous and elusive; and to a significant extent this is also true of the Bek dispute. But the dispute does allow us to trace more fully than is usually possible the gestation and birth of collective action. As we will see, the 'oppressions' of Bek's regime, while widely felt, fell with particular intensity on certain social groups and geographical areas. By themselves such 'oppressions' might well have failed to stimulate communal reaction. It was only after the dual provocations, early in 1300, of enforced military service and the assault on Durham Priory that 'the community of the liberty' came to the fore.

Before we trace the emergence of this 'community', however, we must remember that loyalties were more complicated than the language of collectivity implies. Episcopal lordship before, during and after the dispute relied on the bishop's officers, many of whom were local men. The importance of these officers in exacting Bek's claims is everywhere clear from the pleas of 1302–3. Debts owed to the bishop were distrained by the liberty's sheriff and coroners; the steward and coroner arrested Isolda Hamsterley when she sought justice outside the liberty.<sup>52</sup> As after the Black Death, the liberty's coroners were particularly prominent. They were the most frequent target of complaints in the judicial proceedings brought against the bishop and his men in 1302–3, and when Bek besieged Durham Priory in 1300, a leading

<sup>51</sup> The charge features prominently in depositions of c. 1225 concerning the bishop's forest (*FPD*, pp. 232–3, 236, etc.). *DCM*, 2.6.Pont.13, art. 4 (c. 1345), describes *woodhire* as a customary annual rent of one penny or three farthings, or of hens, paid by the priory's tenants for taking a cart-load of wood from the bishop's forest. For complaints, see *RPD*, iii, p. 44; and cf. iv, p. 66.

<sup>52</sup> *JUST* 1/226, mm. 8, 9d.

part was taken by one of the coroners, who displayed his rod of office to give legitimacy to the proceedings.<sup>53</sup> It was ‘the coroners and bailiffs of the liberty’ who were singled out as the bishop’s principal agents, and whom the steward was said to control; and the steward himself, as the other officer who most obviously combined ‘public’ and ‘private’ responsibilities, was also a central target for complaint. His attempt to exploit the ambiguities of his position by denying that he held any public office in the liberty was, significantly, unsuccessful.<sup>54</sup>

Certain areas of the liberty were particularly important recruiting-grounds for these officers. Weardale, where the most important episcopal forest was located, and where the bishop was the most significant landowner, was an area where the bishop’s authority was well established and where he could draw on trustworthy local agents. William Foxcotes, apparently one of Bek’s forest officials, held land in Bishopley and Rogerley near Stanhope; Walter Barmpton, chief forester, held property in Witton-le-Wear, in the adjacent village of Morley, and perhaps in Stanhope.<sup>55</sup> ‘Foresters of Weardale’ provided much of the muscle for the siege of the priory in 1300, as – to draw a later parallel – they did when Bek attacked the earl of Warwick’s properties at Middleton-in-Teesdale in 1307.<sup>56</sup>

Weardale abutted another major area of episcopal influence around Bishop Auckland, where many of the bishop’s most valuable and important demesne manors were concentrated. It was around Auckland that the coroner Peter Bolton held most of his land; here, too, that the holdings of William Dodd, another coroner, seem to have been focused.<sup>57</sup> Walter Barmpton also held land near Auckland, and at Barmpton, north-east of Darlington; John Saundon, bailiff of Auckland and Darlington, was another prominent minister of the bishop from this area.<sup>58</sup> And a final concentration of episcopal authority was in the bishop’s boroughs of Gateshead, Darlington and Durham itself. Gilbert Gategang, bailiff of Gateshead, was

<sup>53</sup> JUST 1/226, passim; Fraser, *Bek*, p. 143.

<sup>54</sup> JUST 1/226, m. 8. William Boston admitted he was steward of the bishop’s lands, but denied he held ‘regalis officium’.

<sup>55</sup> *RPD*, ii, pp. 1202–3; DCM, Misc. Ch. 369. Foxcotes was one of three men who arrested Hugh Fisher at Hamsterley: JUST 1/226, m. 4. For Barmpton, see Surtees, iii, p. 441; DURH 3/2, f. 34v (the inquisition *post mortem* of his son Thomas); DCRO, D/Lo/F13 (a grant by this Thomas of land in Stanhope).

<sup>56</sup> *Scriptores Tres*, p. 76; *Bek Recs*, pp. 209–10.

<sup>57</sup> Bolton: *RPD*, ii, pp. 1046, 1204, 1213, 1231, 1233; DURH 3/2, f. 16r (inquisition *post mortem* of his granddaughter Alice); *Hatfield Survey*, p. 34. He also had land near Durham (*RPD*, iii, p. 35). Dodd: *RPD*, iii, p. 33.

<sup>58</sup> Barmpton: DURH 3/2, f. 34v; *RPD*, iii, p. 34. Saundon: JUST 1/226, mm. 4, 6; he paid £6 for the farm of the borough of Auckland in 1306–7 (*Boldon Buke*, p. xxxii). For his position as bailiff of Darlington, see DCRO, D/Sa/D354.

one of the men responsible for the (supposedly) wrongful arrest of William Brackenbury at Gateshead in 1291.<sup>59</sup> John Saundon and William Rue, bailiffs of Darlington, seized the goods of a York merchant there in 1295, and they were assisted by other more or less prominent townsfolk. Various other pleas were also brought in 1302–3 against William Rue and against William, serjeant of Darlington. Even in Hartlepool, one of the bishop's servants, Richard Mason, was accused of seizing a shipment of the priory's wool in 1299.<sup>60</sup>

In Durham, too, past and current episcopal officers also supported Bek's regime.<sup>61</sup> John son of John Durham, prosecuted as a 'minister of the bishop' in 1302, had been bailiff of the bishop's borough in the late thirteenth century.<sup>62</sup> Again, John Colchester, who had been serjeant of the borough in 1275, was accused of taking the horses of John Burdon, a priory servant, at Durham in 1300.<sup>63</sup> Similarly prominent in the pleas of 1302–3 were men with responsibilities in Durham peninsula, which was under the jurisdiction of the constable of Durham castle. Hugh, porter of the north gate of Durham bailey, was arraigned for wrongfully arresting Thomas Haswell at Durham in 1299; John Whitwyn, keeper of the north gate, was accused of acting similarly in 1298.<sup>64</sup>

Weardale, Bishop Auckland and the bishop's boroughs were zones where the bishop's authority loomed large and where he could rely on the support of important members of local society. It is thus no surprise that, in the pleas of 1302–3, they emerge as areas where 'oppressions' were rife. Records of these pleas must be used with caution, as it is clear that not everyone with a grievance came to court.<sup>65</sup> Doubtless the impact of the bishop's lordship was more widely felt and resented than the surviving records indicate. Nevertheless the roll and estreats do suggest that Bek's regime bore with special force on certain parts of the liberty and on particular social groups.<sup>66</sup> A major concentration of pleas was drawn from Weardale:

<sup>59</sup> JUST 1/226, m. 11d. Gilbert's brother John Gategang received an episcopal grant of waste, and subsequently disseised the prior of Durham in Heworth: DCM, Loc.VII.14; *RPD*, iv, p. 56. For a pedigree of the family, see Surtees, ii, p. 116.

<sup>60</sup> JUST 1/226, mm. 6, 9, 11, 12; *RPD*, iv, pp. 50–1. For Mason's later connections with Bek, see *Boldon Buke*, p. xxxiv; for his office in Hartlepool, *Greenwell Deeds*, no. 127.

<sup>61</sup> See also below, pp. 157–8.

<sup>62</sup> JUST 1/226, mm. 4d, 9d; DCM, 5.3. *Elemos*.20; *Bek Recs*, no. 127; *Greenwell Deeds*, no. 124. Robert Paxton, farmer of the borough of Durham, was prosecuted together with John, but the nature of the plea is unknown.

<sup>63</sup> JUST 1/226, m. 3; *Greenwell Deeds*, no. 48.

<sup>64</sup> JUST 1/226, mm. 3d, 10 (Whitwyn was acquitted by a jury).

<sup>65</sup> For one grievance that came to light only later, see DCM, Reg. II, f. 91r–v.

<sup>66</sup> The following sentences are based on JUST 1/226, passim, with the estreats of now lost pleas in CCR 1302–7, pp. 153–9.

Hamsterley, Stanhope, Witton-le-Wear, Wolsingham and the forest of Weardale itself. These disputes all turned on questions of forest jurisdiction and the powers of the bishop's forest officers. An episode at Frankland Park near Durham also involved the bishop's forest; similarly, the confiscation of animals at Hamsterley was one of the incidents in which Isolda Hamsterley fell foul of Bek's officers. The bishop's boroughs, especially Durham and Darlington, were a further source of pleas. Another concentration was around Auckland, with incidents at Binchester, Evenwood and Newbiggin involving exactions by the bishop's bailiffs. As we have seen, all these zones were centres of episcopal power and authority: by a natural paradox, the areas of the liberty where the bishop's authority was particularly strong were also those areas where opposition to his lordship was especially pronounced. Conversely, there were significant parts of the liberty from which pleas were not brought, and where Bek's lordship may have borne more lightly. These included the lordships of Barnard Castle and Hartness in the wapentake of Sadberge. Pleas from the wapentake relating to Aislaby, Egglecliffe and Hartlepool were brought in 1302: significantly, though, all concerned private disputes. From the evidence of the pleas, at least, the wealthy lowlands of the southern and eastern areas of the liberty, where so many of the local gentry were concentrated, seem to have played little role in the opposition to Bek. Robert Hoton was arrested at Butterwick near Sedgfield, but this was a direct result of his priory connections.<sup>67</sup>

Socially the most prominent figures in the pleas of 1302–3 were not the magnates or knights of the liberty but its freeholders. Some were relatively substantial men: Emery Kelloe, who had suffered from unjust distraint in 1293 and had been wrongfully imprisoned in Durham castle in the same year, was lord of Old Park near Bishop Auckland; Peter Crook, who had been disseised by Bek's steward, was lord of Crookhall near Durham.<sup>68</sup> Of similar stature were Thomas Auford, who protested against the exaction of carriage at Willington; William Brackenbury, who had been arrested for beating one of the bishop's men; and Ranulf Merlay of Hawthorn, who (as we have seen) had been deprived of a wardship.<sup>69</sup> Many other plaintiffs, though, were lesser figures. Richard Mainsforth, a middling freeholder at Hett, complained about the seizure of his crops and animals there, and other plaintiffs were pardoned their amercements 'because they are poor'.<sup>70</sup>

<sup>67</sup> JUST 1/226, m. 3d. Robert was a stipendiary of the priory and probably a relative of Prior Richard: DCM, Bursar's Accounts, 1298–9, m. 3d.

<sup>68</sup> JUST 1/226, mm. 6, 10d (Kelloe); CCR 1302–7, p. 157, with Surtees, IV, ii, p. 137 (Crook).

<sup>69</sup> JUST 1/226, mm. 5d, 8d, 11d.

<sup>70</sup> Ibid., mm. 9–9d, 11d; DCM, 4.13.Spec.45, 46, 50.



In contrast, many of the liberty's knightly families were not significantly involved. These were men such as William Basset of Offerton (who appears in the records only in what seem to be private disputes), Hugh Burdon of Grindon, John Conyers of Sockburn, Gilbert Heworth of Heworth, Philip Ley of Pallion, Robert Lumley of Lumley and John Spring of Houghton-le-Spring (who likewise appears only in a private dispute).<sup>71</sup> Similarly, a lengthy list of other gentry who leave no trace in the pleas could readily be compiled: it would embrace Jordan Dalden of Dawdon, Robert Hansard of Walworth, and John Yeland of Seaham – all descendants of prominent thirteenth-century families – and some of the witnesses to Bek's charters of the early 1300s, including Robert Eppleton, Hugh Escolland, William Herrington, William Kilkenny and William Knitsley, several of whom were also descended from knightly families.

We must be careful in drawing conclusions from this evidence – not least because two of the liberty's knights, Ranulf Neville and John Fitzmarmaduke, were to lead the opposition to Bek, as we will see. Nevertheless there is a suggestive correlation with the petition and charter of 1303, in which, as Lapsley noted, the interests of 'the smaller freemen of the palatinate' are well represented.<sup>72</sup> As has been found in an earlier chapter, when decisions were taken by 'the community of the liberty' those involved were not always the liberty's landed elite.<sup>73</sup> The dispute with Bek is another instance where 'behind the language of "community" aspiration' we should not presume to find 'the handiwork and ambitions of . . . the leaders of the community'.<sup>74</sup>

Whatever the extent of opposition to Bek before 1299–1300, there can be no doubt that resistance was not only stimulated, but also widened and transformed, by the events of those years. They saw the bishop's mediation of Edward I's demands for military service in Scotland, demands which were felt throughout the liberty as a whole and were widely resisted. In 1300 there occurred Bek's enforced visitation of Durham Priory, which was perceived as an attack on the privileges of the Church and St Cuthbert. Both events struck at the heart of 'traditional' freedoms and were crucial to the emergence of collective action.

For the priory chronicler, writing a little later, the immediate cause of the 'dissension between the bishop and the men of the bishopric' was clear:

<sup>71</sup> For Basset and Spring, see JUST 1/226, m. 2; CCR 1302–7, p. 156.

<sup>72</sup> Lapsley, *Durham*, p. 133.

<sup>73</sup> Above, Chapter 2, pp. 86–7; and see also below, p. 164, for pressure exerted in April–May 1303 by the inhabitants of the bishop's forest.

<sup>74</sup> Davies, *Lordship and Society*, p. 460.

Bek had twice forced them to go with him to Scotland ‘with horses and arms’; and on the second occasion – the campaign of 1299–1300 – they had returned home without his leave and had been imprisoned by him. It was then, famously, that they united against the bishop, ‘saying that they were *Haliwerfolk*’, with no obligation to do military service outside the liberty.<sup>75</sup> This resistance may have come as some surprise, since there is little evidence that the campaigns of 1296–7 had prompted local opposition, despite the complaints that would later be made by Durham Priory.<sup>76</sup> But the demands made on the liberty in 1299–1300 were much greater. In November 1299 Edward I asked Bek to raise five or six thousand infantry from the bishopric to serve at the king’s wages: a very substantial number, given the liberty’s size. The wardrobe account records the wages of only 940 footmen from the liberty between 12 and 18 December, and by January 1300 many of these had deserted.<sup>77</sup> Widespread opposition was aroused by Bek’s use of distraint to compel service, together with imprisonment of defaulters and deserters – who were understood locally to have come back for ‘default of means’ when no money had been forthcoming from the bishop.<sup>78</sup> And since Bek, in compelling military service, was thought to have violated the traditional privileges of the *Haliwerfolk*, there was a natural connection with the bishop’s other supposed assaults on such customary rights.

The next matter that played a crucial role in galvanising and broadening opposition to Bek’s regime was the bishop’s visitation of Durham Priory in 1300.<sup>79</sup> A contemporary account written at the priory, which provides the most important source for the events of that year, explains that the critical moment was Bek’s excommunication of all those impeding his jurisdiction. Soon after the excommunication was read on 24 April 1300, ‘the knights and free tenants’ of the liberty assembled in the priory, where complaints of their individual grievances led somehow to a collective oath to defend the privileges of the church of Durham. They swore, on St Cuthbert’s shrine, to support the dignity of Mother Church and the *res publica*; and this was the beginning of communal action against Bek.<sup>80</sup> The visitation there-

<sup>75</sup> *Scriptores Tres*, p. 76.

<sup>76</sup> *Halmota Prioratus Dunelmensis*, ed. W. H. D. Longstaffe and J. Booth (SS, 1889), pp. 1, 3, 5; JUST 1/226, m. 5d; 1/227, m. 8; RPD, iv, pp. 67–9.

<sup>77</sup> CCR 1296–1302, pp. 323, 382 (compare levies of 4,000 footmen from Yorkshire and the same number from Northumberland in September 1299: CPR 1292–1301, p. 438); *Liber Quotidianus Contrarotulatoris Garderobae, 1299–1300*, ed. J. Topham et al. (London, 1787), p. 243.

<sup>78</sup> RPD, iii, pp. 45–6.

<sup>79</sup> For a full account of the dispute over the visitation and its background, see Fraser, *Bek*, pp. 123–75.

<sup>80</sup> *Gesta Dunelm.*, p. 12 (misdated 14 April); *Bek Recs*, no. 66.

fore enabled individual grievances to become identified with the broader defence of the liberty of the Church and the public good. The priory's intimate connections with St Cuthbert added legitimacy and authority to the community's opposition to the bishop. It was also alleged afterwards, and with some plausibility, that the prior had encouraged the lay community to resist the visitation and had been the first to swear an oath on the body of Cuthbert.<sup>81</sup> And a final stimulus to opposition was the violent and high-handed treatment Bek inflicted on the priory and its officials. On the bishop's orders, the priory was besieged from the end of May 1300, its property was damaged, its servants and associates were threatened, and ultimately its prior, Richard Hoton, was dragged forcibly from his stall. These actions cost Bek a good deal of support not only among local society but even in the ranks of his own officers.<sup>82</sup>

Early in 1300 Ranulf Neville and John Fitzmarmaduke emerged as the principal representatives of the local community: it was Neville who first presented the community's grievances to Bek around April 1300, and Fitzmarmaduke who urged the bishop to answer these grievances a few months later.<sup>83</sup> Both had previously been regular witnesses to Bek's charters and may well have been close to him. In particular, Fitzmarmaduke had been styled Bek's 'bachelor', and had received a significant amount of patronage from the bishop in the 1290s.<sup>84</sup> It is thus unlikely that either man was moved by purely personal grievances in voicing opposition to the bishop. Rather, as two of the most important landowners in the liberty, Neville and Fitzmarmaduke saw it as their duty to represent the local community: they were the 'natural leaders' of local society.<sup>85</sup> Nor does it seem that such roles led immediately to a breach with the bishop. Perhaps surprisingly, both Neville and Fitzmarmaduke witnessed a charter of April 1301 in which Bek granted land to a man who had been prominently involved in the enforced visitation of the priory. It may be that reconciliation was then still a possibility; but that was the last of Bek's charters either man was to attest. Their witness-lists also suggest that other local gentry, at least from late 1301 until around 1309, had become alienated from the bishop.<sup>86</sup> The knights

<sup>81</sup> *Bek Recs*, no. 109.

<sup>82</sup> For these events, see Richardson, 'Bek', pp. 146–67; Fraser, *Bek*, pp. 135–45.

<sup>83</sup> *Gesta Dunelm.*, pp. 13–14; *Scriptores Tres*, p. 76.

<sup>84</sup> Above, Chapter 3, pp. 122–3.

<sup>85</sup> Fraser, *Bek*, p. 180 (although a somewhat different argument is advanced at pp. 104, 178). Conversely Walter Washington had been forced to pay twenty marks more than was reasonable for relief (JUST 1/226, m. 8d), but he still assisted Bek during the priory's initial blockade.

<sup>86</sup> In addition to *Bek Recs*, passim, see NYCRO, ZIQ 1080 (23 April 1301). The charter cited in the text is *Bek Recs*, no. 77.

with whom the bishop was associating at this time – Edmund Deyncourt, Ralph Fitzwilliam, John Heselton, Hugh Lowther and Henry Percy – had interests largely outside the liberty.<sup>87</sup> In this period, in fact, in striking contrast to the late 1290s and to 1300–1, only one knight with significant concerns in the bishopric witnessed Bek's charters.<sup>88</sup>

According to the *Gesta Dunelmensia*, some of Bek's officers were sufficiently estranged from him, even before the siege of the priory, to take the oath at Cuthbert's shrine in April 1300 – even if they later thought better of it. And thereafter, some officers who had been happy to back the bishop's claims against his subjects balked at the treatment to which he subjected the priory. The *Gesta* thus notes that Bek was forced to replace the keepers he had appointed over the priory in May 1300 because they were too favourable to the monks.<sup>89</sup> One of these was probably Walter Washington, who was made a keeper of the priory by Bek in that month, but who in 1303 represented the community of Durham on a commission to determine encroachments.<sup>90</sup> Ralph Warsop, who had been sheriff of Durham for most of the 1280s and 1290s, also seems to have been alienated by Bek's actions: he was replaced around 1300. And with some of Bek's higher-ranking officers angered by the siege of the priory, he was forced to place increasing reliance on men from outside the liberty. They had always been important to the bishop's administration, as he admitted when he later referred to his 'bailiffs from other parts', who had been ignorant of local custom when making some of their decisions.<sup>91</sup> Two members of Bek's council, Walter Friskney and Gilbert Tothby, were lawyers from the bishop's native county of Lincolnshire; the liberty's steward, William Boston, was almost certainly a Lincolnshire man, and was at the heart of the exactions complained about in 1302–3. Whether or not the appointment of 'foreigners' was itself a source of grievance, 'bailiffs from other parts' were not likely to be disposed to respect the so-called 'liberties' of the local community. Feelings of local solidarity were unlikely to moderate their actions; and it is thus no accident that men from outside the bishopric assumed a particularly prominent role

<sup>87</sup> KB 27/197, m. 34d; *Bek Recs*, nos. 118, 130. For accounts of these men, see C. Moor, *Knights of Edward I* (Harleian Society, 1919–32), i, pp. 281–2; ii, pp. 69–70, 226–7; iii, pp. 63–4; iv, pp. 39–41.

<sup>88</sup> The knight concerned is Guichard Charon (*Bek Recs*, no. 103). Charters of 25 June 1303, attested by Walter Washington and Thomas Whitworth (*ibid.*, nos. 86–7), are apparent exceptions; but they were a response to the commission appointed to redress approvals from common pasture, and their witness-lists reflect the local community's representation on that commission (*RPD*, iii, pp. 34–9).

<sup>89</sup> *Gesta Dunelm.*, pp. 12–13, 26.

<sup>90</sup> *Bek Recs*, p. 207; *RPD*, iii, pp. 34–9.

<sup>91</sup> *FPD*, p. 192.

during and after the siege of the priory. To the keepership of the priory, and to the constableness of Durham castle, Bek had appointed by August 1300 the Lincolnshire knight Philip Darcy, who together with his brother Hugh had served with Bek in Scotland and Flanders. Neither Philip nor Hugh shared the compunctions of more local officers; and both men were to be heavily involved in the attacks on the priory.<sup>92</sup> Nor can it be coincidence that John Creppings, a man with significant Lincolnshire connections, appears as a justice in the liberty in 1300–1 and as sheriff in 1302; Creppings, too, was involved in the assault on the priory, and represented the bishop on commissions in 1303.<sup>93</sup> Thomas Richmond, appointed keeper of the priory in June 1300, was another outsider to the liberty, whose principal interests were in Yorkshire and Cumberland.<sup>94</sup> More basic manpower from outside the bishopric also proved useful: forces from Tynedale under the command of Hugh Walles had been used to blockade the priory.<sup>95</sup>

Bek's local supporters, in contrast, became fewer. Several were lesser office-holders of middling or minor social status who owed much of their lands and influence to the bishop's patronage. It was in their interest to support his regime, and continuing support received further reward. Thus the coroners Peter Bolton and Roger Esh took control of the temporalities of the priory; Esh ransacked the priory's manor of Pitlington in August 1300; and Bolton was involved in the siege of the priory, and helped to pull Prior Hoton from his stall.<sup>96</sup> Grants of land to both men in 1301 were clearly rewards for their continuing loyalty.<sup>97</sup> The prospective rewards of episcopal service were also attractive to John Shirlock, a prosperous freeholder in Wolviston and Castle Eden. He had been associated with Durham Priory in the 1290s; and in contrast with many of his peers, he continued to serve under Bek's appointee, Prior Henry Lusby, for whom he acted as the priory's steward. Inevitably he was deprived of office when Prior Hoton was restored in 1302, but he was able to find alternative opportunities in Bek's household and administration. By October 1300 he was a lawyer and counsellor for the bishop; he was prominent in the assaults on the priory in that year; and he was sheriff of the liberty

<sup>92</sup> C. M. Fraser, 'Officers of the bishopric of Durham under Antony Bek, 1283–1311', *AA*, 4th ser., 35 (1957), p. 28; Moor, *Knights of Edward I*, i, p. 266; *CDS*, v, no. 2104; *Scotland in 1298*, ed. H. Gough (London, 1888), p. 43; *C 67/12*, m. 1; *RPD*, iv, pp. 19–30, 57–63, 73.

<sup>93</sup> Fraser, 'Officers', pp. 30, 35–6, with DCM, Loc.VII.45, no. 27; Moor, *Knights of Edward I*, i, p. 247; *RPD*, iii, pp. 33, 35; iv, pp. 32, 62.

<sup>94</sup> *RPD*, iv, pp. 16–19, 47; Moor, *Knights of Edward I*, iv, pp. 120–1.

<sup>95</sup> Fraser, *Bek*, p. 143.

<sup>96</sup> *Bek Recs*, p. 206; *RPD*, iv, pp. 27, 49, 57–60.

<sup>97</sup> *Bek Recs*, nos. 77–8.

in 1304.<sup>98</sup> He also brought with him into Bek's service William Hay, a neighbour at Wolviston and formerly at Billingham.<sup>99</sup>

Bek also enjoyed some support from those with grievances against Durham Priory. The priory's efforts to cultivate waste land and consolidate its rights and holdings around Bearpark and Spennymoor had not endeared it to its neighbours,<sup>100</sup> and the priory's disputes with Hugh Gubion, lord of Tudhoe, went back to the time of Prior Richard Claxton (1273–85).<sup>101</sup> These probably explain the role of Hugh's relative John Gubion, alongside Roger Esh and others, in disseising the priory in Hebburn, Heworth and Monkton.<sup>102</sup> It is true that John seems to have been unusual in so acting; but important parallels are to be found in the city of Durham itself. Inhabitants of Durham are prominent both in the charges brought by the priory in 1305, and in the lists of episcopal officers who had usurped common land, and who were ordered to account to Bek's executors.<sup>103</sup> These included several tenants of the Old Borough, which was under the priory's lordship.<sup>104</sup> Richard Hornby and Walter Brafferton, notably, were among those who forcibly shut the north gate of Durham bailey in May 1300, and Walter was also one of the men who had imprisoned the priory's messengers in March of that year.<sup>105</sup> He held land in South Street and Milburngate; while Richard was apparently the son of Henry Hornby, provost of the Old Borough, and another tenant in South Street.<sup>106</sup> Walter, together with several other tenants of the Old Borough, was also among those accused of disseising the priory of common pasture on Bearpark Moor, and many of the accused appear again in the list of Bek's ministers who had encroached

<sup>98</sup> DCM, Loc.IV.156; *NER*, no. 380; JUST 1/226, m. 1d; *RPD*, iv, pp. 25–7, 31–3, 38, 62–5 (but cf. JUST 1/227, m. 8d); Fraser, 'Officers', p. 30. For his lands in Wolviston and Castle Eden, see DCM, 3.8.Spec.23, 26; 3.9.Spec.20–9.

<sup>99</sup> For Hay's lands, see DCM, Loc.IV.63, dorse (which concerns his son and heir John); 1.9.Spec.9, 10; for his career, JUST 1/226, mm. 6–6d, 9; DCM, Bursar's Accounts, 1300; *Bek Recs*, p. 209; *Boldon Buke*, pp. xxxiii, xxxvi.

<sup>100</sup> *Scriptores Tres*, p. 74; cf. the now lost DCM, 3.13.Spec.38, as in Rep. Mag., f. 96: 'The prior and chapter of Durham ought to enjoy lands brought under cultivation in Spennymoor without disturbance from the tenants of neighbouring vills.'

<sup>101</sup> DCM, Cart. II, f. 228v (1279); 3.13.Spec.29 (1302); 4.12.Spec.17 (1303). See also Surtees, iii, pp. 285, 297.

<sup>102</sup> *RPD*, iv, pp. 9–12; DCM, Loc.VII.45, art. 37. John's relationship to Hugh is unclear, but he was later described as lord of Tudhoe: DCM, 3.13.Spec.21.

<sup>103</sup> *RPD*, ii, pp. 1094–9, 1103–7; iii, pp. 33–9.

<sup>104</sup> M. Bonney, *Lordship and the Urban Community: Durham and its Overlords, 1250–1450* (Cambridge, 1990), p. 41.

<sup>105</sup> *RPD*, iv, pp. 32, 42.

<sup>106</sup> M. M. Camsell, 'The Development of a Northern Town in the Later Middle Ages: The City of Durham, c. 1250–1540' (unpublished York University D.Phil. thesis, 1985), ii, pp. 31, 113, 126, 166–7, 174, 178, 196, 201, 219–21, 263, 394.

on common land.<sup>107</sup> As this suggests, the priory's claims to common in the Moor conflicted with those of Old Borough, and created some resentment there, a problem that was to flare up again in the 1330s.<sup>108</sup>

Despite these necessary qualifications, however, Bek's actions, especially from 1300, alienated wide sections of local society, and the bishop was increasingly obliged to rely on officers and associates drawn from outside the liberty. In April 1300, as we have seen, opposition assumed communal form, when 'the knights and free tenants' of the bishopric swore their oath. This was the start of the collective action that later led to 'almost all the knights and free tenants' of the bishopric paying the costs of pursuing their complaints in Parliament and the royal courts. There was some justice in the claim of two of Bek's officers, in 1302, that 'the whole community of the county' was united against them – even if a jury could still answer that 'many free tenants in the liberty' were not involved.<sup>109</sup> The collective face that opposition assumed was a distinctive feature of the dispute with Bek, with no parallel in the conflict with Langley in 1433. Collective action was stimulated by attacks on the priory, St Cuthbert and 'traditional' rights; and those rights in turn gave strength to all who opposed the bishop.

The evidence that the 'traditional' freedoms of the local community became central to the opposition to Bek's regime is sparse but persuasive. Walter Guisborough described how the inhabitants of the bishopric revolted 'in defence of their liberties', but most telling is the claim of the *Gesta Dunelmensia* that the demands of the bishop's steward were unacceptable to the people of the liberty, 'called in English *Haliwerfolk*, who before that time were always accustomed to be free'.<sup>110</sup> It is also clear that King John's charter of 1208 to the knights and free tenants of the liberty assumed new importance around 1300, as the community sought historical justification for resistance to Bek. The thirteenth-century history of the charter is obscure, but the earliest known copies outside the royal archives were made at Durham Priory in about 1300, both probably

<sup>107</sup> *RPD*, iv, p. 7; iii, pp. 33–9. The tenements of the following can be identified: James Spicer, Gilbert Goldsmith, Peter Bolton, William son of Ralph, Richard Chilton, Walter Brafferton, Thomas formerly servant of Emery Kelloe, John son of John Bille, Margaret wife of John Howden, and Imania wife of Robert Pockerley (Camsell, 'Development of a Northern Town', *passim*).

<sup>108</sup> *DCM*, Cart IV, ff. 94–6v; 2.6.Spec.58, partly printed from a different text in *Richard d'Aungerville of Bury: Fragments of his Register and Other Documents*, ed. G. W. Kitchin (SS, 1910), pp. 107–11.

<sup>109</sup> *Scriptores Tres*, p. 76; *JUST* 1/226, m. 8–8d; above, p. 153.

<sup>110</sup> *Chron. Guisborough*, p. 348; *Gesta Dunelm.*, p. 11.

from the same original, then in the possession of Ranulf Neville.<sup>111</sup> The manuscript evidence suggests a flurry of interest in the charter as the dispute developed. It came to be perceived as a key document of ‘the liberties and customs of the bishopric’ and of ‘the community of the liberty of St Cuthbert’, and it is no coincidence that it was loosely copied alongside Bek’s ‘charter of liberties’ shortly after the resolution of the dispute in July 1303.<sup>112</sup> John’s charter was, furthermore, addressed to ‘the knights and free tenants of *Haliwerfolk*’; and while, in its original context, there was nothing remarkable in the use of the word *Haliwerfolk*, around 1300 it may have helped to stimulate a sense of this entity as a distinctive community with its own privileges.

The 1208 charter also stipulated that the knights and free tenants of *Haliwerfolk* should not be restricted by ‘any custom or usage hitherto used in *Haliwerfolk* which is not right and common in the realm’.<sup>113</sup> This encouraged judgement of episcopal government in relation to national law and custom; and it is significant that the rather loose copy of John’s charter made in 1303 referred on three occasions to ‘*communis lex*’, a phrase not used in the original document.<sup>114</sup> Certainly ‘common law’ was a standard of reference used in 1303 to condemn aspects of Bek’s administration.<sup>115</sup> The impleading of freemen in hallmote courts was ‘against the common law of the realm’, as were prohibitions on mining. It was also argued that the bishop’s forest jurisdiction should be reformed to reflect practice ‘elsewhere in free chase throughout the realm’, and that Bek’s exaction of carriage from freemen was contrary to ‘the usage throughout the realm’. Custom outside the liberty therefore provided a further reference point for the local community, and so did royal ordinances and statutes. Imprisonments carried out by the bishop’s officers were contrary to what had been ‘ordained by our lord the king and his council’ and ‘otherwise than is the usage elsewhere in the realm according to the form of the statute’. Protests against Bek’s encroachments on common land invoked the statute of Merton (1236);

<sup>111</sup> DCM, Cart. Vet., ff. 63r, 152r. I am grateful to Alan Piper for advice on the date of these copies. Neville’s ancestors had probably been involved in obtaining the original charter: H. S. Offler, *North of the Tees* (Aldershot, 1996), Chapter 13, p. 14.

<sup>112</sup> DCM, 2.5.Pont.3, dorse. The phrases quoted are from the rubrics to the copies of John’s charter in DCM, Cart. Vet., ff. 63r (‘*carta regis Johannis super confirmacione libertatum et consuetudinum episcopatus Dunelm.*’), 152r (‘*carta regis Johannis pro communitate libertatis sancti Cuthberti*’). These may be compared with the rubrics to the copy of the charter in DCM, Cart. I, f. 194r, which describe it as ‘*pro communitate libertatis sancti Cuthberti*’, and ‘*super . . . libertate dicte communitatis de Haliwerfolk*’.

<sup>113</sup> *Rotuli Chartarum*, p. 182.

<sup>114</sup> DCM, 2.5.Pont.3, dorse.

<sup>115</sup> For what follows, see in particular *RPD*, iii, pp. 41–6.



the bishop's claims of wardship, furthermore, were rejected as contrary to Magna Carta.<sup>116</sup>

Opposition to Bek's regime therefore drew strength both from traditional local privilege and from national law and custom. This might prompt the suspicion that reference to local 'liberties' was merely opportunistic: that, just as inhabitants of the liberty might sue in the local or the royal courts depending on their interests, so the community appealed to local distinctiveness or to national law as it suited. But local privilege and national custom were not necessarily contradictory. Well versed though 'the community' was in English legal practice, it did not present itself simply as one more part of the king's dominions. Despite some complaints about the abuse of judicial process, there was no wider attack on the justice system of the liberty; no objection, as there was to be in 1433, to the bishop's claim to have cognisance of all pleas touching the liberty of Durham, or to the use of styles such as 'against the bishop's peace'. The dispute was thus not a challenge to the fundamentals of the liberty's privileged jurisdiction, and in this respect the events of 1302–3 contrast strongly with those of 1433.<sup>117</sup> On the latter occasion, driven by similar grievances to those motivating Bek's opponents, members of the local community presented the very existence of the liberty as a usurpation of royal authority: in brief, it was alleged that Bishop Langley had wrongfully usurped all royal prerogatives, except holding a Parliament, to the great damage of the crown.<sup>118</sup> In a comparable case, in the early fourteenth century, the tenants of William Braose in the lordship of Gower had threatened to subdue his liberty to the authority of the county court of Carmarthen. Similarly, certain tenants of the prior of Tynemouth sought to purchase exemption from his liberty, or suggested that the king should resume it into the geldable.<sup>119</sup> There was nothing equivalent in the bishopric in 1302–3: no wholesale objection to the bishop's judicial powers or appointment of local officers; no attempt to destroy the fabric of the liberty itself. Like the community of Cheshire in the early thirteenth century, the community of the bishopric wanted to limit the powers of the lord while confirming its own 'traditional' rights.<sup>120</sup> The liberty mattered to the local community and

<sup>116</sup> It would therefore appear that Magna Carta was assumed to operate in the liberty: cf. J. C. Holt, *Magna Carta*, 2nd edn (Cambridge, 1992), p. 380, n. 7. For the statute of Merton and its background, see T. F. T. Plucknett, *Legislation of Edward I* (Oxford, 1949), pp. 84–6.

<sup>117</sup> Storey, *Langley*, pp. 246–7, 257. For a different interpretation, see Liddy, *Bishopric of Durham*, pp. 228–9, 234.

<sup>118</sup> Storey, *Langley*, p. 260.

<sup>119</sup> T. B. Pugh (ed.), *Glamorgan County History*, iii (Cardiff, 1971), pp. 240–1. For Tynemouthshire, see below, Chapter 5, pp. 205–6, 219, 221–2.

<sup>120</sup> *VCH, Chester*, ii, p. 4, and references there given.

its members; it was the basis of their own privileges. They had no interest in its abolition.

This sense of local privilege may have been one reason why the objections of the local community were not resolved, as they were in some other liberties, by the grant of a 'charter of liberties' in return for payment.<sup>121</sup> The *Haliwerfolk* may have thought it unnecessary and potentially dangerous to purchase privilege in this way. It is equally likely, though, that any direct negotiation with Bek proved impossible. 'The knights and free tenants of the community', represented by Ranulf Neville, did seek justice from Bek, perhaps around the end of April 1300, by presenting him with a written schedule of their complaints; three months later, after another meeting, the bishop appointed justices to hear these complaints. But the justices claimed they could not take any action against the bishop or his steward.<sup>122</sup> The mechanisms for redress in the liberty had failed the local community, and it was therefore necessary to turn to the crown. This had always been a possibility: the oath sworn on Cuthbert's shrine bound the community to seek justice first from the bishop, but in his default from the crown, and in the event royal intervention proved relatively swift. By late February 1302 Edward I had visited Durham and made Bek promise to answer the community's grievances.<sup>123</sup> In July 1302 the liberty was confiscated, and this enabled Edward to ensure that a settlement was reached between the bishop and the local community. When the liberty was restored, on 8 July 1303, it was on the grounds that most of the community's complaints had been settled, and on the condition that the 'charter of liberties' agreed between bishop and community should be observed.<sup>124</sup>

The king thus had a vital influence on the development of the dispute; and the dispute allows us to see closely how royal lordship could shape the liberty. It was, we must note, a lordship that developed significantly during Edward I's reign. The crown's right to intervene in default of justice was well established, but the king's duty to do right to all who complained to him, even in places 'where his writ does not run', had been newly affirmed in the first statute of Westminster (1275). In 1302–3 the Durham community reminded Edward I of his responsibility to act in the bishop's default, and in 1305 the king himself emphasised his duty to do swift justice within

<sup>121</sup> T. Thornton, 'Taxing the king's dominions: the subject territories of the English crown in the late Middle Ages', in W. M. Ormrod, M. Bonney and R. Bonney (eds), *Crises, Revolutions and Self-Sustained Growth* (Stamford, 1999), pp. 99–100.

<sup>122</sup> *Gesta Dunelm.*, pp. 13–14.

<sup>123</sup> Fraser, *Bek*, p. 181.

<sup>124</sup> *CPR 1301–7*, p. 149; *RPD*, iv, pp. 498–501.

the liberty as well as outside it.<sup>125</sup> What was novel, furthermore, was the emergence of Parliament as a venue not only where the king was readily accessible to individual complaint, but where collective redress could be sought.<sup>126</sup> It provided an important means of contact between Edward and the liberty, for although Durham was not formally represented in the commons, the local community saw Parliament as an important opportunity for petitioning the crown;<sup>127</sup> and some of the liberty's magnates received personal summonses. It was through Parliament that the community resolved in April 1300 to pursue its complaints. Ranulf Neville and John Fitzmarmaduke were both at the Lincoln Parliament of January 1301, where they probably put forward the claims of the Durham community, as Fitzmarmaduke certainly did in the Parliament of July 1302; and later, in 1307, the community again petitioned in Parliament.<sup>128</sup> In fact, Fitzmarmaduke was already well known to Edward I on account of his military service in Wales and Scotland, and his access to the king must have helped the community's cause.<sup>129</sup> Turning to the crown, however, was a risky strategy; for there was no guarantee that the community's complaints would be upheld. The crown took seriously its duty to see that justice was done to all; but it also took seriously the claims of a great liberty-holder like the bishop of Durham, whose rights were founded on precedent, custom and saintly power. The claims of the bishop as well as those of the local community shaped the agreement that was hammered out in 1302-3.

Negotiations began shortly after the confiscation of the liberty in July 1302. In November Edward I informed the local community that Bek was willing to come to terms, and invited it to appoint representatives; a meeting was eventually arranged before the king on 24 February 1303.<sup>130</sup> It was probably around this time that discussion between community, bishop and king began in earnest, on the basis of a petition presented to Edward in the name of the 'bones gentes' of the liberty of Durham between Tyne and Tees. A preliminary agreement, modelled on this petition, was made soon

<sup>125</sup> 3 Edward I: Westminster I, c. 17; *RPD*, iii, p. 41; iv, pp. 1-2.

<sup>126</sup> R. G. Davies and J. H. Denton (eds), *The English Parliament in the Middle Ages* (Manchester, 1981), especially pp. 49-50, 62-71.

<sup>127</sup> See, for example, *Northern Pets*, no. 179.

<sup>128</sup> *Gesta Dunelm.*, pp. 13-14; *Scriptores Tres*, p. 76; Fraser, *Bek*, pp. 180-1. Fraser's edition of SC 8/326/E770 in *Northern Pets*, no. 179, dates it to c. 1307, correcting her account in *Bek*, p. 150, which placed it in 1301.

<sup>129</sup> *CCR 1279-88*, p. 318; *Chron. Guisborough*, pp. 324-5; Offler, *North of the Tees*, Chapter 14, pp. 196-7.

<sup>130</sup> Fraser, *Bek*, p. 185. Edward was at Walthamstow at the end of February 1303, and at Westminster early in March; and in both places, to judge from the royal charter rolls, Bek was in attendance: E. W. Safford, *Itinerary of Edward I* (List and Index Society, 1974-7), ii, pp. 205-6; Fraser, *Bek*, pp. 246-7.

after.<sup>131</sup> The final ‘charter of liberties’, however, was not issued by Bek until early in May 1303, after a further stage of negotiation which had begun early in April, and took place in the liberty itself.<sup>132</sup> By comparing the agreements of spring and May, and a contemporary memorandum of disputed issues left unresolved,<sup>133</sup> we can follow in some detail how the competing claims of bishop and local community were adjudicated by the crown.

In the earlier agreement Bek conceded the majority of the community’s demands. Arbitrary imprisonment was renounced; free tenants were granted power to establish mills and mines on their land; and concessions were made on the number of episcopal officers, on toll, on the independence of Durham and Sadberge, and on many other issues. The bishop was, however, unwilling to forgo various rights in his forest. He limited the beasts that could be hunted in the area called Akergart (unidentified), and he refused to surrender *woodhire*. He gave no response to the demand that the bounds of the bishop’s forest should be restored to their extent under King John. Nor could agreement be reached over two aspects of the bishop’s regalian claims: control over the alienation of lands, and prerogative wardship. In the former case Bek may have made some concession, although the relevant passage is not entirely clear.<sup>134</sup> In the latter the bishop claimed to enjoy the same prerogative within the liberty as the king did outside it. It was precisely on the more controversial aspects of episcopal lordship that Bek was least willing to yield.

Two of these questions – the alienation of land and *woodhire* – remained unresolved when the liberty was restored in July 1303. Further difficulties also emerged between spring and May, and two issues that had evidently arisen during subsequent negotiations also proved irresolvable. These related to the bishop’s claim to wardship of lands held of him by socage

<sup>131</sup> The only text of this agreement is preserved in Bishop Kellawe’s register: *RPD*, iii, pp. 41–6.

<sup>132</sup> *CDS*, ii, no. 1356; *CCW 1244–1326*, p. 174; *Scriptores Tres*, Appendix, no. 80; Safford, *Itinerary of Edward I*, ii, p. 208; Fraser, *Bek*, p. 186. The May charter is printed from a later enrolment in *Bek Recs*, pp. 93–8, and from a copy in Kellawe’s register (of which the ultimate source is unknown) in *RPD*, iii, pp. 61–7.

<sup>133</sup> The relevant passage is as follows: ‘fait a remenbrer qe endroit de ceo qe les hommes priount qil pussent doner, vendre e lesser lour teres e lour tenementz a lour volunté e tenir de chefes seynurages sencz meen; e qil ne fussent distreynt affere service en Escocce ou aillours hors de ewes de Tyn e Tese; e des gardes qe levesqe clayme aver des teres tenues par socage, e partie de dringages, e auxi dedenz boundes de la franche chasce: ne sount mye les choses terminez ne fynis au finez, sed par mandeynement le roy sont eles mys a son prochein parlement. Levesqe respond a le article del wodhire qil trova sa eglise seisie, par ceo nest il pas termine’ (*DCM*, 2.5.Pont.3, dorse).

<sup>134</sup> *RPD*, iii, p. 43: ‘gree soit faite pur l’entere, et ceo pour sa realtee’. This clause might be translated ‘that payment be made (*or*, that permission be granted) for entry (*or*, on the whole)’.

and drengage tenures, and to wardship of lands within the bishop's forest. On the other hand, between spring and May the inhabitants of the liberty's forest won important concessions from the bishop. In the earlier agreement, the bishop's forest figured only insofar as it affected those dwelling outside its limits. By May the inhabitants of the forest itself had been granted housebote and haybote, and exemption from pannage. They also won significant new restrictions on the number of foresters the bishop could appoint, and on the charges these foresters could levy from the country. The earlier petition from the 'bones gentes' of the liberty had been presented by the community's representatives while Edward I and Bek were at Walthamstow and Westminster; subsequent discussion, held in the bishopric itself, was clearly more accessible to local pressures.

Many of the other changes between spring and May, however, were in the bishop's favour. In particular, limitations were imposed on the local community's privileges in time of war. It had earlier been granted that no carriage would be levied from freemen; now the proviso was added that carriage might be levied in wartime, 'as is done by the king and other lords'. Similarly, whereas the bishop had earlier been ready to grant that 'all men of the bishopric should have free entry to and exit from the bailey gate of Durham' for access to St Cuthbert's shrine, this access was now restricted during wartime, and 'other times of need', to men of good reputation. Finally there was the community's claim that no freeman was obliged to perform military service beyond the limits of Tyne and Tees. The bishop had earlier seemed to acknowledge the basis of this claim by allowing it 'except in case of great need for the defence of the liberty'. But no such grant was to feature in the final charter, and the question remained unresolved when the liberty was restored.

The explanation for many of these changes is probably to be found in the attitude of the king, which seems from the outset to have been even-handed. Edward I announced neutrally in April 1303 that when he had heard both sides, he would be displeased with those who were in the wrong: faced with the competing claims of bishop and local community, he seems to have done his best to achieve a working and enduring compromise.<sup>135</sup> It is clear that Bek had come under considerable royal pressure to meet the community's earlier complaints. Many responses to the petition's articles begin 'the king wishes, and the bishop grants', and on one issue where the bishop appeared unwilling to concede, Edward charged him at his peril to do justice.<sup>136</sup> Again, it was specifically at the king's will

<sup>135</sup> *CDS*, ii, no. 1356.

<sup>136</sup> *RPD*, iii, p. 44.

that improvements from waste land were to be redressed by a commission of eight men, four representing the bishop and four representing the community.<sup>137</sup> But in delegating decisions to a local body drawn from either side of the dispute, the king showed sensitivity to both parties; and Edward was ready to uphold Bek's rights as well as those of the community. Although the community had asserted that the bishop's claim to prerogative wardship was contrary to Magna Carta, Edward recognised the bishop's powers 'by reason of his regality'. If the king took seriously the community's claims to its traditional rights, so too did he respect the bishop's claims to 'royal liberty' between Tyne and Tees. Edward adjudicated carefully between the privileges of the local community and those of the bishop, and the community was far from achieving all its wishes. It was partly for this reason that the 'charter of liberties' was not referred to during the dispute with Langley in 1433. It offered no real support for any challenge to the bishop's prerogative rights.

Furthermore, in the May charter, as earlier commentators have noted, 'royal pressure on the bishop is much less apparent', and this largely explains the firmer line Bek was able to take.<sup>138</sup> An improvement in the personal relationship between Edward I and Bek may have been partly responsible for the change.<sup>139</sup> Probably more important, though, was the broader political situation. Edward had been preparing since autumn 1302 for an invasion of Scotland.<sup>140</sup> The liberty had supplied Edward with footmen early in 1303 (subject to a reservation of its privileges), and in April another summons, for 12 May, had been issued in the liberty.<sup>141</sup> In this context Bek's reconsideration of the community's claim to exemption from military service outside the liberty can hardly have met with Edward's opposition; and nor can the bishop's strengthening of his position on carriage. It must be emphasised, though, that the demands of war were not allowed to take complete precedence over the privileges of the liberty's community. Contrary to the suggestions of some earlier writers, in the end neither Bek nor Edward I successfully 'repudiated the suggestion that the men of the commonalty were not bound to serve beyond Tyne and Tees.'<sup>142</sup> It seems, to the contrary, that the community was able to retain this remarkable privilege – at least in theory, and even if in practice there were some exceptions.

<sup>137</sup> *Ibid.*, p. 45 (and cf. pp. 33–9).

<sup>138</sup> Fraser, *Bek*, pp. 186–7; cf. Richardson, 'Bek', p. 190, n. 12.

<sup>139</sup> Fraser, *Bek*, p. 188.

<sup>140</sup> M. Prestwich, *Edward I* (London, 1988), p. 498.

<sup>141</sup> *CPR 1301–7*, pp. 112, 134.

<sup>142</sup> Fraser, *Bek*, p. 187; cf. Prestwich, *Edward I*, p. 544: 'this, unlike the majority of their demands, was not acceptable'.

On 10 February 1303, after the community of the liberty had provided men-at-arms and foot-soldiers to fight at the king's wages, Edward wrote to reassure it that such service would not be used as a harmful precedent, and he repeated his assurance on 19 April.<sup>143</sup> In 1311 the local community reiterated (apparently with success) the claim that service beyond Tyne or Tees would be to 'the damage of the liberty of St Cuthbert', and the privilege was repeatedly reconfirmed.<sup>144</sup> So the liberty was often asked to perform military service; but it was usually acknowledged that such service was being provided freely, and could not be exacted. Arguably, in the long run, the claim established in 1300–3 was successful.<sup>145</sup>

The question of military service, in May and (perhaps) February 1303, had been among the disputed issues reserved for consideration in a future session of Parliament.<sup>146</sup> In the end, however, events overtook any such plans: no Parliament was held between October 1302 and February 1305, and by the latter date further proceedings were being brought against Bek, leading to another confiscation of the liberty in December 1305. Nevertheless Edward I's gesture towards wider political consultation is important. Decisions relating to the governance and customs of a liberty as significant as Durham were not to be taken lightly. Edward showed no such circumspection when the liberty of Tynemouthshire was confiscated between 1291 and 1299.<sup>147</sup>

In general, the king's attitude to the liberty during the dispute showed more caution than might be expected. Historical consensus holds that while Edward I took very seriously his duty to answer complaints from the inhabitants of liberties, he had no objection to 'franchises' provided that his overall control was recognised.<sup>148</sup> Edward's respect for Durham was rather greater than such an assessment suggests, even if the confiscations of the liberty left no doubt about the king's ultimate mastery. As we have noted elsewhere, he scrupulously maintained the independent functioning of the liberty while it was under his control.<sup>149</sup> More striking, however, is

<sup>143</sup> DCM, 2.2.Reg.12; *CPR 1301–7*, pp. 112, 134 (but cf. p. 426).

<sup>144</sup> DCM, Loc.XXVIII.14, no. 15; Surtees, I, i, Appendix, no. 16 (printing DCM, 1.4.Reg.2).

<sup>145</sup> Above, Chapter 1, pp. 42–3. Requests for military service from the liberty before 1327 are usefully listed in the digests in *Parl. Writs*, I; II, iii; see also *RPD*, i, pp. 16–17; ii, pp. 989–90, 1003–4, 1100–1. Examples of the reservation of the liberty's privileges include *RPD*, i, pp. 16–17; iv, pp. 512–13; *Rot. Scot.*, i, pp. 169, 196; *CPR 1321–4*, p. 191; 1330–4, p. 460; 1340–3, p. 348; C 81/280/14468.

<sup>146</sup> *RPD*, iii, p. 46; *CPR 1301–7*, p. 149; above, p. 163, n. 133.

<sup>147</sup> Below, Chapter 5, pp. 207, 219.

<sup>148</sup> See, for example, *Select Cases in the Court of King's Bench*, ed. G. O. Sayles (Selden Society, 1936–71), ii, p. lv; Prestwich, *Edward I*, pp. 258–64, 538–40; Davies, *Lordship and Society*, pp. 257–69.

<sup>149</sup> Above, Chapter 2, pp. 66–7, 75.

Edward's acknowledgement of the bishop's prerogative wardship, all the more so because the king was actively defining and not simply confirming this privilege. No less remarkable was his respect for the community's exemption from military service. Both cases illustrate the arguments put forward in an earlier chapter about the crown's attitude to the liberty. The power of Cuthbert, the liberty's patronal saint, certainly encouraged Edward to treat Durham with great circumspection: in the king's own words, he was simply the 'minister and maintainer of the liberty of St Cuthbert'.<sup>150</sup> Furthermore, the privileges of wardship and exemption from military service were both strongly associated with the liberty 'between Tyne and Tees': the *Haliwerfolk* positioned themselves within the two rivers, and it was similarly there that, according to *Prerogativa Regis* and other sources, the bishop exercised his rights of prerogative wardship. As has been seen, the distinctive status of the lands and people 'between Tyne and Tees' was firmly established, well supported by powerful cultural and historical traditions.<sup>151</sup> It was these cultural and historical traditions, claimed as they were by both bishop and local community, that ultimately enabled both parties not only to retain, but to confirm and increase their privileges – privileges that were not always compatible.

The dispute between Bek and his tenants, as we have seen, has some parallels in the conflict between Bishop Langley and his tenants in 1433. It also has analogues in various other liberties where the exploitation of lordship led to collective resistance and, in some cases, to royal intervention and to 'charters of liberties'.<sup>152</sup> The Bek dispute, admittedly, allows both collective activity and royal intervention to be followed in unusual detail. But it was also distinctive in more significant ways, which reflected the factors that made Durham unique among the north-eastern liberties. Important above all was the historical culture explored in Chapter 1, which lay behind many of the features that distinguished the 'revolt' of 1300–3 from that of 1433. The outbreak of opposition to Bek was made possible because the protection and privileges St Cuthbert bestowed on the liberty were claimed by the local community and by Durham Priory, as well as by the bishop himself. A sense of traditional rights and freedoms facilitated the emergence of collective action. The resolution of the dispute by Edward I, similarly, reflected the king's respect for the claims of these various parties.

<sup>150</sup> Above, Chapter 1, p. 37; C. M. Fraser, 'Edward I of England and the regalian franchise of Durham', *Speculum*, 31 (1956), pp. 329, 336, 338, 342.

<sup>151</sup> Above, Chapter 1, especially pp. 44–52.

<sup>152</sup> Below, Conclusions, p. 428.



One effect of the dispute was to cement the rights of these different constituencies in the liberty. In extensive extracts from royal records and other sources, the priory recorded its victories over the bishop and his ministers.<sup>153</sup> King John's charter to the *Haliwerfolk* of 1208 was copied by the priory, and became newly important as a record of local privilege. The *Haliwerfolk* themselves gained a new self-identification in the years around 1300, and the dispute provided a crucial stimulus to the development of collective action and institutions in the liberty, as 'the community of the liberty' made its first sustained appearance. One lasting result of the dispute was that the rights of these constituencies became more clearly defined. Bek's 'charter of liberties', which was also in places a royal affirmation of the bishop's own 'liberties', became something like an authoritative statement.<sup>154</sup>

On a broader view, what impact did the dispute have on the liberty's development in the longer term? Most profoundly, the shape and integrity of the bishopric were fundamentally affected by Edward I's confiscation of Barnard Castle and Hartness when the liberty was in royal hands in 1306–7. It marked not only a theoretical challenge to the bishops' powers of prerogative, but a significant decrease in their influence in the wapentake of Sadberge: Bishop Poore's victories over Peter Bruce in Hartness were considerably undermined after its grant to the Cliffords. This supports the judgement that the liberty's privileges were diminished by the dispute. Such was the opinion of the Durham priory chronicler, writing a little later, and his verdict – as well as being echoed by Lapsley and other historians<sup>155</sup> – appears to have been shared by some contemporaries. Even in the immediate aftermath of the dispute it may have seemed that, despite Edward I's scrupulous preservation of the liberty's privileges in 1302–3, its status was not secure. In March 1304, several months after the liberty had been restored to Bek, Peter Tursdale and Agnes his wife quitclaimed to Durham Priory their common land in Ferryhill and the Merringtons. At the same time, they agreed – if they should be so required – to levy a final concord before the bishop's justices, 'or before the justices of the king of

<sup>153</sup> See in particular DCM, Loc.VII, *passim*.

<sup>154</sup> Thus in DCM, 1.5.Pont.3, art. 12, of c. 1400, it is implied that the charter offered a definitive ruling on prerogative wardship – although doubt was cast on whether this should bind Durham Priory, which had not been party to the charter. Cf. Richardson, 'Bek', p. 193, n. 21.

<sup>155</sup> *Scriptores Tres*, pp. 88–9; Lapsley, *Durham*, p. 42; J. W. Alexander, 'The English palatinates and Edward I', *JBS*, 22 (1983), p. 10. The re-establishment of Bek's authority over the liberty following its restoration in 1307 is examined in detail in Fraser, *Bek*, pp. 215–28.

England if they should happen for any reason to hold pleas in the liberty of Durham'.<sup>156</sup>

The possibility of royal interference in the liberty was real; and it also remained real because of the circumstances in which the dispute of 1300–3 had been resolved. Edward I assumed responsibilities which went beyond the usual royal duty of doing justice to all subjects. When the liberty was restored in July 1303 Edward threatened royal intervention if the 'charter of liberties' was not observed; the charter itself was copied onto the close roll in the royal chancery, and the original was given to William Greenfield, the king's chancellor, for safe-keeping. When the bishop was later accused of failing to honour the settlement, the community was forced to petition Edward for the return of the original charter.<sup>157</sup> The local community thus developed a habit of turning directly to the crown, and complaints against the bishop continued to be made. Early in 1307 – while the liberty was in royal hands – 'the community' complained in Parliament about the exactions of the bishop's officers; and it did so again later the same year.<sup>158</sup> The liberty's direct relationship with the crown persisted in some sense until 1353. In this year, when 'the community of the bishopric' (for reasons that are unclear) sought an exemplification of Bek's charter, it did not turn to the current bishop, Thomas Hatfield, but to Edward III, who inspected and confirmed the text on the royal close roll.<sup>159</sup>

It must be emphasised that the liberty was returned, shortly after Edward II's accession in 1307, with the privileges of the bishops of Durham largely untouched, and in some ways even strengthened. Nevertheless Edward I's role in confirming these privileges does deserve emphasis, because the dispute was a foretaste of the increasingly important role the crown was to play in defining the liberty. And by reviewing that growing role, we can draw to a close the story of the dispute, and highlight the wider motifs in the liberty's later history that have emerged in the preceding chapters. The fiscal and military demands of successive kings, and the increasingly antiquated nature of the liberty's legal system, all made negotiation with the crown ever more necessary in the first half of the fourteenth century. Bishops of Durham were increasingly driven to petition kings of England for clarification or confirmation of their privileges, or to limit the activities

<sup>156</sup> DCM, 4.12.Spec.13, 14.

<sup>157</sup> *PROME*, ii, p. 106 (and cf. p. 194). For earlier events, see Fraser, *Bek*, pp. 190, 192–6. It was perhaps the original charter, rather than the close roll text, which formed the basis of two copies made at Durham in the early fourteenth century: BL, MS Lansdowne 397, ff. 266r–8r; *RPD*, iii, pp. 61–7.

<sup>158</sup> *Northern Pets*, no. 179.

<sup>159</sup> DCM, 2.4.Pont.13.

of royal officials. It was thus apparently with the assent of Edward III and Parliament that the liberty's legal system was reformed around the 1340s.<sup>160</sup> But the growing role of the crown, and indeed of Parliament, in the definition of the liberty by no means led to its diminution. The commons did attack some of Durham's privileges – notably, in the 1370s, its immunity from taxation – but the overwhelming trend of parliamentary legislation in the later fourteenth and the fifteenth centuries was to confirm and even extend the liberty's rights.<sup>161</sup>

The Bek dispute also presaged the growing informal influence of the crown in the liberty's social and political life. The development of the dispute in 1300–1 owed something to personal links between Edward I and the liberty's magnates, especially John Fitzmarmaduke; and, not surprisingly, the dispute strengthened their associations with the crown. Fitzmarmaduke left for Scotland, where he had been in the king's service at intervals since 1301; by 1309 he was governor of Perth, and in 1310 Edward II rewarded him for his services with lands worth £200 a year. Indeed he was to die in Perth, although he did request burial in the bishopric.<sup>162</sup> Nor was Fitzmarmaduke the only one to imagine that his best opportunities lay outside the liberty, or who wished to keep a low profile until the end of Bek's episcopate. Alan Teesdale, another representative of the local community, pursued a career in the service of Hugh Despenser the younger and of Edward II, probably because he faced reprisals from Bek after the restoration of the liberty.<sup>163</sup>

As we have seen, the growth of the crown's indirect influence within the bishopric did not lead automatically to an undermining of the liberty's autonomy.<sup>164</sup> But it did mark a real change in the later medieval history of the bishopric – in summary, 'the growing importance of Westminster'.<sup>165</sup> This was something Durham shared with the other north-eastern liberties, largely as a result of war with Scotland. In other ways, however, Durham was distinctive. What Jean Scammell called 'the static infertility of franchise' is far from universally evident in the North-East: witness the development of justices of the peace in Hexhamshire and Tynemouthshire, as well

<sup>160</sup> Above, Chapter 2, pp. 73, 81.

<sup>161</sup> C. D. Liddy, 'The politics of privilege: Thomas Hatfield and the palatinate of Durham, 1345–81', *Fourteenth Century England*, 4 (2006), pp. 71–5; T. Thornton, 'Fifteenth-century Durham and the problem of provincial liberties in England and the wider territories of the English crown', *TRHS*, 6th ser., 11 (2001), p. 94.

<sup>162</sup> *CDS*, v, nos. 2300, 2406, 2424, 2436, 2452, 2460, 2716, 2745; *CCR 1307–13*, pp. 182–3; *CPR 1307–13*, pp. 226, 228; *RPD*, ii, pp. 1149–50; Fraser, *Bek*, pp. 104, 218, n. 1.

<sup>163</sup> Fraser, *Bek*, p. 217; above, Chapter 3, p. 132.

<sup>164</sup> Above, Chapter 3, pp. 134–5.

<sup>165</sup> Liddy, 'Politics of privilege', p. 79.

as in Durham itself.<sup>166</sup> But no other north-eastern liberty developed after the mid-fourteenth century in quite the same way as Durham. The liberty's administration was increasingly modelled on Westminster; men associated with the royal courts played a greater role in the liberty's courts, and the liberty increasingly came to resemble royal government in miniature. At the same time, and as a result, the bishops' regalian jurisdiction became increasingly elaborate, as was symbolised by Bishop Hatfield's ostentatious seal, directly modelled on the royal great seal.<sup>167</sup> Contrary to the arguments of some earlier writers, it may well have been the century and a half after 1345, and not the years around 1300, that marked the liberty's greatest development.

What this meant for the inhabitants of the liberty is not always clear. But it is perhaps significant that it was the mid-1340s – years of dramatic reform in the liberty – that witnessed the refusal of the *Haliwerfolk* to carry out an inquisition *post mortem* for royal commissioners.<sup>168</sup> Durham's institutional development may well have strengthened its inhabitants' identification with the liberty. Loyalties, of course, were complex, and could not always be relied on, as Bishop Langley found to his cost in 1433.<sup>169</sup> But in general, as Tim Thornton in particular has shown, the liberty seems to have flourished in the fifteenth century.<sup>170</sup> This was in part the result of institutional evolution in the liberty, which continued to keep pace with developments in royal government such as the expansion of equity jurisdiction. It also, perhaps, owed something to the vigorous defences of the bishopric's privileges mounted at Durham Priory. But we must not neglect the actions and loyalties of the liberty's inhabitants: 'the people called *Haliwerfolk*', as they could still be described.<sup>171</sup>

<sup>166</sup> Scammell, 'Origin and limitations', p. 463; below, Chapter 5, pp. 193, 227.

<sup>167</sup> Above, Chapter 2, p. 65.

<sup>168</sup> Above, Chapter 1, pp. 51–2.

<sup>169</sup> Storey, *Langley*, pp. 116–34.

<sup>170</sup> Thornton, 'Fifteenth-century Durham', *passim*.

<sup>171</sup> DCM, Cart. III, f. 1r.

## *Hexhamshire and Tynemouthshire*

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In many respects the liberties of Hexhamshire and Tynemouthshire, held respectively by the archbishop of York and the prior of Tynemouth, had little in common. They were of contrasting geographical character, for Hexhamshire was compact and Tynemouthshire dispersed. Hexhamshire's privileges were substantial and well established; Tynemouthshire's rights, on the other hand, especially from around the 1290s to the 1330s, faced serious challenges from the crown and from the priory's own tenants. The lordship of the absentee archbishops of York was rarely oppressive or resented, whereas successive priors of Tynemouth alienated many of their more substantial tenants. The contrasts are great: but it is these contrasts that justify analysis of the two liberties together. Above all, their divergent stories show clearly how the impact of liberties on local society was determined by the complex interactions of lordship and jurisdictional privilege.

The outlines of these stories are not new, as both liberties have been given considerably more scholarly attention than Tynedale or Redesdale. Both – and Tynemouthshire in particular – received valuable coverage in the *Northumberland County History*.<sup>1</sup> No apology, though, need be made for a reconsideration of lordship and loyalties in both liberties that draws on the full range of available evidence. And while neither liberty is as well documented as Durham, each has its particular archival riches. For Hexhamshire the key sources are the registers and cartularies of the archbishops of York, although these vary considerably in the amount of relevant material they contain. Unusually rich for the first half of the thirteenth century, they provide a steady record of official appointments and business from the late thirteenth until the mid-fourteenth century, when entries concerning the liberty become much scarcer. For Tynemouthshire the principal source is the register or cartulary compiled mostly under Prior Robert Tewing (1315–40). This includes a wide range of material relating to

<sup>1</sup> *NCH*, iii (by A. B. Hinds), and iv (by J. C. Hodgson); viii and ix (by H. H. E. Craster).

the liberty, particularly for the period between around 1290 and 1340: not only formal grants and deeds, but manorial surveys, legal extracts, other memoranda, and records of leases. Again, however, the sources become relatively few after the mid-fourteenth century. For both liberties, therefore, the period to around 1350 lends itself to particularly detailed coverage; and this period provides the focus of the following discussions.

## HEXHAMSHIRE

Compared with Durham or Tynedale, Hexhamshire was a relatively small liberty, covering an area of just over ninety square miles. South of the Tyne, its eastern border largely followed the Devil's Water to the moorlands around Blanchland and Rookhope, where the watershed divided the southern extremities of the liberty from Northumberland and Durham. To the west the boundary followed the River West Allen, travelling north past Staward and Langley until the junction of the North and the South Tyne. A stretch of the North Tyne then separated Hexhamshire from Tynedale until, south of Chollerton, the boundary followed the Erring Burn. The remainder of the liberty's border travelled east, south of Bavington, and then south back to the Tyne west of Kirkheaton, Whittington and Halton. Much of the liberty was not clearly defined by major natural features, and it is no surprise that there were disputes over common and boundaries around Staward, Elrington, Thockrington and Anick.<sup>2</sup> Nevertheless Hexhamshire did occupy a contiguous and compact area: in contrast to Tynemouthshire, geography posed few difficulties for government or social cohesion. Its ecclesiastical organisation, too, was coherent and unified, for the liberty comprised a single parish, with chapelries at Allendale, Bingfield, St Oswald in Cocklaw and St John Lee.<sup>3</sup>

The liberty's privileges, furthermore, provided a constitutional and institutional basis for the powerful exercise of lordship and – potentially – for the development of a cohesive local community. Like Durham and Tynedale, Hexhamshire was accepted as a 'royal liberty' where the king's writ did not run. As the jurors south of the Coquet put it in 1279, 'the archbishop of York holds Hexham and Allendale, and his writ runs there'.<sup>4</sup> As such, the

<sup>2</sup> *Reg. Gray*, pp. 286–8, 290–1; NCS, ZSW/1/9; *HN*, II, iii, pp. 443–4; *Northumb. Pets*, no. 62. For a reference in 1269 to the bounds of the liberty 'as they are observed on the day of this agreement', see *NAR*, pp. 160–1.

<sup>3</sup> The modern civil parishes comprising the liberty are Allendale, West Allen, Acomb, Bingfield, Hexhamshire, Sandhoe and Wall, and parts of Corbridge (Portgate) and Whittington (Hallington).

<sup>4</sup> *NAR*, p. 358; cf. *RH*, ii, p. 21.

BORDER LIBERTIES AND LOYALTIES



**Map 3** The Liberty of Hexhamshire

liberty figures only very rarely in the thirteenth-century records of royal government – most notably during vacancies of the see of York, when it fell into royal hands. And after the episcopate of Walter Gray (1215–55) these vacancies were rarely prolonged, although on a number of occasions the temporalities of the see were in crown hands for periods of over a year.<sup>5</sup>

As in the case of other liberties, of course, Hexhamshire's privileges had to evolve to keep pace with the developing organs and pretensions of royal government – judicial, military and financial. By at least the early thirteenth century, the archbishop appointed his own justices to hear pleas in the liberty during visitations of the royal eyre, and the liberty's independence from such eyres was respected throughout that century.<sup>6</sup> For most of this period little is known of the liberty's court outside sessions of eyre; but the absence of Hexhamshire pleas from the records of the royal courts suggests that the liberty served its inhabitants well.<sup>7</sup> It continued to keep abreast of developments in royal justice in the later thirteenth and the fourteenth centuries, as successive archbishops appointed justices of gaol delivery, oyer and terminer, and the peace.<sup>8</sup> The challenge offered to their judicial privileges in the *Quo Warranto* proceedings of 1293 was perfunctory: although the crown's attorney argued that such royal rights as a chancery and justices required explicit royal grant, the archbishop's assertion of long usage was soon accepted.<sup>9</sup>

Hexhamshire's privileges were more searchingly tested by the growing demands of the 'war-state' for money, manpower and resources. Such demands significantly curtailed the privileges of many other liberties elsewhere in England. Almost all became subject to parliamentary taxation, which royal writs and commissions instructed should be levied 'within and without liberties'; even jurisdictions as privileged as Bury St Edmunds and the Isle of Ely might find themselves unable to exclude the king's taxers.<sup>10</sup> And commissions of array that also contained the clause 'within and without liberties' were often similarly intrusive. It was rare for commissions to be issued to liberty-holders, and few joined the abbot of Battle

<sup>5</sup> That is, in 1265–6, 1296–7, 1304–6, 1315–17, 1340–2 and 1405–7.

<sup>6</sup> *Hexham Priory*, ii, p. 91; *NAR*, pp. 312, 357–9.

<sup>7</sup> The references to liberty justices in *Reg. Gray*, pp. 227–8, 235, 248–9, all apparently relate to 1227–8 and are to be associated with the 1227 Northumberland eyre. See otherwise *ibid.*, pp. 282–3; below, pp. 193–4.

<sup>8</sup> For example, *Reg. Giffard*, no. 855; *Reg. Romeyn*, ii, no. 1225; *Reg. Greenfield*, i, no. 558; *NCH*, iii, p. 30; and see also below, pp. 192–3.

<sup>9</sup> *PQW*, p. 591; KB 27/137, m. 33d; cf. D. W. Sutherland, *Quo Warranto Proceedings in the Reign of Edward I, 1278–1294* (Oxford, 1963), pp. 109–10.

<sup>10</sup> J. F. Willard, *Parliamentary Taxes on Personal Property, 1290 to 1334* (Cambridge, MA, 1934), p. 31; E. Miller, *The Abbey and Bishopric of Ely* (Cambridge, 1951) p. 206.



in obtaining the privilege of conducting their own arrays.<sup>11</sup> Conversely, though, it is a measure of the respect in which Hexhamshire's 'royal rights' were held by the crown and by local society that they were not substantially challenged in the fourteenth century. Royal commissioners of array and wardens of the Marches were only rarely given specific authority within the liberty, as in 1326 and 1359, and it was probably unusual for the liberty simply to be included within the county of Northumberland.<sup>12</sup> It is true that Robert II Ogle was appointed by the crown in 1335 to array the liberty, but his commission was rapidly confirmed by Archbishop Melton (1317–40),<sup>13</sup> and generally royal commissions of array were directed to the archbishop or the liberty's steward/bailiff for execution.<sup>14</sup> Thus when Archbishop Corbridge (1300–4) was asked in 1303 to send forces to support John Segrave, he ordered the bailiff to levy the men of the liberty.<sup>15</sup> In 1309, 1311 and 1314 requests went to Archbishop Greenfield (1306–15); in 1327 Archbishop Melton ordered the bailiff to array the liberty's men in response to a royal writ; and similar royal mandates were received and executed in 1355 and 1369.<sup>16</sup> Commissions of array generally acknowledged that the archbishop's writ should run within the liberty; the archbishops, in turn, were prompt in responding to royal requests. Crown and liberty-holder

<sup>11</sup> *CPR 1364–7*, p. 437; M. Prestwich, "'Tam infra libertates quam extra': liberties and military recruitment", in M. Prestwich (ed.), *Liberties and Identities in the Medieval British Isles* (Woodbridge, 2008), pp. 111–19.

<sup>12</sup> *Parl. Writs*, II, ii, p. 744; *Rot. Scot.*, i, p. 839. In 1343, when Hexhamshire came under the supervision of royal commissioners to punish truce-breakers, it was assumed that they would not actually enter the liberty; similarly, in 1362, the warden-conservators were authorised to enter Hexhamshire and other liberties only if the bailiffs defaulted in their duties (*Rot. Scot.*, i, pp. 644, 862). In 1346 the authority of the wardens specifically extended into the liberties of Durham, Northamptonshire, Tynedale and Hexhamshire; but the archbishop of York was one of the wardens (*ibid.*, p. 669). And when Anthony Lucy was created 'captain' of Hexhamshire on 19 December 1315, the see of York was vacant and the liberty in royal hands (*ibid.*, p. 152).

<sup>13</sup> *Ibid.*, p. 389; *Reg. Melton*, f. 547r.

<sup>14</sup> 'Steward' and 'bailiff' were generally used interchangeably to denote the liberty's chief official. Some distinction between the two offices is suggested by a dispute of 1398, when John Clavinger had been appointed bailiff, but William IV Swinburne wrongly occupied the office of steward, which 'by right' pertained to the office of bailiff (NCS, ZSW/1/96). Again, in the enrolment of Robert II Ogle's appointment as steward in 1351, 'and bailiff' was interlined after 'steward' (*Reg. Zouche*, f. 297v). For the most part, however, contemporaries used both 'steward' and 'bailiff' to describe the same men, and this chapter follows their example.

<sup>15</sup> *Hexham Priory*, i, Preface, pp. lxxvii–viii; *Parl. Writs*, I, pp. 369–70; Prestwich, "'Tam infra libertates quam extra'", p. 114. For a commission of array issued by Archbishop Romayne in 1295, see *Reg. Romeyn*, ii, no. 1334.

<sup>16</sup> *Parl. Writs*, II, ii, pp. 384–6, 388, 413; *Rot. Scot.*, i, pp. 74, 77, 101, 777–8; *Memorials of the Church of . . . Ripon*, ed. J. T. Fowler (SS, 1882–1908), ii, pp. 96–7; *Hexham Priory*, i, Preface, pp. xcvi–ix.

shared the objectives of national security, and both saw the advantages of respecting each other's claims.

Royal taxation of the liberty tells a more complicated story, but again one that confirms the strength of Hexhamshire's 'immunities'.<sup>17</sup> For most of the thirteenth century there is no evidence that the liberty contributed to aids or subsidies, and it is a surprise that it seems to have been assessed for the fifteenth of 1275, albeit – with royal agreement – under the supervision of the liberty bailiff rather than of crown officers.<sup>18</sup> A similar arrangement was probably followed for the eleventh and seventh of 1295 and the twelfth and eighth of 1296, but there was considerable difficulty in obtaining the sums assessed. Arrears were still owed to the crown in 1299, and it was probably at this time that a list of the liberty's debtors for those subsidies was produced.<sup>19</sup> Collection of the arrears was deputed to the liberty bailiff, but in 1309 the bailiff was still being ordered to levy them.<sup>20</sup> For the subsidies of 1306 and 1307 collectors were appointed directly by the crown, but again with little success: in 1316 the exchequer was still asking for details of the 1306 assessment.<sup>21</sup> The difficulty was probably the same as it was to be in 1336, when the royal collectors of the fifteenth and tenth granted in March claimed that they had not been able to enter the liberty 'because the king's writ does not run there'.<sup>22</sup>

A renewed attempt by royal commissioners to come into the liberty and 'assess the men there afresh' prompted Archbishop Melton to have the privilege of appointing his own assessors confirmed in 1339.<sup>23</sup> Despite this grant, however, Melton seems to have been unwilling to assess the liberty on the crown's behalf. As the king's taxers for Northumberland explained to the exchequer early in 1341, when called to account for the subsidies of 1336 (a fifteenth and tenth) and 1337–9 (a triennial fifteenth and tenth), the owners of several liberties (Durham between Tyne and Tees, Hexhamshire and Tynedale) had not allowed their men to appear before the taxers, or been prepared to carry out the taxation themselves. This was on the

<sup>17</sup> For earlier work, see in particular Willard, *Parliamentary Taxes*, pp. 29–32.

<sup>18</sup> This, at least, seems to be the import of *CPR 1272–81*, p. 133, although the 1275 subsidy is not explicitly mentioned.

<sup>19</sup> E 179/242/79 (printed, with inaccuracies, in *NCH*, iii, pp. 31–4); 179/276/76A, m. 4. The former document is regularly but incorrectly described as an assessment for the liberty.

<sup>20</sup> *Reg. Greenfield*, v, no. 2668.

<sup>21</sup> *CPR 1301–7*, p. 491; 1307–13, p. 24; Willard, *Parliamentary Taxes*, p. 30.

<sup>22</sup> E 179/158/7, mm. 2d, 7d. For subsequent years, see E 179/158/9–11, after which Hexhamshire, Durham and Tynedale cease to be routinely mentioned in the Northumberland assessment rolls; cf. the enrolled accounts in E 359/14, mm. 23d–47, *passim*.

<sup>23</sup> *CCR 1339–41*, p. 148.

grounds that writs containing the clause ‘tam infra libertates quam extra’ did not extend to ‘royal liberties’ (*libertates que vocantur regales*) where the king’s writ did not run.<sup>24</sup>

The exchequer’s response to these claims focused on earlier precedent. The barons were able to ascertain that Hexhamshire had contributed to the subsidies of 1295 and 1296, and since no precedent for exemption could be found it was decided that the liberty’s inhabitants should be assessed. Again, though, this decision does not seem to have been effectual; and the liberty also seems to have escaped assessment for the ninth of 1340–1.<sup>25</sup> In the 1350s the crown was unable to find any evidence that the Northumbrian ‘royal liberties’ had contributed to any subsidies since the beginning of Edward III’s reign, and the question of Hexhamshire’s immunity arose again. Early in 1351 the treasurer and barons of the exchequer were ordered to search for precedents, and in February 1352 they were instructed to levy sums owed since 1327 unless any reason for exoneration were discovered.<sup>26</sup> Again, the precedents of 1295–6 were found, and in the absence of later evidence it was decided to summon the liberty’s inhabitants to show what warrant they had for exemption. The men of Hexhamshire were duly summoned by the sheriff of Northumberland, but failed to appear, and a commission to assess the arrears was issued in May 1352. The commissioners, however, failed to act; and a number of respites postponed the case until late in 1356.<sup>27</sup> In the interim Hexhamshire was exempted in 1355 from the ‘forced loan’ of 1347 on the grounds that it had not previously paid fifteenths or tenths.<sup>28</sup> Then in 1356 the first of a series of royal writs was issued, further postponing the case, in the first instance until the next Parliament.<sup>29</sup> The postponements were extended until after Easter 1358, when Archbishop Thoresby explained that representatives from his liberty had not been able to appear in 1352 because of the threat of Scottish invasion, and because of the death of Archbishop Zouche (1342–52). The liberty was again required to justify its immunity; but in 1359, after several further postponements, Thoresby was able to obtain an exemption from all subsidies for the inhabitants of the liberty during his lifetime.<sup>30</sup>

This represented a significant development of the liberty’s privileges

<sup>24</sup> E 159/117, m. 162.

<sup>25</sup> Hexhamshire does not appear on the only surviving assessment (E 179/158/14). Nor does the liberty occur in later lists of debts owed for the ninth, such as E 372/190, rot. 35–35d; 372/196, rot. 25, m. 1.

<sup>26</sup> C 260/62/4.

<sup>27</sup> E 159/128, recorda, Hilary term, mm. 2–2d, 3d.

<sup>28</sup> *CFR*, vi, p. 431.

<sup>29</sup> *CCR* 1354–60, pp. 332, 410, 423.

<sup>30</sup> *Ibid.*, pp. 457, 524; *CPR* 1358–61, p. 246.

from the earlier position that the archbishop's officers should assess and collect national taxation. Hexhamshire had established a wider immunity, confirming its place alongside Durham and Tynedale.<sup>31</sup> Admittedly the grant to Thoresby can be seen as a reward for his loyalty to Edward III, whom he had served as chancellor until November 1356; and it also occurred in the sunny political and financial climate of the late 1350s. The liberty was unable to avoid contributing to the parish subsidy of 1371, which was levied throughout England, even from areas traditionally enjoying exemption, at a time when the crown was less generous following renewed war with France. Nevertheless in 1371 the liberty's inhabitants retained some immunity, since the assessed sum was not collected directly from them by the crown, but paid by Thoresby himself.<sup>32</sup> And the subsidy of 1371, furthermore, was exceptional. In 1359 Edward III had reserved the right to tax the liberty with the rest of Northumberland after Thoresby's death; but the accession of Alexander Neville in 1373–4 did not, in fact, bring an end to the privilege. The liberty escaped the poll tax of 1377, and it was apparently not until the subsidy of 1436 (which was demanded even from Durham and Cheshire) that the archbishop of York was again asked to levy a royal tax in Hexhamshire.<sup>33</sup>

In essence, therefore, Hexhamshire remained throughout the fourteenth century, and indeed later, a 'royal liberty' where the king's writ did not run. This is not to say that there was no royal influence on or control over the liberty, or that it remained an entirely self-contained institutional structure. Most fundamentally, the archbishop of York was essentially a royal appointee; while, at a more everyday administrative level, royal inquisitions occasionally dealt with estates within the liberty, and crown grants extended therein. Robert II Ogle's properties at Aydon Shields and Rowley Head were included in a royal grant of free warren, and were surveyed after his death, along with his other possessions in Northumberland, in an inquisition taken at Newcastle in 1362.<sup>34</sup> The liberty's inhabitants occasionally sought royal confirmation or enrolment of their property transactions; the archbishops themselves sometimes assumed that their licences for alienation in mortmain required royal confirmation.<sup>35</sup> And, finally, some

<sup>31</sup> On Tynedale, see below, Chapter 7, especially p. 314.

<sup>32</sup> *CCR* 1369–74, p. 256; W. M. Ormrod, 'An experiment in taxation: the English parish subsidy of 1371', *Speculum*, 63 (1988), pp. 76–9.

<sup>33</sup> *The Poll Taxes of 1377, 1379 and 1381*, ed. C. C. Fenwick (Oxford, 1998–2005), ii, pp. 256–71; iii, pp. 545–50; *CFR*, xvi, p. 262. No detailed assessments survive from Northumberland for the taxes of 1379 and 1381.

<sup>34</sup> *CChR*, v, p. 4; *CIPM*, xi, no. 401.

<sup>35</sup> *CCR* 1313–18, p. 560 (which almost certainly concerns Rowley Head and not Rowley in Durham); *Reg. Romeyn*, no. 1273 (but cf. *Reg. Zouche*, ff. 291Ar, 296Av).

archbishops had no qualms about enlisting the crown's aid in disciplining their more recalcitrant tenants and neighbours.<sup>36</sup> But the liberty did, all the same, remain largely self-governing. It did so because the claims of its 'royal rights' were respected by the crown, the liberty's inhabitants and wider local society.

The greatest landholders in the liberty were the archbishop of York and Hexham Priory. The archbishop's holdings were worth some £200 to £300 p.a.; the value of the priory's is unknown, but in 1379 its rental income alone in Hexhamshire was about £50.<sup>37</sup> The scale of their respective holdings was one reason why the liberty did not support a substantial or wealthy local elite; another was Hexhamshire's geography. South of the Tyne, the terrain soon rises to over 1,000 feet, and the southern reaches of the liberty were dominated by great expanses of moorland, reaching heights of 2,000 feet at the boundary with Durham. The bulk of the liberty's major manors and townships – Beaufront, Beukley, Bingfield, Coastley, Errington, Fallowfield and Langhope – were clustered west and north of Hexham, and it was there that Hexhamshire's more substantial freeholders were to be found. It is not easy to assess the size or value of their holdings: the only detailed information comes from fourteenth-century inquisitions *post mortem*, whose reliability is open to question. Still, the figures are suggestive. The manor with the greatest recorded peacetime value was Beukley, at £13.6s.8d. p.a.; other estates seem to have been worth much less, even allowing for under-valuation. Thus Beaufront was valued at £3.6s.8d. p.a. in 1323; Coastley was worth £5 in 1350, when Langhope with Hackford was scarcely worth the £4 rent by which it was held.<sup>38</sup> And while some of these estates were described as manors, and Bingfield and Beaufront had courts,<sup>39</sup> no estate was particularly extensive. In 1307 Langhope contained 200 acres, and the principal freehold estate in Bingfield consisted of 160 acres of land and nine of meadow. Beaufront comprised 100 acres of land, meadow and pasture; a moiety of Fallowfield seems to have consisted of two mesuages and forty-one acres.<sup>40</sup> Furthermore, the rights of the archbishops of

<sup>36</sup> For example, *CPR* 1266–72, pp. 716–17; 1281–92, p. 143.

<sup>37</sup> Archbishop: accounts give a net value of c. £300 in the early fourteenth century (SC 6/1144/1), and the liberty was extended at c. £270 in 1340 (C 145/140/7). The liberty's taxed value in 1322 was just over £240 (Reg. Melton, f. 498v), and in 1397 it was said to be worth £200 (*CIMisc.*, vi, no. 337). Priory: *Hexham Priory*, ii, pp. 1–12, summarised in *NCH*, iii, pp. 148–50.

<sup>38</sup> For these values, see Reg. Melton, f. 509r; Reg. Zouche, ff. 296v–296Ar. For the association of Langhope and Hackford, cf. C 145/140/7, with ADM 75/150, Coastley, no. 2; 75/78/1.

<sup>39</sup> NCS, ZSW/169/1 (c. 1250); CP 40/375, m. 138 (1353).

<sup>40</sup> *Reg. Greenfield*, v, no. 2618; Reg. Melton, ff. 509r, 739r.

York and of Hexham Priory circumscribed the lordship of several tenants. Hexham Priory, for example, had by 1298 half the vill of Bingfield and £4 of rent there; in 1379 the priory's manor in Bingfield contained 238 acres of arable in demesne. The lord of Coastley owed the prior £2.13s.4d. yearly for multure and the right to have a mill. The archbishops retained lands in Errington and Fallowfield, and a mill in the former: in 1340, in fact, their holdings in Errington were worth some £20 p.a.<sup>41</sup>

Nor were the new estates created from the thirteenth century onwards of great value to their tenants. By this period, few grants of land or wardships were made at preferential terms. Hexham Priory paid £2.13s.4d. p.a. for 145½ acres in Anick and Dotland granted by Archbishop Gray; Langhope was granted in the late thirteenth century for £4 p.a., and was worth little more in 1350. Again, it seems unlikely that the waste land in Nubbock that Archbishop Melton granted to Thomas Lealholm could realise much more than the £2.13s.4d. for which it was held.<sup>42</sup> In sum, the liberty had no estates that could compare with some of the manors in adjoining parts of Northumberland, such as Halton near Corbridge, worth some £20 when it was extended in 1287, and Langley, valued at about £25 in 1308.<sup>43</sup>

As a result, throughout our period the liberty contained only one knightly family, Vaux of Beaufront; and few of its other principal freeholders had a real claim to local weight or gentle status. In the first half of the thirteenth century, admittedly, the Bertrams were significant figures, holding Beukley in addition to estates in Bingfield, Cocklaw and Langhope, as well as in Great Whittington outside the liberty. But that family's eminence ended with Adam II Bertram, who sold Beukley and Langhope to Archbishop Gray in about 1250.<sup>44</sup> Other thirteenth-century freeholding families, named after their estates of Bingfield and Errington, were essentially local figures, mostly occurring at the tail-end of witness-lists alongside other minor families like the Wakelins of Hallington.<sup>45</sup> And fundamentally the tenurial structure of Hexhamshire did not change over our period. At the end of the fourteenth century the liberty was still dominated by the Vaux family, different branches of which held Beaufront and Beukley in addition to significant properties in Fallowfield, Bingfield and Portgate. The only manor-house of any significance was probably at Beaufront, where there was a 'tower' by 1415.<sup>46</sup> Other

<sup>41</sup> *Hexham Priory*, ii, pp. 6–7, 12, 109; SC 6/1144/3; C 145/140/7.

<sup>42</sup> *Hexham Priory*, ii, pp. 91–4; Reg. Zouche, ff. 296v–296Ar; CPR 1330–4, p. 489.

<sup>43</sup> CDS, ii, no. 319; C 134/10/15.

<sup>44</sup> H. H. E. Craster, 'Some Bingfield deeds', AA, 3rd ser., 21 (1924), p. 191; Reg. Gray, pp. 265, 284.

<sup>45</sup> For example, Reg. Gray, pp. 284–5.

<sup>46</sup> C. J. Bates, *The Border Holds of Northumberland* (London, 1891), p. 8.

than members of that family, only John Coastley of Coastley and Langhope (d. 1349) is known to have used armorial bearings in the fourteenth century.<sup>47</sup> The other prominent later fourteenth-century freeholders were the Redshaws, who first appeared around 1330, when William Redshaw acquired through marriage a claim to part of the manor of Errington. By 1340 he had acquired Hallington, which was still in the family's possession in the fifteenth century; his son John also seems to have had interests in Cocklaw.<sup>48</sup>

How did these local families fit into the changing structures of power and patronage in the liberty? These structures were shaped very largely by the archbishops of York. Hexham Priory's holdings may have been considerable; but it was of the archbishop that most of the liberty's families held the majority of their lands, and the archbishop, with his control of office and patronage, was throughout our period the dominant influence on the land-market and on the shape of local society. Hexham Priory's own jurisdictional rights were minor: it was agreed early in the thirteenth century that when crown pleas were held in the liberty, the priory's tenants would be tried separately, and the priory would receive the amercements; but the archbishop's justices were still to preside.<sup>49</sup> For the most part, in fact, the priory lent its spiritual and temporal power to supporting the lordship of the archbishops. From an early date, it is likely that successive priors had an important, even if largely informal, role in the government of the liberty. The earlier thirteenth-century priors – William (c. 1209–26), Bernard (c. 1226–50), and John Lazenby (c. 1250–69) – were usually prominent attestors to Archbishop Gray's Hexhamshire charters. Thus when Adam Elrington swore to observe an agreement concerning common lands with the archbishop, the prior of Hexham was the first named witness; most of the others were Gray's household knights and clerks.<sup>50</sup> In 1303 the prior of Hexham was one of the men expected to lend his weight to a commission of array in the liberty; in 1320 he held one of the three keys to the chest

<sup>47</sup> C. H. H. Blair, 'Seals of Northumberland and Durham', *AA*, 3rd ser., 20 (1923), no. 170. It must be noted that few local seals survive from our period; but for non-armorial Errington seals, see *ibid.*, no. 264, and probably NCS, ZBL/23/1/2; for Bingfield, NCS, ZSW/169/1. The Erringtons apparently became armorial in the early fifteenth century when John Errington (d. 1434) acquired by marriage the principal Vaux estates inside and outside the liberty. The family's arms first appear in Thomas Jenyn's book of c. 1410: C. H. H. Blair, 'The armorials of Northumberland: an index and ordinary to 1666', *AA*, 3rd ser., 6 (1910), p. 186, with C 139/70/30; E 149/155/10; SC 6/1123/12, m. 4.

<sup>48</sup> C 145/140/7; Reg. Zouche, f. 297v; SC 6/1123/12, m. 4; JUST 1/661, m. 4d. William also held land outside the liberty in Haydon: JUST 1/1464, m. 22.

<sup>49</sup> *Hexham Priory*, ii, pp. 92–3, 101.

<sup>50</sup> *Reg. Gray*, pp. 147, 227–8, 275, 281–8, 290–1.

where the liberty's issues were stored.<sup>51</sup> Moreover, in the fourteenth century, when the liberty's administration comes into clearer focus, there is no mistaking the prominent role of priors and canons, especially in the financial sphere. Robert Harum (receiver of the liberty 1310–13), Ralph Empingham (receiver 1313–14) and Thomas Appleton (receiver and keeper of the spirituality of Hexhamshire in 1313 and 1323–4) were all canons of the priory; in 1357 Prior John Walworth was appointed receiver of the liberty and keeper of the spirituality. Another prior, Alexander Marton, was chancellor of the liberty from 1376 until his resignation at the end of the century.<sup>52</sup> For most of the time the priory was a significant buttress to archiepiscopal authority in the liberty.

It was successive archbishops, then, who primarily drew the map of power in the liberty. We must, of course, remember that from their standpoint Hexhamshire was an outlying part of a complex of ecclesiastical estates centred on Yorkshire, comparable in some ways to their holdings in Gloucestershire. Thus the archbishop's officers in the liberty might draw their wages from the principal steward of his estates or his household steward, and – perhaps even after Hexhamshire had acquired its own chancellor in the later fourteenth century – writs for the liberty's courts had to be obtained from the archiepiscopal chancery.<sup>53</sup> Again, it might be at the archbishop's manors of Bishopthorpe or Cawood, both near York, that the tenants of the liberty did their homage and fealty.<sup>54</sup>

The archbishops were all, to some extent, absentee lords; but some were more absent than others, and the attention they gave to the liberty varied considerably. Admittedly the nature of their influence is not always easy to evaluate. The charter material that survives for the first half of the thirteenth century is not matched in later periods. Nor do other sources give much sense of whether local men were to be found in the archbishops' households or retinues; and so there is a danger of underestimating or misjudging the personal lordship of later archbishops. Nonetheless it is likely that the distribution of evidence reflects at least in part the fact that later archbishops were far less active than Walter Gray (1215–55) in Hexhamshire, and the

<sup>51</sup> *Hexham Priory*, i, Preface, pp. lxxxvii–viii; Reg. Melton, f. 486v.

<sup>52</sup> Harum: Reg. *Greenfield*, i, nos. 512, 537; iv, nos. 2314, 2330, 2341, 2349; v, no. 2412. Empingham: *ibid.*, i, no. 595; v, nos. 2442, 2560. Appleton: *ibid.*, i, no. 592; Reg. Melton, f. 503v. Walworth: Reg. Thoresby, ff. 301v–2r. Marton: Reg. Neville, f. 101v; *Hexham Priory*, i, Preface, pp. clxviii–xx.

<sup>53</sup> Reg. *Wickwane*, nos. 781, 798; Reg. *Greenfield*, i, nos. 445, 477; Reg. Melton, ff. 486r, 512A–B, 514, etc. Note that when the chancellor presided over an inquisition *post mortem* in 1393, the writ was still issued by the archbishop of York: ADM 75/150, Coastley, no. 7.

<sup>54</sup> Reg. Melton, f. 739r.



contrasts between Gray and some of his later successors are probably real enough.

Gray was undoubtedly a powerful presence in the liberty, as he seems to have been elsewhere in his diocese.<sup>55</sup> Attestations to his charters suggest that he was present in Hexhamshire more often than were many of his successors, and he was vigorous in the definition and assertion of his church's wider rights in the liberty. He made important agreements with Hexham Priory; and, following a violation of the liberty by Richard Umfraville, Gray obtained as compensation the vill of Thockrington. He was active in the liberty's land-market, negotiating exchanges with local landholders and buying out impoverished tenants, such as Ranulf Catton and Adam II Bertram, who sold to the archbishop Catton and Beukley respectively. Finally Gray made full use of the resources of patronage the liberty offered him, notably waste land and wardships.<sup>56</sup>

Several local families can be traced in the archbishop's attendance. Regular witnesses of his charters include Adam I and Adam II Bertram, Adam and Roger Bingfield, Ralph and Robert Errington, and Peter Vaux from within the liberty, and Richard Fossor of Thockrington, John Halton, Adam Tyndale of Langley and Matthew Whitfield from around it.<sup>57</sup> They represented most of the major tenants of Hexhamshire and many of the more important men of its neighbourhood. Thus Peter Vaux was probably the most prominent tenant of the liberty in the early thirteenth century. He was also a figure of some note on the county stage, being appointed escheator for Northumberland in 1248, and holding a life-interest in significant estates outside Hexhamshire, at Aydon, Little Whittington, and 'Burnton' in Corbridge.<sup>58</sup> These estates may well have been more valuable than his holdings in the liberty. Nevertheless Hexhamshire does seem to have been the focus of his interests, and Archbishop Gray his most important lord. He was one of Gray's knights, with an apparently significant (if informal) role in the government of the liberty; and for his services he received a generous share of the patronage Gray dispensed in Hexhamshire, most notably a farm of its mines, and – quite probably

<sup>55</sup> The fullest treatment remains W. H. Dixon and J. Raine, *Fasti Eboracenses* (London, 1863), pp. 279–95, especially pp. 290–2, for his diocesan activities.

<sup>56</sup> *Reg. Gray*, pp. 146–8 (Thockrington); 227–8, 242, 255, 285–6 (exchanges); 281–2, 284–5 (Catton and Beukley); 221–3, 229, 242, 249 (waste); 234–5, 237 (wardships). The 'H. Walln.' to whom Gray granted the wardship of Roger Bingfield (*ibid.*, p. 234) remains unidentified.

<sup>57</sup> To the enrolled charters printed in *Reg. Gray*, *passim*, should be added Shakespeare Birthplace Trust, DR10/43, which provides the witnesses to the charter for William Widindon (*Reg. Gray*, p. 223).

<sup>58</sup> *CR 1247–51*, p. 36; *NCH*, x, pp. 337–8.

– the vill of Beukley.<sup>59</sup> Indeed, Gray's episcopate may have seen the liberty become a focus for local society in the Tyne valley to an extent that was rarely if ever seen later. The bailiff of Hexhamshire, a relatively minor figure in other respects, might be called on to witness deeds outside the liberty; in one, concerning Langley, the principal witnesses were the prior of Hexham, Peter Vaux and the bailiff.<sup>60</sup> Richard son of Alexander, a bailiff of the barony of Langley whose principal interests were in Langley and Allerwash, was drawn into Gray's service as the liberty's bailiff and granted land in Allerwash to Hexham Priory.<sup>61</sup>

Gray's successors, it would appear, managed the liberty rather differently. Some took a close interest in Hexhamshire and its resources.<sup>62</sup> But, allowing for the changes in the nature of the evidence, it does seem that from at least the later thirteenth century the archbishops were not a focus for the ambitions of local society as Gray had been, and their households were no longer places where local men might seek service. Office and patronage in the liberty were increasingly given to the archbishops' followers and kinsmen. Such contrasts, it is true, should not be exaggerated, since Archbishop Gray himself had used his familiars to govern the liberty. Geoffrey Buckland, a justice in about 1227, was one of the archbishop's household clerks, and a canon successively of Ripon and Beverley.<sup>63</sup> William Widindon, his fellow justice, was Gray's attorney and steward: a Nottinghamshire knight with interests around Southwell, he received significant archiepiscopal patronage in that area and elsewhere.<sup>64</sup> Despite such appointments, however, and despite the appointments of other bailiffs who probably originated outside the liberty,<sup>65</sup> there had remained ample openings and rewards for men like Peter Vaux. Under later archbishops, in contrast, opportunities were much scanted, as office and patronage became dominated by men from outside Hexhamshire.

<sup>59</sup> *Reg. Gray*, pp. 221–2, 224, 237, 284, 287–8. No grant concerning Beukley survives; it was purchased by Gray around 1250, and occurs among John II Vaux's estates in 1323: *ibid.*, p. 284; *Reg. Melton*, f. 509.

<sup>60</sup> ADM 75/81/2, Dilston, no. 3; *HN*, II, iii, p. 366.

<sup>61</sup> Lucy Cart., no. 182; *BF*, ii, p. 1130; *Reg. Gray*, p. 288; *Hexham Priory*, ii, pp. 98, 110; cf. *CPL*, i, p. 278.

<sup>62</sup> *Reg. Greenfield*, i, no. 390; *Reg. Melton*, f. 481v.

<sup>63</sup> *Beverley Minster Fasti*, ed. R. T. W. McDermid (YASRS, 1993), p. 16; for his dates as justice, see above, p. 175, n. 7.

<sup>64</sup> *Reg. Gray*, pp. 223, 226–8, 245, 249, 255, 257, 268, 286; *Feet of Fines for the County of York from 1232 to 1246*, ed. J. Parker (YASRS, 1925), pp. 9–137, *passim*; *Feet of Fines for the County of York from 1246 to 1272*, ed. J. Parker (YASRS, 1932), p. 79; *CPR 1232–47*, p. 288; *Visitations and Memorials of Southwell Minster*, ed. A. F. Leach (Camden Society, 1891), p. 180.

<sup>65</sup> These other bailiffs probably included William Doncaster and John Elmham: NCS, ZSW/169/1; *Reg. Gray*, p. 285.

Thus in the later thirteenth and the fourteenth centuries many of the liberty's senior officers – stewards/bailiffs, receivers and justices – were men without local roots, often ecclesiastical careerists associated with the archiepiscopal household, and with administrative experience elsewhere in the archbishopric of York.<sup>66</sup> In the later thirteenth century, officers of this kind included Roger Weighton (c. 1295) and probably Roger Saxton (c. 1272).<sup>67</sup> In the early 1300s Richard Beverley was bailiff of Churchdown in Gloucestershire (1300), bailiff of Hexhamshire (1302) and bailiff of Ripon and Southwell (1303); Stephen Bellew was appointed justice in the liberty of Ripon as well as in Hexhamshire (1306).<sup>68</sup> Bellew was an attorney for Archbishop Greenfield; Beverley was Archbishop Corbridge's chaplain, and his appointments suggest that Corbridge's local origins did not have much impact on his distribution of patronage. Again Richard Langton, who held office as receiver in 1313 and again as bailiff and receiver in 1320–1, seems to have been a clerk of Archbishop Greenfield's household.<sup>69</sup>

Clerics continued to officiate as receivers in the liberty throughout the fourteenth century, but the offices of steward/bailiff and justice became increasingly laicised.<sup>70</sup> These offices were regularly filled, though, by archbishops' familiars who lacked local interests. One of the more elusive is Thomas Lealholm, who took his name from a place in north Yorkshire and held land in that area.<sup>71</sup> He was by no means a substantial figure, and his prominent role in the administration of Hexhamshire, where he was bailiff and quorum justice for much of the 1320s and 1330s, was almost certainly a result of his earlier service to Archbishop Melton.<sup>72</sup> William Hawsker, briefly bailiff in 1343, was another obscure figure of Yorkshire origins who seems to have owed his appointment to connections with the archiepiscopal household: he was a relation of Master Edmund Hawsker, a chaplain

<sup>66</sup> For the structure of the liberty's administration, see *NCH*, iii, pp. 26–30.

<sup>67</sup> Weighton: *Reg. Romeyn*, i, nos. 49, 84; ii, no. 1179; *Reg. Newark*, ii, nos. 173, 193, 206, 235. Saxton: *Reg. Giffard*, no. 581; *Fasti Parochiales*, iv: *Deanery of Craven*, ed. N. K. M. Gurney and C. T. Clay (YASRS, 1971), p. 96.

<sup>68</sup> *Reg. Corbridge*, ii, nos. 903, 977, 1014, 1021, 1028; *Reg. Greenfield*, i, no. 376.

<sup>69</sup> *CPR 1301–7*, p. 305; *Reg. Corbridge*, ii, no. 962; *Reg. Greenfield*, i, no. 592; v, no. 2440; *Reg. Melton*, ff. 20v, 486v.

<sup>70</sup> The list of stewards in *NCH*, iii, pp. 64–5, must be used with caution, as it includes not only stewards of the liberty, but overall stewards of the estates of the archbishops of York. These latter officers were only rarely granted direct authority in the liberty: for example, *Reg. Melton*, f. 541r.

<sup>71</sup> *CPR 1324–7*, p. 242; *Feet of Fines for the County of York from 1327 to 1347*, ed. W. P. Baildon (YASRS, 1910), pp. 64–5.

<sup>72</sup> *Reg. Melton*, ff. 526, 531r–v, 535r, etc.; *Hexham Priory*, i, Appendix, no. 54; *CCR 1333–7*, p. 321; cf. Lucy Cart., no. 49.

and familiar of Archbishop Zouche.<sup>73</sup> Roger Zouche, bailiff in November 1344, was appointed because he was the archbishop's 'brother-german'.<sup>74</sup> Richard Ask, bailiff in 1355–69, was again a Yorkshire figure who probably received office as a reward for services elsewhere.<sup>75</sup> Finally John Clavinger, appointed for life as bailiff in 1382, owed this position to a family connection with Archbishop Neville.<sup>76</sup> These men dominated the most important and best-paid office in the liberty: the steward/bailiff received an annual fee of at least £10.<sup>77</sup> They also benefited from other patronage. In 1327 Archbishop Melton procured a pension for his 'dear valet' Thomas Lealholm from Hexham Priory; in 1333 this was supplemented by a grant of waste land at Nubbock and 'Hughesfeld'.<sup>78</sup> John Clavinger was granted the escheated manor of Coastley by Archbishop Neville.<sup>79</sup> And little if any of the other patronage available in the liberty went to local men. In the late thirteenth century, the bailiff Robert Skipton received the only wardship Archbishop Romaine is known to have granted in Hexhamshire.<sup>80</sup> One of Archbishop Melton's rare grants of land there went to his kinsman William Broomfleet, a cleric from the East Riding of Yorkshire.<sup>81</sup> It is true that Adam Beukley, who must have been a local man, was briefly able to obtain the wardship of the Vaux lands in Beukley for a very reasonable four marks a year in 1327; but in the following year the estate of John IV Vaux, and the marriage of John's heir Adam, were granted to William II Deanham, son of one of the liberty's justices.<sup>82</sup> Admittedly, because these *familiares* were usually men without long-standing interests in the liberty, their lands were soon sold or leased to local men. Broomfleet conveyed his estate in Fallowfield to the Vaux family; Thomas Lealholm's lands in Nubbock and 'Hughesfeld' eventually found their way to William Carnaby of Halton, who granted them to

<sup>73</sup> Reg. Zouche, f. 291r; *CCR 1339–41*, p. 87; *CPR 1343–5*, pp. 327, 347, 386, 431, 436–7, 446; *Calendar of . . . Petitions to the Pope*, ed. W. H. Bliss (London, 1896), pp. 5, 43.

<sup>74</sup> Reg. Zouche, f. 291Av.

<sup>75</sup> *NCH*, iii, p. 65. He was an esquire of Bishop Hatfield of Durham and of Edward III, and was also closely associated with the Percies: *CPR 1354–8*, p. 416; *1358–61*, pp. 11, 370; *1361–4*, p. 408.

<sup>76</sup> *CPR 1381–5*, p. 410.

<sup>77</sup> The *bailiff's* fee in 1314 and 1356 was twenty marks (*Reg. Greenfield*, v, no. 2442; *Reg. Thoresby*, f. 301r). The *steward's* fee in 1343 was £10 (*Reg. Zouche*, f. 291r); and the payment of 100s. made to Thomas Featherstonehaugh, *bailiff*, in 1324 was perhaps half this fee (*Reg. Melton*, f. 509v).

<sup>78</sup> *Hexham Priory*, i, Appendix, no. 54; *CPR 1330–4*, p. 489; cf. *NCH*, iv, p. 18.

<sup>79</sup> *NCH*, iv, p. 11, n. 6; ADM 75/150, Coastley, no. 7.

<sup>80</sup> *Reg. Romeyn*, ii, no. 1262; cf. no. 1523.

<sup>81</sup> NCS, ZBL/23/1/1 (cf. *Reg. Melton*, f. 503r). On Broomfleet, see also *Reg. Melton*, iv, no. 206.

<sup>82</sup> *Reg. Melton*, ff. 527v, 534r.

Hexham Priory in 1387.<sup>83</sup> But it is clear, all the same, that these patterns of office-holding and patronage deprived the inhabitants of the liberty from any direct benefit of the archbishops' good lordship.

This is illustrated, paradoxically, by John II Vaux of Beaufront (d. c. 1322), the only man with roots in the liberty who held its greater offices in the fourteenth century.<sup>84</sup> He was apparently the grandson of Peter Vaux; and in 1297, as bailiff of Hexhamshire, he began an illustrious career in the liberty, where he went on to serve as commissioner, justice and bailiff (1312–13, 1315–17 and 1318–21) until old age forced his retirement.<sup>85</sup> In contrast to his ancestor, though, he does not seem to have received other patronage in the liberty; and while Beaufront continued to be the family's seat, it is far from clear that the liberty remained the focus of John's aspirations. His principal property acquisitions were outside Hexhamshire at Cowpen and Little Whittington, and in particular at Whittonstall, where he built up holdings from 1293.<sup>86</sup> And the expansion of county government that resulted from the demands of the Edwardian 'war-state' significantly extended the horizon of his ambitions. From the end of the thirteenth century until around 1320, he made a significant mark on the county stage, as commissioner of array, justice, and assessor and collector of taxes; indeed, such was his prominence in Northumberland affairs that he was elected as one of the knights of the shire in 1306 and 1307.<sup>87</sup> His other ties were also shaped by war, and it was the Umfraville lord of Redesdale whom he followed into Scotland: he had letters of protection in 1309 with Earl Robert Umfraville, and performed the service due from the earl in 1310.<sup>88</sup> Hexhamshire, where he was the dominant tenant, must have remained important to John's loyalties. But changing patterns of lordship presented attractive opportunities outside the liberty; and, as we will see, this became increasingly true later in the fourteenth century.

In summary, therefore, from the later thirteenth century the upper reaches of the liberty's administration were increasingly filled by archiepiscopal

<sup>83</sup> NCS, ZBL/23/1/1, with C 145/140/7; 'Visitation of Northumberland, 1615', *Genealogist*, 2 (1878), p. 257; *NDD*, p. 12 (misdated); cf. *HC*, ii, p. 491, wrongly identifying 'Hughesfeld' as Highfield.

<sup>84</sup> The Vaux pedigree in *NCH*, iv, p. 202, must be corrected with reference to *NCH*, x, p. 381, n. 2. John I Vaux (d. before 1292), the first in the latter pedigree, was presumably the son of Peter Vaux: cf. A. J. Lilburn, 'Pipe Rolls of Edward I', *AA*, 4th ser., 34 (1956), no. 153.

<sup>85</sup> *Reg. Newark*, ii, nos. 157, 282; *Reg. Greenfield*, passim; *Reg. Melton*, ff. 482v, 486r–v, 488r, 491r–2r, 496r.

<sup>86</sup> *NCH*, iv, pp. 199–200; vi, pp. 189–90; ix, p. 320; x, pp. 379–81; *DCM*, Misc. Ch. 6913, 6919, 6923. On Beaufront as the family's residence, see *CPR* 1317–21, p. 289.

<sup>87</sup> For a digest of many of his official appointments, see *Parl. Writs*, I, and II, iii, indices.

<sup>88</sup> *Rot. Scot.*, i, p. 75; *Parl. Writs*, II, ii, p. 406.

servants who were 'outsiders'; and the bulk of available patronage also went to such men. However, the use of Hexhamshire to provide rewards for archiepiscopal familiars was not necessarily incompatible with its good governance. There were, of course, dangers: the inhabitants of the liberty might have to suffer from the exactions of stewards/bailiffs who saw their office in terms of the perquisites it offered, and who lacked any local ties to moderate their exactions. And although no records have survived from the various inquiries into the liberty made by successive archbishops, there is evidence of such abuses. In particular, several complaints were made about Roger Saxton, bailiff under archbishops Geoffrey Ludham (1258–65) and Walter Giffard (1266–79). It was Saxton and Ludham whom the abbot of Holm Cultram accused in the mid-thirteenth century of denying him his customary free passage across the bridge at Hexham, and it was Saxton who figured prominently in the charges brought in the Hundred Rolls of 1274–5. He and the later bailiff William Toulouse were both accused of setting felons free in return for payments. It was in Saxton's time, too, that the men of Newcastle complained of toll exacted in the liberty, contrary to their charters.<sup>89</sup> Many of these complaints were brought by those around the liberty, and were not necessarily of concern to those within it; but it was also complained that the archbishops' bailiffs took the goods of slain men in Hexhamshire and refused to deliver them to their wives and children. And Saxton also introduced 'bailiff-pot', apparently a levy on brewing in the liberty paid not to the archbishop but to the bailiff himself.<sup>90</sup>

Despite these complaints, however, there are signs that successive archbishops kept a reasonably tight rein on their officials. The bailiff John de Cimiterio was imprisoned by Archbishop Romayne's justices, probably in the eyre of 1293.<sup>91</sup> The 'bailiff-pot' came to light in 1320, when 'the people (*gens*) of Hexham' presented a petition to Archbishop Melton which sought its abolition. After an inquiry had established that the levy had, as claimed, been instituted by Saxton, it was indeed abolished.<sup>92</sup> If this was the worst of local complaints, it looks as if the community of the liberty had relatively

<sup>89</sup> *Northumb. Pleas*, no. 683; *The Register and Records of Holm Cultram*, ed. F. Grainger and W. G. Collingwood (CWAAS, Record Series, 1929), pp. 129–30; *RH*, ii, p. 21; *NAR*, p. 84; cf. H. H. E. Craster, 'An unpublished Northumbrian Hundred Roll', *AA*, 3rd ser., 3 (1907), p. 189.

<sup>90</sup> *RH*, ii, p. 21; *Reg. Melton*, f. 488r.

<sup>91</sup> *Reg. Romeyn*, ii, no. 1325. See similarly *Reg. Greenfield*, i, no. 390; *Reg. Zouche*, f. 355r–v (Archbishop Zouche's treatment of his receiver, Thomas Fox); *Reg. Neville*, f. 91v (Archbishop Neville's inquiries into the liberty's officers in 1378).

<sup>92</sup> *Reg. Melton*, f. 488r, summarised in *NCH*, iv, p. 36. That the petition spoke for the liberty as a whole, not just the town, is clear from the reference in the heading to 'the tenants of the lordship of Hexham'.

little to protest about. And, for much of our period, the archbishops of York did not let 'the desire to reward' take undue precedence over 'the obligation to govern'.<sup>93</sup> The archbishops' familiars were doubtless, in many cases, able administrators; and if they did not share their power, for the most part, with men from the liberty, they often worked alongside gentry and administrators drawn from the areas around Hexhamshire, who may well have had a closer interest in the liberty's good governance.

These neighbouring gentry were prominent in the upper reaches of the liberty's administration from at least the late thirteenth century.<sup>94</sup> While they rarely served as bailiffs, they were continuously appointed justices of assize or gaol delivery. The families concerned included Deanham of Deanham, Featherstonehaugh of Featherstone, Lisle of Chipchase, Sweethope of Sweethope and Thockrington, and Swinburne of Capheaton. Members of lesser families – such as Buteland of Birtley and Capheaton, Shaftoe of Bavington, and Yetholm and Colwell of Colwell and Thockrington – were also frequently appointed justices. Nicholas Yetholm, for example, was justice of assize and gaol delivery between 1291 and 1300; his son, Adam Colwell, was justice of gaol delivery from 1311 to 1315.<sup>95</sup> Less is known about John and Adam Corbridge, prominent liberty justices from the 1320s to the 1340s, but it is likely that both belonged to the class of semi-professional local lawyers and administrators; John, at any rate, was also a county coroner in about 1342.<sup>96</sup> These men may well have appreciated the power and influence offered by their official positions in the liberty; but as far as we can tell they did not abuse their office to acquire interests in Hexhamshire. Indeed, few troubled to obtain such interests. It is true that the most valuable prize of the early fourteenth century, the wardship and marriage of John II Vaux's grandson and heir Adam, was snapped up by William II Deanham in 1328 for £20, a good price, and that William's uncle John acquired some interest in Rowley Head.<sup>97</sup> But by the 1340s Rowley, together with Aydon Shields, had passed to Robert II Ogle (bailiff in 1338 and later). Few of the liberty's other officers had any significant stake in its landed society; and the centre of Robert's own interests remained very

<sup>93</sup> R. A. Griffiths, *King and Country: England and Wales in the Fifteenth Century* (London, 1991), p. 166.

<sup>94</sup> Details of appointments have been drawn from the archbishops' registers; it has not been thought necessary, in all instances, to give full references.

<sup>95</sup> *Reg. Romeyn*, ii, p. 49, n. 1, nos. 1235–6, 1238; *Reg. Newark*, ii, nos. 168, 205, 233, 235; *Reg. Corbridge*, ii, no. 899; *Reg. Greenfield*, i, nos. 559, 602, 651; *NCH*, iv, p. 292.

<sup>96</sup> JUST 3/135, m. 7. For Adam as a feoffee and commissioner, see *CPR* 1327–30, p. 265; 1343–5, p. 393.

<sup>97</sup> *Reg. Melton*, f. 534r; *NCH*, iv, pp. 70–1. In 1326 the wardship and marriage of John IV Vaux had been sold to Robert Oliver for fifty marks: *Reg. Melton*, f. 703r.

much around Ogle near Morpeth, where his acquisitions from the mid-1330s were concentrated.<sup>98</sup>

From about the 1340s gentry from west Northumberland played a lesser part in the governance of the liberty, partly because some families had come into difficulties: the Sweethopes' fortunes seem to have declined even before the family's lands were forfeited in 1358.<sup>99</sup> Accordingly, from the episcopate of William Zouche (1342–52) onwards, outsiders from farther afield came to play an increasingly prominent role in the liberty's administration. Their appointments, however, might illustrate a very real concern for Hexhamshire's good rule. In January 1343, following complaints from the people of Cumberland and Northumberland, the crown ordered the owners of the major Northumbrian liberties to deal immediately with criminals operating from within their territories; and in May of that year the archbishop received a further royal mandate. In response, Zouche arrayed on 20 June a 'great commission' of justices headed by Ralph Neville and Henry Percy.<sup>100</sup> It was presumably felt that the more local men who had previously been involved in the government of the liberty were either implicated in its problems or lacked sufficient clout to deal with them. And significantly it was also on 20 June that the Yorkshireman William Hawsker, who had been bailiff since January, was replaced by Richard Donnington. Hawsker was a familiar of the archbishop who probably lacked the necessary authority to carry out his office effectively; Donnington, rector of Haversham in Buckinghamshire, and later auditor of Hexhamshire and steward of Beverley, was presumably considered a safer pair of hands. But Donnington's appointment in turn lasted only until 2 August 1343, when he was replaced by Nicholas Gower.<sup>101</sup> Gower, another Yorkshireman, was a man of some experience and considerable ability, and he kept his post for over a year before he was replaced by Roger Zouche, the archbishop's 'brother-german', in November 1344.<sup>102</sup> Zouche was then himself replaced by Robert II Ogle, who served as steward/bailiff in 1346–9

<sup>98</sup> C 145/140/7; below, Chapter 7, p. 344. Rowley Head was included in a royal grant of free warren of 1341, but was not mentioned in a list of Ogle's lands produced in relation to distraint for knighthood in 1334: *CChR*, v, p. 4; E 159/117, m. 195d.

<sup>99</sup> *NCH*, iv, pp. 333, 409.

<sup>100</sup> *CPR* 1343–5, pp. 67, 88; Reg. Zouche, f. 291v; *Northern Pets*, no. 67, from the endorsement to which the quotation is taken; Neville, *Violence*, p. 31.

<sup>101</sup> Reg. Zouche, ff. 291v, 291Ar, 292v.

<sup>102</sup> *Ibid.*, f. 291Av. Gower, under-sheriff of Yorkshire around 1341–2, represented that county in Parliament and general councils in 1338 and later. He was a member of Zouche's council in 1350, and was created chief justice of King's Bench in Ireland in 1356: *CCR* 1341–3, p. 699; A. Gooder, *The Parliamentary Representation of Yorkshire, 1258–1832* (YASRS, 1935–8), i, pp. 90–2; Reg. Zouche, f. 296v; J. H. Baker, *The Order of Serjeants-at-Law* (Selden Society, Supplementary Series, 1984), p. 157.



and 1350–5.<sup>103</sup> Only Ogle, it would seem, provided sufficient local weight to restore real stability to the liberty. Ogle and his immediate predecessors were all in some sense outsiders to Hexhamshire; but Ogle was at least a Northumbrian and, as has been seen, he had also acquired landed interests in the liberty. Under Archbishop Zouche the liberty's justices were also drawn from a wider range than had previously been usual – Ralph Neville was appointed frequently, as were Peter Richmond, Thomas Seaton and John Mowbray.<sup>104</sup> Though these were not local men, they were nevertheless professionals who were familiar figures on the northern judicial circuits; and while there are fewer records of commissions in later years, this pattern seems to have continued under archbishops Thoresby and Neville.<sup>105</sup>

Until around 1350, therefore, the liberty was not used excessively as a reward for archiepiscopal familiars, and for the most part the archbishops successfully balanced 'reward' and 'government'. Hexhamshire was thus able to emerge relatively unscathed from the Scottish raids of the 1310s. True, the disruption caused by such raiding was severe, especially in 1312 and 1314–15.<sup>106</sup> In 1315–17 receipts throughout the liberty were a fraction of what they had been in 1304; the canons of Hexham Priory were dispersed; and many of the archbishop's own tenants left their holdings.<sup>107</sup> The liberty's administration naturally suffered. Its justices of assize did little business in 1313–14, although – perhaps tellingly – the liberty's gaol continued to be delivered. In 1315 it was discovered that the liberty had no coroners, and new ones had to be elected, while between November 1314 and March 1315 no fewer than four bailiffs were appointed in rapid succession.<sup>108</sup> This level of disruption was short-lived, though, and the liberty's courts and administration seem, before long, to have returned to normal. There were complaints in 1343 about lawlessness in the liberty;<sup>109</sup> but, again, the situation appears to have improved in the following decades, not least because of diminishing Scottish raids. So it was that the liberty's judicial systems remained vigorous and effective for most of the fourteenth century. Its gaol seems to have been regularly delivered;<sup>110</sup> under

<sup>103</sup> Ogle was briefly replaced as steward by William Greystoke in 1349: Reg. Zouche, ff. 292v, 296r, 296Av, 297v; Reg. Thoresby, ff. 299r, 300r.

<sup>104</sup> For example, Reg. Zouche, ff. 294r, 296v. Richmond was a member of Zouche's council: *ibid.*, ff. 295r–6v.

<sup>105</sup> Reg. Thoresby, ff. 299v–300v; Reg. Neville, ff. 91v–2r.

<sup>106</sup> C. McNamee, *The Wars of the Bruces* (East Linton, 1997), pp. 56, 78–9.

<sup>107</sup> SC 6/1144/3; Reg. Melton, f. 516r; *Northumb. Pets*, nos. 159–60.

<sup>108</sup> *Reg. Greenfield*, i, nos. 576, 602, 611, 628, 631, 638, 651, 654.

<sup>109</sup> Above, p. 191.

<sup>110</sup> Justices of gaol delivery were usually appointed at intervals of several months, but these intervals do not always reflect the frequency with which the gaol was delivered, since

Archbishop Thoresby justices of the peace, and for the Statute of Labourers, were appointed; pardons issued by archbishops reveal that appeal and outlawry took place in the liberty's court; and wide-ranging commissions of oyer and terminer could be appointed, as in 1311, 1343, 1347, 1355 and 1378.<sup>111</sup> There is no way of knowing how effective such commissions were; but they at least provided a forum for grievances to be articulated.

For civil pleas, too, the liberty seems to have met local needs. Admittedly we have no extant plea rolls from which to assess the question in full. In the surviving accounts, the profits of the liberty's courts were insubstantial, and a large part of these profits would have come in any case from manorial-type jurisdiction over copyhold estates and 'exchequer land'.<sup>112</sup> And the archbishops' registers contain a relatively small number of enrolled writs and special commissions of assize, perhaps on average only three or four a year – although justices appointed by general commissions may have heard many more pleas. Nevertheless there is no doubt that the liberty's inhabitants did use its court. Writs were sued by most of Hexhamshire major freeholders as well as by many lesser figures: it was in the liberty's court, for example, that possession of the manor of Bingfield was disputed, even though one of the plaintiffs was a Newcastle man; and it was before the archbishop's justices that a final concord concerning the manor was raised in 1324.<sup>113</sup> Hexham Priory did not disdain to sue in the court; and when William Redshaw carved out a place for himself in the liberty from the mid-1330s, it was with the assistance of the same court.<sup>114</sup> For reasons that are unclear, the liberty does not seem to have experienced Durham's difficulties in keeping pace with developments in royal justice: the writ of entry, which could not be used at Durham outside of an eyre until around the 1340s, appears in Hexhamshire as early as 1324.<sup>115</sup> And in cases where the common law did not provide a remedy, the inhabitants of the liberty could petition the archbishop, to whom difficult cases may also have been referred.<sup>116</sup>

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some commissions empowered justices to act 'whenever there should be need of a delivery': Reg. Zouche, f. 291r.

<sup>111</sup> Reg. Thoresby, f. 299r-v; Reg. *Greenfield*, i, no. 558; Reg. Zouche, ff. 291v, 294r-v; Reg. Neville, f. 91v.

<sup>112</sup> SC 6/1144/1, 3; C 145/140/7. 'Exchequer land' probably represented tenements recently approved from the waste (cf. *VCH, Durham*, ii, pp. 183-4); for its transfer in the liberty's 'manorial court', see NCS, ZSW/165/1-5; 166/1, 2.

<sup>113</sup> Reg. Melton, ff. 486r, 492v, 497v, 509v; NCS, ZSW/169/7.

<sup>114</sup> Reg. Melton, ff. 492r, 547r, 552v; Reg. Zouche, ff. 291Ar, 295r-v, 296Av, 297v.

<sup>115</sup> Above, Chapter 2, pp. 73-4, 76-7; Reg. Melton, f. 514r (cf. f. 538v). See also Reg. Melton, f. 486r, for the pleading in 1320 of a writ *cui in vita* (introduced by the statute of Westminster II in 1285), and ff. 492r, 536r, for writs of *cessavit* (introduced by statute in 1278).

<sup>116</sup> Reg. *Corbridge*, ii, no. 942; Reg. Melton, f. 516r (an inquest bound into the register endorsed 'coram archiepiscopo').

For all these reasons, the liberty's inhabitants do not seem to have found it necessary to turn to the royal courts. The archbishops are not known to have craved cognisance of pleas from royal justices, as they did for their Yorkshire liberties of Beverley and Ripon. Precedents for the allowance of those liberties were collected; but in Hexhamshire's case this does not seem to have been necessary.<sup>117</sup> We have found virtually no evidence of pleas relating to the liberty in records of the central or itinerant royal courts, and there is little other evidence of challenges to the archbishops' legal jurisdiction.<sup>118</sup> Only very rarely was it necessary to prevent pleas relating to the liberty from being heard by royal writ or in royal courts;<sup>119</sup> and there is no surviving evidence that tenants were punished for suing outside the liberty. The liberty's court seems, therefore, to have satisfied the expectations of local society.

The liberty's legal system thus acted to some extent as a force for local cohesion. Some of the archbishop's judicial powers, as we have seen, were shared with Hexham Priory.<sup>120</sup> But it was the archbishop's justices who heard the chief civil and criminal pleas in the fourteenth century; and the three-weekly court of the liberty, probably held before the steward/bailiff in the Moot Hall at Hexham, must also have provided an institutional and social focus for local society.<sup>121</sup> The business of this court seems to have been varied: it was a 'court baron' for copyhold land, and also had the functions of a *comitatus* or county court.<sup>122</sup> It was there, for example, that the liberty's coroners seem to have been chosen;<sup>123</sup> and a good number of the surviving inquisitions from the liberty were held at Hexham, quite possibly in the court.<sup>124</sup> It was there that pardons were proclaimed;<sup>125</sup> and perhaps sessions of assize and gaol delivery took place there, too.

<sup>117</sup> For Beverley and Ripon, see inter alia Reg. Melton, ff. 484v, 510v.

<sup>118</sup> For the sources consulted, see above, Chapter 2, pp. 74–5, and the references cited. A writ of novel disseisin concerning Portgate brought against the archbishop of York at the 1279 Northumberland eyre was not prosecuted (*NAR*, p. 241). In 1353 a charter dated at Beaufront was adduced in a plea in Common Pleas concerning Capheaton; the jury was to be drawn from the neighbourhood of Capheaton because Beaufront 'is in the lordship and liberty of Hexham where the king's writ does not run': CP 40/375, m. 138.

<sup>119</sup> For isolated examples, see Reg. *Greenfield*, i, no. 247; Reg. Melton, f. 492v.

<sup>120</sup> Above, p. 182.

<sup>121</sup> In the fifteenth century this court could be held in Allendale Town as well as in Hexham: NCS, ZSW/166/2.

<sup>122</sup> Records of the 'court baron' are extant from 1390: NCS, ZSW/165/1–5; 166/1, 2.

<sup>123</sup> For the 'election' of coroners, who may sometimes have been selected by the steward/bailiff, see Reg. *Greenfield*, i, nos. 510, 536, 654; Reg. Melton, ff. 504r, 541r.

<sup>124</sup> Two inquests are specifically said to have been held in the archbishop's court at Hexham: Reg. Melton, f. 516r; NCS, ZSW/165/1. See otherwise Reg. Melton, ff. 509r, 513r, 517v; Reg. Zouche, f. 296v; ADM 75/150, Coastley, no. 7; *Hexham Priory*, ii, pp. 130–2 (in the chapter-house of Hexham Priory).

<sup>125</sup> Reg. Thoresby, f. 299r.

There is a little evidence that this institutional integrity and cohesiveness shaped something of a local community. In 1320, as has been seen, 'the people of Hexham' complained about 'bailiff-pot'; in 1376 John V Vaux styled himself 'of the county of Hexham', which suggests a clear sense of, and identification with, the liberty.<sup>126</sup> It must be admitted that these examples almost exhaust the direct evidence for 'identity' and 'community'; but it is not unreasonable to suggest that the absence of 'community' is explained, at least in part, by the good governance the liberty normally received from York. There is no indication of significant tensions between the archbishops and the local community in the archiepiscopal records or in those of the central government; and relations between the liberty's freeholders, its administrators and its lord do generally seem to have been cooperative. If the archbishops enjoyed rights of prerogative wardship in the liberty, no protests about their exercise have survived.<sup>127</sup> Nor have complaints about default of justice in the liberty's courts. And no real conclusions can be drawn from the few references to assaults on the archbishops' property found in the royal chancery records.<sup>128</sup> Justice was readily available; peace was normally maintained; and there were, therefore, no grounds for such collective petitions as emerged from fourteenth-century Tynedale.<sup>129</sup> Melton's abolition of 'bailiff-pot' shows how local problems could be dealt with swiftly; and, similarly, the archbishops seem to have responded promptly to the damage caused by Scottish raids in the 1290s and 1310s by reducing tenants' rents.<sup>130</sup> We might well conclude, therefore, that it is simply the absence of grievance that makes collective activity in the liberty so difficult to find. But while such an explanation does carry some weight, it must be admitted that it is not wholly convincing. The 'community of the liberty' is exceptionally elusive; and, in particular, it is striking that Hexhamshire, in contrast to so many other northern liberties and communities, was unable to make a collective truce-payment to the Scots at any point in the fourteenth century.<sup>131</sup> As we will see, the liberty's institutional and administrative cohesiveness may have provided some focus for identification; but such identification was not supported by historical culture, social networks or the structure of lordship.

<sup>126</sup> Reg. Melton, f. 488r; *CCR 1374-7*, p. 342.

<sup>127</sup> The scope of the archbishops' 'feudal' rights is uncertain; but they claimed wardships from drengage tenures in the liberty (Reg. Melton, f. 509r) and primer seisin (ADM 75/150, Coastley, no. 7).

<sup>128</sup> For example, *CPR 1266-72*, p. 716; 1281-92, p. 143.

<sup>129</sup> Below, Chapter 7, pp. 323-4, 330-1.

<sup>130</sup> Reg. Newark, no. 193; Reg. Greenfield, i, no. 616 (cf. no. 611).

<sup>131</sup> Cf. McNamee, *Wars of the Bruces*, pp. 133-9.

In the first place, the liberty did not have the powerful cultural coherence of Durham 'between Tyne and Tees'. The archbishops of York seem to have made no effort to develop a historical mythology around the liberty, and there was less overlap than in Durham between the claims of the major religious house and the privileges of the wider liberty. Hexham Priory was not an articulate defender of Hexhamshire's rights, and it was difficult for loyalties towards priory and liberty to interact in the way that could happen in Durham. Nor was the priory the focus of a saint's cult powerfully associated with the liberty. Indeed, there are even grounds for doubting the strength of loyalties towards the priory within Hexhamshire. In nearby areas of Northumberland there is clear evidence of the priory's popularity. We might note in particular the grants made by successive Umfravilles of lands in Birtley, Chollerton and Cowden, and the burial of Earl Gilbert II Umfraville (d. 1307) in the priory. In 1285 Thomas Dilston, who was also to be buried at the priory, granted to the canons the manor of North Milbourne, said to be worth £20 p.a.; and the priory owed to the generosity of others lands in Allerwash, Chipchase, Gunnerton, Settlingstones, Slaley and elsewhere.<sup>132</sup> Within the liberty, though, enthusiasm for the priory is harder to detect. By about 1300 it owed most of its rights and possessions there to archiepiscopal sufferance and grant, and relatively little to the piety of local gentry – a moiety of Bingfield, granted by one Germund in the twelfth century, and six marks of rent in the same vill, granted by Robert Skipton, one of the liberty's thirteenth-century bailiffs.<sup>133</sup> Nor does local generosity seem to have been much greater in the fourteenth century, when the priory acquired two messuages in Hexham in 1343, and thirty shops in Hexham, and forty acres in Anick, in about 1350.<sup>134</sup> Indeed, the priory was not the only recipient of religious patronage in the liberty: another lord of Bingfield had granted lands in the vill to the hospital of the Virgin Mary in Newcastle.<sup>135</sup>

Identification with the liberty was also complicated, we may suspect, by the tenurial and social ties that linked Hexhamshire to other parts of Northumberland. So it was that, in the thirteenth century, Peter Vaux and Adam I Bertram both held significant estates to the east of the liberty as well as inside it; that lands in Portgate and Whittington descended together; and that Simon and Adam Bingfield came to have interests in Redesdale.<sup>136</sup> In

<sup>132</sup> *CPR 1281–92*, p. 167; *Hexham Priory*, ii, p. 113. For the priory's other possessions, see especially *ibid.*, pp. 107–17; for the burials, *Northumbrian Monuments*, ed. C. H. H. Blair (NRC, 1924), pp. 97–8.

<sup>133</sup> *Hexham Priory*, ii, pp. 109, 134; cf. *Reg. Romeyn*, ii, no. 1273.

<sup>134</sup> *Reg. Zouche*, ff. 291Ar, 296Av.

<sup>135</sup> W. H. Knowles and C. J. Bates, 'The hospital of St. Mary the Virgin, Newcastle', *AA*, new ser., 15 (1892), p. 203.

<sup>136</sup> Above, pp. 181, 184; below, Chapter 8, pp. 375–6.

the mid-fourteenth century, Joan daughter of John Coastley was married to Ralph son of Thomas Surtees, and it seems that John's wife Cecily was a Swinburne.<sup>137</sup> Such ties were only to be expected, given the lack of any major boundaries separating Hexhamshire from its neighbours, and given the liberty's small community of greater freeholders, which meant that the most attractive marriages and property speculations almost inevitably lay outside the liberty.

It was still possible for local people with significant interests elsewhere to have a distinctive relationship with the liberty, particularly if office-holding in Hexhamshire gave them opportunities they did not find outside it. This was perhaps the case in the later thirteenth century, when John Errington acted as a justice of assize and gaol delivery, and Robert Errington was a justice and commissioner of array.<sup>138</sup> In the fourteenth century, certainly, most of the liberty's coroners and jurors were Hexhamshire men. For example, Matthew Catton and Richard Wacy both served as coroners in the early 1300s. Wacy, who held lands in Greenridge, was probably the son of the William Wacy who, like Catton, witnessed local deeds and was a juror in 1296. Richard Wacy himself, or perhaps a son of the same name, was a liberty juror in the 1320s.<sup>139</sup> And none of these men has been traced as a juror in county government. Such examples remind us not to exaggerate the connections between Hexhamshire and neighbouring society, and suggest how the liberty's government may have helped to define and articulate something of a distinctive local community. Yet counter-examples are easily found. Catton's and Wacy's contemporary Anthony Errington acted with some frequency as a juror in Northumberland; while, in the later fourteenth century, the Hexhamshire juror Adam Bolton also appeared on an inquest regarding Redesdale.<sup>140</sup>

Ultimately, moreover, the distribution of office and patronage in Hexhamshire offered relatively little for local men. In general local freeholders – many of whom, after all, were not wealthy or substantial figures – could expect to serve only as jurors or, at best, as coroners. Hugh Errington, a coroner around 1330, is a typical example.<sup>141</sup> Some men were undoubtedly content with such roles. But the more ambitious were forced to seek service and advancement outside the liberty, and may have come to resent the lack

<sup>137</sup> ADM 75/150, Coastley, nos. 5, 7; *NDD*, p. 209.

<sup>138</sup> *Reg. Wickwane*, no. 549; *Reg. Romeyn*, ii, nos. 1225, 1243, 1334; *Reg. Corbridge*, ii, no. 964.

<sup>139</sup> J. C. Hodgson, 'The Brumell collection of charters, etc.', *AA*, new ser., 24 (1903), p. 117; *NCS*, ZSW/1/6; 169/2; *NCH*, iii, p. 34; *Reg. Melton*, ff. 488r, 516r; C 145/140/7.

<sup>140</sup> *HN*, II, ii, pp. 251, 473; *NCH*, iii, p. 34; iv, p. 292; ADM 75/150, Coastley, no. 7; C 136/48/5.

<sup>141</sup> *Reg. Melton*, f. 541r.

of openings available to them locally. Men looking outside the liberty might also be drawn to the 'frontier culture' that was developing especially in neighbouring Tynedale, with deleterious effects on society in Hexhamshire itself.<sup>142</sup> And, as we will find, this was especially true from the 1350s, when government in the liberty became even less open to local men.

We have seen that John II Vaux was the only layman with roots in the liberty to hold major office in the fourteenth century; we have also seen, however, that he moved as much outside the liberty as within it. His descendants held no major office in Hexhamshire; and they were likewise active outside the liberty, albeit at a less impressive level. This was partly because they inherited his landed interests: John II's grandson Adam, who received the bulk of the family estates, held property in Aydon and Little Whittington which could support a rent charge of £30 p.a.<sup>143</sup> And John had also established connections with several county families. His daughters were married into the Cliffords of Ellingham and the Swinburnes of Capheaton; his son John III married a daughter of Adam Baret of Walker; and another son, Gilbert, married Joan Middleton of Belsay, thus acquiring Thornbrough.<sup>144</sup> This Gilbert retained some interests in Hexhamshire;<sup>145</sup> but he was equally active outside it, fighting in Scotland, acting as a frequent witness in and around Thornbrough, and serving as a county juror. In 1375 he was also one of the pledges for a fine of 1,000 marks owed by 'the men of Northumberland'.<sup>146</sup> Richard Vaux of Fallowfield, similarly, was a juror in Hexhamshire; but he, too, earned a name outside the liberty, albeit a less reputable one: he was involved in John Coupland's murder in 1363, and had joined the retinue of the Tynedale warlord, William IV Swinburne, by 1385.<sup>147</sup> It is true that, despite such interests outside Hexhamshire, the liberty does seem to have retained some significance for the Vauxs. The heads of the family continued to identify themselves as 'of Beaufront', and some of their conveyances show a notable awareness of Hexhamshire's jurisdictional independence.<sup>148</sup> John V Vaux married a daughter of Roger

<sup>142</sup> On Tynedale, see below, Chapter 7, *passim*.

<sup>143</sup> *NCH*, x, p. 381, n. 4; cf. also JUST 1/1453, m. 8d.

<sup>144</sup> *NCH*, ii, p. 229; NYCRO, ZAZ 78 (MIC 1324/547).

<sup>145</sup> For his activities as witness and juror, see for example *NCH*, iv, p. 202; Reg. Zouche, f. 296v; *Greenwell Deeds*, no. 207.

<sup>146</sup> E 101/19/36, m. 5; *NCH*, x, pp. 92, n. 6, 249, n. 2, 253, n. 1, 438; *HN*, II, ii, pp. 6, 340; *CIPM*, xi, no. 618; xiii, no. 61; JUST 1/661, m. 2; E 159/152, recorda, Michaelmas, m. 14d.

<sup>147</sup> ADM 75/150, Coastley, no. 7; below, Chapter 7, p. 333. Alan, Richard and William Vaux were received at Acomb and Anick after Coupland's murder: JUST 1/661, m. 1d. They were probably all related to the chief felon, John Clifford of Ellingham, whose mother Elizabeth was apparently the daughter of a John Vaux: *NCH*, ii, p. 229.

<sup>148</sup> Thus the arrangements for a marriage settlement of 1357 distinguished between lands in the county of Northumberland and in the liberties of Durham, Hexhamshire and

Widdrington, and in 1385 he was retained for service in Scotland; but, as has been shown, he continued to style himself 'of the county of Hexham'.<sup>149</sup>

For other men, similarly, ambitions outside the liberty did not preclude performing minor administrative roles within it, as in the case, for example, of Adam Serjeant of Hexham, a liberty juror who served in Scotland in 1344.<sup>150</sup> Elsewhere, however, the lack of real openings in the liberty may well have caused resentment. William Redshaw was clearly an ambitious and assertive man, keen to carve out a place for himself in Hexhamshire; but his official responsibilities were limited to jury service.<sup>151</sup> When in 1347 he murdered a former bailiff of the liberty, William Hawsker, he was perhaps giving vent to his frustration at such limitations.<sup>152</sup> Redshaw's descendants also found few opportunities in the liberty. William had served in Scotland in the 1330s; his descendants were in the retinue of William Hilton, under Henry Percy, in 1385. William II Redshaw was a collector for the 1381 poll tax in Northumberland.<sup>153</sup> Not all the family's activities outside the liberty were so respectable, however: John son of William Redshaw, alias John Redshaw of Cocklaw, was indicted for a murder at Chollerton in 1364, although he was able to adduce a royal pardon.<sup>154</sup>

If there were frustrations and resentments in local society, they are likely to have been exacerbated by significant changes in the liberty's governance after about 1355. It was in this year that Richard Ask was appointed bailiff, for the substantial term of six years; in 1357, furthermore, he was confirmed in office for life; and he seems to have held the position until his death around 1369. Like several of his predecessors, Ask was a Yorkshireman, an outsider to the liberty; but he held office for an unprecedented length of time. In 1364 he was also allowed to appoint a lieutenant, and was thus given the opportunity either to become a local tyrant, or to neglect the government of the liberty entirely.<sup>155</sup> And a similar situation emerged in

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Tynedale: DCM, Misc. Ch. 6947; *Greenwell Deeds*, no. 208, *NDD*, p. 238; *NCH*, ix, p. 320, n. 5. See also *NDD*, p. 239; *Greenwell Deeds*, no. 230.

<sup>149</sup> BL, Cotton Roll XIII.8; above, p. 195.

<sup>150</sup> *CDS*, v, no. 3780; Reg. Melton, ff. 509r, 516; Reg. Zouche, f. 296v; 'North country deeds', ed. W. Brown, *Miscellanea II* (SS, 1916), p. 115.

<sup>151</sup> Reg. Zouche, f. 296v; C 145/140/7. He was, however, able to have his son John appointed keeper for life of the hospital of St Giles, Hexham, in 1359; Reg. Thoresby, f. 302v.

<sup>152</sup> Reg. Zouche, f. 295r; cf. *CPR 1348-50*, p. 20. Redshaw was also pardoned for a homicide in 1351; Reg. Zouche, f. 298r.

<sup>153</sup> E 101/19/36, m. 5; 101/20/17, m. 9d; 101/20/18; 101/40/5; BL, Cotton Roll XIII.8; *CFR*, ix, p. 227.

<sup>154</sup> JUST 1/661, m. 4d; *CPR 1361-4*, pp. 107, 522.

<sup>155</sup> Reg. Thoresby, ff. 300r, 301r-v; *CPR 1358-61*, p. 557; *NCH*, iii, p. 65 (where, however, Ask's appointment for life is misdated). Death probably accounts for his disappearance from the record after about 1369.



the later fourteenth century. Thomas Blenkinsop, appointed bailiff in 1377, was replaced in 1382 by John Clavering. Like Ask, Clavering was appointed for life; he was also allowed to appoint a deputy; and he seems to have held his office until at least 1398.<sup>156</sup> Significantly, though, he complained in 1398 that his position had been partly usurped by William IV Swinburne.<sup>157</sup> This may suggest that the liberty had not been central to Clavering's concerns; and, in fact, it seems very likely that it was the increasing tendency for stewards to be non-resident that led to the appointment of a chancellor of the liberty by the 1370s or thereabouts.<sup>158</sup> We must also remember that Clavering owed his appointment to a family connection with Archbishop Neville. Here indeed the liberty was apparently used as a 'pawn on the board of political patronage'; and it would not be surprising if, as a result, 'the bond between lord and local society' was sorely tested.<sup>159</sup>

In fact, the effect of these appointments on local society is unclear, because the archbishops' registers provide little information about the liberty after 1355. In this year, the date of Ask's appointment, the seal for Hexhamshire was sent from York to the liberty's bailiff: thereafter, it would seem, most of the liberty's writs were issued locally, and only items of particular importance were dealt with and registered at York.<sup>160</sup> The archbishops did not totally cede oversight of Hexhamshire: in 1378, for example, Alexander Neville appointed seven justices to inquire into felonies committed in the liberty by officials and others.<sup>161</sup> But such periodic assertions of authority cannot have concealed the extent to which day-to-day power now lay in the hands of the steward/bailiff. And while it is not entirely clear what this meant in practice, there are some signs that the liberty's government became less regular and efficient; and indeed that it buckled under the strains of the later fourteenth century, when cross-Border raiding was combined with wider political instability.

<sup>156</sup> Reg. Neville, f. 104v; NCS, ZBL/23/1/2, 3; *CPR* 1381–5, p. 410; *CIMisc.*, vi, no. 337. John Mitford, lawyer and administrator, was briefly appointed steward when the liberty was in crown hands in 1388: *CPR* 1385–9, p. 413; *HC*, iii, pp. 744–6.

<sup>157</sup> NCS, ZSW/1/96. Swinburne's significant presence in the liberty in 1398 is confirmed by NCS, ZSW/1/98, an indenture witnessing that he and the prior of Hexham had purchased all debts owed to the archbishop of York in Hexhamshire.

<sup>158</sup> The chancellor of the liberty first seems to occur in 1376, although in terms that may suggest earlier existence (Reg. Neville, f. 101v, referring to the powers pertaining to the office 'by right and custom'). In 1393 an inquisition *post mortem* in the liberty was held before the chancellor (ADM 75/150, Coastley, no. 7). This duty had belonged to the steward/bailiff in the earlier fourteenth century; and in 1355 it was the steward/bailiff to whom the seal of the liberty was delivered (Reg. Thoresby, f. 300r).

<sup>159</sup> R. R. Davies, *The Revolt of Owain Glyn Dŵr* (Oxford, 1995), p. 44.

<sup>160</sup> Reg. Thoresby, f. 300r.

<sup>161</sup> Reg. Neville, f. 91v.

From the late 1370s the North-East suffered again from renewed Scottish raids.<sup>162</sup> Their economic impact in Hexhamshire cannot be quantified, but may well have been considerable: while Hexham Priory's rental of 1379 does not refer to damage from raiding, in 1405 the priory was granted rents to the value of £100 by Henry IV as compensation for such damage.<sup>163</sup> And the insecurity that resulted from raiding may also have contributed to social dislocation. From the 1380s onwards, at any rate, law and order in Hexhamshire do seem to have deteriorated noticeably. Men from the liberty appear more often in the records of Northumberland gaol deliveries, indicted for offences committed inside and outside Hexhamshire.<sup>164</sup> In about 1382 William Carnaby, John Errington and John Redshaw led a gang of local men on a raiding mission to Halton; and in 1385 another such party raided Whittonstall.<sup>165</sup>

From the late 1380s the liberty also suffered a crisis of leadership as successive archbishops fell foul of Richard II, his aristocratic opponents, and Henry IV. Earlier fourteenth-century archbishops, by and large, had been reliable royal servants: William Greenfield was Edward I's chancellor (1302–5); William Melton was Edward II's keeper of the wardrobe, treasurer, and keeper of the privy seal; William Zouche was Edward III's treasurer (1337–8); and John Thoresby was keeper of the privy seal (1345–7) and chancellor (1349–56). Conversely, Alexander Neville (1374–88), Thomas Arundel (1388–96) and Richard Scrope (1398–1405) all played more dramatic parts in high politics, with a significant impact on the liberty's governance. Neville, condemned by the Appellants in 1388, lost his temporalities, and Hexhamshire came briefly into the crown's hand – even if the scanty nature of Neville's register and the loss of Arundel's make it difficult to assess the local impact of Neville's forfeiture.<sup>166</sup> Arundel had been replaced by Robert Waldby before he, in turn, was condemned in Parliament in 1397. Waldby's brief episcopate (1397–8), moreover, can hardly have eased the dislocation apparent at this time in the liberty's administration, most notably when William IV Swinburne 'usurped' the office of steward.<sup>167</sup>

<sup>162</sup> A. J. Macdonald, *Border Bloodshed* (East Linton, 2000), Chapter 2, and passim.

<sup>163</sup> *CPR 1405–8*, p. 51.

<sup>164</sup> For example, JUST 3/169, mm. 32d (where 'Alwenton' is probably Allendale Town rather than Alwinton), 33; 3/176, m. 21–21d; 3/191, m. 45–45d. For reasons that are unclear, the justices who delivered the royal gaol at Newcastle heard pleas relating to men from liberties – even from the liberty of Durham (JUST 3/141A, m. 45d) – and concerning offences committed therein. Their cognisance of such pleas is known to have been challenged only in 1410 (below, p. 202).

<sup>165</sup> *CPR 1381–5*, pp. 144–5, 507–8.

<sup>166</sup> For the context, see N. Saul, *Richard II* (New Haven, 1997), pp. 184–5, 193. Only the register of Arundel's vicar-general is extant: Borthwick Institute, Reg. 14.

<sup>167</sup> Saul, *Richard II*, pp. 377–8; cf. *A Calendar of the Register of Robert Waldby, Archbishop of York, 1397*, ed. D. M. Smith (York, 1974), pp. 2, 5.

Scottish raids, which had abated for much of the 1390s, increased again towards the end of the decade; and the opening years of the fifteenth century seem to have been difficult ones in the liberty. There are few signs that Archbishop Scrope saw to the good order of Hexhamshire, and his rebellion against Henry IV brought the liberty into the king's hands between June 1405 and December 1407. In 1408 the prior of Hexham was accused of dealing with the Scots, perhaps in connection with the Percy rebellion of that year; and in 1410 a 'common leader of Scots in England' was released by royal justices because his offences had taken place in Hexhamshire. The felon's defence – that the liberty was 'outside the county of Northumberland' – is a rare example of a direct appeal to its status. But the incident not only suggests that the liberty's privileges had become attractive to criminals; it implies that Hexhamshire's own judicial systems had ceased to be effective. In such circumstances it is not surprising that Parliament should have heard complaints from the people of Northumberland about the inhabitants of Hexhamshire, alongside those of Tynedale and Redesdale, in 1414 and 1421.<sup>168</sup> These petitions, which essentially demanded that liberty officers be forced to hold assizes and gaol deliveries regularly, may even have represented the interests of sections of liberty society. It is certainly suggestive that the receiver's account for 1421–2 recorded profits of £4.2s.3d. from 'various courts' held at Hexham – probably the *comitatus* and 'court baron' – but noted that 'no other sessions of justices' were held in that year.<sup>169</sup>

Hexhamshire's position in the Tyne valley, on a favoured route for Scottish incursions, made it vulnerable when Anglo-Scottish relations deteriorated, even if it never suffered to the same extent as did Redesdale and Tynedale. But like those areas, where royal officials were not accustomed to acting, Hexhamshire required strong and active lordship to maintain local stability: and such lordship, it would seem, is precisely what the archbishops of York ceased to supply after the mid-fourteenth century. But the problems that beset the liberty at this time should not draw our attention away from the good rule it seems to have enjoyed for most of the preceding two centuries. Its government was sufficiently regular and efficient to weather the storms of the 1310s and early 1340s. Sources of service and advancement may have been limited. But the archbishops took a leading role in defending the liberty's privileges, and thus in mitigating to some extent the fiscal-military demands of the Edwardian 'state'. Lordship seems

<sup>168</sup> *Hexham Priory*, i, Appendix, no. 72; JUST 3/53/4, m. 1; Neville, *Violence*, pp. 107, 110–11; *PROME*, ix, pp. 49–50, 296–7. It is quite unclear why the felon's defence was not used on other occasions (see above, p. 201, n. 164).

<sup>169</sup> SC 6/1123/12, m. 4.

## HEXHAMSHIRE AND TYNEMOUTHSHIRE

generally to have been good, and justice to have been readily available. The liberty, that is to say, offered its inhabitants tangible advantages and few grievances; and involvement in the lesser levels of its government may have helped to shape some sense of local community. Without good rule from York, the liberty was liable to be drawn into the frontier culture of Tynedale or Redesdale. But what set Hexhamshire apart from Tynedale in particular was that, for much of the fourteenth century, the archbishops of York did offer good rule.<sup>170</sup>

### TYNEMOUTHSHIRE

In contrast to the other greater north-eastern liberties, Tynemouthshire did not form a geographically coherent unit. Although the bulk of its townships lay south of the River Wansbeck, many in the vicinity of Tynemouth itself, its outlying members were scattered along the Tyne valley, up the Northumbrian coast, and north-west of Alnwick. At their greatest extent, from East Lilburn to Tynemouth, these townships were separated by a distance of some thirty-five miles. It is true that the institutional coherence of the liberty could persist across such distances. It was clearly understood in the thirteenth century, for example, that Amble and Hauxley belonged to the liberty, and men from those townships can be seen attempting to preserve the liberty's rights.<sup>171</sup> Geography, however, did pose a difficulty for the development of a cohesive community within Tynemouthshire; and it may also have made it more difficult for Tynemouth Priory to maintain its authority over the liberty as a whole.

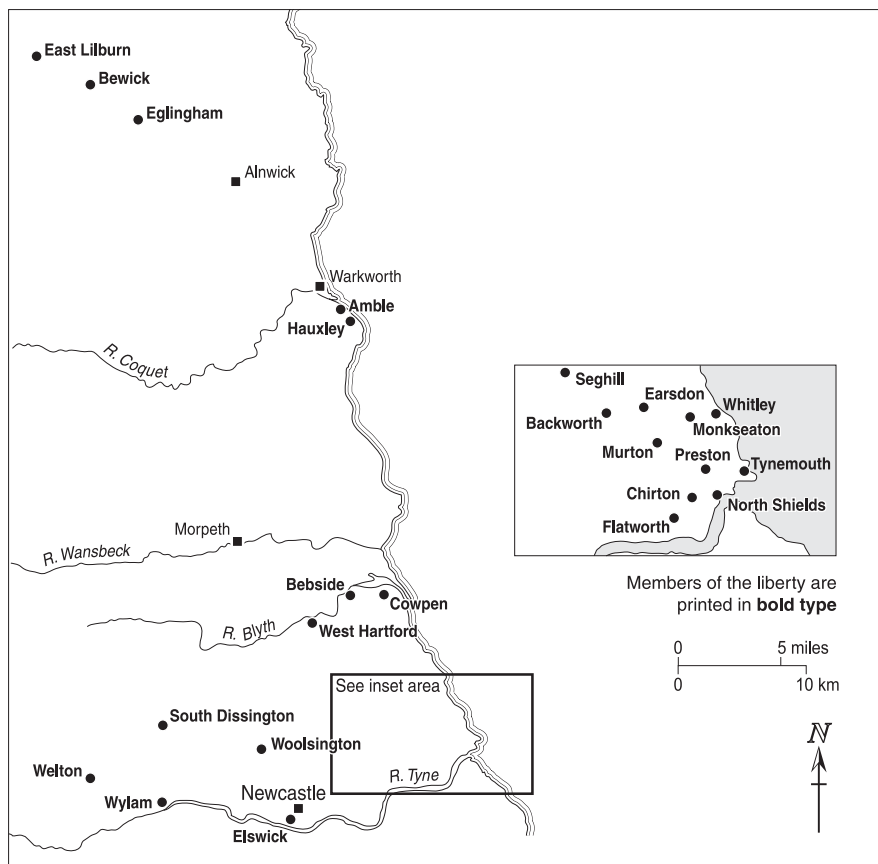
The liberty was not only dispersed but relatively new, with no long tradition of self-government or of independence from royal officers. Its key privileges originated in an 1189 charter of Richard I, and in particular in its 'non intromittat' clause, which commanded that no man, except the prior of Tynemouth and his ministers, should intermeddle with the priory's men and lands.<sup>172</sup> This conferred the rights of a return-of-writs 'franchise', in which royal writs were executed by the liberty's officers; and it was on the basis of this clause that the priory developed the prerogatives it came to enjoy in the thirteenth century, when the prior claimed the right to appoint his own coroner and justices for the liberty. The charter was interpreted as excluding royal justices as well as other officers, and was regularly proffered by the prior and his stewards/bailiffs when they claimed cognisance of

<sup>170</sup> Cf. below, Chapter 7, especially pp. 314–16, 330–4.

<sup>171</sup> *NAR*, p. 78.

<sup>172</sup> The charter is printed and discussed in *NCH*, viii, pp. 67, n. 3, 209–10.

## BORDER LIBERTIES AND LOYALTIES



**Map 4** The Liberty of Tynemouthshire

pleas.<sup>173</sup> As we will see, however, it proved a rather unsatisfactory warrant for such privileges.

The crucial period for the development of the priory's judicial and other rights was the second quarter of the thirteenth century. In 1227 Henry III granted amercements of the priory's tenants to the abbot of its mother-house, St Albans, who was to receive them at the exchequer.<sup>174</sup> Evidently these tenants had pleaded before the king's justices in the Northumberland eyre of that year. But from 1235, and more continuously from 1255, the prior of Tynemouth received royal writs allowing him cognisance of civil and criminal pleas in his own court; and in the Northumberland eyre of

<sup>173</sup> For example, Gibson, *Tynemouth*, ii, p. lxxii (1290). 'Steward' and 'bailiff' seem to be used indiscriminately in contemporary sources to describe Tynemouthshire's senior lay officer.

<sup>174</sup> Matthew Paris, *Chronica Majora*, ed. H. R. Luard (RS, 1872–83), iii, p. 126; cf. Brand, *Newcastle*, ii, p. 83.

1256 the priory's claim to jurisdiction over civil pleas (*placita brevium*) and crown pleas concerning its men and lands was first recorded. This was described by a local jury as established custom, observed at previous eyres, and founded on royal charters; and it was a key moment in the development of the priory's privileges.<sup>175</sup> In 1256, 1269 and 1279 the priory held separate eyre sessions (albeit under the supervision of a royal justice) and preserved its own records.<sup>176</sup> Outside the eyre, too, the priory successfully claimed its privileges in other royal courts. Early in Edward I's reign, cognisance of pleas was regularly conceded by royal justices of assize: in 1276 on the basis of charters of Henry II and Henry III; in 1284 on that of unspecified royal grants. In writs of 1280 and 1285 Edward I acknowledged that, by royal charters, the prior ought to have from all manner of royal justices all original writs concerning himself or his men, to be pleaded in the liberty before his own justices.<sup>177</sup> Whether a royal justice was also assigned in all these cases is not fully clear; but the presence of such a justice, whose record could act as a check on that of the priory, was certainly required in some of them.<sup>178</sup>

Between the 1230s and 1250s, therefore, the priory developed extensive, if qualified, judicial rights. As was often the case in these decades, this was by encroachment rather than by explicit royal grant;<sup>179</sup> and the process of aggrandisement seems to have continued later in the thirteenth century. Thus a petition of about 1272 to the king and his council from Robert Bewick complained that the priory had 'appropriated' the vill of Backworth and West Chirton.<sup>180</sup> By right, Bewick argued, these vills belonged to 'the body of the county of Northumberland', and their inhabitants ought to serve on its juries and assizes. They had done so until recently, when the

<sup>175</sup> Gibson, *Tynemouth*, ii, p. lxxvii; *NCH*, viii, p. 218; *NAR*, p. 54. The verdict was quoted in Tynemouth Cart., f. 204v, preceded by the note that 'in 1256 the following recognition of the liberty of Tynemouth was made'. It was also important enough to be noted in the margins of a thirteenth-century chronicle owned by the priory: BL, MS Cotton Vitellius A.XX, f. 106r.

<sup>176</sup> D. Crook, *Records of the General Eyre* (London, 1982), pp. 121, 128, 147. For pleas from the 1279 eyre, see Tynemouth Cart., ff. 179v–80r, 205r. The claim in 1276 that the liberty had been allowed in the eyres of Roger Thirkleby and Gilbert Preston referred to 1256 and 1269: JUST 1/1230C, m. 6.

<sup>177</sup> JUST 1/1230C, m. 6; 1/1265, m. 15d; Tynemouth Cart., f. 207r; C 260/20/20A. The prior's right to have cognisance of pleas touching himself was thus explicitly acknowledged; for the legal issues involved here, see D. E. C. Yale, 'Iudex in propria causa: an historical excursus', *Cambridge Law Journal*, 33 (1974), pp. 80–96.

<sup>178</sup> KB 27/83, m. 16; JUST 1/659, m. 5d; 1/1265, m. 15d; *NCH*, viii, p. 211, n. 1.

<sup>179</sup> For the context, see D. A. Carpenter, *The Reign of Henry III* (London, 1996), pp. 85–8, 99–105.

<sup>180</sup> SC 8/33/1636. Some text is lost on the right edge: nothing more was legible to the nineteenth-century transcriber: PRO 31/7/121, p. 159. Bewick's origins cannot be determined. His petition reveals that he was in dispute with the prior over a tenement in Tynemouth.

prior of Tynemouth had come to an arrangement with Henry III's chancellor, Richard Middleton (1269–72). The prior granted an annual pension of six marks to Richard's sister, who was a recluse in Newcastle; in return Richard ensured that the villis would be recognised as part of the liberty of Tynemouthshire. Bewick's claims are all too plausible – we know that Richard Middleton worked for the priory on other occasions<sup>181</sup> – and they correspond to some extent with what is known of the liberty's development. The priory had acquired West Chirton from William Heron only in 1256; Backworth was a much earlier possession, but it may have been withdrawn from 'the body of the county' relatively recently.<sup>182</sup> Even at the end of the thirteenth century, the priory was suspected of attempting to expand its jurisdiction. In 1291 Prior Simon Walden refused 'to name villis or places where he ought to have his liberty', so that, according to the crown's attorney, 'he could attract to the liberty lands outside it'.<sup>183</sup>

Partly as a result of its aggregation of franchisal privileges, the priory had, by the mid-thirteenth century, become a significant power in local society; and its power was well illustrated during a dispute over the wardship of the daughter of Simon I Welton of Welton.<sup>184</sup> This was acquired by Robert Cambo, deputy sheriff of Northumberland in the 1240s;<sup>185</sup> and he in turn granted it to the rising family of Middleton of Thornbrough. But the wardship was also claimed by two successive priors of Tynemouth, Richard Park (1244–52) and Ralph Dunham (1252–c. 1267). The manor of Welton was held of the priory in socage by a rent of £40, so these claims were relatively weak: in 1264 Walter Scott of Welton was one of the few tenants who did not acknowledge the priory's rights of wardship.<sup>186</sup> Nevertheless both priors had to be bought off, on the later occasion for the sum of ten marks. In the words of the memorandum drawn up by Robert Cambo, 'it was better policy to yield to the abbot [of St Albans] and prior to prevent greater

<sup>181</sup> For Middleton's connections with Tynemouth, see J. R. Maddicott, *Law and Lordship: Royal Justices as Retainers in Thirteenth- and Fourteenth-Century England* (Oxford, 1978), pp. 7–8.

<sup>182</sup> For the priory's acquisition of these villis, see *NCH*, viii, p. 336; ix, p. 32.

<sup>183</sup> Gibson, *Tynemouth*, ii, p. lxxvii. Another late thirteenth-century petition, SC 8/112/5573, is badly damaged, and even with the aid of the nineteenth-century transcript (PRO 31/7/138, p. 130) its sense is often unclear; but it is evidently a complaint to the king and his council about the prior of Tynemouth's appropriation of various 'franchises'.

<sup>184</sup> For much of what follows, see F. W. Dendy, 'Wardship in tenure by socage', *AA*, 3rd ser., 8 (1912), especially pp. 10, 18.

<sup>185</sup> *HN*, II, i, p. 284.

<sup>186</sup> On the tenures from which wardship could be claimed, see F. Pollock and F. W. Maitland, *The History of English Law*, 2nd edn (Cambridge, 1968), i, p. 321, which notes exceptions which might be justified by prescription. For 1264, see *Registra Quorundam Abbatum Monasterii S. Albani*, ed. H. T. Riley (RS, 1872–3), ii, p. 322.

expense and charge in time to come'. Well connected as he was, Cambo could not ignore the force of the priory's lordship, to which its franchisal jurisdiction was undoubtedly a vital buttress.

Nonetheless the priory's privileges, as in the case of Redesdale, remained both limited and somewhat fragile in comparison to those of the Northumbrian regalities.<sup>187</sup> Fundamentally it was the king's writ that ran in the liberty, even if royal mandates were executed by the priory's officers; and, to a much greater extent than the 'royal liberties', Tynemouthshire was part of the machinery of royal government. The judicial competence of the liberty's court, like that of Redesdale, was also limited by the fact that many pleas could not be initiated without a royal writ. As will be discussed in more detail below, numerous tenants found it equally convenient to sue in the king's courts, and preventing such actions required continual vigilance from the priory's bailiffs. It is true that cognisance of pleas seems generally to have been granted; but it was not automatic, was beset with procedural pitfalls, and could require a representative of the priory to petition the king in person.<sup>188</sup> There was, moreover, always the possibility that the liberty's title would be denied.

In addition, a more profound uncertainty about the status and legitimacy of the liberty resulted from its confiscation by the crown in 1291, following complaints about the maladministration of justice. Documentary evidence of its jurisdiction was found wanting by the king's court; such records as existed were commandeered; and the liberty was judged to be 'in contempt of the royal dignity' and 'against the custom of the realm'.<sup>189</sup> In the circumstances of the late thirteenth century, Richard I's charter was no longer an adequate foundation; and when the priory petitioned for the restoration of its 'franchises' in about 1299, it was obliged to ask Edward I to clarify the terms of this charter by specifying the territorial extent of the liberty, and by adding stipulations for the appointment of liberty justices and a coroner. In fact, however, the royal charter of February 1299 simply restored the franchises 'as they were held on the day on which they were taken into the king's hands'.<sup>190</sup> This did nothing to clarify the ambiguities of Richard I's

<sup>187</sup> On Redesdale, see below, Chapter 8, especially pp. 368–72.

<sup>188</sup> Pitfalls included claiming the liberty too late in pleadings: CP 40/86, m. 56d. For a personal approach to the king in 1280, see below, p. 223.

<sup>189</sup> Gibson, *Tynemouth*, ii, p. lxxvii; also NER, no. 603. The records were placed in the custody of the royal chief justice Gilbert Thornton: Crook, *General Eyre*, pp. 121, 138, 147.

<sup>190</sup> *Northumb. Pets*, no. 10; CChR, ii, p. 475. The prior's claim to appoint a coroner 'by himself and his court, without a writ of the king' was one of the aspects of the liberty judged 'not consonant with right, and in prejudice of the king', in 1291: Gibson, *Tynemouth*, ii, p. lxxvii.



grant, and when the new charter was cited by the priory in 1300, it was with inconclusive results.<sup>191</sup>

Difficulties were compounded by the natural caution of the crown's justices – probably heightened in the wake of the *Quo Warranto* inquiries – and by the confiscation of the priory's archives. In the Parliament of 1305 the priory complained that royal justices required specific authorisation before they would grant cognisance of pleas to the liberty; in fact, even given such warrant, the justices demanded precise evidence of how pleas had been heard in the liberty before its confiscation. In 1306 a search of the royal archives produced only a record, from 1279, of the delivery of the articles of the eyre to the prior's bailiff; and since this did not relate specifically to the justices of assize, it was not considered sufficient. Fortunately a jury from the county was able to specify two occasions on which the liberty court had been allowed, under the supervision of an assigned royal justice.<sup>192</sup> This, however, was not the end of difficulties. In 1309 Edward II had to intervene when the prior once more proved unable to provide a sufficiently detailed record of the liberty's court. On this occasion, the royal archives produced not only the evidence of the 1279 eyre, but a royal mandate of 1285 for the transfer of an assize of novel disseisin to the prior's court.<sup>193</sup> Nevertheless problems continued. In 1330 a further royal writ was issued because the prior had been unable to show how pleas had been allowed before the liberty's confiscation. Rather than clarifying the priory's royal charters, though, the writ simply directed the justices to consider the 'general words' used in Richard I's grant and to allow the priory appropriate rights without harming it in any way.<sup>194</sup> Even so, this writ finally provided a firmer precedent for subsequent years, and on its basis the priory's officers successfully claimed pleas on later occasions.<sup>195</sup> But their allowance never became automatic: in 1344, despite several writs from the king himself commanding respect for the prior's rights, the justices of assize remained 'uncertain about the craving of the liberty'.<sup>196</sup>

<sup>191</sup> JUST 1/658, m. 3d: 'They offer a charter of the present king by which he confirmed . . . all the liberties previously granted to them by his progenitors, and thence they claim their court.' There is no record of whether or not the claim was allowed.

<sup>192</sup> *PROME*, ii, p. 92; JUST 1/659, m. 5d. The petition of 1305, or another petition on very similar lines, was copied in Tynemouth Cart., f. 217v, with the note that 'this petition is not yet granted' (*ista supplicatio nondum est expedita*).

<sup>193</sup> C 255/12/2/46; 260/20/20A.

<sup>194</sup> CP 40/280, m. 279.

<sup>195</sup> See, for example, CP 40/303, m. 166d; 40/306, m. 229; 40/311, m. 42. The precedent of 1330, and subsequent allowances of the liberty, were collected in Tynemouth Cart., ff. 195r–200v.

<sup>196</sup> JUST 1/1435, m. 53–53d ('curia nondum avisatur ad libertatem istam calumniandam').

Tynemouthshire, therefore, cannot be compared to the ‘royal liberties’ of the North-East, with their long-standing traditions of independence from royal government. The king’s writ ran in Tynemouthshire, as it did in Redesdale, and as in Redesdale, the administration of justice was dependent to a significant extent on royal writs and royal officers. Nevertheless the administrative integrity and autonomy of the liberty were real enough, and in practice royal officers did not intermeddle as frequently in the liberty as they might have done. They recognised that using its structures of governance was often more effective than direct intervention; and so, for example, when the sheriff of Northumberland was commanded to arrest John Irish and his followers early in 1316 ‘within or without liberties’, he delivered the writ to the liberty bailiff for execution.<sup>197</sup> The liberty’s governmental status therefore provided something of a force for the ‘drilling’ of a community out of the scattered townships of Tynemouthshire; and this was true not only in the thirteenth century, when the liberty’s independence was probably at its height, but also in the fourteenth century, when its government was bolstered, as much as challenged, by the demands of the ‘war-state’.

The centre of the liberty was, of course, the priory at Tynemouth itself. As the home of the relics of the Northumbrian king St Oswin, the priory was the spiritual and cultural heart of the liberty; it was also its administrative focus. A very large number of documents relating to various parts of the liberty were witnessed at Tynemouth; and while this is certainly not a guarantee that the relevant parties were always assembled at the priory, it is likely that much business did take place there, drawing tenants from throughout the liberty.<sup>198</sup> In 1337, for example, it was at Tynemouth that men from Backworth, Bewick and Welton were listed as attesting a charter relating to Seghill. It was also at the priory that tenants did homage, both to the prior and to the abbot of St Albans when he visited Tynemouth.<sup>199</sup>

Most importantly, it was at the priory that the principal court or courts of the liberty – the ‘free court’ and/or the *comitatus* – seem most often to have been held.<sup>200</sup> Although there is relatively little evidence of the court’s business, it is likely to have been central to the liberty’s government, for

<sup>197</sup> *NCH*, viii, p. 87, n. 1. On Irish, see A. King, ‘Jack le Irish and the abduction of Lady Clifford, November 1315’, *NH*, 38 (2001), pp. 187–95.

<sup>198</sup> Tynemouth Cart., passim; *NCH*, v, p. 276, n. 4.

<sup>199</sup> Tynemouth Cart., ff. 35v, 97; *Registra Quorundam Abbatum*, ii, pp. 318–24; Bodl., MS Dodsworth 78, ff. 98v–9r; BL, MS Cotton Tiberius E.VI, f. 164v.

<sup>200</sup> These were often probably identical, and seem usually to have been held on Saturdays, in theory every three weeks (*NCH*, viii, p. 221; ix, p. 35, n. 4; CP 40/303, m. 166d; 40/306, m. 229; 40/311, m. 42). We hear also of the ‘curia senescalli’ (*NCH*, ix, p. 38, n. 2). It should be noted that in principle the free court could be held anywhere in the liberty (Tynemouth Cart., f. 52r; *NCH*, ix, p. 36, n. 1), and that there are records of pleas at Elswick and

reasons quite apart from its judicial aspects. The liberty's coroners were elected in the court, and other matters affecting the public interest of the liberty may well have been decided there.<sup>201</sup> And while the court is never formally described as representing 'the community of the liberty', it did provide some kind of forum for the articulation of collective interest and communal judgement. When a tenant refused to pay 'recognition' in 1306, he was initially distrained by the priory, but was at length able to have his case decided by inquisition in the 'free court' of the liberty.<sup>202</sup>

From the 1270s or thereabouts, Tynemouthshire almost always shared in the fiscal-military burdens imposed by the crown on Northumberland, and there were only isolated exceptions. Thus in 1381 an assessment for the expenses of Northumberland's knights of the shire exempted the liberty, and thereby showed unusual respect for its privileges – in other counties it seems to have been expected that the inhabitants of liberties would contribute to such payments.<sup>203</sup> More surprisingly, Tynemouthshire seems largely to have escaped assessment for the aid of 1346, and does not appear in the extant Northumberland assessments for the poll tax of 1377.<sup>204</sup> Otherwise, however, the institutional solidity of the liberty may well have been strengthened as a result of the 'state's' demands, for they were usually mediated through Tynemouthshire's officers. And, by the same token, such demands probably reinforced awareness of the liberty's collective identity and tightened its officers' control over its inhabitants. Thus Tynemouthshire was subject to most parliamentary taxation, but it generally retained a separate identity as a 'tax community' distinct from the county of Northumberland. For the subsidy of 1275, royal taxers made no attempt to enter the liberty, but ordered

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Backworth on various days of the week (Tynemouth Cart., ff. 178v, 207r; *NCH*, viii, p. 211, n. 1).

<sup>201</sup> Gibson, *Tynemouth*, ii, p. lxxv. But 'de comitatu dicte libertatis' in *NCH*, viii, p. 213, n. 6, where a document relating to the 1275 subsidy is printed from Tynemouth Cart., f. 215v, is a misreading of 'de communitate dicte libertatis'.

<sup>202</sup> *NCH*, ix, p. 37, n. 1; the outcome is not recorded. 'Recognition', the payment made by customary tenants on the succession of a new lord, was made to each abbot of St Albans on his first visit to Tynemouth. It was probably distinct from the 'abbot's welcome' of 40s. paid on such occasions by certain tenants in Tynemouth: Tynemouth Cart., f. 51v; *NCH*, viii, pp. 112–13.

<sup>203</sup> J. Wallis, *The Natural History and Antiquities of Northumberland* (London, 1769), ii, Appendix, p. 4; H. M. Cam, *Liberties and Communities in Medieval England*, new edn (London, 1963), especially pp. 240–5.

<sup>204</sup> *Poll Taxes of 1377, 1379 and 1381*, ii, pp. 256–71; iii, pp. 545–50. For 1346, see *FA*, iv, pp. 61 (where the prior of Tynemouth is assessed for Flatworth and Chirton), 76 (where the collectors do not answer for the liberty of 'Tynby', a corruption of Tynemouth, because of a writ of *supersedeas*). The Northumberland assessment does not seem to have taken place until c. 1360: *NDD*, p. 54.

its bailiff to elect local assessors.<sup>205</sup> For the eleventh and seventh of 1295, and the twelfth and eighth of 1296, the liberty was assessed with the rest of Northumberland, but appeared as an individual unit with its own jury. In 1336 the liberty was again taxed with the county, but the prior compounded for a sum that was assessed and raised by his officers rather than by the crown's. Later fifteenths and tenths taxed the liberty separately and not as part of one of Northumberland's wards.<sup>206</sup> The ninth of 1340-1, in which the parish churches of Tynemouth and Eglington were directly assessed, offers an exception. But in 1360, when the counties north of Trent granted a fifteenth and tenth for local defence, the liberty again seems to have had some recognition of its integrity, and collectors were appointed for, inter alia, 'the parts of Tynemouth'.<sup>207</sup>

Commissions of array did not identify Tynemouthshire as an independent unit, and in this respect, again, the liberty could not compare with the Northumbrian regalities. Nevertheless the liberty's status did have some impact on the way in which it contributed to the royal war-effort, because the crown's local representatives relied on the liberty's bailiff to raise troops. In 1304 John Segrave ordered the bailiff to assemble 100 footmen and a mounted constable, and in 1308 Gilbert Clare similarly ordered the bailiff to array the men-at-arms and footmen of the liberty. In 1311 there are records for the payment of archers from the liberty of Tynemouthshire.<sup>208</sup> It seems, then, that men were in practice recruited and organised using the liberty's administrative structures, even if this was not reflected in commissions of array; and the other demands of warfare were similarly met by the liberty as a unit. Local men and liberty officials were appointed to assess carriage for royal supplies from the liberty in 1307 and before, and the liberty provided victuals for royal forces in 1314.<sup>209</sup>

Thus the 'war-state', even as it sought to incorporate liberties into the community of the realm, could strengthen their sense of individual identity. It must still be emphasised, though, that in Tynemouthshire any 'liberty community' remained nebulous and inchoate. No 'community of the liberty'

<sup>205</sup> Tynemouth Cart., f. 215v; *NCH*, viii, p. 213, n. 6.

<sup>206</sup> *NLS*, pp. 98-108; E 179/158/9-11, 15-17A, 19-21, 23-7. The Northumberland roll for 1295 is incomplete and dispersed; two membranes from 'the roll of the liberty of Tynemouth' are now E 179/242/80, m. 1; 179/240/295. The Dissington or Dissington Delaval, taxed with the body of the county in 1295 (E 179/158/6, m. 17) and later, was North Dissington (*NCH*, xiii, pp. 172-3), not South Dissington as in *The Lay Subsidy of 1334*, ed. R. E. Glasscock (London, 1975), p. 221.

<sup>207</sup> E 179/158/14; *CPR* 1358-61, p. 348; *CCR* 1360-4, p. 56.

<sup>208</sup> *NCH*, viii, p. 214, n. 4; Tynemouth Cart., ff. 213v-14r; Bodl., MS Tanner 197, f. 46v.

<sup>209</sup> Tynemouth Cart., ff. 214r-15v (partly printed in Gibson, *Tynemouth*, i, p. 131), also referring to 'arrears from the liberty for carriage already done' according to an account made in the county court; BL, MS Cotton Nero C.VIII, f. 156v.

protested against taxation or military service, or defended the liberty's rights against royal officers. As will also become clear, many of the liberty's inhabitants had little reason to identify with it or to uphold its institutions. For some, it was little more than an oppressive manifestation of the priory's lordship; for others, its courts were partial and lacking in authority. In consequence, much of local society had relatively little to gain from the liberty's privileges, which functioned largely as an adjunct of the priory's power and control.

Before we turn to such issues, however, we must consider the attitudes of neighbouring county society towards the liberty. These were, in general, more positive; and such attitudes, as much as those of the crown and its officers, were crucial to the establishment of the liberty's authority in the thirteenth century, and its re-establishment in the early fourteenth century. When the priory's judicial privileges were first recorded at a royal eyre, in 1256, they were attested by a county jury; in 1306, similarly, the crucial verdict was not that of the crown or its ministers, but that of jurors. The liberty developed with the tacit acceptance of at least part of county society, and local society similarly gave support for its reinstatement.

Robert Bewick's petition of about 1272 reveals, of course, that the priory's rights did face some opposition in local society; and, as with so many other liberties and lordships, the priory had intermittent disputes with its neighbours.<sup>210</sup> Real and persistent opposition was nevertheless essentially confined to the town of Newcastle, which faced significant economic and commercial challenges from the priory's claims to markets at Tynemouth and North Shields, and to rights in the River Tyne. In 1218–19 Newcastle prevented the priory from establishing a market at North Shields; in 1263 the prior complained that men of Newcastle were preventing him from buying freely in the 'port of Tyne'; and, from the later thirteenth century, disputes between priory, town and townsfolk could fairly be described as endemic.<sup>211</sup> Newcastle rarely opposed Tynemouthshire's privileges directly; and we should also note that some Newcastle men were among the priory's benefactors.<sup>212</sup> But the town was nevertheless responsible for ongoing jurisdictional skirmishes, and represented a significant threat to the priory and its lordship throughout the period.

<sup>210</sup> Examples include Tynemouth Cart., f. 122r–v; *NCH*, viii, p. 90; *NER*, no. 334.

<sup>211</sup> For example, *Northumb. Pleas*, no. 682; *NAR*, pp. 162–3; *RH*, ii, p. 18; *PROME*, i, pp. 198–205, 258, 276–7; Gibson, *Tynemouth*, i, p. 130; *CIMisc.*, viii, no. 199. When the abbot of St Albans wished to proceed against a rebellious prior in the late thirteenth century, he turned naturally to the mayor of Newcastle: Thomas Walsingham, *Gesta Abbatum Monasterii Sancti Albani*, ed. H. T. Riley (RS, 1867–9), ii, pp. 21–2; *NCH*, xiii, p. 238; M. Heale, *The Dependent Priors of Medieval English Monasteries* (Woodbridge, 2004), pp. 98–9.

<sup>212</sup> Gibson, *Tynemouth*, i, pp. 149–50.

The favourable attitudes more typical of county society can be explained in several ways. First, the liberty offered opportunities for neighbouring gentry to consolidate their wealth and status. Some, like Robert Raimes, sheriff of Northumberland (1347–8), were retained with fees; others held office in the liberty. The precise rewards of the different levels of office are not known; but they were sufficiently attractive for a man as successful and as widely employed as Thomas Fishburn to consider it worthwhile to serve as steward/bailiff in about 1312.<sup>213</sup> Nor was Fishburn the only professional to find his way into the priory's employment, or to appear among its retainers: his fellow Durham lawyers, Geoffrey Hartlepool and William Kelloe, were also feed.<sup>214</sup> Fishburn had been preceded as bailiff by Nicholas Vigars, attorney for the prior in 1293, and bailiff in 1294–5; and Nicholas, too, was a man of considerable experience, who had followed his father into the service of the Bertrams of Bothal, and is recorded as the bailiff of Robert Fitzroger at Corbridge in about 1290.<sup>215</sup> Again John Duddo, bailiff of Tynemouthshire around 1302, was also bailiff of the Greystokes at Morpeth in the late thirteenth century, and of the Vescies at Alnwick at about the same time. He likewise had some prominence in county government, acting as mainpernor for knights of the shire in 1298 and 1305, serving as sub-escheator for the shire in 1306, and being elected MP in 1306, 1307 and 1309.<sup>216</sup> William Hepscoth, bailiff in 1351, MP in 1348, and quite active on royal commissions in the county, is a comparable figure.

Opportunities in the liberty's administration were, however, probably of still greater significance in its immediate neighbourhood. The priory's justices in particular – unfortunately they are only documented in any detail around the end of the thirteenth century – were drawn in large part from neighbouring gentry, men like Adam Baret and Thomas Clifton, justices in 1280 and 1282 respectively. Baret was lord of Walker, and Clifton had lands around Killingworth and Longbenton, both a short distance from Tynemouth. Ralph Ashington, justice in 1283–4, and John Widdrington, justice in 1284, came from the neighbourhood of the priory's estates at

<sup>213</sup> JUST 1/1435, m. 4; *NCH*, viii, p. 215, n. 3 (where references to all the priory's stewards/bailiffs may be found); J. Hodgson, 'Antient charters . . . in the possession of William John Charlton, of Hesleyside', *AA*, 1st ser., 2 (1832), pp. 410–11. For Fishburn's career, see above, Chapter 3, pp. 128–9.

<sup>214</sup> *NCH*, viii, p. 216, n. 2; BL, MS Cotton Tiberius E.VI, f. 150r–v (printed, from a later copy, in Gibson, *Tynemouth*, ii, pp. lxxix–lxxx).

<sup>215</sup> JUST 1/653, m. 22; *NER*, no. 1283; *Parl. Writs*, I, p. 73; *NCH*, x, p. 114, n. 3; *Brinkburn Cart.*, pp. 20–1, and passim. He can be identified with the Nicholas Viger' assessed for £2.2s. at Embleton in 1296: *NLS*, no. 271.

<sup>216</sup> *HN*, II, ii, pp. 484–6; *Percy Cart.*, p. 320; *Parl. Writs*, i, pp. 73, 148; *CDS*, v, no. 429. See also *HN*, II, ii, pp. 286–7.

Amble, Hauxley, Bebside and Cowpen. Another justice, John Farnacres of Farnacres near Gateshead, was drawn from the south bank of the Tyne in the liberty of Durham.<sup>217</sup> Thomas Clifton, the justice, was also bailiff in 1276; and several of the priory's other bailiffs were men of similar origins and standing. William Hazlerigg, bailiff in 1291, was the chief taxpayer in Hazlerigg in 1294, and held land in Weetslade and West Brunton; Henry Harden, bailiff in 1319, seems to have had interests in Tritlington north of Morpeth.<sup>218</sup> Robert Soreys, bailiff for much of the 1330s and 1340s, was almost certainly from a Newcastle burgess family.<sup>219</sup>

It is not clear how much administrative experience these men had outside the liberty. Some acted in the crown's central courts, where William Hazlerigg was an attorney, and others were appointed royal justices in the localities: Adam Baret and John Widdrington were justices of gaol delivery at Newcastle.<sup>220</sup> Nevertheless it is probable that the liberty's administration, and in particular the exercise of justice, offered such men power and status not readily available elsewhere, and it therefore seems likely that they had a stake in the liberty's continuing operation. Liberty and priory were, in fact, the focus of some men's careers. Before Henry Harden became bailiff in 1319, he had been clerk to the prior in 1293; he was also appointed to crave the priory's 'liberties' in 1302, and acted as an assessor for carriage in the liberty in 1307. Elsewhere he was only a relatively minor figure in county society.<sup>221</sup> All these factors help to account for the goodwill of part of local society towards the priory and its liberty. Indeed, it seems significant that three of the jurors who confirmed the priory's judicial privileges in 1306 were probably descended from men who had served as its justices.<sup>222</sup>

In addition, the personal connections and charisma of individual priors were undoubtedly important. In theory, because the priory was a depend-

<sup>217</sup> Baret: *NCH*, ix, p. 56, n. 1. Clifton: Tynemouth Cart., f. 177; *NCH*, xiii, pp. 418–19; *Northumb. PDBR*, nos. 167, 199, etc.; *NCS*, Waterford Ch., nos. 29–30. Ashington and Farnacres: *NCH*, viii, p. 211, n. 1; *KB* 27/83, m. 16. Widdrington: Tynemouth Cart., f. 180v.

<sup>218</sup> Hazlerigg: E 179/242/80, m. 3; *NER*, nos. 86, 88; *NCH*, xiii, p. 432. Harden: *NLS*, no. 189; *Northumb. Fines*, ii, no. 176; *JUST* 1/1299, m. 22.

<sup>219</sup> Cf. C. H. H. Blair, 'Members of Parliament for the boroughs of Northumberland, 1295–1377', *AA*, 4th ser., 13 (1936), p. 71.

<sup>220</sup> Hazlerigg: *Northumb. PDBR*, no. 534; *Northumb. Fines*, ii, no. 149. Baret and Widdrington: *Reports of the Deputy Keeper of the Public Records* (London, 1838–1958), xlv, Appendix 2, p. 259; xlviii, Appendix 1, p. 133; xlix, Appendix 1, p. 125; l, Appendix 1, p. 164. Baret was also assigned by royal justices to supervise a plea heard in the prior's court: *JUST* 1/659, m. 5d.

<sup>221</sup> *NCH*, viii, p. 220; *JUST* 1/658, m. 8d; Gibson, *Tynemouth*, i, p. 131. Harden was a frequent juror on royal inquisitions: for example, C 134/30/4, m. 11; 134/36/5, m. 4.

<sup>222</sup> These jurors were Walter Brunton, John Cambo and John Ogle.

ent cell of St Albans, its priors' freedom of action was restricted; but in practice they seem to have enjoyed considerable autonomy and local clout.<sup>223</sup> Prior Thomas Delamare (1340–9), for example, was the confessor of Mary, daughter of Earl Henry of Lancaster and wife of Henry Percy. Her help proved instrumental in defeating Gerard Widdrington's attempt to wrest the manor of Hauxley from the priory.<sup>224</sup> More generally, the priory was one of the wealthiest and most prestigious religious institutions in Northumberland. It could boast considerable spiritual and cultic significance, partly because of its celebrated mother-church of St Albans, and partly because it housed the relics of St Oswin. Admittedly the local importance of Oswin's cult is unclear. The only accounts of his life and miracles which seem to have circulated were partisan twelfth-century productions, which had relatively little to say about the liberty itself, and it is unknown if the cult took popular root.<sup>225</sup> It was almost certainly overshadowed by that of St Cuthbert, on whose feast the monks of Tynemouth performed plays for the local populace in the early fifteenth century – much to the anger of the abbot of St Albans.<sup>226</sup> Nevertheless Oswin's spiritual power should not be underestimated. Several kings offered at his shrine; and the notorious Gilbert Middleton did penance to the saint for the wrongs he had done the priory in Edward II's reign. In the mid-fourteenth century Prior Thomas moved the shrine, apparently to make access easier for pilgrims, and rebuilt it at considerable expense.<sup>227</sup> The priory appealed to the saint in petitions; kings alluded to him in grants; and the liberty was undoubtedly strengthened by the priory's ability to invoke a heavenly patron, one who might even, according to a *vita*, protect the liberty's tenants from the exactions of neighbours such as Odelin II Umfraville (d. 1181).<sup>228</sup> If Oswin could not match Cuthbert's appeal, he nevertheless gave Tynemouthshire a spiritual potency unique among the greater liberties of Northumberland.

<sup>223</sup> For relations between priory and abbey, see *NCH*, viii, pp. 52–114; Heale, *Dependent Priors*, pp. 98–9.

<sup>224</sup> The story is told in Walsingham, *Gesta Abbatum*, ii, pp. 375–8, although the nature of Gerard's claim, and of the 'pleas' he brought against the prior, remains unclear.

<sup>225</sup> P. A. Hayward, 'Sanctity and lordship in twelfth-century England: Saint Albans, Durham and the cult of Saint Oswine, king and martyr', *Viator*, 30 (1999), pp. 105–44. None of the extant manuscripts is later than the early thirteenth century.

<sup>226</sup> John Amundesham, *Annales Monasterii S. Albani*, ed. H. T. Riley (RS, 1870–1), i, p. 214.

<sup>227</sup> Gibson, *Tynemouth*, i, pp. 121–2, 132; John Trokelowe and Henry Blaneforme, *Chronica et Annales*, ed. H. T. Riley (RS, 1866), p. 101; Walsingham, *Gesta Abbatum*, ii, p. 379.

<sup>228</sup> *Northumb. Pets*, no. 10; Tynemouth Cart., f. 217v; *CChR*, ii, p. 475. For Oswin's miracles in and around the liberty, see *Miscellanea Biographica*, ed. J. Raine (SS, 1838), pp. 1–59; Thomas Walsingham, *Ypodigma Neustriae*, ed. H. T. Riley (RS, 1876), p. 339; William Rishanger, *Chronica et Annales*, ed. H. T. Riley (RS, 1865), p. 414.



Within the liberty itself, too, the priory made as much as it could out of the cult of St Oswin. The liberty's courts were sometimes held on or around the saint's feasts, which were also terms for leases and rent payments, and the services owed by the priory's tenants included stewardship on Oswin's feast-day and the payment of wax to his shrine.<sup>229</sup> And, as will be seen, there is some evidence that the spiritual power of the priory gave it a hold on its tenants' loyalties. But the priory's temporal lordship was probably more important to the tenants of the liberty. In the fourteenth century the priory commanded one of the greatest castles in its vicinity, which had been strengthened in the late thirteenth century, and could play a significant role in local defence. When the Scots attacked Northumberland in 1315, the priory was one of the few places where 'Englishmen could hide safely'.<sup>230</sup> The castle was successfully defended during Gilbert Middleton's 'rebellion' in 1317–18, albeit allegedly at the costs of the local knight Robert Delaval; and in 1380 the priory was described, accurately enough, as 'one of the strong fortresses of the North'.<sup>231</sup> Prior Adam Tewing (1315–40) won contemporary praise for maintaining eighty men in the priory and keeping it safe at a time when 'no sower dared sow for fear of the enemy'; and in 1322 the priory may have been defended by over forty men.<sup>232</sup> Nor was the priory's protection of its tenants and neighbours evident only in such extreme circumstances. When the possession of Seghill was disputed between William Delaval and John Selby in 1390, the cellarer of Tynemouth was one of those who bought off Selby's claim and released William from imprisonment at the hands of his rival.<sup>233</sup>

Office in the liberty also offered power and authority to at least some of the priory's own tenants. It was uncommon for such men to be bailiffs, although Gilbert Daudre, bailiff in 1293, and assessed for £1.4s.2d. at Whitley in 1294, can be identified with Gilbert Whitley, who seems to have acted as bailiff in 1305, and was assessed for £1.4s.10d. at Whitley in 1296.<sup>234</sup> All the coroners for whom there is evidence, however, were chosen (the office was, at least in theory, elective) from the *mediocres* of the liberty.<sup>235</sup> Two coroners who officiated before 1293 were Adam Pickering,

<sup>229</sup> Tynemouth Cart., ff. 59r–v, 175, 177, 180v, 205r; *NCH*, xii, p. 214; *CIMisc.*, ii, no. 365.

<sup>230</sup> Trokelowe and Blaneforde, *Chronica et Annales*, p. 91.

<sup>231</sup> *NCH*, viii, pp. 87, 97; *Northumb. Pets*, no. 122. See A. Emery, *Greater Medieval Houses of England and Wales, 1300–1500* (Cambridge, 1996–2006), i, pp. 141–3, for the late fourteenth-century gatehouse.

<sup>232</sup> *NCH*, viii, pp. 86, 89; *CCR 1318–23*, p. 621.

<sup>233</sup> *CPR 1389–92*, p. 340, and KB 27/518, rex, m. 25d, as cited in *NCH*, ix, p. 64.

<sup>234</sup> *NCH*, viii, p. 218 (reading Audre or Daudre for Andrew); JUST 1/659, m. 3d; E 179/242/80; *NLS*, no. 233.

<sup>235</sup> Roger Maudit, coroner for Northumberland, also acted in the liberty, but only while it was in royal hands in the 1290s: *NCH*, viii, pp. 218–20; JUST 1/653, m. 1.

a middling landholder in Backworth, and William Stiward alias William 'the steward', who was assessed for £1.1s.6d. at Backworth in 1296.<sup>236</sup> John Horton, coroner in 1314, and in receipt of a pension from the priory in about 1306, seems to have held a small amount of land in Tynemouth and Bebside.<sup>237</sup>

Although their official duties are not always clear, these men had a significant role in upholding the priory's authority: it was William Stiward who arrested a recalcitrant tenant in 1290.<sup>238</sup> And the rewards of office, while not well documented, surely existed: of the nine men whose holdings from the priory were valued in 1307, only Adam Pickering paid anything like a preferential rent.<sup>239</sup> Indeed, for some of the middling tenants of the liberty, administrative service may have offered tangible rewards that, together with the priory's spiritual significance, could foster genuine loyalty. It was Tynemouth Priory, after all, to which Adam Pickering granted his lands before his death.<sup>240</sup>

Such sentiments, however, are not easy to identify among many of the liberty's other tenants; rather, the oppressive exercise of lordship all too often created resentment. The liberty allowed the priory to exert its manorial and 'feudal' lordship with particular force by exacting heavy services from some tenants, exploiting to the full its claims to wardship and marriage, and even exercising some control over the alienation of land.<sup>241</sup> These tenants in turn resisted the priory's demands as best they could, often by turning to the superior lordship of the crown.

The liberty's greater tenants, for most of the thirteenth and fourteenth centuries, comprised the families of Selby, Welton and Whitley. The Selbies, who were the liberty's only knightly family, held the manor of Seghill, said to be worth over £20 p.a. before its devastation by the Scots; their other principal estate, until its forfeiture in 1318, was at Felling in Durham, which was valued at £5.6s.8d. p.a. in peacetime.<sup>242</sup> The Weltons, who were armigerous from at least the mid-fourteenth century, held the manor of Welton, and also (from the later thirteenth century) had important interests outside the liberty at Belsay and Thornbrough. The Whitleys

<sup>236</sup> *NCH*, viii, pp. 115, 215, n. 1, 219–20; ix, pp. 37–8; *NLS*, no. 236.

<sup>237</sup> BL, MS Cotton Nero C.VIII, f. 156v; *NCH*, viii, pp. 115, 216, n. 2, 256.

<sup>238</sup> Below, p. 219.

<sup>239</sup> Pickering held his lands in Backworth, said to be worth 15s.2d., for 8s.1½d.; in contrast, for example, Robert Cheval held his lands in West Hartford, worth 19s.11¼d., for 19s.6d.: C 143/65/10, m. 2.

<sup>240</sup> *NCH*, viii, p. 219; ix, pp. 37–8.

<sup>241</sup> *NER*, no. 316.

<sup>242</sup> *CIMisc.*, ii, nos. 365, 880.

could boast a fortified manor-house from around the mid-fourteenth century; but Whitley was their only significant estate. There were also significant differences in the services by which different estates were held. Seghill was held by knight service (the seventh part of a fee), and by stewardship in the prior's hall on the feast of St Oswin.<sup>243</sup> These services were relatively light and, partly as a result, relations between the priory and the Selbies were generally tranquil. Military tenure did mean that the family was vulnerable to the priors' rights of wardship; but these rights do not seem to have led to dispute.<sup>244</sup> In contrast, the manor of Whitley owed fairly heavy services, which included providing hospitality for the prior and his household, ploughing, repairing the mills at Tynemouth, and paying merchet. The services were set out in 1224–6 in a plea brought by the prior against Ralph Whitley, who had attempted to avoid them on the basis that he held his land freely and not as a villein. Although Ralph acknowledged the priory's claim in 1226, the onerous and servile nature of these services is one obvious explanation for the long-standing ill-feeling between the priory and the lords of the manor.<sup>245</sup> The other is that the family did not hold significant estates outside the liberty and was thus particularly vulnerable to the priory's lordship.

This animosity was strongest under Ralph Whitley's grandson John, who had particularly close experience of how the priory's rights allowed it to intensify its lordship. He was under-age when his father Henry died, and became a ward of the prior contrary (or so John claimed) to the service by which the manor was held.<sup>246</sup> When he came of age, he had to pay relief amounting to two years' value of the manor before he was given seisin. Even after he had received seisin, the prior continued to interfere with the manor by preventing John from distraining his villeins for their rents or services. Since the greater part of the manor was held in service by these villeins, such interference was highly damaging. But John's attempt to distrain the prior was foiled: he was fined £10 and, furthermore, his servant was imprisoned by the prior's bailiff.<sup>247</sup>

A few years later, the prior again tried to use the judicial machinery of

<sup>243</sup> *NCH*, ix, p. 55; *CIMisc.*, ii, no. 365.

<sup>244</sup> Cf. *Registra Quorundam Abbatum*, ii, p. 320; *NCH*, ix, p. 55, n. 4.

<sup>245</sup> *Northumb. Pleas*, nos. 273, 286, 294; *NCH*, viii, pp. 390–1, 395–6; Gibson, *Tynemouth*, ii, Appendix, no. 131.

<sup>246</sup> In fact Henry had acknowledged the priory's rights of wardship in 1264: *Registra Quorundam Abbatum*, ii, p. 320.

<sup>247</sup> The details are reported in John's petition to king and council, SC 8/146/7286, printed in *NCH*, viii, p. 391, n. 3. According to this petition, John's bondsmen held 254 acres; he held in demesne only one messuage, one carucate of land, eight acres of meadow and sixty acres of pasture.

the liberty against John – although on this occasion the attempt backfired when royal justices became involved, with events culminating in the forfeiture of the liberty.<sup>248</sup> In November 1290 William Stiward, the liberty coroner, imprisoned John Whitley, Gilbert Daudre alias Whitley, and William Cowpen on an appeal of robbery. The prisoners petitioned for a royal commission of oyer and terminer, but the priory's bailiffs refused to hand them over to royal justices. When the priory's gaol was delivered by the liberty bailiff, in January 1291, reasons were found for denying the accused a jury, and they were only released from prison some three months later, by royal command.<sup>249</sup> William Cowpen died immediately after his release, but John and Gilbert were acquitted of robbery, and the jury stated that they had been maliciously accused in collusion with men and officers of the priory. As a result of the prior's misadministration of justice, the liberty was taken into the crown's hand – where, as has been seen, it remained until 1299.

Given John Whitley's experiences, it is hardly surprising that he should have resented the priory's 'franchises' as a tool of oppression: in a petition of about 1280 he complained of the 'great disinheritance' done by Tynemouthshire to the crown and the local community.<sup>250</sup> The confiscation of the liberty – a profound illustration of the potential consequences of the priory's heavy lordship – must have given him considerable satisfaction; but it by no means put an end to tensions. In the 1293 Northumberland eyre John brought two unsuccessful actions against the priory; and he later claimed that in 1297 documents kept in his house in Tynemouth had been deliberately burned by the prior.<sup>251</sup> In 1306 John declined to pay 'recognition'; and in 1310 his attempt to settle the manor of Whitley on Henry Newnham was challenged and perhaps thwarted by the prior.<sup>252</sup>

John Whitley's conflict with the priory and its 'franchises' appears to have been exceptionally strongly felt, and its intensity was not matched among his descendants or other families in the liberty. Nevertheless there is no denying the frequency of disputes between the priory and its more substantial tenants. As far as we can tell, these disputes seem to have owed little to the temper and policies of individual priors, and they occurred

<sup>248</sup> For what follows, see especially Gibson, *Tynemouth*, ii, Appendix, no. 91; *NCH*, viii, pp. 216–18.

<sup>249</sup> For the oyer-and-terminer commissions of January and April 1291, both issued 'on petition of the appellees', see *CPR 1281–92*, pp. 453, 455.

<sup>250</sup> This statement appears in the endorsement to SC 8/146/7286, made by the clerk who drew up the petition, not in the royal chancery.

<sup>251</sup> *NER*, nos. 168, 299; KB 27/202, m. 77, summarised in *NCH*, viii, p. 393. The documents included John's charters of feoffment for the manor of Whitley.

<sup>252</sup> BL, MS Cotton Tiberius E.VI, f. 164v; *Northumb. Fines*, ii, no. 156.

throughout the liberty. In Woosington, in 1281, the priory was sued for a wardship. In Bewick, in the early fourteenth century, there were disputes over the priory's right of tallage and attacks on its property.<sup>253</sup> In East and West Backworth, the leading families of Backworth and Fawkes were more or less continuously in dispute with the priory.<sup>254</sup> John Backworth refused to pay 'recognition' in 1306, a case that was referred to the liberty's free court. He was probably the John son of Nicholas who, together with Hugh Backworth and Nicholas Fawkes, had been prosecuted by the prior in Common Pleas in 1295 for neglecting suit to Backworth mill. The same Nicholas Fawkes was forced to come to terms with the priory over a pasturage dispute in 1310 after a suit in King's Bench. There are, it is true, signs of better relations in the next decade. In 1320 Henry Fawkes, 'for affection to the person of Prior Richard Tewing', granted way-leave to the priory's quarries in West Backworth;<sup>255</sup> and in 1323 he and John Backworth were pardoned a hospitality service owed to the priory. In the 1330s, however, Henry Fawkes and his son William entered into bonds for their good behaviour. The services owed by Henry were commuted in 1339; but in 1352 William was being sued in Common Pleas by Prior Thomas Delamare for a debt of twenty marks. It was perhaps in settlement of this debt that in 1353 William and his wife Maud granted land in Backworth to the priory, and were admitted in return into its 'benefits and prayers'.<sup>256</sup> But the grant may also indicate that, for all the grudges born against the priory, its religious weight allowed it to retain a significant hold on its tenants' loyalties. A comparable case concerns the Scott family of Newcastle and Benwell, which held land by the priory's grant in Elswick. Nicholas Scott sued the prior before the royal justices of assize in 1305-6, and Richard Scott and others assaulted priory servants in 1337 and 1338; but the same Richard gave land in Elswick to the priory in 1348.<sup>257</sup>

There were, therefore, significant ambiguities and tensions in the priory's relations with its more important tenants; and if the priory's exactions did not lead to any collective resistance in the name of 'the community of the liberty', this was not only because of the liberty's dispersed geography. The exactions themselves did not compare in scale or scope with those that

<sup>253</sup> *NCH*, xiii, p. 205 (the Woosington plea was heard by royal writ in the prior's court; the writ was eventually withdrawn); xiv, pp. 427-8, 430; *CPR 1330-4*, pp. 389, 444.

<sup>254</sup> For what follows, see especially *NCH*, ix, pp. 34-7.

<sup>255</sup> Brand, *Newcastle*, ii, p. 90.

<sup>256</sup> CP 40/368, m. 54; 25/1/181/12/99. In 1351 William had been in the Fleet prison, following his outlawry pursuant to an action of account by John Berrington, probably acting on the prior of Tynemouth's behalf: *CPR 1350-4*, p. 114, with JUST 1/1435, m. 53d, where Berrington is the prior's attorney.

<sup>257</sup> JUST 1/659, m. 5d; *NCH*, xiii, pp. 238-9.

characterised Bishop Bek's regime in Durham. Acts of resistance to the priory's lordship are best seen as the attempts of assertive individual tenants to escape from the constraints under which the liberty placed them, and to secure greater status and freedom of action for themselves. Nor was conflict endemic, even if it was common. Moreover, the priory sometimes needed its greater tenants for the running of the liberty. John Whitley served as a juror in the liberty court and for tax assessments in the 1290s, and acted with Henry Harden as an assessor of carriage in 1307.<sup>258</sup> The Backworths and Fawkes, similarly, were frequent witnesses to deeds relating to the priory and liberty, and also acted as liberty jurors.<sup>259</sup>

In the final analysis, however, the involvement of greater freeholders in the liberty's administration remained limited. These men did not hold the more important offices, and may have seen service in the liberty as a burden as much as an opportunity.<sup>260</sup> In 1276 two leading tenants, Walter Scott of Welton and Adam Selby, were chosen to assess a royal subsidy. They refused to accept the office, and because of their influence with the sheriff of Northumberland, liberty officials were unable to coerce them effectively, so that royal intervention was necessary.<sup>261</sup> Indeed, like others mentioned above, the lords of Welton seem to have done their best to flout and escape the priory's lordship. In 1291 Walter Scott apparently refused to pay 'recognition' to the abbot of St Albans. Walter's descendant, Simon II Welton (fl. c. 1324), did witness charters relating to the liberty; but that was the limit of his involvement in its business.<sup>262</sup> He, or his son, was lax in paying the rent owed for the manor of Welton – £10 and two pounds of wax offered to St Oswin's shrine.<sup>263</sup> In 1335 he received an acquittance for all arrears, and the payment of wax was said in 1338 to be in arrears by a period of twenty-two years. It was Simon IV Welton (d. 1424), however, who decisively altered his family's relationship to the priory when in 1380 Prior Clement Wheathampstead released all claim to Welton and West Welton. Simon was to offer 12d. or two pounds of wax yearly to Oswin's shrine, for which payment he received 'freedom from [the] franchise and liberties of St Oswin'. The manor of Welton did appear among the members

<sup>258</sup> *NCH*, viii, p. xiii; *NLS*, p. 108; Gibson, *Tynemouth*, i, p. 131.

<sup>259</sup> See, for example, the following deeds: *Tynemouth Cart.*, ff. 80, 97v–8, 102v–3; *NCH*, viii, pp. 248, n. 3, 394, n. 4; ix, p. 38, n. 1; Gibson, *Tynemouth*, i, p. 138. For lists of liberty jurors (1293–6, 1307), see *NCH*, viii, pp. xiii, 215, 218; *NLS*, pp. 107–8; C 143/65/10.

<sup>260</sup> Gilbert Daudre alias Whitley, bailiff in 1293 and 1305, was apparently not related to the lords of the manor of Whitley: *NCH*, viii, p. 395.

<sup>261</sup> *Ibid.*, p. 213, n. 6.

<sup>262</sup> *Bodl.*, MS Dodsworth 78, f. 96v; *NCH*, viii, p. 394, n. 4; ix, pp. 38, n. 1, 62, n. 1.

<sup>263</sup> For what follows, see *NCH*, xii, pp. 214–15, where the relevant documents are summarised.

of the liberty in 1381, but it was recognised as distinct in 1428. Welton and Seghill were then listed in association with ‘the liberty of Tynemouth and Tynemouthshire’, but separately from the main entry; and only Seghill was explicitly said to be ‘parcel of the liberty and within it’.<sup>264</sup>

The full details of the transaction of 1380 are not known; but in addition to the yearly offering then specified, it is likely that Simon made a further and more substantial payment to secure his exemption, as did some manorial lords in the bishop of Worcester’s liberties.<sup>265</sup> Such payments indicate a keen desire to avoid the real challenges to manorial lordship and authority that a liberty could pose. But Simon’s behaviour seems to have been unique in Northumberland, and it is indicative of the negative attitude towards the liberty shared by many of Tynemouthshire’s tenants. Far from providing a robust framework for the articulation of identities and loyalties, the liberty was something against which these tenants defined themselves. And even if matters cannot always be put so strongly, it is clear that in almost every way Tynemouthshire had little influence on the identities of its greater tenants. The geographical dispersion of the liberty meant that many tenants held land outside it: ties of landholding and neighbourhood, therefore, associated them with other lords and communities. The Selbies of Seghill offer an example. In the thirteenth century the family’s interests seem to have centred on its manor of Felling in Durham: Walter Selby was a frequent witness to charters of bishops Richard Poore (1228–37) and Nicholas Farnham (1241–9), and to private charters issued between Tyne and Tees.<sup>266</sup> His descendant Adam, the recalcitrant tax assessor of 1276, hardly appears at all in documents relating to Tynemouthshire; but he regularly attested charters concerning Horton and Stickley, a few miles north of Seghill.<sup>267</sup> Adam’s grandson, Walter Selby (d. 1346), married into the family of Delaval of Seaton Delaval near Seghill; and Tynemouthshire had little hold on his loyalties. He was a prominent member of Gilbert Middleton’s ‘rebellion’ in 1317–18, when he attacked the priory’s properties, and he later fought alongside the Scots from 1318 to 1321. Imprisoned until 1327,

<sup>264</sup> Wallis, *Natural History and Antiquities of Northumberland*, ii, Appendix, p. 4; *FA*, iv, p. 79.

<sup>265</sup> C. Dyer, *Lords and Peasants in a Changing Society: The Estates of the Bishopric of Worcester, 680–1540* (Cambridge, 1980), p. 77.

<sup>266</sup> *FPD*, pp. 11, 122, 148–9, 162, etc.; *Acta 1241–83*, passim.

<sup>267</sup> For example, *NCH*, ix, pp. 244, n. 2, 245–6, 248, n. 7, 252, n. 4, 253, n. 1; *NCS*, Waterford Ch., passim. See also *DCM*, *SHD* 1/17, 18, for some of his activities between Tyne and Tees.

he was then pardoned and served with some distinction in Scotland and France.<sup>268</sup>

No other inhabitant of the liberty seized quite so fully the opportunities offered when Northumberland became a 'land of war'. But William Fawkes had letters of protection in Scotland in 1303; Simon II Welton had similar letters in 1301, was again serving in Scotland in 1311–12, and was summoned in 1324 as one of the men-at-arms in Northumberland. His coat of arms, with its cinquefoil, also suggests some association with the Umfravilles, from whom Welton had once been held.<sup>269</sup> Finally John Whitley's son Gilbert flirted with Middleton's rebellion, but was pardoned for his good service in Scotland; and he later became 'an expert military architect', in charge of works at Newcastle castle in 1356.<sup>270</sup> It would seem that the crown, and lords and neighbours outside the liberty, were the chief influences on these families' aspirations and associations.

For many tenants, therefore, the liberty was an instrument of exploitation, intensifying the priory's hold over them and offering few benefits; and such conclusions are reinforced by a more detailed analysis of the liberty's 'free court'. The admittedly limited sources suggest that this, too, was successful as a tool of lordship, but of much less importance to tenants themselves. In the first place, inhabitants of the liberty could expect little redress locally of any grievances against the priory. Very few successful pleas were brought against the priory – if indeed a plea could be brought at all.<sup>271</sup> John Whitley claimed that when he had purchased a writ of mort d'ancestor in the 1279 Northumberland eyre, Prior William Bernard claimed cognisance of the plea, and then suppressed the writ, so that the case could not proceed.<sup>272</sup> Robert Bewick was driven at around the same time to complain to the king because the prior had refused to do him justice, and was 'so enfranchised' that no plea could be brought against him without royal assistance.<sup>273</sup> Some tenants also assumed that a plea in the liberty court would automatically go against them. In 1280 Adam Selby, objecting to the storage of tithes on his lands, sued a novel disseisin in the king's court against the prior, who at first failed to get the case transferred. But when one of the monks put the

<sup>268</sup> *NCH*, ix, pp. 58–63, 168; *CPR 1324–7*, p. 289 (which, despite its date, relates to events of 1317–18).

<sup>269</sup> *CDS*, v, nos. 2425, 2309; Bodl., MS Tanner 197, f. 31r; G&B, no. 2600.

<sup>270</sup> *CPR 1317–21*, pp. 211, 397; *NCH*, viii, p. 395. He must be distinguished from Gilbert Daudre alias Whitley, the bailiff of 1293 and 1305.

<sup>271</sup> For a rare case when the priory failed to prove that a tenant was a villein, see Tynemouth Cart., f. 177.

<sup>272</sup> *NCH*, viii, p. 391, n. 3.

<sup>273</sup> SC 8/33/1636.



priory's case to Edward I in person and was able to obtain the plea, Adam promptly withdrew his writ.<sup>274</sup>

Priors themselves naturally recognised the advantages their own court offered them. They were happy to use the royal courts to pursue cases against their tenants, without ever finding it necessary (as did, for example, the abbot of Ramsey) to obtain guarantees that this would not prejudice the liberty.<sup>275</sup> But they seem to have allowed the royal courts to proceed only where they felt assured of success, and to have attempted, in more delicate cases, to have pleas removed to their own jurisdiction. In 1332 the prior used Common Pleas to bring a plea of trespass against John Little of Bewick. But in the same year, in a plea brought by the prior against Walter Selby concerning land in Tynemouth, the prior's court was craved by his bailiff.<sup>276</sup> Again, in 1344 and 1345, the royal justices of assize at Newcastle heard five pleas of novel disseisin concerning Hauxley, in all of which the prior was victorious. But two cases concerning Tynemouth were claimed by the prior's attorney: both involved disseisin by Robert, Alice and Richard Tewing, presumably relations of Prior Tewing, and it would seem that the prior was less confident of the outcome.<sup>277</sup>

Many tenants, for their part, preferred to bring actions against the prior in the royal courts. William Cokeman, a tenant in West Chirton, brought a plea before the justices of assize in 1285, after an earlier action in the liberty had failed and he had been forced to admit to being a villein.<sup>278</sup> Other tenants seem to have gone straight to the royal courts, as did Nicholas Scott, who held land in Elswick, before the justices of assize in 1305. Similarly, it was in King's Bench in 1310 that Henry and Robert Fawkes sued Prior Simon Walden for intruding on their land in West Backworth.<sup>279</sup>

It was much the same story with pleas brought by the liberty's inhabitants against each other. The liberty court did hear some such cases: a plea of trespass, brought without royal writ, was heard there in the late thirteenth century, although it was later transferred to Common Pleas.<sup>280</sup> But while

<sup>274</sup> *NCH*, ix, p. 56, n. 1.

<sup>275</sup> From many examples, see CP 40/280, m. 176d; *CPR 1307-13*, pp. 475, 542; 1330-4, pp. 389, 444. For the abbot of Ramsey, see W. O. Ault, *Private Jurisdiction in England* (New Haven, 1923), p. 124.

<sup>276</sup> CP 40/282, m. 220; 40/287, m. 227. It is unclear why the prior initiated the latter case in Common Pleas: perhaps simply to inconvenience Walter?

<sup>277</sup> JUST 1/1435, mm. 49, 50-50d, 53-53d, 54.

<sup>278</sup> JUST 1/1268, m. 8d; Tynemouth Cart., ff. 178v-9r. The prior was able to have the case transferred back to his court: C 260/20/20A; Tynemouth Cart. f. 179r-v. For earlier process, see KB 27/83, m. 16.

<sup>279</sup> JUST 1/659, m. 5d; KB 27/201, mm. 25, 49d, 66d. For analogous actions, see *Northumb. PDBR*, nos. 19, 411.

<sup>280</sup> CP 40/141, m. 159d.

the evidence makes it impossible to offer even a rough guess as to how frequently plaintiffs used the prior's court rather than the king's courts, it is nevertheless clear that, at least from Edward I's reign, it was by no means unusual for both lesser and greater tenants to sue one another in the central courts.<sup>281</sup> If it was ever an 'ancient custom' that the liberty was the automatic court of first resort for its inhabitants, as a writer at the priory thought in the fourteenth century, the custom cannot have lasted long.<sup>282</sup>

There were several reasons for this. The geographical dispersion of the liberty counted for much. Many of the liberty's tenants held land of other lords, were accustomed to pleading in the royal courts, and may not have wished to do otherwise for their lands in the liberty. Nicholas Scott, for example, sued a single plea in Common Pleas in 1335 concerning lands in Elswick and Newcastle.<sup>283</sup> Furthermore, many of the liberty's inhabitants were subject in some way to the authority of the priory's neighbours. In one instance, as the result of an early thirteenth-century agreement, the priory's tenants at Amble and Hauxley owed suit to the mill of the lord of Warkworth at Warkworth.<sup>284</sup> Again, South Dissington, acquired from the Delaval family before 1158, formed part of the liberty, and one of the priory's more important tenants there in the later thirteenth century was William Russell. But Robert Delaval, lord of the neighbouring vill of North Dissington, also had seigneurial claims over Russell, who owed him suit of mill, for which Delaval successfully sued in the Northumberland eyre of 1293.<sup>285</sup> For such reasons, several of the priory's tenants were familiar with the royal courts, and perhaps readier to bring pleas there themselves.

Most fundamental, however, was the need for a royal writ to commence the most important actions in the liberty court.<sup>286</sup> This considerably reduced its convenience, and thus the appeal of following the 'ancient custom' of the liberty, by obtaining a royal writ ordering the prior to do justice in his court, before impleading a fellow tenant before royal justices. It is true that the liberty court still offered some attractions: even if a writ

<sup>281</sup> In addition to the references given above, see *Reports of the Deputy Keeper*, xlii, Appendix 1, p. 677; xlv, Appendix 1, p. 274; *Rotulorum Originalium . . . Abbreviatio*, ed. H. Playford and J. Caley (Record Commission, 1805-10), i, p. 130; *Northumb. PDBR*, nos. 36, 41, 115.

<sup>282</sup> *NCH*, viii, p. 210, n. 2: 'The ancient custom was that no neighbour would bring any royal writ to implead his neighbour, without first bringing a writ directed to the prior to implead in his own court.'

<sup>283</sup> CP 40/303, m. 166d. For Scott's relations with the priory, see also *Tynemouth Cart.*, f. 175r-v.

<sup>284</sup> *NCH*, v, pp. 271, 274-6; *Percy Cart.*, pp. 327-31.

<sup>285</sup> *NER*, no. 412; *NCH*, xiii, p. 172.

<sup>286</sup> See below on Redesdale, Chapter 8, pp. 373-4.

had to be obtained at Westminster or from royal itinerant justices, it must still have been cheaper and easier to pursue a plea locally. Attempting to have a case moved to the liberty court also offered a way of thwarting or delaying an opponent's case before the king's justices. But for the same reasons it might be prudent to have a case moved from the liberty's court to the crown's; and against the convenience of the liberty must be set the power and authority of the royal courts.

These difficulties, furthermore, were aggravated by the confiscation of the liberty in 1291. During the confiscation the liberty's court apparently ceased to function: in the 1293 eyre, while crown pleas for Tynemouthshire were heard separately, civil pleas are scattered among the county rolls.<sup>287</sup> Inhabitants of the liberty were forced to plead in the royal courts, and once the habit had been established, it may have been difficult to break. Although the priory had re-established some control over pleas by 1330, the royal courts retained their attraction; and once a plea had reached these courts, it was not always easy to have it transferred.<sup>288</sup> Indeed, it seems that the priory did not even attempt to have all pleas transferred, so that it retained less control over its tenants than did several relatively minor liberties.<sup>289</sup> And there is no evidence, perhaps surprisingly, that any measures were taken against tenants who sued outside the liberty.

The liberty's court remained a powerful vehicle of the priory's lordship, not only in successfully removing a large number of cases from the royal courts, but in its own right: it was in the 'free court' of the liberty, for example, that a tenant in Backworth was judged to owe the prior £6.6s.8d. in 1330.<sup>290</sup> The bulk of the evidence, however, suggests that the first and principal resort of many of the liberty's inhabitants was the royal courts. The liberty's court was imposed on its inhabitants, rather than chosen by them – it served lordship, not community.

Geography, a restricted level of privilege, dissatisfaction with the priory's lordship – all this meant that Tynemouthshire did not come to embrace all aspects of its inhabitants' lives. But if it was not, therefore, 'the fundamental fact of their governance',<sup>291</sup> it was nevertheless one of these fundamental

<sup>287</sup> Tynemouth Cart., ff. 192–4v, 203r–4v; *NCH*, viii, pp. 218–20; *NER*, nos. 127, 168, 208, etc.

<sup>288</sup> For one example of the potential complexities, see *Year Books of the Reign of King Edward the Third: Year XVIII*, ed. L. O. Pike (RS, 1904), pp. 142–53.

<sup>289</sup> Cases the priory seems not to have claimed include CP 40/282, m. 220. For other liberties, see for example *Index of Placita de Banco, 1327–28* (Lists and Indexes, 1909), passim.

<sup>290</sup> *NCH*, ix, p. 35, n. 4.

<sup>291</sup> E. Searle, *Lordship and Community: Battle Abbey and its Banlieu, 1066–1538* (Toronto, 1974), p. 197.

facts, and its ill-defined privileges continued to allow a certain amount of jurisdictional expansion. If the priory's control over civil pleas was increasingly precarious, it retained considerable power over criminal justice, whose importance in local society should not be underestimated.<sup>292</sup> By 1321, at the latest, the priory was again holding its own sessions of gaol delivery.<sup>293</sup> And to glance ahead to the final years of the liberty, in the early sixteenth century, is to find the prior's claiming on the basis of Richard I's charter the right to appoint his own justices of the peace. This was, furthermore, at a time when Tynemouth and Newcastle were in dispute 'for liberties and franchises', and when the priory used judicial commissions to prosecute Newcastle's supporters.<sup>294</sup> In the 1510s, as much as in the 1270s or 1280s, the liberty had a real importance in local society – but largely because it was an effective instrument of the priory's interests.

The description of liberties as merely 'the judicial or quasi-judicial external shell of lordship' does not do justice to the great regalities of Durham, Tynedale or even Hexhamshire.<sup>295</sup> In the case of Tynemouthshire, however, it is much more appropriate. The liberty's administration did offer some opportunities for its middling tenants, and the priory's spiritual significance also ensured it some local support. But its privileges were not sufficient to provide significant financial or judicial benefits to the inhabitants of the liberty. They were adequate only to serve the interests of the priory, and for this reason it was 'freedom from the franchise' that some of the liberty's greater tenants sought.

<sup>292</sup> Cf. Dyer, *Lords and Peasants*, pp. 77–8; R. H. Hilton, *A Medieval Society: The West Midlands at the End of the Thirteenth Century* (London, 1966), Chapter 8.

<sup>293</sup> *NCH*, v, p. 299, n. 1.

<sup>294</sup> KB 27/1078, rex, m. 7–7d; C 1/389/32; KB 9/467, m. 44; 9/964, m. 133; H. Garrett-Goodyear, 'The Tudor revival of Quo Warranto and local contributions to state building', in M. S. Arnold et al. (eds), *On the Laws and Customs of England* (Chapel Hill, NC, 1981), pp. 264–5.

<sup>295</sup> Davies, *Lordship and Society*, p. 222 (note that the quotation does not reflect an opinion to which Davies himself subscribed).



PART II

# THE SECULAR LIBERTIES



# *Tynedale: Power, Society and Identities,* *c. 1200–1296*

*Keith Stringer*

Tynedale has good claims to be regarded as one of the greatest liberties in the medieval British Isles, and it was certainly the largest and most privileged secular ‘franchise’ in the far North of England. Its position as a liberty on the regional power-map was indeed second only to that of Durham; but its history is much less well known. Margaret Moore highlighted Tynedale’s significance as one of the English territories held by the Scottish crown after the surrender of the northern counties to Henry II in 1157; Madeleine Hope Dodds covered north Tynedale for the *Northumberland County History*; and both writers drew on the pioneering work of the noted Northumbrian antiquarian, John Hodgson (d. 1845).<sup>1</sup> Yet study of medieval Tynedale as a liberty and a society did not advance far beyond the point where Dodds left it in 1940. The limitations of the surviving records provide one reason for this lack of interest. By contrast with Durham’s rich documentation, the Tynedale archive is fragmented, uneven and slight – though the liberty’s eyre rolls of 1279–81 and 1293, and the Tynedale deeds among the Swinburne of Capheaton muniments, do give some vital purchase.<sup>2</sup> Another explanation for Tynedale’s relative neglect is that, as a Scottish-controlled liberty in England (1158–1286), it has fallen outside the normal *modus operandi* of English and Scottish historians alike.

This chapter attempts to put the liberty more firmly on the historical map of ‘Middle Britain’ in the thirteenth century, for most of which period Tynedale was held by William I (‘the Lion’) and his successors Alexander II (1214–49) and Alexander III (1249–86). It is indeed with the liberty’s

<sup>1</sup> M. F. Moore, *The Lands of the Scottish Kings in England* (London, 1915), passim; *NCH*, xv, pp. 155ff. Hodgson addressed south Tynedale in the third of his topographical volumes, *HN*, II, iii, and also published relevant documents, notably in the first of his record volumes, *HN*, III, i.

<sup>2</sup> The 1279–81 roll, JUST 1/649, is printed in Hartshorne, pp. ix–lxviii, and extracts are translated in *CDS*, ii, no. 168. The 1293 roll, JUST 1/657, is unpublished. Most of the medieval Tynedale material in NCS, Swinburne (Capheaton) Estate Records, ZSW, was printed by Hodgson, but with varying degrees of completeness and accuracy.



fortunes under these Scots kings that we are primarily concerned, though the concluding section will take matters down to the outbreak of the Wars of Independence in 1296. Before that happened, Tynedale was long a land of peace. Alexander II went to war in alliance with the 'Northerners' in 1215 to prosecute his historic rights to Northumberland, Cumberland and Westmorland; but the years 1217–96 formed an era of unprecedented equilibrium in Anglo-Scottish relations, despite occasional and (from 1292) mounting tensions. Accord was cemented by Alexander II's marriage to Henry III's sister Joan (1221) and by Alexander III's marriage to Henry's eldest daughter Margaret (1251). It was underpinned by the Treaty of York (1237), whereby Alexander II accepted for good that the Tweed–Solway line was a fixed international frontier in return for a Cumberland lordship based on Penrith, some twelve miles from Tynedale's bounds. Yet no analysis of political society in the thirteenth-century English Borders should underestimate how far the Scottish monarchy upheld its traditional role as an arbiter of power and loyalty within the region, least of all its continued ability to structure a world whose concepts of dominion and allegiance were often at odds with the assumptions and theoretical claims of English royal governance.<sup>3</sup> It was within this broader context that the liberty and its 'community' developed; and much of this chapter focuses on how, and how effectively, the king of Scots asserted his authority as lord of Tynedale and, above all, on the significance this liberty then had for people's practices, values and identities.

At its greatest extent, the liberty comprised about 480 square miles – approximately half the size of Durham 'between Tyne and Tees', and one-quarter of the area of the modern county of Northumberland. Its northern boundary marked out the Border between Scotch Knowe and Carter Fell; its interior had a maximum breadth of nineteen miles, between Black Hill and Shawbush (in Bellingham), and a maximum length of forty-three miles, between Carter Fell and Cross Fell. Much of the boundary circuit preserved the outlines of ancient power-structures embracing the North and South Tyne valleys. The old territorial pattern had, however, lost some of its cohesion when in 1157 or 1158 Henry II created the barony of

<sup>3</sup> See my 'Identities in thirteenth-century England: frontier society in the far North', in C. Bjørn, A. Grant and K. J. Stringer (eds), *Social and Political Identities in Western History* (Copenhagen, 1994), pp. 28–66; 'Nobility and identity in medieval Britain and Ireland: the de Vescy family, c. 1120–1314', in B. Smith (ed.), *Britain and Ireland, 900–1300* (Cambridge, 1999), pp. 199–239; 'Kingship, conflict and state-making in the reign of Alexander II: the war of 1215–17 and its context', in R. D. Oram (ed.), *The Reign of Alexander II, 1214–49* (Leiden, 2005), pp. 99–156.

TYNEDALE: POWER, SOCIETY AND IDENTITIES



**Map 5** The Liberty of Tynedale

Langley, which drove two salients into Tynedale's middle reaches where otherwise it would have controlled the strategic Tyne Gap corridor all the way from the outskirts of Hexham to Denton Fell.<sup>4</sup> Travel within the liberty was not easy. The terrain often rises to well above 600 feet, and in Tynedale's northern and southern extremities peaks of over 1,500 feet are the norm. The other obvious obstacle to communication, especially on the north-south axis, was the South Tyne. There were no good bridges across it inside the liberty, and in wet weather the fords could be used only 'with great fear and risk'.<sup>5</sup> As was appropriate for a countryside where cattle and sheep as a rule presided, settlement patterns were dispersed, notably in the zone later called 'the Highlands' beyond Wark, Bellingham and Greenhaugh.<sup>6</sup> This was part of the vast parish of Simonburn; conversely the area south of Hadrian's Wall contained five parish churches – Alston, Haltwhistle, Kirkhaugh, Knarsdale and Whitfield – and it was there that the liberty's socio-economic centre of gravity in essence lay. Thus Tynedale was not a landscape that readily lent itself to regular interaction throughout its length, governmentally or otherwise. In the 1604 survey of the liberty, it was said to be divided into North Tynedale and South Tynedale, partly on the line of the Wall.<sup>7</sup> Earlier sources allude to a division of the same sort; and in the fourteenth century such a division had a pronounced geopolitical and social reality. Nevertheless thirteenth-century records assume the existence of a single territorial unit, with its own distinct identity and unitary structures of local governance and social organisation. Nor in fact were such assumptions seriously wide of the mark.<sup>8</sup>

Despite the inroads made in the 1150s, Tynedale had the intrinsic advantage of being an integral block of landed power, whose compact-

<sup>4</sup> On Langley's topography, see *CIPM*, xii, pp. 17–18, 208–9, 360–2; L. C. Coombes, 'The survey of Langley barony, 1608', *AA*, 4th ser., 43 (1965), pp. 261–73; and, for its control of the Newcastle–Carlisle road, *The Register and Records of Holm Cultram*, ed. F. Grainger and W. G. Collingwood (CWAAS, Record Series, 1929), no. 100a. Tynedale was in Henry II's hands from summer 1157 to about Michaelmas 1158.

<sup>5</sup> *Chronique de Jean le Bel*, ed. J. Viard and E. Déprez (Paris, 1904–5), i, p. 62. There was a bridge near Ridley; but the main one was outside Tynedale at Haydon: Hartshorne, p. xlvi; Lucy Cart., no. 175. Drownings, mostly in 'the Tyne', account for about two-fifths of some sixty-five accidental deaths recorded in the eyre rolls.

<sup>6</sup> *NCH*, xv, p. 266; *NCS*, ZSW/11/2.

<sup>7</sup> *Survey of the Debateable and Border Lands*, etc., ed. R. P. Sanderson (Alnwick, 1891), p. 49.

<sup>8</sup> The use simply of 'Tynedale' as the territorial name of the whole liberty is recorded from the 1150s. But it could be called 'North Tynedale' or 'West Tynedale' to distinguish it from Langley – sometimes known as 'the barony of Tynedale' – and from Tynedale ward, an administrative subdivision of the county of Northumberland. In this and the next chapter, 'north Tynedale' and 'south Tynedale' are normally used as terms of convenience and, broadly speaking, adopt the Wall as the dividing-line.

ness contrasted sharply with the scrambled configuration of ordinary Northumbrian baronies. It also dwarfed Liddesdale to the north, Redesdale and Hexhamshire to the east, and Bewcastledale and Gilsland to the west. Indeed, no other 'provincial lordship' in the Marches proper, not even Annandale, occupied more of the countryside.<sup>9</sup> By these yardsticks, the lord of Tynedale was in an exceptionally strong position to master space and people. Moreover, he was not just any Border magnate but the ruler of another kingdom, whose monarchical aura, power and patronage represented a further vital reinforcement of the conventional content of lordly domination and control. It was a circumstance unique in the history of the greater English liberties, and one that arguably moulded thirteenth-century Tynedale's character more than did any other. Nor must we underestimate the influence of the past. For though, during Henry I's reign (1100–35), the silver mines of Alston had been annexed to the bailiwick of Carlisle, it was probably not until 1157 that all Tynedale first came under the sovereign authority of the English crown; and the historic political and cultural context therefore points to an age-old preference for Scottish rule.<sup>10</sup> These indeed were weighty factors with a real potential in themselves to forge close relations between lordship, territory and 'community'.

As a power-system the liberty was thus more than merely the sum of its 'franchises', and this is a theme to which we will often return. But its administrative and judicial privileges assuredly made the lord/king's local authority more exacting, effective and monopolistic and, by the same token, more likely to shape the lives and loyalties of those within its ambit. To say that 'the kings of Scotland had practically the same rights in the liberty as they had in their kingdom' rather understates the case.<sup>11</sup> By Scottish standards, the prerogatives at their command were greater than those they were often able to claim and enforce in the outer reaches of the realm. Tynedale was, in English terms, a 'royal liberty'; it thus enjoyed privileges virtually as exclusive as those of Durham, and a similar standing as a jurisdiction outside the normal sphere of crown control. Though explicit 'palatine' claims would not be articulated for Tynedale until the 1330s,<sup>12</sup> the 1279–81 eyre roll – it is the 'rex' roll made for Alexander III – represented the liberty as a mature self-governing entity. The nodal focus of local administration and justice was its head court, called the shire court (*comitatus*); its ordinary

<sup>9</sup> Tynedale was important enough to feature on Matthew Paris's maps of Britain (c. 1250), where the only other districts shown on or near the Border are Galloway, Tweeddale, Northumberland and Weardale.

<sup>10</sup> Cf. G. W. S. Barrow, *The Kingdom of the Scots*, 2nd edn (Edinburgh, 2003), pp. 136–8.

<sup>11</sup> Moore, *Lands of the Scottish Kings*, p. 59.

<sup>12</sup> Below, Chapter 7, p. 312.

business was conducted by the chief officer in Tynedale, referred to as the sheriff (*vicecomes*); and it was taken for granted that, as an eyre court before the lord/king's justices, it had the jurisdiction and functions of a full royal court in all matters concerning the liberty. The roll's specific references to *comitatus* and *vicecomes* have no parallels in other Tynedale documents: the terminology is *curia* (court) and *ballivus* or, rarely, *senescallus* (bailiff/steward). But Alexander III's clerk was far from embroidering the liberty's institutional status and organising power. In 1293 a Northumberland county jury confirmed that the king of Scots used to have his own coroners in Tynedale; that he held gaol deliveries at his pleasure; and that he heard all crown and civil pleas by his own justices and by his own writs.<sup>13</sup> Other observers put matters more succinctly: they spoke of his 'regal rights' (*libertates regales*); they might stress his entitlement to 'all rights pertaining to the [English] crown and to the dignity of the king'; they declared that 'his writ runs there', and thereby assumed that the liberty excluded the king of England's writs and his officers.<sup>14</sup>

Admittedly the evidence for the broader rights of local superiority appropriate to the owner of a 'royal liberty' is sometimes non-existent or ambiguous, especially as regards 'repledging', pardons, forfeits of war, fortifications, markets and boroughs.<sup>15</sup> Yet if in some respects Tynedale cannot be shown to have been as privileged as Durham, it can confidently be said that, at least by Alexander III's day, the liberty conferred on the lord/king a copious portfolio of power and patronage, including rights to administer forests, levy tolls, enforce knighthood, grant land and judicial privileges at will, and confer exemptions from juries and office. Again, he could control alienations by his tenants, take primer seisin, and seize mesne tenancies into wardship whether they were held by knight service or not; he likewise enjoyed such a supremacy that he could not be sued in the liberty court. As will also become clear, it was correctly assumed that there was no major rival focus of governance and obedience within the liberty, and that the peace enforced there was the lord/king's own peace, not the English king's peace. In theory, and often in actuality, this was a form of self-rule to be reckoned with; it was a no less potent source of political authority and control.

Moreover, no English liberty-owner was more assertive and influential

<sup>13</sup> *PQW*, p. 604; *NER*, no. 641a.

<sup>14</sup> *JUST* 1/651, m. 19; *PQW*, p. 197; *RH*, ii, p. 21; *NAR*, p. 358.

<sup>15</sup> For example, Tynedale's boroughs at Haltwhistle and Newbrough depended initially on grants of markets by the English crown (below, p. 276); but their development is not fully documented. For a market at Bellingham by prescription or the Scots king's grant, see *JUST* 1/657, m. 9.

than the Scots king in protecting the institutional identity and integrity of his liberty. In 1272 Alexander III bluntly instructed his father-in-law Henry III that Tynedale's eastern march formed a jurisdictional fault-line between 'our liberty' and 'the county of Northumberland';<sup>16</sup> he later refused to prejudice his authority by obeying Edward I's commands to enforce orders of excommunication within the liberty, and simultaneously curbed the ecclesiastical jurisdiction exercised there by the bishops of Durham.<sup>17</sup> Yet more notable was Alexander's insistence on Tynedale's immunity from English royal taxation. He objected when the liberty was asked to contribute to the fifteenth of 1275, even though he was offered the privilege of levying it himself. He berated Edward I's taxers for their 'molestation and calumny' in attempting to assess Tynedale for the thirtieth of 1283, and instructed 'his well-beloved brother' that the liberty 'ought to be free from all such taxation'.<sup>18</sup> Nor, as will be seen, was there anything tentative about Alexander's assertion of his dominance over the miners of Alston Moor, the one body to claim exemption from, and actively to contest, his superiority as lord of Tynedale.

Besides these considerations, the few cases of direct involvement by the English crown in Tynedale's internal affairs before 1286 scarcely amounted to systematic surveillance and had only a limited impact. There was, at times, the possibility of pre-emptive action for military-political reasons. In fact, Alexander II's exercise of the right to licence castle-building twice alarmed the English authorities, and provoked protests that he was exceeding his powers 'contrary to his predecessors' charters' and 'to the king of England's prejudice'. Thus the sheriff of Northumberland asked Henry III for instructions in 1237 because (he claimed) Alexander had illegally authorised the fortification of a house of exceptional strength at Dally, which would be garrisoned with men 'who wish evil to the kingdom of England and especially to Northumberland'. On the second occasion, in 1244, Henry III's fears of Scottish aggression were such that he ordered the sheriff to take into his custody the castle or hall newly erected at Tarsset.<sup>19</sup> It is not known, however, if the sheriff was able to execute this writ. The outcome in 1237 is also unclear; and, more importantly, the normal pattern of close relations between the two royal houses kept the need for interventions of this kind to a minimum.

<sup>16</sup> *Royal Letters*, ii, no. 681.

<sup>17</sup> *CDS*, ii, no. 290. The principle upheld here – that the lord/king's tenants in Tynedale should not be excommunicated without his licence – was, of course, a 'regal right'.

<sup>18</sup> *CDS*, ii, nos. 62, 241; *SC* 1/20/163.

<sup>19</sup> *CDS*, v, no. 12; *CR* 1242–7, p. 221; with Matthew Paris, *Chronica Majora*, ed. H. R. Luard (RS, 1872–83), iv, p. 380.

Then there is the well-documented case of Alston, which merits discussion at some length. Matters came to a head when in 1278–9, after decades of largely ignoring the miners' complaints about attacks on their customs and rights, the English government mounted the only sustained challenge to the Scots king's local jurisdiction and authority.<sup>20</sup> The miners saw themselves as a privileged community under the English crown's direct lordship. They laid claim to special eyre sessions held by its justices, and to their own coroner; they likewise insisted that the mine had by right always been part of the county of Cumberland. Now they also maintained that the whole manor, moor and waste of Alston lay within the mine's bounds – a key demand in terms of their need for wood and pasture, but one at odds with their acknowledgement in 1245 that the manor had been given to the Scottish crown with the 'barony' of Tynedale, reserving to the English king only the mine and its privileges.

Arrayed against them were Alexander III's all-inclusive claims of higher jurisdiction and the manorial rights asserted by Alston's mesne lords, the Viponts. But during the northern-circuit eyres led by John Vaux in 1278–9, a series of victories were won for the miners and the English crown. At Carlisle in November 1278, it was found that the mine, moor and waste had been withdrawn from the king of England's authority, and the sheriff of Cumberland was empowered to sequester them (including the Vipont lands). At Alston itself, jurors from Cumberland and Westmorland testified that the lawful boundaries between Cumberland and Tynedale followed the Gilderdale and Ayle burns, and that Alston – that is, the entire modern parish of Alston with Garrigill – therefore lay wholly within the county and outside the liberty. In April 1279 Edward I intervened in response to a petition from 'our miners of our manor of Alston in Cumberland', which complained that for the past forty years they had been subject to the liberty without Henry III's licence, and to the disinheritance of the English crown and its lieges. In letters to Vaux and his fellow justices, Edward I deplored the 'great injury and many wrongs' done to the royal dignity, and called up the record of the case for review in King's Bench. In May 1279, in the eyre court at Appleby, Robert Vipont did surrender his claim to the mine, though not to

<sup>20</sup> F. W. Ragg, 'Mauld's Meaburn, the Alston mines, and a branch of the Veteriponts', *TCWAAS*, new ser., 11 (1911), pp. 260ff., is the indispensable starting-point, though not free from error. The main record sources are JUST 1/132, mm. 27, 34; 1/143/1, with translated extracts in *CDS*, ii, nos. 146–7; Ragg, 'Mauld's Meaburn', pp. 266–9. See also *CRR*, xviii, no. 1721E; *NAR*, p. 266; *PQW*, pp. 117, 129–30, 197. The wrangles over Alston apparently did not centre on ownership of mineral rights. The once rich silver-bearing veins around Garrigill and Nenthead were largely spent, though lead production remained important, if not consistently so: cf. H. Summerson, *Medieval Carlisle* (CWAAS, Extra Series, 1993), i, p. 68.

the manor. When the justices sat in Yorkshire, a *quo warranto* action about it was brought against Vipont by Edward I's prosecutor, Alan Walkingham, who dismissed Vipont's charters as insufficient title for the exercise of any authority in Alston. Walkingham also sued Alexander III to answer by what warrant he claimed regal jurisdiction over the manor, which is 'of the ancient demesne of the crown of the lord king within his county of Cumberland'. It was pleaded that Alexander had usurped 'all the crown's rights in the manor', and the counterplea of long user cited by Alexander's attorney was rejected as inadmissible. In June 1279 Alexander persuaded Edward I to issue writs restoring to him 'his liberty of Alston' and to Robert Vipont 'his lands of Alston'; but Edward reserved the right to renew suit.<sup>21</sup> The whole matter was then taken *coram rege*, and in 1281 or 1282 Edward recovered by judgement 'the manor of Alston as of our county of Cumberland'.<sup>22</sup>

Several conclusions can be drawn from this affair. At first sight it seems that the English monarchy had inflicted a major defeat on Alexander III and the Viponts. Indeed, Robert Vipont acknowledged as much when he renounced his homage for Alston in deference to Alexander's right, as a 'lord royal', not to be vouched to warranty or otherwise subject to the liberty court's jurisdiction.<sup>23</sup> Yet, taken in the round, the English crown's mastery was more apparent than real. After all, according to some of the legal arguments in 1278–9, the original encroachments on English royal prerogative went back as far as King John's reign (1199–1216). And when Edward I and his ministers stirred themselves to intervene seventy years or so later, they expressed their authority reactively, inquiring into Tynedale's governmental rights only as a consequence of serious local tensions – a reminder in itself that there were no routine mechanisms for interaction between the English royal administration and the liberty. What is more, those tensions had arisen as much from disputed ownership of the Alston fells as from (on the miners' side) concern to uphold the English king's authority. Yet again, after final judgement had been given – and when Edward I was in the throes of his second Welsh campaign in July 1282 – Scottish pressure secured a regrant of Alston manor to the Viponts, to be held in fee of the kings of Scots as part of the liberty of Tynedale. Political considerations did not oblige Edward to retreat from the principle that the mine itself was under his immediate jurisdiction.<sup>24</sup> But, in the event, Alexander III's officers

<sup>21</sup> C 54/96, m. 6, calendared, without reference to the *salvo jure regis* provisions, in *CCR* 1272–9, p. 532; *CDS*, ii, no. 160.

<sup>22</sup> For the judgement, which cannot be found on King's Bench rolls, see *CPR* 1281–92, p. 29.

<sup>23</sup> *The Acts of the Parliaments of Scotland*, ed. T. Thomson and C. Innes (Edinburgh, 1814–75), i, p. 116.

<sup>24</sup> *CPR* 1281–92, p. 29, noting the reservation of the mine.



and the Viponts continued to assert their authority in Alston Moor at the miners' expense.<sup>25</sup> All told, what this rare intrusion into Tynedale's affairs seems to confirm is that, as a normal course, a monopoly of local power and governance lay firmly in the liberty-owner's hands.

This is a view of power-relations that cuts across the traditional model of a centralised thirteenth-century English 'state'. But it still falls short of fully registering the essentials of the liberty's distinctiveness as a power-structure, which brings us to a closer examination of its relationship with the king and kingdom of Scotland. We must, however, be careful. It is one thing to maintain that Tynedale was in key respects no ordinary 'royal liberty'; quite another to suppose that (save in 1215–17) the Scots king ever sought to annex it from England. In effect he accepted that he exercised jurisdiction under the English crown; he likewise acknowledged that the liberty was subject to English common law and statute law. Such matters are exemplified by the Tynedale eyres, which could be held only on the holding of Northumberland eyres. Jurisdiction in eyre had also to be obtained by sending the bailiff outside the liberty to sue for the articles of the eyre from the English king's justices; only then were the liberty's own justices commissioned, and they had to proceed according to the articles and 'the law and customs of the realm'.<sup>26</sup> Against this backcloth, Robert Bruce the Competitor was simply stating a truism when he declared in 1292 that Tynedale was 'not of the regality of Scotland'.<sup>27</sup>

Nevertheless Tynedale provides a rich means of understanding the actual realities of lordship over and within a thirteenth-century Border liberty; and in some aspects the inferences to be drawn are more telling than those concerning Durham. Perhaps nowhere is this better seen than as regards the English crown's 'feudal' rights. Unlike the 'prince-bishop', the Scots king managed to restrict his obligations to homage, without any requirement of knight service or fiscal dues such as scutages.<sup>28</sup> Nor did the liberty come into English royal custody during Alexander III's minority (1249–58). Furthermore, whereas the bishop was effectively the English king's appointee, and the bishopric a renewable source of crown patronage, Tynedale under the Scots kings lay entirely beyond such lines of authority and displays of power. For various reasons, Alexander III was even allowed

<sup>25</sup> See below, p. 279, where matters are discussed more particularly from the Viponts' perspective.

<sup>26</sup> *NAR*, pp. 358–9; *PQW*, pp. 604–5; *NER*, nos. 287, 641a; *CCW 1244–1326*, p. 34.

<sup>27</sup> *Edward I and the Throne of Scotland, 1290–1296*, ed. E. L. G. Stones and G. G. Simpson (Oxford, 1978), ii, p. 233.

<sup>28</sup> *CIPM*, iii, no. 83. Before 1214 the sheriff of Northumberland had tried to exact cornage from Tynedale, though with scant success; and from 1214 its exemption from cornage was automatically acknowledged: *Pipe Roll 16 John*, p. 64, and thereafter in the Pipe Rolls.

to hold the liberty outside the homage of the English crown for the first six years of Edward I's reign (1272–8).<sup>29</sup>

The Scottish monarchs also brought their own royal influence and control to bear on the liberty and its society in multiple and powerful ways. While they had much more pressing commitments elsewhere, their interest in Tynedale was far from negligible. Even Alexander II, when he considered using Tynedale as a dowry for his sister Marjorie in 1230, took it as read that the liberty should not be wholly alienated.<sup>30</sup> It adjoined Scotland's heartlands, and major royal centres such as Berwick, Jedburgh and Roxburgh regularly brought the Scots kings within close reach.<sup>31</sup> They were therefore 'active absentees', and easily overcame the practical limitations that undermined the regional ambitions and rule of their remote English counterparts. Certainly the liberty was at least as vigorous a unit of government and justice as any Scottish sheriffdom. And nor was it less so than Durham. Part of the explanation for this is simply the liberty's relative lack of internal jurisdictional complexity. For, by contrast with Durham, it was not divided into separate shires and wards, and a single central court, held in the lord/king's demesne manor of Wark, gave cohesion to local society by providing it with a common institutional focus.<sup>32</sup> Likewise the liberty's boroughs, Haltwhistle and Newbrough, came more or less fully within the court's jurisdiction, though they were represented by their own juries at the eyres.<sup>33</sup> Yet Scottish royal supervision left its mark in more direct senses on the liberty's unifying power and processes. Its court sat every three weeks for 'county' pleas and other business; the periodic royal justice of the eyre – as in 1257, 1269 and 1279–81 – was supplemented by regular gaol deliveries and (it seems) assizes.<sup>34</sup> Above all, while the precise scope and types of writs and remedies

<sup>29</sup> A. A. M. Duncan, *The Kingship of the Scots, 842–1292* (Edinburgh, 2002), pp. 159–62.

<sup>30</sup> Alexander II's charter for Marjorie (*CChR*, i, p. 127) reserved the advowson of Simonburn and the homage and service of major tenants in the liberty. Moreover, it stipulated that if she married outside Scotland, Tynedale should revert – as it did on her marriage to Gilbert, earl of Pembroke, in 1235.

<sup>31</sup> For William I's visits to Tynedale, see *Regesta Regum Scottorum*, ii: *The Acts of William I, King of Scots, 1165–1214*, ed. G. W. S. Barrow (Edinburgh, 1971), pp. 103, 105, 177. An example of other forms of personal contact is provided by Alexander II's court at Berwick in April 1248, which was apparently attended by nearly all his leading tenants in Tynedale: *Liber Sancte Marie de Melros* (Bannatyne Club, 1837), i, no. 237.

<sup>32</sup> An eyre session was, however, held in Nunwick in 1257: *DCM*, Misc. Ch. 5254; *NCS*, *ZSW*/1/12; *HN*, II, iii, pp. 59–60; III, i, pp. 10–12.

<sup>33</sup> Hartshorne, p. xxxix; *JUST* 1/657, m. 7.

<sup>34</sup> *C* 133/60/10; *CFR*, ii, p. 245; *NCH*, xv, p. 244; *The Exchequer Rolls of Scotland*, ed. J. Stuart et al. (Edinburgh, 1878–1908), i, p. 23; Hartshorne, pp. xlv, xlvii–viii, liv–v. Only a few stray records concerning the 1257 and 1269 eyres survive: above, n. 32; below, p. 243, n. 39; *NCS*, *ZSW*/1/20; *HN*, III, ii, p. 22. For pointers regarding assizes, see *NDD*, pp. 111, 244; *C* 66/105, m. 8d.

available outside the eyres cannot be known, the liberty's legal system kept pace with, or at least was not significantly undermined by, the contemporary expansion of English royal justice.<sup>35</sup> The profits of law and governance accounted for 18 per cent of the Scottish crown's gross income from Tynedale in 1264–6; the issues from the 1279–81 eyre amounted to some £230. But it was not merely for financial reasons that Tynedale mattered to the Scots kings: their lesser, return-of-writs liberty of Penrith, whose ordinary annual yield of about £200 to £260 was roughly double that of Tynedale, scarcely received the same attention.<sup>36</sup> Rather, Tynedale gave them unrivalled opportunities to play a commanding political role in the English Borders. It was a role they normally played with aplomb; and, to provide another index of it, one in five of Alexander III's known written acts concerns the liberty.<sup>37</sup>

Furthermore, while Tynedale lacked Durham's dynamic mix of secular and ecclesiastical authority and culture, the distinctive identity of the liberty was reaffirmed by other and no less effective means. Its separate institutional status was accentuated (from an English standpoint) by its integration into Scotland's governance structures and routines. Scottish royal servants were thus nominated to hear pleas in Tynedale and to scrutinise its management – most impressively in 1279–81, when the chief eyre justice was Thomas Randolph, sheriff of Berwick, and his juniors included Simon Fraser, sheriff of Peebles, and Hugh Pearsby, sheriff of Roxburgh. The 1257 eyre was conducted by Richard Bickerton and John Eslington: the former, of Bickerton near Livingston, belonged to the Lothian gentry; the latter, though a Northumbrian tenant-in-chief of the English crown, was connected with Earl Patrick of Dunbar who, as head of Alexander III's 1255–7 minority council, controlled all appointments of the king's ministers.<sup>38</sup> Moreover, the liberty's chancery, treasury and exchequer were one and the same as

<sup>35</sup> See below, especially pp. 279–81.

<sup>36</sup> *Exch. Rolls*, i, p. 23; Hartshorne, pp. lxi–viii. In 1293 Tynedale and Penrith were valued respectively at £108 and £200: *CDS*, ii, nos. 664–5. The accounts returned for both liberties by Edward I's keeper in 1286–90 broadly confirm the Tynedale estimate; but the income from Penrith was more in line with a valuation of some £267 made in 1292: *Documents and Records Illustrating the History of Scotland*, ed. F. Palgrave (London, 1837), pp. 3ff.; Stevenson, *Docs*, i, nos. 1, 16, 21, 40, 119, 299.

<sup>37</sup> To the Tynedale-related items noted for Alexander III in G. G. Simpson, *Handlist of the Acts of Alexander III, the Guardians, John, 1249–1296* (Edinburgh, 1960), must be added the following 'lost acts': three writs to the bailiffs of Tynedale (Hartshorne, pp. xii, lvi; *PROME*, ii, p. 513); three charters concerning Bellingham and Haughton (*CIMisc.*, i, no. 2032; *JUST* 1/657, mm. 2, 4–4d); and thirty-two original writs explicitly referred to in the 1279–81 eyre roll. If the last are excluded, the proportion of Tynedale *acta* is one in nine.

<sup>38</sup> *DCM*, Misc. Ch. 5254; *NCS*, ZSW/1/12; *HN*, II, iii, p. 59; III, i, p. 10. Bickerton: *Registrum Monasterii S. Marie de Cambuskenneth* (Grampian Club, 1872), nos. 83–4; *Registrum S. Marie de Neubottle* (Bannatyne Club, 1849), no. 183. Eslington: *CDS*, i, no. 1712; Raine, *North Durham*, Appendix, no. 137; cf. *CPR* 1247–58, p. 497.

the Scottish royal chancery, treasury and exchequer. Thus litigants went to law armed with writs sued out under the chancellor of Scotland's authority, and it was only to such writs that people in Tynedale had to answer; the liberty's legal records were deposited in the Scottish treasury; and the bailiff accounted at the Scottish exchequer.<sup>39</sup> Finally the liberty court was linked by processes of appeal or reference to the king of Scotland and his council as the ultimate authority in practice, if not in theory.<sup>40</sup>

At least as significant was the Scots kings' ethos and style of rulership. They enjoyed within their kingdom a resonant reputation for good lordship/kingship – famously Alexander III was praised for ruling Scotland 'in love and law'<sup>41</sup> – and they did not alienate local society (as Bishop Bek was to in Durham) by governing the liberty according to different norms. Alexander III did punish those who infringed his rights, as was illustrated in 1279, soon after Prior Henry of Hexham had brought before English royal justices a suit of trespass in Priorsdale (in Alston with Garrigill) against the Viponts. The prior explained that since Alston had been in the English crown's hands at the time, he was obliged to plead in its courts; but that did not save him from a demand for damages of £1,000 for 'disinheritance of the king and violation of his liberty and regality of Tynedale'.<sup>42</sup> As long as the Scots kings' jurisdiction was respected, however, they took pains to keep local opinion on their side. It was a policy that met men's core needs and won their allegiance; by the same token, it validated and protected the lord/king's authority, and thereby reinforced the liberty's autonomy and freedoms. So it was that the English king's officers normally deferred to Tynedale's privileges; that a large body of people was removed from English royal jurisdiction; and that the liberty could be described, even in official English records, as 'beyond the king of England's power'.<sup>43</sup>

<sup>39</sup> In 1292 the treasury contained feet of fines from the 1279–81 eyre and an estreat of its issues bearing Alexander III's seal (*Acts Parl. Scot.*, i, pp. 114, 116); the plea roll itself, removed with many Scottish records to Westminster in 1296, mentions the 1257 eyre rolls, from which an extract under the king's seal was brought before the justices in Tynedale in 1279 (Hartshorne, p. xx); and the bailiff's accounts for 1264–6 survive among the extant fragments of Scottish exchequer records (*Exch. Rolls*, i, pp. 23, 25).

<sup>40</sup> Hartshorne, pp. xx, xxix, lxi. No case is known to have been removed from the liberty court to an English royal court by process of error or false judgement.

<sup>41</sup> A. Grant, 'Aspects of national consciousness in medieval Scotland', in C. Bjørn, A. Grant and K. J. Stringer (eds), *Nations, Nationalism and Patriotism in the European Past* (Copenhagen, 1994), pp. 79–80.

<sup>42</sup> Hartshorne, pp. xxix–xxx; cf. JUST 1/983, m. 3; CDS, ii, no. 133; NAR, pp. 277–9.

<sup>43</sup> CRR, xv, nos. 960, 1259; cf. NER, no. 447 ('within the king of Scotland's power'). For specific thirteenth-century examples where sheriffs recognised that they had no right of entry, see *Pipe Roll 10 John*, p. 60; *Northumb. Pleas*, no. 631; *Northumb. PDBR*, nos. 159, 257; NER, no. 424; Stevenson, *Docs*, i, no. 57.

Here then was a robust structure for the assertion of a single unifying authority; the liberty's governance rights and culture might likewise provide a powerful frame of reference for the consolidation of a distinct socio-political order and consciousness. That English law ran in Tynedale may have allowed for some sense of Englishness as it was generally understood in England.<sup>44</sup> Yet insofar as local society came under the direct lordship and control of another monarch, Tynedale was attached to the English 'state' more loosely than Durham or any other liberty in the kingdom. This leads to the point that not only were its privileges *libertates regales*, but the Scottish *dominus rex* routinely drew on his own regal language and symbology to tie himself to the liberty and its 'community'. Just as written communication with Tynedale was mediated through his chancery, so were potent governmental and political messages transmitted through its lexicon of authority. All acts began with the king's name and his style, *Dei gratia rex Scottorum*; charters were addressed to 'all the good men (*probi homines*) of his whole land'; and writs were directed to 'his bailiffs and sworn men (*fideles*) of Tynedale'. These were touchstones of both the king's and the liberty's regality – as well they might be, for the liberty's seal was naturally the Scottish royal seal.<sup>45</sup> We also see that Tynedale's tenants and inhabitants were regarded as the Scots king's subjects, no more and no less. It was as if the Scottish realm operated in the English realm, and drew the contours of authority and loyalty on its own terms.

It was likewise through such means that solidarities based on the liberty and its privileges could be underpinned by a specific 'kingship culture' to create a mental landscape that was more than a poor ideological relation of Durham's political culture – thanks partly, no doubt, to the identity-reinforcing sense of a distinct Scottish heritage and history. The phrase *fideles domini regis* is in fact a familiar jingle in Tynedale documents. The territory of the liberty was *terra regis Scotie*; the liberty court was *curia domini regis*, and it punished breaches of the *pax domini regis*.<sup>46</sup> Private deeds might employ Scottish regnal-year dating; one stipulated that Arbroath Abbey was to hold

<sup>44</sup> Two purported original acts of William I, in a hand of the 1250s, stipulated that property in Haughton was to be held as freely as other freemen held land 'within the kingdom of England': *Reg. Regum Scott.*, ii, nos. 143, 424.

<sup>45</sup> Alexander III's second great seal on NCS, ZSW/1/24, illustrated in *HN*, III, i, pp. 16–17, is now lost; but another Tynedale act, NCS, ZSW/1/16, carries a rare example of his seal of minority, on which see G. G. Simpson, 'Kingship in miniature: a seal of minority of Alexander III, 1249–1257', in A. Grant and K. J. Stringer (eds), *Medieval Scotland: Crown, Lordship and Community* (Edinburgh, 1993), pp. 131–9.

<sup>46</sup> Examples include Bodl., MS Dodsworth 45, f. 89; DCM, Misc. Ch. 5254; NCS, ZSW/1/12; *HN*, II, iii, p. 59; *Vetera Monumenta Hibernorum et Scotorum Historiam Illustrantia*, ed. A. Theiner (Rome, 1864), no. 213.

the church of Haltwhistle ‘as freely . . . as any alms are . . . held in the whole kingdom of Scotland’.<sup>47</sup> A deeper imprint on local mindsets is indicated by a view from Alston, attributed to the Viponts in 1278–9, that the kingdom of Scotland and the Scots stretched to the liberty’s southernmost corner.<sup>48</sup> Nor indeed was such a notion confined to Tynedale circles. In 1279 even a jury of Newcastle burgesses declared unequivocally that ‘Tynedale [is] outside the realm of England, in the realm of Scotland’.<sup>49</sup> Thus it was that people in Tynedale and in the county of Northumberland might see themselves as moving in two quite distinct orbits of power and obedience. Tynedale, in brief, was then so completely a land where lordship, liberty and loyalty were mutually reinforcing that it could be, and was, imagined as a local polity entirely removed from the English kingdom and the sovereignty of its king.

When we turn to Tynedale’s social architecture, we must not make the mistake of assuming that medieval forms of association and community were less complex than was actually the case. The following analysis has therefore to range widely if it is to clarify the liberty’s true significance as a framework for allegiance and identification. More particularly, many of the issues to be discussed in the context of administration and law will suggest that Tynedale’s ‘regal jurisdiction’ was itself highly relevant for the organisation of socio-political identities; but it is already clear that liberty-society interactions cannot be divorced from the policies and practices of lordship. They were essentially interdependent and, as such, both must be given their due.

Who then were the Scots king’s *fideles* of Tynedale? No single contemporary source supplies a directory of the liberty’s lay tenantry, but on Alexander II’s death in 1249 we might picture a three-tier social structure.<sup>50</sup> At the top stood five high-status families: Graham of Dalkeith (Midlothian) and Eskdale (Dumfriesshire); Lindsay of Barnweill (Ayrshire) and Byres (East Lothian); Ros of Helmsley (Yorkshire); Ros of Wark-on-Tweed (Northumberland); and – most notably – the senior line of Comyn, thirteenth-century Scotland’s greatest magnate house.<sup>51</sup> Their

<sup>47</sup> NCS, ZSW/1/17, 27, 32; *HN*, III, i, pp. 9–10, 15, 18; *Liber S. Thome de Aberbrothoc* (Bannatyne Club, 1848–56), i, no. 37.

<sup>48</sup> JUST 1/143/1: all Alston belonged ‘to the kingdom and fee of the king of Scots and not to the kingdom and fee of the king of England’. Relatedly a case where Alexander III’s charters were pleaded at the 1293 Tynedale eyre (JUST 1/657, m. 4d) suggests how local rights might be thought of as originating from his own royalty.

<sup>49</sup> *NAR*, p. 365; cf. JUST 1/645, m. 17d; 1/646, m. 20d.

<sup>50</sup> Still valuable, though incomplete, is the analysis of the tenurial landscape in Moore, *Lands of the Scottish Kings*, pp. 40–7, 129; cf. also *NCH*, xv, pp. 191ff.

<sup>51</sup> For the Comyns, especially their political activities, see A. Young, *Robert the Bruce’s Rivals: The Comyns, 1212–1314* (East Linton, 1997).

noble standing derived very largely from estates outside the liberty, but they nevertheless held extensive property within it. Much of upper north Tynedale, ruled from Tarsset, was the Comyns' preserve, though a tract of high moorlands, approximating to the modern parish of Greystead, was controlled by the Lindsays from their headquarters at Dally, the only other focus of lordship above Wark and Bellingham. The Comyns, clearly the liberty's biggest landowners, also had in Wall country the manors of Henshaw, Thornton and Walwick, later called 'the barony of Thornton'.<sup>52</sup> The Graham manor of Simonburn lay a little north of this cluster. Another concentration of manors – Haltwhistle, Bellister, Plenmeller and Coanwood – was held by the two Ros lines, which represented the main landed interest in south Tynedale. The 'second-tier' tenants belonged to the knightly or 'greater gentry' class: among others, Denton (with lands in Haughton), Lisle (Knarsdale), Pratt (Haughton, Knarsdale), Vaux (Softley), Vipont (Alston, Elrington, Kirkhaugh) and Whitfield (Whitfield). All had annual incomes in the range of £20 or more; some – Pratt, Vipont and Whitfield – had the means to sustain knighthood from their Tynedale estates alone. Then, towards the bottom of the hierarchy, came a large number of ordinary 'parish gentry' such as Bellingham, Grindon, Haughton, Nunwick, Ridley, Russell, Tecket, Thirlwall and Thorngraston.

In 1249 a sizeable number of families – perhaps thirty to forty all told – therefore had some kind of role in local political society. Most had been established in the liberty for at least two generations; some, including Comyn, Pratt, Vipont and Whitfield, had been part of its history for a century; others, the survivors of an old ministerial class of drengs, belonged to native Northumbrian families of ancient origin. Nor were there radical changes in personnel during Alexander III's reign (1249–86), though special mention must be made of two incomers from south-west Northumberland, who used the same surname but represented different families: John of (Little) Swinburne and William of (Great) Swinburne. We must not jump to the conclusion that a traditional, self-perpetuating society of this sort was automatically a cohesive society. But its stability mirrored the continuity of lordship provided by the Scots kings from reign to reign; and it is under such conditions that distinctive solidarities might flourish.

There was, however, another group connected with Tynedale in 1249, and its influence on the liberty as a 'community' was ambiguous at best. Tynedale had no monastic foundation of its own to focus local piety and identities. Accordingly monasteries from near and far had freely competed for the laity's support; and, generally speaking, their successes (largely

<sup>52</sup> *CIMisc.*, i, no. 1764.

achieved by about 1230) denote a world of pluralistic socio-religious alliances and attachments. The list of beneficiaries includes the cathedral priories of Carlisle and Durham, Arbroath Abbey, Blanchland Abbey, Hexham Priory, Jedburgh Abbey and Rievaulx Abbey.<sup>53</sup> Rarely did monastic wealth in Tynedale amount to much. Arbroath held the church of Haltwhistle, and the abbot of Jedburgh enjoyed manorial lord status in Ealingham and Lee Hall near Bellingham. Blanchland, though, received from the Grahams a modest annual rent of five shillings from the mill of Simonburn. Similarly the Comyns had conveyed to Rievaulx a small farm in Stonecroft near Newbrough; they also expressed their devotion to St Cuthbert by offering a stone of wax annually to light Durham Cathedral on his translation feast.<sup>54</sup> Endowments of this order serve to underscore that Tynedale was primarily a district of secular lordship and landholding; but there was one major exception to the norm.

Thus by 1249 Hexham Priory had achieved a notable position within the liberty. Its supporters in north Tynedale included the Grahams and Teckets; it had important assets beside the Wall thanks mainly to Comyn grants; its gains also extended to Whitfield and Whitley Common; and it owed to the Viponts a valuable stake in Alston, including the advowson and Priorsdale south of Flinty Fell.<sup>55</sup> This more localised pattern of pious donations is indicative of the liberty's importance to its society, so that even noble families might seek to root themselves into Tynedale by association with the nearest monastery at hand. It is also significant that, in the twelfth century, the Scottish royal house had aided the priory, whose promotion of St Andrew's cult had presumably encouraged such aid.<sup>56</sup> Yet on no account can Hexham be regarded as an ecclesiastical appendage of Tynedale. A network of ties thus linked parts of the liberty to a power-centre with its own distinct values, priorities and traditions, and whose social and religious favours had to be shared with a large cohort of benefactors in English Border society. Moreover, if the canons of Hexham felt any special

<sup>53</sup> Moore, *Lands of the Scottish Kings*, pp. 23–4, 44, 104, gives some useful details.

<sup>54</sup> NCH, xv, p. 194; *Cartularium Abbatiae de Rievallae*, ed. J. C. Atkinson (SS, 1889), nos. 305–6. The grant to Durham, by William Comyn, future earl of Buchan (d. 1233), was confirmed by John I Comyn, perhaps on the occasion of Alexander III's pilgrimage to Cuthbert's shrine in 1272: Raine, *North Durham*, Appendix, nos. 175–6; CDS, ii, no. 1. For twelfth-century evidence of the observance of Cuthbert's cult in Bellingham, see Reginald of Durham, *Libellus de Admirandis Beati Cuthberti Virtutibus*, ed. J. Raine (SS, 1835), pp. 243–7; and, for his translation feast as a rent-term in Tynedale deeds, Hartshorne, p. xxiv; NCS, ZSW/2/1; HN, III, ii, p. 27; PROME, ii, p. 542.

<sup>55</sup> CChR, i, p. 171; HN, II, iii, pp. 17–18; *Hexham Priory*, ii, pp. 27, 84–8, 113–14, 116–17, 120–1.

<sup>56</sup> *The Charters of King David I*, ed. G. W. S. Barrow (Woodbridge, 1999), nos. 236, 238; *Reg. Regum Scott.*, ii, nos. 79, 538.



attachment to the liberty, it was no doubt measured by the length of their rent-rolls. Indeed, the priory regularly requested English royal confirmations for its properties in Tynedale; it also had a history of impleading other Tynedale landowners before English royal justices.<sup>57</sup> Nor were these the only ways in which Hexham directly threatened the liberty's integrity, for its manorial court of Anick in Hexhamshire claimed suits from a number of Tynedale tenants, most notably the Whitfields for the lands they held of the priory in Whitfield.<sup>58</sup>

Lay-religious interactions thus had few, if any, real benefits for local cohesion; and it was of course in this respect that Tynedale and Durham contrasted most sharply. Given Tynedale's other attributes as a source of identification, the absence of a liberty-based spiritual power-house was perhaps not a major disadvantage. But it remains the case that the liberty could not define, fortify and defend itself by means of a coherent religious-cultural identity; on the contrary, the lack of correspondence between its structures and those of the monastic landscape could have negative implications for its social definition and governmental authority.

Much therefore turned on the nature of relationships and attitudes in the liberty's predominantly secular arena; and a crucial part of the setting is provided by the Scottish crown's use of Tynedale as a store of political patronage. As has been indicated, it expressed its lordship and power over the liberty in partnership with some of its greatest subjects. The Comyns had been one of its first beneficiaries in Tynedale in the twelfth century.<sup>59</sup> In 1183 William I granted Haltwhistle and neighbouring manors to his son-in-law Robert Bruce; and in 1191 the king allied himself with a leader of the Northumbrian baronage by giving Bruce's widow, with the Haltwhistle estates and the barony of Sanquhar in Nithsdale, to Robert I Ros of Wark-on-Tweed and Helmsley.<sup>60</sup> Other royal favourites, including William I's chamberlain Walter Barclay, appear as Tynedale landlords in the 1180s or thereabouts; while the Lindsays owed their entrance to a grant made around 1230 by Alexander II's sister Marjorie.<sup>61</sup> By the same date, the Grahams had been rewarded with Simonburn, and the Comyns had added Tarsset to their original patrimony based on Thornton. Mention might also

<sup>57</sup> *Northumb. Pleas*, nos. 575–9, predate the case prompting Alexander III's reprimand of 1279 (above, p. 243). Otherwise see *CChR*, i, p. 171; *Hexham Priory*, ii, pp. 108–21, *passim*.

<sup>58</sup> *Reg. Regum Scott.*, ii, nos. 100, 172; cf. *Hexham Priory*, ii, pp. 18, 19, 116–17.

<sup>59</sup> *Charters of King David*, no. 277.

<sup>60</sup> R. M. Blakely, *The Brus Family in England and Scotland, 1100–1295* (Woodbridge, 2005), pp. 40–1; Stringer, 'Kingship, conflict and state-making', p. 105.

<sup>61</sup> G. W. S. Barrow, *The Anglo-Norman Era in Scottish History* (Oxford, 1980), pp. 102, 174; *CChR*, i, p. 446.

be made of Richard Siward, lord of Tibbers (Dumfriesshire), who by 1279 had married into the Comyns and thereby gained Lewisburn (in Falstone), and of Robert Bruce, father of King Robert I, whose (unspecified) Tynedale estate was referred to in 1296.<sup>62</sup> Thus was the liberty's political identity deeply influenced by the policies and interests of Scottish kingship and court society.

Royal patronage in the political-cum-religious sphere tells a similar story. William I made an important statement when he used Haltwhistle church to link Tynedale to Arbroath Abbey on its foundation in 1178.<sup>63</sup> The rich living of Simonburn, the religious 'capital' of Tynedale insofar as it had one – the rectory was worth 400 marks in 1293 – remained in the crown's gift, and Alexander II's nominee in 1229 was his chancellor Master Matthew Scott. Scott's successor by 1231 was the king's clerk Master Abel Gullane (d. 1254), who became bishop of St Andrews in the year of his death.<sup>64</sup> True, men of this stamp were not the only ones to win benefices in Tynedale. The English curialist and arch-pluralist Bogo Clare held Simonburn by 1261, and he retained it until he died in 1294.<sup>65</sup> Walter Merton, chancellor of England (1261–3, 1272–4) and bishop of Rochester (1274–7), was the incumbent at Haltwhistle by 1262.<sup>66</sup> But all these appointees, Clare and Merton included, were foisted on Tynedale to serve Scottish concerns; they supplied a further reminder, if one were needed, that the liberty was firmly within the orbit of Scottish royal policy, patronage and power.<sup>67</sup>

Yet the main point is that thirteenth-century Tynedale's lay elite comprised men who were in essence the Scots king's friends and could normally be relied on to represent and promote his interests. They might well hold major office in Scotland as justiciars of *Scotia*, Lothian or Galloway; one, William Comyn, was earl of Buchan (1212–33). During Alexander III's minority, John I Comyn (d. c. 1277) and Robert II Ros sat on the Comyn-dominated regency council of 1251–5; David Lindsay was a member of the rival council that supplanted it and acted as the young king's chamberlain.

<sup>62</sup> Hartshorne, p. lix; *HN*, II, ii, p. 250; *Rot. Scot.*, i, p. 30.

<sup>63</sup> Haltwhistle had been fully appropriated to Arbroath by 1283 at the latest: *CIMisc.*, ii, no. 1038.

<sup>64</sup> D. E. R. Watt, *A Biographical Dictionary of Scottish Graduates to AD 1410* (Oxford, 1977), pp. 225–7, 489–90, with *JUST* 1/657, m. 9d; *NCH*, xv, pp. 175–6, 186.

<sup>65</sup> A. B. Emden, *A Biographical Register of the University of Oxford to AD 1500* (Oxford, 1957–9), i, p. 423; *JUST* 1/657, mm. 1, 9d.

<sup>66</sup> *CR* 1261–4, p. 50. Merton's predecessor at Haltwhistle in 1254, Ralph Boyce, occurs as parson of Woolmet (Midlothian) by 1240: *HN*, II, iii, p. 424; Watt, *Dictionary*, p. 57.

<sup>67</sup> Clare was presumably presented to Simonburn in 1255, when his father Earl Richard of Gloucester was sent to Scotland by Henry III to assist in reforming Alexander III's minority council. Merton's acquisition of Haltwhistle (1254 × 1262) is also best explained by the needs of Scottish diplomacy during Alexander's minority.

Admittedly the Ros lords served the English crown as far afield as Brittany and Aquitaine. Since their main English lands were more valuable than their holdings in Tynedale and Scotland, so much was only to be expected. An analogous example, drawn from the gentry, is provided by Ivo Vipont of Alston (d. 1239): his estates extended to Galloway and Lauderdale, and he attended William I's court; but he rode on the coat-tails of his brother Robert Vipont, lord of Appleby, into King John's personal service.<sup>68</sup> In 1262, when John Comyn's political star temporarily waned in Scotland, he took a similar route, and was received into Henry III's military household. Yet Comyn soon regained his position in the front rank of Scottish courtiers; nor, despite Henry's undertakings, did he ever benefit significantly from English royal favour.<sup>69</sup> Vipont, for all his attachment to King John, had taken the Scottish side in 1215–17; the same applies to Robert I Ros, who as a baron of Magna Carta naturally allied himself with his brother-in-law Alexander II.<sup>70</sup> Robert II Ros was reared in Alexander's court; he retained close connections with it; and shortly after his death in about 1274 two of his progeny were born in Scotland.<sup>71</sup>

Against this backdrop, Tynedale has the appearance of a colonial projection of the kingdom and community of Scotland; and that indeed was how it must have looked to many contemporaries. The density of cross-Border landholding and Scottish allegiances thus served to emphasise the liberty's segregation from adjoining English territory, socially, culturally and politically; it was no less likely to benefit Tynedale's institutional status as a discrete local jurisdiction. But the integration of frontierlands into a medieval ruler's patronage system also risked fracturing the cohesion of local society by jeopardising its own needs and opportunities. Tynedale, however, followed a different story-line, and many were the ways in which the relationship between lordship and 'community' reinforced the liberty as a focus of loyalty and identity.

How far the Scots king's barons, in person or by proxy, assumed local leadership roles naturally varied from family to family and from lord to

<sup>68</sup> Stringer, 'Kingship, conflict and state-making', p. 106.

<sup>69</sup> Young, *Comyns*, pp. 81, 138. The annual fee John took from Henry III in 1262 was apparently last paid in 1266: *Calendar of the Liberate Rolls* (London, 1916–), v, pp. 90, 198, 275. Henry did not fulfil his promise in 1266 of escheats worth £300 north of the Trent; and while in 1271 he awarded to John £200 from the issues of the next Cumberland eyre, the Comyns did not receive any payment until 1296: *CPR 1258–66*, p. 551; *1266–72*, p. 535; E 159/70, m. 81.

<sup>70</sup> Stringer, 'Kingship, conflict and state-making', *passim*.

<sup>71</sup> *CIPM*, v, no. 396. Robert II, who became lord of Wark-on-Tweed, Sanquhar, Bellister and Plennmeller in 1226–7, regularly witnessed Alexander II's charters at earlier dates; he also attested the king's acts from 1229, occasionally with other Tynedale landowners.

lord. Yet many maintained their chief residences in Scotland south of the Forth, and most had Scottish homes in or near the Borders. For example, the castles controlled by the Comyns at Dalswinton in Nithsdale and, more especially, at Bedrule in Teviotdale (twenty-three miles from Tarsset) brought Tynedale easily within their range. It has also to be noted that the death of Earl William Comyn in 1233 removed the 'Tynedale' Comyns from northern Scotland's power-structure, and that they did not return to it until John I Comyn inherited the Highland lordships of Badenoch and Lochaber in 1258. Moreover, the family anchored itself locally by building a substantial hall-house at Tarsset; likewise the Lindsays raised a stone mansion at Dally.<sup>72</sup> With the possible exception of Bellister, there were apparently no new works by Graham and Ros on their manors in the liberty, whose 'seats' – like the castle at Wark itself – seem not to have progressed beyond earth-and-timber structures.<sup>73</sup> But by 1279 Henry Graham, a younger son, was the immediate lord of Simonburn; and though he had Dumfriesshire interests, it was from Tynedale that he would have secured a large proportion of his income.<sup>74</sup> The Ros family, which in 1226–7 divided into separate Northumbrian and Yorkshire branches, had mixed relations with the liberty. In about 1274 the manors of Bellister and Plenmeller were sufficiently dispensable to be allocated by the Wark-on-Tweed line to a youthful dowager (she lived until 1307).<sup>75</sup> On the other hand, by 1260 Haltwhistle and Coanwood had been assigned to the Yorkshire knight Alexander Ros of Youlton, and his ties with Tynedale were strong enough for his sister Alice to become John I Comyn's second wife.<sup>76</sup>

Such families, therefore, were not devoid of some sense of 'Tynedale identity'; they might indeed have a real commitment to the district and its affairs as a liberty and a society. Much the same can be said of some of the beneficed clergy mentioned earlier. Whereas the 'Lanercost' chronicler

<sup>72</sup> *NCH*, xv, pp. 246–7; A. Emery, *Greater Medieval Houses of England and Wales, 1300–1500* (Cambridge, 1996–2006), i, pp. 74–5.

<sup>73</sup> D. J. C. King, *Castellarium Anglicanum* (London, 1983), ii, pp. 327, 334, list a motte at Bellister and a likely ringwork at Haltwhistle; Emery, *Greater Medieval Houses*, i, p. 48, notes a possible thirteenth-century stone hall at Bellister. The Graham residence at Simonburn, referred to in 1293 (*NCH*, xv, p. 191), cannot be seen today. Wark's substantial motte now supports a housing estate; for lodgings in Wark used by Alexander III's knight Guy Balliol, see *Exch. Rolls*, i, p. 23.

<sup>74</sup> *NCH*, xv, p. 194; *CDS*, ii, p. 203. The focus of the English interests of Henry's older brother Nicholas, Alexander III's tenant-in-chief for Simonburn, had shifted to north Northumberland, where he was lord by marriage of part of Wooler barony.

<sup>75</sup> *JUST* 1/657, mm. 4, 9d; *PROME*, ii, p. 212.

<sup>76</sup> *Northumb. Pleas*, no. 631. Young, *Comyns*, p. 72, assumes that John's second wife was Alice Lindsay of Lamberton, but the identification with Alice Ros is established in *GEC*, xi, p. 94, n. (i).

excoriated Bogo Clare for his neglect of Simonburn church, Abel Gullane was no stranger to Tynedale, and must be given some of the credit for Simonburn's remodelled nave and choir. Certainly Abel, and Matthew Scott, earned the accolade of having their names entered in the *Liber Vitae* of Durham.<sup>77</sup> Walter Merton repaired Haltwhistle's fabric; the poor of the parish benefited from a legacy of twenty-five marks in his will.<sup>78</sup> Yet, in the thirteenth century, it was unmistakably the Comyns who played the most prominent and sustained role as members of Tynedale society. Their local influence can first be measured (as they would have first measured it) in terms of their personal power and wealth. Their hall at Tarsset was the chief symbol and tool of noble authority in Tynedale, and gave the lie to any notion that their governorship was inevitably absent or distant. The manor of Tarsset itself was easily the largest unit of territorial lordship inside the liberty. Now represented by the parishes of Tarsset, Falstone and Kielder (about 90,000 acres overall), it embraced almost the entire valley and watershed of the North Tyne between Hareshaw Common and the Border. The Comyns also turned exploitation of its hill pastures into a highly proficient and lucrative enterprise. It guaranteed them an annual income of £200 or more, which was drawn mainly from the shieling grounds extending across the fells from Carrith Moor to Bells Moor. To this rich yield was added a yearly return of some £100 from their other Tynedale manors, including Thornton where they consolidated their economic position by establishing a 'new borough' (Newbrough).<sup>79</sup>

Yet the Comyns' relationship with the liberty had deeper dimensions than these. Their lordship was far from replacing Scottish royal lordship save perhaps during Alexander III's minority (1249–58), when their controlling hand would have represented valuable continuity. Otherwise they may sometimes have resented the lord/king's oversight; but their natural role was that of local leadership within a single hierarchy of authority and allegiance linking the liberty to the Scottish crown. They understood

<sup>77</sup> *Chron. Lanercost*, p. 158; *Hexham Priory*, ii, p. 99; *NCH*, xv, p. 176; G. W. S. Barrow, 'Scots in the Durham *Liber Vitae*', in D. Rollason et al. (eds), *The Durham Liber Vitae and its Context* (Woodbridge, 2004), p. 110. The possibility that Simonburn church was dedicated to St Mungo (Kentigern), noted in *NCH*, xv, p. 175, is strengthened by the fact that Abel was a long-serving canon of Glasgow.

<sup>78</sup> *CR 1261–4*, p. 50; *The Early Rolls of Merton College, Oxford*, ed. J. R. L. Highfield (Oxford Historical Society, 1964), p. 80.

<sup>79</sup> The incomes quoted are based on valuations made in 1279–1326: Hartshorne, p. lvii; Stevenson, *Docs*, ii, no. 359; *CDS*, iii, no. 512; *NCH*, xv, pp. 244–5. See further A. Rushworth, I. Roberts and R. Carlton, *Droving in Northumberland National Park* (Northumberland National Park Authority, 2005), pp. 17–22; M. W. Beresford, *New Towns of the Middle Ages* (London, 1967), p. 473.

Tynedale society: after all, they were in no sense foreign lords, but men who had been a key part of its fabric since the 1140s and claimed descent from Waltheof of Tynedale, a leader of the old Northumbrian nobility. They had thus developed close relations with local families based on ties of service and reward; and they could, and did, open doors to Scottish royal favour.<sup>80</sup> The Comyns, then, were in important respects the power behind the throne in at least much of north Tynedale, just as they were often so regarded in Scotland itself. They took their duties seriously, and met many of local society's aspirations and expectations; they regularly complemented the lord/king's lordship and governance over that society; and, as power-shapers and power-brokers, they played a fundamental part in defining the liberty's distinctive political culture and identity.

For all the prominence of the Comyn grandees, however, the stalwarts of Tynedale society were its gentry families. They were almost all local or locally based, and much of the power exercised in the liberty on a day-to-day basis lay in their hands. Their Tynedale lands might be confined to a single locality; but some held estates up to fifteen or twenty miles apart. So it was, for instance, that the Bellinghams of Bellingham were also established in Ouston and Parmentley near Whitfield; that the Whitfields of Whitfield took over property reaching to Hetherington (in Wark) and Cragshield Hope (in Greystead); and that the Pratts of Haughton were the Whitfields' near-neighbours in Knarsdale and Slaggyford.<sup>81</sup> Such men might contribute much to the liberty's substance as a local polity, and it is time that their lives and relationships came into clearer view.

An informed observer from Scotland in about 1280 would have regarded many of the gentry, even residents, as members of the wider Scottish community. He would have noted the correspondence in family names – Colville, Gourlay, Malherbe, Mowbray, Renfrew, Rule, Vaux, Vipont – between parts of Tynedale and parts of southern Scotland. Had he visited Whitfield, he would have found the Whitfields not only boasting of their kinship with the powerful Frasers of Tweeddale, but blatantly exploiting it to entrench their local influence; at Alston he would have seen the Viponts asserting themselves in alliance with William Sinclair of Roslin, a leading royal familiar and close Comyn associate.<sup>82</sup> Such an observer might also have noted that the Anstruthers of Fife held land in Hetherington; that the Rutherfords of Roxburghshire had interests in Moralee (in Wark);

<sup>80</sup> As is discussed more fully below, pp. 254, 263–4, 269–70.

<sup>81</sup> Hartshorne, pp. xvi, xx; *CIPM*, ii, no. 825; *JUST* 1/657, m. 9d.

<sup>82</sup> *CDS*, ii, no. 290; *JUST* 1/135, m. 26d.

that John Shitlington of Shitlington (in Bellingham) was a landowner near Edinburgh; that the Pratts were associated with Manuel near Linlithgow; and that Nicholas II Vipont had recently married into Edinburghshire society and endowed Soutra Hospital with his wife's dowry in Swanston beside Sinclair's Roslin seat.<sup>83</sup> On such a view, the gentry did not inhabit a separate world from that of the greater families. They were in important senses part of the same trans-frontier culture and society, and no less set apart from the English 'community of the realm'.

Nor could any observer have failed to appreciate the importance to local gentry society of the authority and power exercised over it by Scottish noble and royal lordship, or how effectively that lordship might tie identities to the liberty itself. For now, even a cursory survey (from our perspective) confirms that those living directly under Comyn auspices included the Charltons, Kirklands (of Charlton), Rules (of Stonecroft), Teckets and Walwicks. By about 1220 Adam Rule and Adam Tecket were clerks in Comyn service; in 1280 John and Joan Tecket expressed their respect for the family by declining to sue against it at the Tynedale eyre.<sup>84</sup> From time to time, neighbouring landowners such as the Bellinghams, Haltons and Haughtons, and south Tynedalers such as the Thirlwalls and Viponts, gravitated into the Comyns' orbit.<sup>85</sup> The Swinburne newcomers – John of Little Swinburne and William of Great Swinburne – were, moreover, very much their protégés. And, perhaps most strikingly, the value men placed on membership of the Comyn affinity left such an imprint on local heraldic culture that the adoption of the Comyn garbs is better attested for south-west Northumberland than it is for Scotland itself.<sup>86</sup>

At root, however, it was the king of Scots who dominated local political society and thus had even greater relevance for the liberty's ability to shape and claim people's loyalties. Not only did his powers of justice and government touch all who belonged to Tynedale, but ties of tenure and clientage brought a large group of gentry from many parts of the

<sup>83</sup> Stevenson, *Docs*, i, no. 33; ii, no. 359; *CDS*, ii, p. 207; *NDD*, p. 199; *PROME*, ii, p. 147; *JUST* 1/657, m. 9d. Vipont's charter to Soutra is witnessed by Sinclair as sheriff of Edinburgh: *Charters of the Hospital of Soltre*, etc. (Bannatyne Club, 1861), pp. 27–8.

<sup>84</sup> *Liber Cartarum Prioratus Sancti Andree in Scotia* (Bannatyne Club, 1841), pp. 250–4; Hartshorne, p. x.

<sup>85</sup> For example, Ranulf Haughton and Ivo Vipont (grandson of King John's servant) were supporters with John I Comyn, and the Graham lord of Simonburn, of Earl Walter Comyn of Menteith in 1244; while Nicholas II Vipont is a witness to charters of John II Comyn issued at Findo-Gask (Perthshire) in 1278: *CDS*, i, no. 2672; *Charters . . . relating to the Abbey of Inchaffray*, ed. W. A. Lindsay et al. (Scottish History Society, 1908), nos. 108–9. See further Hartshorne, pp. xi–xii.

<sup>86</sup> B. A. McAndrew, *Scotland's Historic Heraldry* (Woodbridge, 2006), p. 45, n. 23; and below, pp. 258, 263, 267.

liberty into a common relationship with him. Numerous local families, including Bellingham, Haughton, Nunwick, Pratt, Thirlwall, Thorngraston and Vipont, held their lands in chief of the lord/king. Even small fry such as Richard Wray of Hetherington owed their obligations directly to him as their immediate lord; and Richard, moreover, belonged to the class of king's drengs, as did the Grindons, Ridleys and some others. Such men now counted as free tenants, and no systematic attempt was made to discriminate against them by exacting the bondage works characteristic of ancient drengages.<sup>87</sup> Reference is nonetheless made to burdens ranging from marriage, wardship and relief to cornage, toll, watch and ward, army service and scutage; fines were also levied for the remarriage of widows.<sup>88</sup> Yet, in effect, none of the lord/king's vassals, whether the tenure was drengage, serjeanty or knight service, could ignore the penetrative force of his authority or the importance of the liberty itself for organising people's affairs and lives. When it was found at the 1257 Tynedale eyre that Reginald Pratt had sold to William Swinburne estates in Haughton and elsewhere without Alexander III's consent, the bailiff seized them, and Swinburne had to pay twenty marks for the king's goodwill and his charter of confirmation.<sup>89</sup> At the 1279–81 eyre, lands in Bellingham, Haughton, Ouston and Thirlwall were also confiscated because of unlicensed alienations; Bartholomew Pratt, Robert Vipont and Matthew Whitfield were fined for evading knighthood; and five widows were distrained for the financial value of their marriages because they had married without warrant.<sup>90</sup>

But the lord/king did not simply impose demands and exactions; he also dispensed favour and protection, so that gentry traditions of service to the Scottish monarchy remained strong. The liberty clearly provided fewer opportunities for significant land grants than it had done in the twelfth century, when the Bellinghams, Pratts, Viponts and Whitfields had all risen to local prominence through royal generosity. Nonetheless it was, for example, on Alexander III's nod that Robert and William Bellingham, Adam Gourlay and Reginald Haughton received gifts of property from Tynedale's demesne or a profitable custody.<sup>91</sup> And the liberty continued to supply other patronage, notably in offices, which were often used to strengthen the crown–gentry connection in Tynedale.<sup>92</sup> Men were also

<sup>87</sup> See, for example, Hartshorne, p. lx (concerning a hunting service of feeding the lord/king's hounds).

<sup>88</sup> *Reg. Regum Scott.*, ii, no. 143; *CDS*, ii, no. 557. Richard Wray's property, worth two marks yearly, was in wardship in 1279: Hartshorne, p. lvii.

<sup>89</sup> *NCS*, ZSW/1/12; *HN*, III, i, pp. 11–12.

<sup>90</sup> Hartshorne, pp. lvii–viii.

<sup>91</sup> *Ibid.*, p. xxvi; *JUST* 1/657, mm. 2, 4–4d, 9; *NCS*, ZSW/1/43; *HN*, III, i, p. 19.

<sup>92</sup> For local office-holding patterns, see below, pp. 270–4.



offered wider opportunities for advancement in royal service; and the two Swinburnes, who exploited such opportunities to the full, were swiftly drawn into direct dependence on the Scottish crown.<sup>93</sup> In addition, the Whitfields, descended from one of William I's chaplains, could still rely on the lord/king's support when members of the family refused to submit to excommunication in the later thirteenth century.<sup>94</sup> The Viponts likewise retained close links with the Scottish court, and at no time was the relevance of such ties more amply demonstrated than in 1282, when Alexander III's son, the Lord Alexander, intervened with Edward I to secure for Nicholas II Vipont a regrant of Alston.<sup>95</sup> Access to Scottish royal authority also profited William Bellingham when he had a *quo warranto* brought against him in the 1279–81 eyre for two-thirds of Bellingham manor: William appealed to the grace and judgement of 'his lord, the lord king', and won a renewal of his title by Alexander III's charter.<sup>96</sup>

So from the viewpoint of the gentry, as of their social superiors, the Scottish crown was in essence their obvious focus for obedience, service and allegiance. Nor indeed was the lord/king slow to act on those occasions, albeit few, when the Comyns or their fur-collared associates were tempted to overreach themselves and jeopardise the good rule and cohesion of local society. William Bellingham was possibly one of their intended victims.<sup>97</sup> But a better example is a case involving Hugh Grindon and the exceptionally influential William Sinclair, which eventually came before the English Parliament in 1307. Alexander III, we are told, had promised to Sinclair land in Scotland worth £40 annually; Sinclair, however, wanted Hugh's manor of Grindon, and pressed him to exchange it with the king for property in Cumberland. Hugh agreed in principle; but while he was in discussions at the Scottish court, and before he secured any exchange, Sinclair got a writ from the chancery directing Tynedale's bailiff to take Grindon into the king's hands. Returning to Tynedale, Hugh found that his family had been evicted; he promptly reappeared at the royal court, and Alexander gave him a writ to the bailiff of Penrith, who duly put Hugh in seisin of lands in Castle Sowerby and Langwathby. He remained in possession until Edward I's escheator ousted him, thus leaving Alexander in

<sup>93</sup> Below, pp. 263–5.

<sup>94</sup> *Reg. Regum Scott.*, ii, no. 172; *CDS*, ii, no. 290; *Reg. Wickwane*, no. 688.

<sup>95</sup> *CPR 1281–92*, p. 29. Vipont's ally William Sinclair was then young Alexander's guardian. Cf. *Newbattle Reg.*, p. 290: Vipont as a witness to Alexander III's charter to Sinclair of the land of Inverleith, dated at Haddington in 1280.

<sup>96</sup> Hartshorne, pp. xxviii–ix; *JUST 1/657*, m. 4–4d; and, for an earlier example where the Bellinghams benefited from their court connections, see Hartshorne, p. xx.

<sup>97</sup> After Alexander III's death, William conveyed to the Comyns all his Bellingham property: Bodl., MS Dodsworth 149, f. 103v.

control of Grindon and (or so it was claimed) Hugh disinherited. If there was no more to be said about this episode, it would evidently reflect little credit on Alexander III. But John Swinburne testified in 1307 that Hugh had gone back to Alexander's court to petition for premises elsewhere, and that the king had at once compensated him with a grant of lands in 'the Huntland' (the moors south-west of Wark). The veracity of Swinburne's testimony is not in doubt; and the only real loser was Sinclair, who never acquired Grindon.<sup>98</sup> In the main, this was good lordship/kingship at work. It underscored that the Scots king was neither remote from, nor indifferent to, the concerns and needs of the local gentry; and from their perspective here was a lord – and a liberty – meriting their allegiance and support.

So far we have concentrated on the liberty as a society firmly within the political and cultural world of the Scottish king and his lords. Such an emphasis seems entirely justified; and on this interpretation the liberty's ability to foster a distinct sense of common identity and loyalty was arguably unmatched in the North-East. Yet to achieve a more rounded assessment of the outlook and identifications of local gentry society, we must also consider such ties as existed between Tynedale and adjacent English territory. Under Alexander II (1214–49) there is little to suggest that these spheres were significantly connected. The boundaries of contemporary Northumbrian baronies were often overlapped by multiple links of tenure and lordship;<sup>99</sup> the liberty, by contrast, maintained an exceptional degree of tenurial coherence and political unity. Thus in 1242–3 merely two of its gentry held estates by knight service or serjeanty in the county of Northumberland, and only one had important interests there. He was Peter Lisle, who had been granted lands in Knarsdale by the Pratts of Haughton, his neighbours across the North Tyne three miles downstream from his seat at Chipchase, in the Umfraville barony of Prudhoe.<sup>100</sup> The other tenant concerned, William I Tyndale, controlled the manor of Kirkhaugh under the Viponts: hence his alternative style 'of Kirkhaugh'. His serjeanty holding outside the liberty in Corbridge amounted to only forty acres of land; and it was not until the Tyndales inherited the 'barony' of Dilston in 1317 that they became 'county gentry' on a par with the Lisles. Kirkhaugh, however,

<sup>98</sup> Sinclair has been depicted as 'closer to Alexander III than any other Scot': A. A. M. Duncan, *Scotland: The Making of the Kingdom* (Edinburgh, 1975), p. 588. Otherwise see *PROME*, ii, pp. 513–14; and, for corroboration of Swinburne's evidence, *CIMisc.*, i, no. 2021. Edward I's escheator intervened in events on the grounds that Alexander III could not alienate land in the liberty of Penrith without licence – a principle the English crown never attempted to apply to his 'royal liberty' of Tynedale.

<sup>99</sup> J. C. Holt, *The Northerners*, 2nd edn (Oxford, 1992), p. 41.

<sup>100</sup> *BF*, ii, p. 1114; Hartshorne, pp. xvi, xxv.

boasted rich iron deposits and extensive moorland pastures over Barhaugh Common and Whitley Common. It was thus no coincidence that William took his surnames from Tynedale – or that his family sported the Comyn arms.<sup>101</sup>

Otherwise reference might be made to Ivo Vipont, who held the manor of Maulds Meaburn in Westmorland, as well as properties in Leicestershire and Northamptonshire. Through his second wife, Sibyl Thursby, he also launched himself in Cumberland society with a batch of estates extending to Waverton near Wigton. But it was a childless marriage; while on Ivo's death in 1239 his English patrimony was partitioned on the line of Tynedale's boundary, and thereafter the Alston branch of the family gave its primary loyalty to the liberty.<sup>102</sup> It can be added that Ivo's brother-in-law, Odo Alston, was a freeholder in Maulds Meaburn; that Richard Grindon had a small stake nearby in Orton; and that Richard was also a burgess of Newcastle.<sup>103</sup> There were likewise connections between Tynedale and Gilsland, which shared a common border for a distance of thirty-six miles. Roland Vaux of Triermain, a kinsman of the Pratts, had control of Softley near Knarsdale; and John Denton of Denton, another Gilsland tenant, gained land in Haughton, and a shieling near Greenlee Lough, by marrying into the Haughtons. But the fact remains that Alexander II's reign was not a period when English 'county society' made major claims on the aspirations and allegiances of the liberty's gentry; significantly, too, Denton and the Vaux family (whose cousins held Dirleton in East Lothian) supported Alexander during the war of 1215–17.<sup>104</sup>

Under Alexander III (1249–86) ties of tenure and affinity were also organised essentially in or through the liberty as the main source of wealth and position for most of the gentry associated with it. A more intricate web of links to wider English society has nevertheless to be mapped – though, as before, such links were in general localised and often bordered on the liberty itself. In 1278 an action over lands in Haughton between John Swinburne and William Swinburne was settled, in the liberty court at Wark, in the

<sup>101</sup> *BF*, ii, p. 1123; *NCH*, x, pp. 89–92; C. H. H. Blair, 'The armorials of Northumberland: an index and ordinary to 1666', *AA*, 3rd ser., 6 (1910), pp. 93, 131. For Kirkhaugh's resources, and adjacent Tynedale interests in Whitfield, see *DCM*, Misc. Ch. 5254, 5257–8; *HN*, II, iii, pp. 59–60; *NCH*, x, p. 52.

<sup>102</sup> Ragg, 'Mauld's Meaburn', pp. 274ff.; *CP* 25/1/35/2/5. In 1227 Ranulf Haughton had surrendered his claims to the Cumberland manor of Hetherford (now lost) near Longtown: *CP* 25/1/35/2/3.

<sup>103</sup> *CRO* (Carlisle), *D/Lons/L5/1/MM2*; *CRO* (Kendal), *WD/Crk/A1428/M* 51. For Richard's lands in Grindon and Whitfield, see Hartshorne, pp. xxxiv, xxviii.

<sup>104</sup> *NCS*, *ZSW*/1/26; 2/2; *HN*, II, iii, pp. 89–90; III, ii, p. 36; *NDD*, p. 46; Stringer, 'Kingship, conflict and state-making', p. 154.

presence of John Halton, John Gunnerton, Patrick Ousby and 'other *fideles* of the king of Scotland'.<sup>105</sup> By 1266 John Halton was Alexander III's tenant for the manor of Sewing Shields beside the Wall; but he also held of the English crown the manors of Halton, Clarewood and Great Whittington immediately north of Corbridge.<sup>106</sup> John Gunnerton, who apparently controlled Dryden near Simonburn, was a tenant of the Balliol barony of Bywell for two fees opposite Simonburn, in Gunnerton and Little Swinburne. He was also lord of Chesterhope in Redesdale under the Umfravilles.<sup>107</sup> As for the Swinburnes, they were assertive younger sons from the vicinity of Gunnerton; and no other careers better exemplify the rich opportunities offered by thirteenth-century Tynedale and its borderlands to local men on the rise. It was certainly the Swinburnes' vigorous dealings in the regional land-market that above all modified the remarkably cohesive tenuous pattern imposed by the liberty before 1249. William Swinburne, one of four brothers and at first a cleric presumably by necessity, purchased from Reginald Pratt, in a series of transactions finalised in 1257, much of Reginald's property in Tynedale: one-third of Haughton, four shielings in the Huntland, and the manor of Williamston, with adjacent interests in Slaggyford.<sup>108</sup> From the mid-1260s, William was no less active in promoting himself as a county landowner in west Northumberland, where he not only took control of Raylees and Ottercops in Redesdale but acquired the manors of Chollerton and (in expectancy) Capheaton in the barony of Prudhoe.<sup>109</sup> In 1275–8 John Swinburne bought up the property held by the childless Ranulf Haughton in Haughton (two-thirds of the township), Humshaugh and the Huntland.<sup>110</sup> In 1277, when John petitioned Edward I for rights of warren, he also identified himself with five locations outside the liberty: Bewcastle, between Gilsland and the Border, Little Swinburne (held under the Gunnertons), the adjoining hamlet of Colwell (Hadstone

<sup>105</sup> Bodl., MS Dodsworth 45, f. 89; *NDD*, p. 244.

<sup>106</sup> Hartshorne, p. xxxiii; *NCH*, x, pp. 390–1.

<sup>107</sup> *NCH*, iv, p. 320; cf. *BF*, ii, pp. 1121–2; *CPR* 1343–5, p. 357. Dryden (lost) is later recorded as Gunnerton property: Essex Record Office, D/DBy/T27 (unsorted deed); cf. *JUST* 1/657, m. 9.

<sup>108</sup> Alexander III's original charters of confirmation are NCS, ZSW/1/16, 22; *HN*, III, i, pp. 12–14. Deeds of 1257 and 1261 show further that William gained lordship over the Pratts for their land in Manuel (Stirlingshire): NCS, ZSW/1/17; *HN*, III, i, pp. 9–10; *NDD*, p. 199. In Tynedale the Pratts retained the manor of Knarsdale, valued at twenty marks in 1293: *JUST* 1/657, m. 9.

<sup>109</sup> William's negotiations with his brother Alan over Capheaton (1285–6) are particularly well detailed: see NCS, ZSW/4/6; *HN*, III, ii, p. 5; *Northumb. Fines*, ii, nos. 47, 53.

<sup>110</sup> *NDD*, pp. 243–4; *JUST* 1/657, m. 5. See also *A Descriptive Catalogue of Ancient Deeds* (London, 1890–1915), vi, C.5629: John as a proprietor in Slaggyford, which suggests that he also purchased some Pratt lands in south Tynedale.

barony), Ingoe near Stamfordham (Prudhoe barony) and Shotley (Styford barony).<sup>111</sup> The most distant place from Tynedale was Shotley on the River Derwent; the others were all within sight of the liberty. Indeed, in 1277 John could have travelled eastwards from Wark to Ingoe almost without having to pass through territory he or other Tynedale tenants did not control.<sup>112</sup>

In addition, Patrick Ousby's attendance at the liberty court in 1278 helps to remind us that John Swinburne, as lord of Bewcastle, was only one of a growing number of gentry connected with Tynedale who also had notable Cumbrian involvements. Such men included Thomas Hillbeck and Henry Whitby who, like Patrick Ousby, were knights from the Penrith–Brough area. Their lands encompassed property in Askham and Lowther near Penrith, and a cluster of estates below Cross Fell in Blencarn, Ousby and Skirwith, whose moorlands swept up to Tynedale's border. Hillbeck and Whitby sued against each other in the Comyn court at Tasset in 1289 for tenements in Foulwood. Ousby himself had acquired a shieling in Alston from the Viponts, which passed on his death in 1288 to Whitby, his son-in-law; but Whitby was already associated with Tynedale by 1279 as a party with Ousby to suits brought in the eyre over common pasture in Kingswood near Whitfield.<sup>113</sup> It is also noteworthy that, by the 1270s, Thomas Moralee had spread his wings from Moralee (in Wark) as far as Little Broughton near Cockermouth and Ellenborough on the Cumberland coast; while, around the time of Alexander III's death, the Tyndales likewise developed an interest in Allerdale, at Aughtertree north-east of Bassenthwaite Lake.<sup>114</sup>

These cases serve to underline that from 1249 the liberty's gentry class was less inward-looking and more firmly enmeshed in a broader regional society. For Hillbeck, Ousby and Whitby, no less than for the Dentons and Vauxs, east Cumbria was naturally the main forum where they lived their lives and most often rubbed shoulders.<sup>115</sup> Nor, to take another obvious example, were John Halton and the Tyndales inhibited by their status as Tynedale landlords from collaborating in the business of Corbridge and

<sup>111</sup> *NDD*, p. 243.

<sup>112</sup> In about 1270 William Swinburne inaugurated the Haughton–Chollerton ferry across the North Tyne: *NCS*, *ZSW*/1/29; *HN*, III, i, pp. 1–2 (misdated). Robert Lisle of Chipchase (and Knarsdale) kept a boat on the river by 1279: Hartshorne, pp. lviii, lx.

<sup>113</sup> *CDS*, ii, no. 375; *CIPM*, ii, no. 699; *HN*, II, iii, pp. 47–8; Hartshorne, pp. xxvi, xxxviii, xliv. For deeds of Patrick Ousby concerning Skirwith, and of Henry Whitby concerning Lowther, see respectively *CRO* (Kendal), *WD/Ry*/92/28–30; *CRO* (Carlisle), *D/Lons*/L5/1/LO27, 29, 44–5a, 48 (four of which are witnessed by Thomas Hillbeck).

<sup>114</sup> *CIPM*, iii, no. 479; iv, no. 278; *CChR*, iii, p. 361.

<sup>115</sup> Among their acquaintances was John Tarraby (d. 1299) of Tarraby near Carlisle, who was to become a Tynedale landowner, albeit briefly, through his marriage by 1292 to Mary, sister and heir of Nicholas Whitfield: *CFR*, i, p. 302; *JUST* 1/657, mm. 2, 9d; *CIPM*, ii, no. 825.

its district. Indeed Corbridge, as Northumberland's second-largest town, had a wider influence on liberty society; and those with tenements there by 1296 included William Hetherington and Adam Kirkland of Charlton.<sup>116</sup> John Halton also witnessed numerous deeds relating to Brinkburn Priory in Coquetdale.<sup>117</sup> More surprisingly, perhaps, John Swinburne moved easily in Gilsland society with the Dentons and Vauxs; nor can we doubt his concern to develop his interests in Bewcastle, where from 1279 he was entitled to hold weekly markets and twice-yearly fairs.<sup>118</sup>

And yet such ties did not in fact pose a serious threat to Tynedale's socio-political coherence and identity. Men's social orbits on either side of the liberty boundary were not so much competing as complementary worlds, linked by familiar bonds of association and neighbourliness: in about 1280, for instance, John Halton, Robert Lisle and John Swinburne attested unrelated conveyances concerning Colwell outside Tynedale and Barhaugh within it.<sup>119</sup> John Halton's property in the liberty, valued at some £11 on his death in 1287, probably supplied only one-quarter of his landed income; but he nevertheless maintained a house and park in Sewing Shields.<sup>120</sup> John Swinburne constructed a hall-house in Haughton on such a lavish scale that Tynedale was surely pivotal to his interests and status – and later evidence confirms that the manor of Haughton, worth £40 in 1327, was pre-eminently his family's chief power-base.<sup>121</sup> It is no less revealing of the liberty's social significance and substance that advancement elsewhere might well hinge on Tynedale-based gentry friendships. Thomas Hillbeck was a benefactor of Hugh Grindon's brother Nicholas, to whom he granted land in Little Strickland near Penrith.<sup>122</sup> Mutual Tynedale connections no doubt facilitated the marriage by 1287 of John Swinburne's younger son Robert to Hillbeck's daughter Margaret, which ultimately brought Askham

<sup>116</sup> *NLS*, pp. 47–8.

<sup>117</sup> *Brinkburn Cart.*, passim, with *NDD*, p. 9, for Halton's lands in Thirston near Brinkburn.

<sup>118</sup> *CRO* (Carlisle), *D/Lons/L5/1/C3; The Lanercost Cartulary*, ed. J. M. Todd (SS, 1997), nos. 232–3, 283, 294–5, 319; *PQW*, p. 128. John also held property in Gilsland itself, in Denton and Newbiggin: Castle Howard, A1/46; CP 25/1/35/6/28; JUST 1/132, m. 11.

<sup>119</sup> *NDD*, p. 246; *DCM*, Misc. Ch. 5257; *HN*, II, iii, p. 60. On another note, see JUST 1/1277, mm. 1d, 29, for a mort d'ancestor sued at York in 1288 by Thomas Haltwhistle, chaplain, against William Templeman of Haltwhistle and Andrew Thorngrifton for premises in Farlam in Gilsland.

<sup>120</sup> *CDS*, ii, no. 319; Hartshorne, p. xxxiii.

<sup>121</sup> Emery, *Greater Medieval Houses*, i, pp. 97–100; *CCR* 1327–30, p. 8. For John's consolidations in Haughton, see JUST 1/657, m. 3; *NCS*, *ZSW*/1/46; *HN*, III, ii, p. 31; *NDD*, pp. 244–5; *Northumb. Fines*, ii, no. 68.

<sup>122</sup> F. W. Ragg, 'Five documents concerning Sizergh, Strickland, and Barton', *TCWAAS*, new ser., 18 (1918), p. 156.

and other property south of Penrith under Swinburne control. They perhaps also assisted the acquisition by John's first son Adam of the Denton manor of Lanerton in Gilsland by 1295.<sup>123</sup> How Thomas Moralee expanded his reach to west Cumberland is a story involving John Swinburne and the Tynedale Rules, not to mention the Comyns.<sup>124</sup> As for the Tyndales' interest in Aughtertree, it rested on a grant by the Scottish knight, Alexander Bunkle, to William II Tyndale's son and heir Thomas and his wife Annabel, who was John Gunnerton's daughter and Bunkle's kinswoman.<sup>125</sup> Additionally Aymer Rutherford of Moralee gained several estates outside the liberty, including lands in Great Swinburne and in Brier Dene near Tynemouth, through his marriage by 1292 to William Swinburne's niece Juliana.<sup>126</sup>

Nor, in the political domain, did the gentry's external attachments necessarily jeopardise their allegiance to the liberty's structures of lordship. The appearance of Hillbeck, Ousby and Whitby in Tynedale circles from about the 1270s reflected Alexander III's power, as lord of Penrith, over local society in south-east Cumberland. Henry Whitby's father was in fact one of the king's bailiffs of Penrith; while Thomas Hillbeck's family prided itself on its strong tradition of Scottish associations.<sup>127</sup> On a broader front, no English Border magnate was successfully challenging Alexander III, or indeed the Comyns, for men's service and loyalty. Family misfortunes had created power-vacuums in the lordships of Appleby and Bywell; Prudhoe and Redesdale were similarly afflicted from 1245 to 1266, when the Umfraville heir was underage. Equally, while John Swinburne's attachment to the Balliol connection was strong enough for him to endow Dervorguilla Balliol's house of scholars in Oxford, it can scarcely be said that his loyalties were therefore divided, for Dervorguilla had impeccable Scottish credentials as lady of

<sup>123</sup> *CChR*, iii, p. 101; *CIPM*, vi, no. 164; CRO (Carlisle), D/Mus/2/10/11; JUST 1/995; SC 8/18/874; T. H. B. Graham, 'Brampton and Denton', *TCWAAS*, new ser., 26 (1926), pp. 291–3.

<sup>124</sup> Moralee was linked to Allerdale by his marriage to a daughter of Thomas Ellenborough, who is a witness to deeds concerning John Swinburne's manor of Humshaugh in the mid-1270s: *NDD*, p. 243; cf. CRO (Carlisle), DMH/10/1/2, a charter to Hexham Priory of property in Ellenborough attested by Swinburne as sheriff of Cumberland (1277–8). Picket How near Egremont, which would pass from the Ellenboroughs to Moralee, was held of Alan Rule of Dovenby. Evidently a kinsman of the Tynedale Rules, he was a tenant of the Comyns at Bedrule (Roxburghshire), and appears in their following in the liberty: *CIPM*, iv, no. 278; *CCR 1313–18*, p. 560; JUST 1/657, m. 3d.

<sup>125</sup> *NCH*, x, p. 91, n. 4. It is more difficult to explain the background to the case at the 1279–81 eyre in which Alice widow of Arnulf Gourlay successfully prosecuted Walter and Amabella Ukemanby (Upmanby near Aughtertree) for half of Staward: Hartshorne, p. x.

<sup>126</sup> *NCH*, iv, pp. 276–8; ix, pp. 104, 112; Stevenson, *Docs*, ii, no. 359.

<sup>127</sup> *CDS*, ii, p. 38; Barrow, *Anglo-Norman Era*, p. 83 and n. 122; Stringer, 'Kingship, conflict and state-making', p. 156.

Galloway and mother-in-law of John II Comyn (d. 1303).<sup>128</sup> Likewise, such affiliations as landowners in Tynedale had with Gilbert II Umfraville must be set against the fact that Gilbert, as both earl of Angus from the mid-1260s and son-in-law of Earl Alexander Comyn of Buchan, was a member of the Scottish royal affinity; and, more particularly, his lordship appears to have held little appeal even to those Tynedale landowners who were or became his own tenants.<sup>129</sup> Loyalty, it seems, operated largely within a single orbit around the king of Scots himself; and in consequence the liberty retained its traditional role as a focus of political authority and allegiances.

One can go a step further and contend that, as a zone of strong royal/noble lordship, the liberty was the effective arbiter of identities within both its own territory and its English borderlands. Such an argument is best developed, in the first instance, by revisiting the careers of the two Swinburnes. After John Swinburne's forfeiture as a Montfortian rebel in 1265, he had sought to restore his fortunes in the employment of Alexander III's kinsman Nicholas Corbet, lord of part of Styford barony;<sup>130</sup> but the attractions of service to Corbet were soon supplanted by those of service to the Comyns. John was the attorney of John II Comyn at the 1279–81 Tynedale eyre, and regularly participated in Comyn business at earlier and later dates.<sup>131</sup> He broadcast his devotion and indebtedness to the family by displaying the Comyn arms on his seal,<sup>132</sup> and the gesture was all the more appropriate because Comyn service was his route to Scottish royal service, most notably as bailiff of the liberty. In 1274 Alexander III rewarded John by retaining him for life as a king's serjeant, with an annual fee of ten marks and robes; in 1279 John, now Sir John, acted as Alexander's emissary to Edward I's court.<sup>133</sup> It was indeed with powerful backing that John set about developing and consolidating his interests as a Tynedale landowner from

<sup>128</sup> Balliol College, E.4.5, 6. On Swinburne's links with Dervorguilla, see also *ibid.*, E.4.3, 4; *CCR 1279–88*, p. 189; *NCH*, xii, p. 309; *The Oxford Deeds of Balliol College*, ed. H. E. Salter (Oxford Historical Society, 1913), no. 11.

<sup>129</sup> For relations between Earl Gilbert and the Gunnertons, Lises and Swinburnes, which were relatively infrequent in the period 1266–86 and not always amicable, see *NAR*, pp. 270–1, 373; *NCS*, ZSW/4/11, 75; *HN*, III, ii, pp. 1–2, 12–13; *Northumb. PDBR*, no. 684; *Northumb. Pets*, no. 101; below, p. 265. In the 1270s, however, one of the earl's bailiffs was John Halton, who also served as steward of Alexander Balliol of Bywell: *NDD*, p. 244; *Percy Cart.*, nos. 681–2.

<sup>130</sup> *CDS*, iv, no. 1759; *NAR*, p. 203.

<sup>131</sup> Hartshorne, p. xxxi. Other instances of John's involvement in Comyn affairs from about 1270 are in *JUST 1/657*, mm. 3d, 5d; *CDS*, ii, no. 375; *Bodl.*, MS Dodsworth 149, f. 103v. See also *NER*, no. 22, for his withdrawal from service as Corbet's bailiff.

<sup>132</sup> *NCH*, xv, p. 195, with Seals: Plate I, no. 3, for John's seal reproduced from the impression on DCM, 1.1.Spec.66; another fine example authenticates Balliol College, E.4.6.

<sup>133</sup> Below, pp. 271–2; *CIMisc.*, i, no. 2032; *NDD*, p. 285; *CDS*, ii, nos. 162, 1917.



the 1270s; and his services secured other advantages, including an estate in Ayrshire.<sup>134</sup> In such ways John Swinburne made his fortune, and in that story Tynedale played a large and decisive part.

Yet nowhere is the liberty's ability to redefine loyalties and identities more amply demonstrated than by the career of William Swinburne, whose Comyn connections propelled him into the heart of Scottish government. He is first mentioned as one of Alexander III's clerks in papal letters of 1253, when the young king was surrounded by Comyn councillors. William had solicited dispensation to hold an additional Scottish benefice; and while his only known church was at Fordoun in the Mearns, this living was one of the richest in the crown's gift, and Alexander Comyn was the dominant local landlord.<sup>135</sup> By 1259 William had become treasurer of Alexander III's queen Margaret (daughter of Henry III), and he was still managing her household as such in 1270. Meanwhile he remained a king's clerk and played a key role as Alexander's envoy in securing arrears of Margaret's dowry from the English government in 1261.<sup>136</sup> He appears as Margaret's chaplain in 1272; but soon after he adopted knighthood and began to pursue a career as a local man of affairs in which Tynedale was his main arena.<sup>137</sup> The liberty thus offered golden opportunities to this younger son on the make. In terms of William's territorial power, it was unquestionably the rewards of royal service in Scotland that laid the basis for his speculations in the Tynedale land-market in the mid-1250s. It was likewise through Alexander III's favour that he would strengthen his position in the liberty by securing Haughton Strother and privileges such as rights of forest and warren. Moreover, the development of his estates in Haughton – and in Humshaugh, Nunwick, Simonburn, Wark and the Huntland – went hand in hand with accumulating property in south Tynedale, where to Williamston was added another unit of lordship based on Staward.<sup>138</sup> But nor is that all. As a rising landowner outside the liberty,

<sup>134</sup> *CDS*, ii, no. 808. The precise location of John's Scottish property is unknown.

<sup>135</sup> *CPL*, i, p. 283. William was rector of Fordoun by 1257; and his income from the rectory exceeded forty marks annually: *NCS*, *ZSW*/1/13, 14; *HN*, III, ii, pp. 21–2 (misdated). See also *Arbroath Liber*, i, no. 310 (Earl Alexander's connection with Fordoun); *St Andrews Liber*, p. 383 (William as a witness for the earl in about 1255). One Alexander Corbridge also occurs as a Scottish royal clerk in 1253: *Registrum de Dunfermelyn* (Bannatyne Club, 1842), no. 82.

<sup>136</sup> *NCS*, *ZSW*/1/18, 19; *HN*, III, ii, pp. 20–1; *CDS*, i, nos. 2265, 2290; *Cal. Lib. Rolls*, v, p. 52.

<sup>137</sup> In June 1272 William, as queen's chaplain, was still associated with Margaret's financial business: *NCS*, *ZSW*/1/21; *HN*, III, ii, p. 22. But he may have recently resigned the treasurership on health grounds, for in a letter written from Haughton in January 1272 he had complained of 'grave infirmity': *SC* 1/5/52; *CDS*, v, no. 31.

<sup>138</sup> Alexander III's charter of Haughton Strother in free forest, issued at Scone in March 1273, is witnessed by Alexander Comyn and John I Comyn: *NCS*, *ZSW*/1/24; *HN*, III, i, pp. 16–17. For the advance of William's local ascendancy after his initial gains from

William specialised in engrossing rebel lands in the English crown's hands, and his ability to do so turned on Queen Margaret's sponsorship. It was thus through her intercession that Henry III endowed him with Chollerton in 1266 and that Edmund of Lancaster (Margaret's brother) gave him Raylees and Ottercops in about 1270.<sup>139</sup> These old Umfraville manors comprised the bulk of William's landed interest beyond Tynedale's bounds; and so far was he from seeking or cementing an Umfraville connection that Earl Gilbert II acknowledged his title only with reluctance.<sup>140</sup>

All told, therefore, the experiences of John and William Swinburne epitomise the liberty's role as a source of benefits that met men's aspirations and, as such, it could readily redirect individual affiliations and attachments. There was indeed little need, or scope, for alternative political networks of power and patronage when the liberty also provided preferment for kinsfolk, including William Swinburne's brother Alan, who was rector of Whitfield by 1264.<sup>141</sup> And least of all was there any such need when access to English royal favour was mediated through Alexander III's court. Furthermore, the two Swinburne stories are indicative of the liberty's capacity to satisfy parvenus without undermining its social cohesion. It was easier to accommodate incomers, and to preserve local solidarities, when families which had traditionally enjoyed the rewards of Scottish service and protection continued to be supported – even if such a man as John II Comyn's physician, Master Robert of Tynedale, had ultimately to content himself with a disputed benefice at Great Dalton in Dumfriesshire.<sup>142</sup> The Swinburnes' trafficking in the debts of Ranulf Haughton and Reginald Pratt perhaps generated some resentment; but they did not monopolise the Tynedale property market at the expense of local entrepreneurs such as Adam Tyndale and Nicholas Whitfield, who had ample room to sate their acquisitive instincts.<sup>143</sup> During William Swinburne's service to Queen Margaret, he made no real effort to join Tynedale society. Indeed, he

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Reginald Pratt, see also Hartshorne, pp. ix, xviii, lviii; *NCH*, xv, pp. 191, 206; *NCS*, *ZSW*/1/9, 10, 30, 32, 40, 43, 46; *HN*, II, iii, pp. 443–4; III, i, pp. 15, 18–19; III, ii, pp. 28, 31; *NDD*, pp. 199, 203, 242–4; *Royal Letters*, ii, no. 681.

<sup>139</sup> *CR (Supplementary)* 1244–66, no. 428; *HN*, II, i, p. 105; cf. *CPR* 1266–72, p. 345.

<sup>140</sup> Cf. *NCS*, *ZSW*/4/75; *HN*, III, ii, pp. 12–13; *Northumb. Pleas*, nos. 791, 795–7. It was probably after 1296 that William's family adopted Umfraville arms: below, Chapter 8, p. 388.

<sup>141</sup> *HN*, II, iii, p. 109. In 1293 Alan was said to have been beneficed in Scotland (*NER*, no. 372); but no further details are known.

<sup>142</sup> Watt, *Dictionary*, p. 551. Another Robert of Tynedale, treasurer of the bishopric of Glasgow from about 1223, merits a mention: *Fasti Ecclesiae Scoticae Medii Aevi Ad Annum 1638*, ed. D. E. R. Watt and A. L. Murray (Scottish Record Society, 2003), p. 212.

<sup>143</sup> Tyndale and Whitfield were also younger sons, and their widespread acquisitions in the liberty can be traced in *DCM*, Misc. Ch. 6591–2; *Hexham Priory*, ii, pp. 85, 116–17; *JUST*

understandably took pains to restrict his obligations to the liberty to the bare minimum;<sup>144</sup> yet, as will soon be confirmed, from the 1270s both he and John Swinburne played local leadership roles in tandem with members of the 'old' gentry. So the power-building of these newcomers may not always have been welcomed; but they were never ostracised as intruders, and they adapted confidently to the outlook, values and assumptions of the world they had entered.

Another index of the liberty's commanding place in the regional politics of identity is supplied by the surviving archives of the adjoining barony of Langley, especially under its Boltby lords (1233–81), who were gentry rather than nobles and partly Yorkshire-based.<sup>145</sup> Tynedale–Langley links were more tightly packed than those connecting the liberty with other sectors of 'county society'. They thus serve to highlight the essentially localised interests and friendships of Tynedale's gentry; but they also tell us more. On one reading it is as if Langley, which was too inconsequential and geographically fragmented to develop its own political culture, was absorbed within a 'greater Tynedale'. Certainly a significant group of Tynedale landowners rounded off or enlarged their holdings by scooping up conveniently located premises within the barony. For example, by the 1230s Richard Plenmeller had married into property in Langley itself; Reginald Haughton was attempting to establish himself in Blenkinsopp; the hospital of Haltwhistle had taken up a lease in Wydon; Adam Rule had acquired forty acres of land in Allerwash; and the Grindons controlled the western half of Haydon manor.<sup>146</sup> By the 1260s the Thorngrafftons held part of Whinnetley, and the Tyndales had assets in Redpeth and Wydon. In 1277 the rector of Kirkhaugh leased property in Allerwash for a twenty-year term; in 1296 Robert Blumville of Ouston was a taxpayer in Langley. In addition, Laurence Vipont (younger son of Ivo Vipont of Alston) was steward of the barony in the 1250s, and John Mowbray of Humshaugh was bailiff of Haydon by 1290.<sup>147</sup>

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1/657, m. 2; NCS, ZSW/2/9; HN, III, ii, pp. 27–8 (Tyndale); *PROME*, ii, p. 514; *CIPM*, ii, no. 825 (Whitfield).

<sup>144</sup> Around 1257 Swinburne commissioned spurious charters of William I with the aim of exempting his Haughton lands from drengage service, including suit to the liberty court: *Reg. Regum Scott.*, ii, nos. 143, 424.

<sup>145</sup> *Early Yorkshire Charters*, ix, ed. C. T. Clay (YASRS, Extra Series, 1952), pp. 160–70.

<sup>146</sup> *Northumb. Fines*, i, nos. 68, 152–5; *NDD*, pp. 29, 35; *BF*, ii, p. 1130; *Lucy Cart.*, nos. 182, 214. In 1302 the Grindon property in Haydon, augmented by purchase in 1286, included 200 acres of arable and 1,000 acres of pasture: *Northumb. Fines*, ii, no. 103; *Lucy Cart.*, nos. 183–4.

<sup>147</sup> *Hexham Priory*, ii, p. 110; *HN*, II, iii, p. 349; *Lucy Cart.*, nos. 174, 177–8; *NDD*, pp. 35–6; *NLS*, p. 11.

Such involvements inevitably brought people into closer contact with county circles than would otherwise have been the case. The Grindons regularly participated in Langley's routine business; while the Thorngraftons sued the Grindons for lands in Whinnetley and Haydon before the eyre justices at Newcastle in 1269 and 1279.<sup>148</sup> But it was essentially from a Tynedale perspective that such figures operated in Langley barony. When in about 1270 Hugh Grindon secured a confirmation of his Haydon property from Adam Boltby, the first witness named in the charter was John I Comyn; the others included John Halton and William Swinburne.<sup>149</sup> In the 1250s Laurence Vipont had also served as Reginald Pratt's steward in Tynedale; and, later in the thirteenth century, John Mowbray was a liberty coroner.<sup>150</sup> More striking is the example of Ranulf Elrington who by 1208 had withdrawn the wood of Whinnetley into 'the fee of the king of Scotland', or that of William Swinburne who, as lord of Staward, appropriated Harsondale in Langley Park as common land belonging to the liberty.<sup>151</sup> By one means or another, Tynedale went some way towards reclaiming what had been lost to the liberty on the foundation of Langley barony in the 1150s. And nor did the Boltbies and their leading tenants, the Blenkinsops, remain aloof from the liberty's social and political nexus. Heraldic evidence suggests that they both saw themselves as part of the wider Comyn 'family'; while Thomas Blenkinsop sued in the 1293 Tynedale eyre to recover properties in Haughton and the Huntland.<sup>152</sup> No less notably, Ralph Lamley, who almost certainly took his name from Lambley within the barony, became abbot of Arbroath and then bishop of Aberdeen (1239-47).<sup>153</sup>

Hitherto we have sought to provide a portrait of thirteenth-century Tynedale that does justice to the truism that no territory or community is a totally closed world, and tries to avoid the skewed results that too narrow a reconstruction of people's lives and behaviour would inevitably produce. But we appear to have identified a power-structure that had an exceptional ability to channel people's ambitions, affiliations and loyalties. Emphasis

<sup>148</sup> *HN*, II, iii, p. 356; *Lanercost Cart.*, no. 12; *Lucy Cart.*, nos. 41, 173-6, 180, 185-7, 189-94, 215; *NDD*, pp. 30, 32-4; *NAR*, pp. 199, 255-6.

<sup>149</sup> *Lucy Cart.*, no. 214; *NDD*, pp. 34-5.

<sup>150</sup> *NCS*, ZSW/1/8; *HN*, III, i, p. 5; Hartshorne, p. xxxix.

<sup>151</sup> *Pipe Roll 10 John*, p. 60; *Royal Letters*, ii, no. 681; *NDD*, p. 205. Cf. *NCS*, ZSW/1/9, 10; *HN*, II, iii, pp. 443-4: William's annexation to Staward of common land in Hexhamshire.

<sup>152</sup> Blair, 'Armorial of Northumberland', pp. 93, 103; *JUST* 1/657, m. 3d; cf. *NDD*, pp. 243, 245. In 1275 Adam Boltby sued one of his kinsmen, who resided in Tynedale, for park-breaking at Langley in concert with Robert Whitfield: *Northumb. PDBR*, no. 257.

<sup>153</sup> G. F. Black, *The Surnames of Scotland* (New York, 1946), p. 413.

has been placed for the most part on the role of lordship in strengthening ties between the liberty and local society. It has also been acknowledged that Tynedale's cohesiveness as a socio-political entity rested on its internal social dynamics and on its institutional mechanisms and authority. But it is only by investigating these fields more systematically that we can register the full extent of Tynedale's relevance as a force for identification, and – not least – the specific contributions made to local solidarities by its 'royal liberty' status.

A good source for elucidating the coordinates of liberty society is the deed evidence, as long as it is used warily.<sup>154</sup> Overall it confirms that while Tynedale's borders were zones of social interaction, they nevertheless defined a setting for social integration based firmly on the liberty itself. For the years 1200–86 fifty-two private Tynedale deeds survive, most of which are later than around 1250; and to these can be added a number issued shortly after Alexander III's death. Fifty deeds have witness-lists, and about 200 individuals appear in them.<sup>155</sup> Only 31 per cent of the 357 attestations were by men who are not known to have been landowners or officers in Tynedale. A few deeds were issued outside the liberty: it was, for example, at Chollerton in April 1257 that Reginald Pratt concluded an agreement with William Swinburne; and at Edinburgh in July 1285 that John II Comyn released to Swinburne the northern half of Greenlee Lough.<sup>156</sup> Such deeds (some have crowded witness-lists) largely account for the quota of non-Tynedale attestations. Otherwise local business was a matter for the liberty and its personnel – though men from Gilsland or from Langley barony appear quite often in Knarsdale and Thirlwall deeds. The most prominent families, especially Comyn and Graham, are represented; but fuller roles were taken by members of greater and lesser local gentry houses: notably Bellingham, Charlton, Grindon, Halton, Haughton, Lisle, Nunwick, Pratt, Ridley, Russell, Shitlington, (John) Swinburne, Thirlwall, Thorngrifton, Vipont and Whitfield, whose collective tally of attestations accounts for

<sup>154</sup> The main methodological issues arising are covered in D. Bates, 'The prosopographical study of Anglo-Norman royal charters', in K. S. B. Keats-Rohan (ed.), *Family Trees and the Roots of Politics* (Woodbridge, 1997), pp. 89–102; C. Carpenter, *Locality and Polity: A Study of Warwickshire Landed Society, 1401–99* (Cambridge, 1992), pp. 291–5.

<sup>155</sup> Originals with witness-lists, none of which has been properly edited: C 146/5629; E 40/4766; CRO (Kendal), WD/Crk/A1428/M 51; DCM, Misc. Ch. 5257–9, 6591–2; NCS, ZSW/1/7, 8, 10, 11, 17, 26–7, 31, 40, 43; 2/1, 2, 9. Unpublished copies: Bodl., MS Dodsworth 149, f. 103v; CRO (Carlisle), D/Wal/9 (uncatalogued seventeenth-century transcript of deeds concerning Lintley and Kirkhaugh); JUST 1/657, m. 5d. Otherwise see *Hexham Priory*, ii, pp. 85, 120–1; *HN*, II, ii, p. 250; II, iii, pp. 323, 432; *NDD*, pp. 46, 118, 202–3, 242–5; *Pedigrees Recorded at the Herald's Visitations of the County of Northumberland*, ed. J. Foster (Newcastle, 1891), p. 119; *Reg. Gray*, pp. 286–8.

<sup>156</sup> NCS, ZSW/1/17, 43; *HN*, III, i, pp. 9–10, 19.

two-thirds of the 247 occurrences attributable to local witnesses. And, above all, the evidence indicates a relatively tight-knit and self-sufficient political society, whose interrelationships were often shaped by the liberty and served in turn to reinforce its social capital and definition.

This is a statement that requires some amplification. The sixteen gentry families just mentioned were no doubt the most significant element in Tynedale's everyday affairs – an impression strengthened by the fact that (as will appear) twelve of these families were heavily involved in local office-holding; by their use (in ten cases) of locative surnames of local origin, and the often localised nature of their marriage strategies;<sup>157</sup> and by the infrequency with which their names (apart from Grindon, Halton, Lisle and Swinburne) occur in the witness-clauses of deeds concerning property outside the liberty. We also see from deeds relating to north Tynedale that Bellingham, Charlton, Grindon, Halton, Haughton, Lisle, Nunwick, Pratt, Russell, Shitlington and Swinburne came more or less firmly within the Comyn ambit, and formed a regular network embracing most of this part of the liberty. Given the distribution of their Tynedale estates – mainly, though not exclusively, north of the Wall – this is perhaps only to be expected. Likewise a similar pattern was replicated in south Tynedale in the activities of Ridley, Thirlwall, Thorngrifton, Vipont and Whitfield, with the proviso that these 'southerners' were apparently less reliant on the Comyn connection.

Yet to speak simply of two separate areas of interaction would be to ignore the extent to which people's social spheres intersected. Indeed, many witnessing profiles point to the existence of a single social universe that readily embraced both zones. It was thus possible for men to be members of the liberty as well as of localities within it; and such persons were, or may be seen as, the local leaders of a unitary 'liberty community'. To give some indicative examples, Halton, Lisle, Pratt, Ridley, (John) Swinburne, Thirlwall and Whitfield participated in the business of Comyn, Tyndale and Vipont; Ridley in that of Haughton, Nunwick, Pratt, Seward, Swinburne (both families) and Thirlwall; and Thirlwall and Thorngrifton in that of Graham, Nunwick and (John) Swinburne. More specifically, the witnesses to a Comyn charter of about 1230 include Earl William Comyn of Buchan, John Pratt, Nicholas Ridley and Matthew Whitfield; those to a Vipont deed of similar date include Walter Comyn (future earl of Menteith), Ranulf Haughton, John Pratt, Adam Thirlwall, John Whitfield and two Riddleys.<sup>158</sup>

<sup>157</sup> Examples of local intermarriage include Bellingham-Gourlay; Haughton-Marshall; Ridley-Whitfield; Russell-Tecket; Swinburne-Graham; Thorngrifton-Bradley.

<sup>158</sup> *Hexham Priory*, ii, pp. 85, 120–1.

Or take the case of Nicholas I Vipont of Alston, whose status as Tynedale's bailiff in the 1260s and earlier gave him a focal role throughout the liberty. His presence in its northern reaches can be inferred from various deeds, which also suggest that he was attended by fellow 'southerners' such as William Blumville and William I Tyndale. No doubt many such deeds were issued in the liberty court, though in few cases is this clearly indicated. Bartholomew Pratt's quitclaim of the manor of Williamston to William Swinburne is, however, dated at Wark in 1279, and it is witnessed by John II Comyn and a fair cross-section of Tynedale gentry; in a parallel instance from 1291, Henry Graham's release of the manor of Simonburn to his sister and her husband, Adam son of John Swinburne, is witnessed by Hugh Russell, Nicholas Thorngrafton, two Nunwicks and three Thirlwalls.<sup>159</sup>

Some of this evidence can be taken to confirm that the influence of Comyn lordship, though strongest in north Tynedale, did help to bring different parts of the liberty together as a social unit. Yet the last few examples give a timely reminder that its cohesion was powerfully supported by its own governance systems and routines; and a broader view is supplied by how its special administrative needs as a 'royal liberty' could mould people's careers and identifications. For lack of sources it is impossible to compile comprehensive lists of medieval Tynedale's office-holders. But the management structure under the Scots kings approximated to Durham's; it thus reflected the English crown's administration over and within standard counties, and likewise afforded important openings through which men might affirm their authority and involvement within a community. How far local aspirations were thereby met depended significantly on the lord/king's pleasure; and not all senior officers were recruited from Tynedale. This obviously applies to the chancellor, while the liberty's justices, where known, were royal servants from outside the liberty. Relatedly that experienced Durham man of law, Thomas Fishburn, was retained by Alexander III as his attorney in the liberty court, and represented him in the action brought against the prior of Hexham in 1279 for violation of the liberty's rights.<sup>160</sup>

Yet, in other spheres, local appointments were by no means unusual, at any rate during Alexander III's reign, when for the first time there is enough evidence to evaluate.<sup>161</sup> The liberty's key local officer was its bailiff, whose main duties of government and justice resembled those of a county

<sup>159</sup> NCS, ZSW/1/27; *HN*, II, ii, p. 250; III, i, p. 18 (misdated).

<sup>160</sup> Hartshorne, p. xxx. Significantly Fishburn had married William Swinburne's niece Christiana by 1279: *The Earliest English Law Reports*, ed. P. A. Brand (Selden Society, 1996-), ii, p. xxxvii.

<sup>161</sup> The basis of this paragraph is the lists of officers in the kalendars of the Tynedale eyre rolls: Hartshorne, pp. xxxviii-ix; JUST 1/657, m. 7.

sheriff: hence the bailiff's alternative title of *vicecomes*. He was supported by two coroners; in about 1290 reference was made to a receiver. Uncertainty surrounds the office of escheator; but there is at least some indication that the bailiff may have exercised an exceptional authority akin to that of Durham's sheriffs-cum-escheators.<sup>162</sup> He also had ultimate responsibility as the lord/king's estate-manager, and supervised a staff of (to us) often anonymous officials such as foresters, verderers, agisters, regards and parkers. As in other contexts, however, *ballivus* was a fluid term, and it is not always clear whether it referred to the head bailiff or to a subordinate agent. Nonetheless the men who evidently did hold the chief post in the period 1257–79 included Nicholas I Vipont, William Bellingham, John Swinburne and John Warwick. The last two were newcomers, though both may have already begun to make their homes in the liberty.<sup>163</sup> William Swinburne and another local man, John Tecket, were also bailiffs (sub-bailiffs?) of Tynedale in the mid-1270s.<sup>164</sup> Other near-contemporary *ballivi* remain little more than names. Robert Lowendorb was brought to Tynedale in the Comyn retinue all the way from Lochindorb north of the Spey. But William Schepelaw, now Shipley Shiels near Greenhaugh, was a Tynedaler; while John Scott's occurrences as 'bailiff' in 1279 and 1293 suggest that he was, or at least became, a regular member of liberty society. In the 1293 eyre roll, four (chief) bailiffs are named as having recently held office, and three had served under Alexander III. Alan Ormiston was a Scottish knight based near Edinburgh; also listed is the royal favourite William Soules, lord of Liddesdale, justiciar of Lothian and sheriff of Roxburgh. As a Comyn kinsman and a landlord in Stamfordham, Soules was not a rank outsider;<sup>165</sup>

<sup>162</sup> See, for example, Stevenson, *Docs*, i, no. 190: an inquisition *post mortem* held by 'the bailiff of Tynedale' in 1291.

<sup>163</sup> Warwick, a cleric, perhaps hailed from Cumbria, though Warwicks were also established in Ayrshire: CRO (Carlisle), D/MBS/9/14/2/1; Barrow, *Anglo-Norman Era*, p. 83. He was still associated with Tynedale, as a juror, in 1287: *CDS*, ii, no. 319. On Vipont's service, see DCM, Misc. Ch. 5258; NCS, ZSW/1/7, 8, 11, 17; *HN*, II, iii, p. 60; III, i, pp. 5–7, 9–10; *Exch. Rolls*, i, pp. 23, 25; *NDD*, p. 243.

<sup>164</sup> These cases epitomise the difficulties of unravelling the administrative chain of command in Tynedale. In 1273 Alexander III ordered Swinburne, 'bailiff of Tynedale', to set at farm all escheats resulting from the 1269 eyre (NCS, ZSW/1/20; *HN*, III, ii, p. 22); in 1279 Tecket described himself as having acted as king's 'bailiff and escheator' around 1277 (Hartshorne, p. xii). But neither appears with Bellingham, John Swinburne and Warwick in the 1279 list of chief officers ('sheriffs') who had served since 1269; and Tecket elsewhere called himself 'sub-escheator' (JUST 1/657, m. 3d). Another administrative layer is indicated by CRO (Carlisle), MS Machell 5, p. 16, which notes that William Bellingham was William Swinburne's deputy in 1274.

<sup>165</sup> In 1283 Alexander III petitioned Edward I on behalf of Soules concerning the advowson of Stamfordham: *CDS*, ii, no. 233. Ormiston was formerly lord of the Northumberland manor of Rothley near Cambo: *NAR*, p. 45; *CChR*, i, pp. 166–7.



but his appointment clearly made no concession to grassroots interests. Even so, as Alexander III's reign drew to its close, local gentry were not excluded, for the third bailiff mentioned was John Swinburne, whose deputies, moreover, were John Shitlington and (it seems) Nicholas Whitfield.<sup>166</sup>

Strong local participation in liberty governance is seen again, and even more plainly, in the names of the fourteen men known to have served as coroners in the 1270s and/or the 1280s. These officials were not appointed, as were most of Durham's coroners, by the liberty-owner's writ; they were deemed to have been elected, presumably by the liberty court's suitors. Such 'elections' could be manipulated, but there is little doubt that in Tynedale they resulted in significant representation of local interests. Certainly the coronership was not restricted to a narrow coterie. The officers were drawn from the heads of knightly families – William II Tyndale and Matthew Whitfield – and, more especially, from the lesser gentry: Robert and William Bellingham, Robert Blumville of Ouston, Hugh Ferewithescheles of Willimontswick, Gilbert Grindon, Ranulf Haughton, Alan Kirkland of Charlton, Hugh Miggequam, John Mowbray of Humshaugh, Odard Ridley, John Shitlington and Nicholas Thorngrifton.<sup>167</sup> Again, whereas most of the bailiffs who were locally recruited can be classed as 'northerners' (and perhaps were Comyn nominees), the coroners came in equal measure from both parts of the liberty. We may add that the only known receiver of Tynedale in the thirteenth century was Hugh Nunwick; and that his neighbour, Adam Charlton, was Alexander III's attorney in the English royal courts.<sup>168</sup> Finally the potential weight and range of an individual's official service to the liberty is well illustrated by the case of William Bellingham: successively bailiff/sheriff and coroner, he was also Alexander III's hereditary serjeant-forester throughout the king's forest of Tynedale, and so basic was this powerful office to William's standing and self-image that his seal bore a hunting horn as its motif.<sup>169</sup>

Thus it was that the local gentry had important opportunities to share in, and influence, the liberty's administration, the more so because the offices of 'bailiff' and coroner were usually not held for long periods – another notable contrast with Durham – but were rotated among at least eighteen

<sup>166</sup> On Whitfield, see *HN*, II, iii, p. 323.

<sup>167</sup> Hartshorne, pp. xxxviii–ix, xliii; JUST 1/657, m. 7; and, for the elective nature of the office, see *CCR* 1288–96, p. 175.

<sup>168</sup> *CIMisc.*, i, no. 2021; *CPR* 1272–81, pp. 327–8, 430; *PQW*, p. 197. John Swinburne also used Charlton's legal services: KB 27/47, m. 37d.

<sup>169</sup> Hartshorne, p. xxix, with Bodl., MS Dodsworth 149, f. 103v, for a depiction of William's seal. In 1293 the same or another serjeanty attached to lands in Bellingham, then held by Robert Bellingham, was described as that of serving as the king's 'chief hunter' (*capitalis venator*) in Tynedale and throughout Scotland: JUST 1/657, m. 9d.

different Tynedale families. Little suggests that such posts were unattractive: only in 1291, when Tynedale was in the English crown's hands, do we find Reginald, Roger and William Hetherington offering fines to be excused from acting as affeerors of the liberty court.<sup>170</sup> Rather did local men seek and secure governmental responsibilities, and thereby express and strengthen their identification with the liberty and its political society. Nor was it as if office simply reflected or confirmed men's reputation and status: it also contributed specifically to a local 'rise of the gentry'. What fees were paid is unrecorded. But a correlation between office-holding and local social advancement is indicated by the fact that John and William Swinburne's service coincided with the consolidation of their Tynedale estates, and with their assumption of knighthood. William Bellingham remained unknighthed, but he earned from Alexander III grants of property in Bellingham, including the valuable prize of its mill; and others such as Robert Bellingham, John Shitlington and Nicholas Whitfield became more prominent local figures apparently through the benefits of office.<sup>171</sup>

In Tynedale service to the liberty and its community was thus the equivalent of gentry service in ordinary English county governance.<sup>172</sup> There was arguably as much or greater scope for power and profit, and this helps to explain why few local gentry, even knights, took any significant role in shire administration before 1286. Ivo Vipont was a tax-collector in Cumberland in 1225 and an assize justice at Appleby in 1230. John Gunnerton, Thomas Hillbeck and Patrick Ousby were coroners for Northumberland south of the Coquet, Westmorland and Cumberland, respectively; Adam Kirkland of Charlton and Laurence Vipont acted as the sheriff of Northumberland's bailiffs.<sup>173</sup> Of those who held shrievalties, John Swinburne almost certainly owed his position as sheriff of Cumberland (1277–8) to Alexander III's influence.<sup>174</sup> This leaves John Halton, who was sheriff of Northumberland in 1265–7 and continued to serve on royal commissions in the county; but

<sup>170</sup> *Ibid.*, m. 6d. In 1273 William Swinburne, as 'bailiff', petitioned Alexander III for formal exemption from further appointments, but probably because of continued illness: NCS, ZSW/1/15, 20; *HN*, III, ii, pp. 22–3; cf. above, p. 264, n. 137.

<sup>171</sup> Shitlington was a knight by 1296, though his main landed gains were probably in Scotland: *CDS*, ii, p. 207. See also Hartshorne, p. xxvi; *JUST* 1/657, mm. 2, 4–4d; above, p. 265.

<sup>172</sup> In 1268 John Swinburne, at Queen Margaret's request, was released for life by Henry III from obligations of county administration: *CPR* 1266–72, p. 216.

<sup>173</sup> Ragg, 'Mauld's Meaburn', p. 275; *NAR*, pp. 372, 397; *JUST* 1/979, m. 10; 1/983, m. 20; 1/132, m. 21; *RH*, ii, p. 20.

<sup>174</sup> In Alexander III's reign, John's main involvement in office-holding outside Tynedale was otherwise restricted to the liberty of Penrith, and as one of its agents he was accused in 1278 of exceeding its privileges: F. H. M. Parker, 'Inglewood Forest. Part II', *TCWAAS*, new ser., 6 (1906), p. 164; *CDS*, ii, nos. 133, 146.

he was the only Tynedale tenant prior to 1286 whose path followed the classic trajectory of ambitious gentry in the English shires.<sup>175</sup> In essence, careers were made in and by the government of the liberty; men's ties of administrative service and reward were to Tynedale and the Scottish crown, not to the county and the English crown.

Moreover, local government was also government by jurors; and Tynedale's 'regal jurisdiction' afforded ample opportunities for participation in 'royal' or 'county' juries at the eyres, coroner's inquests, inquisitions *post mortem*, and so forth. It was likewise through such duties that men might cooperate in defining the cultural rules and values that made for a viable community; indeed, they were pressed into collective involvement in, and commitment to, the liberty and its social order. For the years 1279–93, we have the names of about one hundred jurors for Tynedale affairs. With hardly any exceptions their jury service seems to have been confined to the liberty itself; and that they met regularly in a single 'central place' (the liberty court in Wark) must have added to the liberty's overall cohesion. The main juror families were Bellingham, Nunwick, Thirlwall, Tyndale and Whitfield, and family connections were clearly of some relevance in juror selection – as was administrative experience, for the coroners (or ex-coroners) are relatively conspicuous. But what is most striking is the broad-based nature of the known 'jury community'. Since the Bellingham-Whitfield-officer nucleus accounted for only 30 per cent of it, many others also had roles as participants in liberty governance. Jurors, too, were drawn from across Tynedale; and most juries, including the main presenting jury at the 1279–81 eyre, were truly representative of the liberty as a whole. Here, as in other respects, the liberty's governmental rights and practices were real unifying forces. Indeed, those empanelled included not only senior gentry such as William Halton, Robert Lisle, Alexander Ros and William II Tyndale, but various ordinary freemen such as Henry Bradley, William Coleman, Christian Parker and Thomas Wall. It is at this juncture that we can glimpse liberty society at its maximum depth, a society whose institutional structures and processes drew people from their manors, villages or boroughs into a larger setting and community.<sup>176</sup>

<sup>175</sup> C. Moor, *Knights of Edward I* (Harleian Society, 1929–32), ii, p. 173.

<sup>176</sup> The 1279–93 periodisation allows for counting in the jury lists of both Tynedale eyre rolls, as well as those of a coroner's inquest and five inquisitions *post mortem*: Hartshorne, p. xxxix; JUST 1/657, mm. 4d, 7; CDS, ii, nos. 319, 407, 665; Stevenson, *Docs*, i, nos. 33, 190; C 133/60/10. In 1279 Thomas Thirlwall and Matthew Whitfield – both 'southerners', though Thirlwall also held land in Wark (DCM, Misc. Ch. 6591) – were electors of the presenting jury for the *corpus libertatis*; and they chose five men from north Tynedale (David Conheath, Alan Kirkland, Simon Palmer of Haughton, Hugh Russell of Simonburn, John Shitlington) and five from south Tynedale (Hugh Aldithescheles of Thirlwall, Hugh

We have already begun to allude to a specific culture of community based on common ties of political allegiance, local association and 'public' service. Yet the only formal articulations of communal solidarity emanated from the miners of Alston Moor, who habitually defined themselves in opposition to the liberty by collectively petitioning the English crown for protections and privileges.<sup>177</sup> The rhetoric of 'community' was not therefore a feature of the liberty proper; but this is unsurprising. Tynedale was of course insulated from the English crown's exactions, and the Scottish king's lordship was relatively easy-going. It does not seem to have involved communal taxes; nor was military service much in demand, if at all. The complaints made against liberty officers at the 1279–81 eyre were also few and low key.<sup>178</sup> So the claims of lordship did not require high levels of group activity; still less did they threaten the 'liberties' of local society. It might thus be concluded that, given the well-established link between hard lordship and corporate self-awareness, any ethos of community was bound to have been passive and insubstantial. Yet a different reading is possible. Modes of rulership that did not challenge common local interests and rights removed the necessity to question customary patterns of authority and obedience; they thereby provided for orderly, united and protected worlds in the form, so to speak, of communities of rulers and ruled. Tynedale's experience, then, suggests a political culture that served to underwrite the liberty's overall significance for realising notions of collective autonomy, values and identity.

Such an assessment needs some qualification and, even more so, further explanation and justification. First, it must not be taken to imply that there were no departures from processes of 'community'. Indeed, under certain conditions, some nobles and gentry resorted to the English crown for local favours. Take John I Comyn: in 1262 he requested from Henry III a charter for the original Comyn patrimony in Tynedale; in 1267 he asked Henry for permission to crenellate his hall at Tarset.<sup>179</sup> But, as this illustration indicates, the cases concerned largely involved lords whose political careers might on occasion bring them directly into the orbit of English kingship.

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Ferewithescheles, Adam Temon, Brice Thirlwall, Adam Whitelaw). A similar pattern of liberty-wide representation is found in other juries, the borough juries of Haltwhistle and Newbrough being obvious exceptions. The jurors who sat most frequently overall (between four and six times) were the 'northerners' John Nunwick, Hugh Russell, John Shitlington and John Tecket, and the 'southerners' Hugh Ferewithescheles, Richard Thirlwall, Nicholas Thorngrifton and Matthew Whitfield. As might be expected, knights such as William Halton and Robert Lisle were also jurors in county government.

<sup>177</sup> *VCH, Cumberland*, ii, p. 339; cf. above, p. 238.

<sup>178</sup> Only John Tecket was censured specifically for abuse of office, and his misdeeds were minor: Hartshorne, pp. lvii, lx.

<sup>179</sup> *CChR*, ii, pp. 40–1; *CPR 1266–72*, p. 178.

Thus Comyn secured his confirmation of 1262 when he was an exile at Henry's court. Similarly, when in 1255 David Lindsay was ousted from Scotland by the Comyn-led government, he took the precaution of obtaining Henry's confirmation of Chirdon. Otherwise Ivo Vipont, while in King John's service, reinforced his title to Alston, Elrington and Kirkhaugh with charters from both the Scottish and the English chanceries; Robert I Ros acquired John's grant of a market in Haltwhistle in 1207; and Earl William Comyn, on attending Alexander II's marriage to Joan of England at York in 1221, gained Henry III's approval for a temporary market in Thornton.<sup>180</sup> Later, in 1277, John Swinburne relied on Edward I for a grant of warren: the Scots king's right to issue such licences for Tynedale was normally secure; but Swinburne also wanted warren for lands outside the liberty, and appears to have included Haughton and Humshaugh to avoid having to pay a separate fee to the Scottish chancery.<sup>181</sup> Such occurrences, then, often arose from exceptional circumstances. They did not provide the English crown with a major channel through which to enforce its authority; nor did they amount to a serious lack of commitment to the liberty. The Comyns, for example, seem never to have invoked Henry III's charter to remove their lands from the jurisdiction of the liberty court.

This prepares the ground for a closer analysis of the specific role of the liberty's institutions and 'regal rights' in mobilising or reaffirming common attitudes and identities; and that role indeed had multiple aspects to it. Office-holding not only strengthened the social dimensions of community; it also allowed many local men to develop a strong awareness of, and attachment to, the liberty and its privileges. The vigilance of senior officers might falter, as in the case of the unfortunate John Wily, who in about 1270 was arrested in Tynedale by the bailiff of Hexhamshire and summarily killed in Hexham gaol.<sup>182</sup> More typical, however, was their swift action in alerting Alexander III when Edward I's taxers tried to impose the lay subsidy of 1283; and John Swinburne, in his official capacity, was a notable defender of the lord/king's jurisdiction.<sup>183</sup> Such men defined themselves by shared vested interests in Tynedale's regality status: in fact, just as the liberty brought them personal power, so did they embody its authority and traditions. But nor were they alone, for ordinary tenants might champion the customs and rights on which both their and the liberty's independence rested. An early example concerns those Tynedalers who in 1166 were amerced (and subsequently excused) for refusing to appear before Henry II's eyre justices in

<sup>180</sup> *CChR*, i, p. 446; Ragg, 'Mauld's Meaburn', pp. 271–2; *RLC*, i, pp. 77, 462.

<sup>181</sup> *NDD*, p. 243. Cf. Hartshorne, p. xxvi; *NDD*, p. 203; *PQW*, p. 604; *NER*, no. 641a.

<sup>182</sup> *RH*, ii, p. 21.

<sup>183</sup> *CDS*, ii, no. 241; cf. nos. 162, 164.

Northumberland.<sup>184</sup> In 1232 freeholders in Alston resisted attempts by the sheriff of Cumberland to make them answer for the profits of the mine.<sup>185</sup> Likewise Tynedale's independent standing and identity as a 'royal liberty' intensified people's self-definition as members of a distinct territory and society. It was not just that allusions were made to 'the country (*patria*) of Tynedale'; that in about 1210 John Pratt conveyed lands in Softley 'as freely . . . as any marriage portion can . . . be given or held by any knight in Tynedale'; or that John's brother Reginald called himself 'of Tynedale' in a charter he issued in Scotland relating to Muiravonside (Stirlingshire).<sup>186</sup> In 1272 William Swinburne informed Henry III that Staward manor was 'within the liberty of my lord the king of Scotland in Tynedale', whereas Langley manor was 'within your county of Northumberland'. In 1279 jurors found in a case of drowning that the boat could not be claimed as a deodand because it had drifted across the South Tyne to 'the land of the king of England in the county of Northumberland'.<sup>187</sup> The North Tyne below Bellingham also had a well-recognised jurisdictional and symbolic importance as the Tynedale–Northumberland border.<sup>188</sup> Grindon, where there were no natural boundaries, was understood to be 'on the confines of the county of Northumberland and the liberty of Tynedale'.<sup>189</sup> And, certainly, Tynedalers saw a real difference between themselves and their unenfranchised neighbours: in a Nunwick deed of around 1240, for instance, a witness is styled 'of the county'.<sup>190</sup> Thus might the liberty provide an institutional basis for both autonomy and community.

The liberty, it must be stressed, was also more than simply an instrument of superior authority, significant though experience of its governance powers and mechanisms was for perceptions of collective cooperation and definition. Its *libertates regales* were no less important to common values and loyalties because they involved personal rights and advantages that directly benefited a rich variety of local interests in ways not readily available to other people. All leading tenants could expect to be assigned lesser jurisdictional rights,

<sup>184</sup> *Pipe Roll 12 Henry II*, p. 76; *Pipe Roll 15 Henry II*, p. 132. At the 1176 Northumberland eyre, Richard Comyn was fined £100 for default on summons: *Pipe Roll 22 Henry II*, p. 138. Such evidence does not prove that Henry II's justices actually visited Tynedale, despite the comments in G. W. S. Barrow, 'Northern English society in the twelfth and thirteenth centuries', *NH*, 4 (1969), p. 27.

<sup>185</sup> *Memoranda Rolls 16–17 Henry III*, ed. R. A. Brown (London, 1991), no. 2936.

<sup>186</sup> JUST 1/657, m. 4d; NCS, ZSW/1/26; *HN*, II, iii, pp. 89–90; W. Fraser, *The Melvilles Earls of Melville and the Leslies Earls of Leven* (Edinburgh, 1890), iii, no. 8.

<sup>187</sup> SC 1/5/52; *CDS*, v, no. 31; Hartshorne, p. xlii.

<sup>188</sup> For example, in 1260 Peter Lisle was careful to obtain Alexander III's permission for work on the mill-dam at Chipchase: *NDD*, p. 110 (misdated).

<sup>189</sup> At any rate in 1307: *CPR 1307–13*, p. 40.

<sup>190</sup> *NDD*, p. 203.

including gallows, infangthief and the chattels of felons condemned in their courts, 'by the charters of the kings of Scots'.<sup>191</sup> Moreover, freedom from national taxation was a communal asset of no little consequence in an age when the English crown was periodically flexing its fiscal muscles. Some evidence possibly suggests that local society also enjoyed immunity from military service outside Tynedale, even for Scottish war-making.<sup>192</sup> And all members of the liberty shared in its privileges according to their individual needs and priorities. Thus they might well value, and capitalise on, their local independence from English royal justice. When in 1271 Adam Boltby appealed to the English crown against William Swinburne over contested common land on the county-liberty boundary, there was no question of William's having to submit to normal judicial process and the verdict of an unsympathetic neighbourhood. Rather, he was able to insist (with Alexander III's backing) on a perambulation by a mixed jury of liberty and county men.<sup>193</sup> An order to Edward I's sheriff of Cumberland for distraint on the lands of Elizabeth Vipont, in respect of money she owed to an influential creditor, could not be enforced since Alston 'was not in Cumberland but in the liberty of Tynedale'. Conversely the liberty's authority enabled the Comyns to distrain with impunity the goods of Newcastle merchants for debts owed by fellow traders.<sup>194</sup> John I Comyn also presumed to levy tolls at Henshaw and Newbrough on the burgesses of Corbridge and Newcastle, and no action could be taken against him because 'this offence was committed outside the county . . . in the king of Scotland's liberty'.<sup>195</sup> Similarly the Whitfields, in a protracted local dispute with Roger rector of Whitfield, relied on the liberty not only to withhold secular remedies from their adversary, but to shield them from arrest and imprisonment when significations of excommunication were sent to Henry III and Edward I by successive bishops of Durham.<sup>196</sup> Tynedalers might also enjoy through the liberty an effective immunity from being tried in the English royal courts for wrongs done beyond its bounds. In 1275, for example, Robert Whitfield and two accomplices were sued in Common Pleas by Adam Boltby for trespass in Langley, but they could not be brought to account because 'they abide in Tynedale . . . where the king of England's writ does not run'.<sup>197</sup>

<sup>191</sup> JUST 1/657, m. 5.

<sup>192</sup> In 1288 land in Hetherington was held by the service of one archer in wartime, 'and this within Tynedale': Stevenson, *Docs*, i, no. 33.

<sup>193</sup> *Royal Letters*, ii, no. 681.

<sup>194</sup> F. W. Ragg, 'Early Lowther and de Louther', *TCWAAS*, new ser., 16 (1916), p. 119; *NAR*, pp. 296-7; KB 27/55, m. 10.

<sup>195</sup> H. H. E. Craster, 'An unpublished Northumbrian Hundred Roll', *AA*, 3rd ser., 3 (1907), p. 189; *NAR*, pp. 75-6; JUST 1/653, m. 6.

<sup>196</sup> *CDS*, ii, no. 290; *Acta 1241-83*, nos. 153, 228-30.

<sup>197</sup> *Northumb. PDBR*, no. 257.

Yet again, the relevance of Tynedale's 'regal jurisdiction' to its tenants, and to their concerns and culture, is encapsulated in the Viponts' campaign to bring under their control the inhabitants and upland wastes of Ousby, Gamblesby and Alston Moor.<sup>198</sup> It centred on removing them from the county jurisdiction of Cumberland, and to that end the Viponts and their agents armed themselves with the liberty's rule-enforcing powers. In 1234 it was said that four men of Ousby had been sent to the liberty gaol for resisting occupation of the hamlet's common grazings. Gamblesby, also on the edge of the Pennines below Alston, figured at the 1278–9 Cumberland eyre, where Robert Vipont 'of Tynedale' was accused of invading its pastures and interning its bailiff at Wark. On Alston Moor the miners were ejected from the commons, and the mine itself was subtracted from Cumberland: such is the story revealed by records of 1224, 1245 and 1278–9; and nowhere else did Vipont aggrandisement make more systematic and successful use of the liberty's disciplinary tools. Evidently local ambitions always came first; but there was nevertheless an identity of interests between the Viponts and the liberty, especially vis-à-vis the Alston miners, whose 'freedoms' represented an affront to the authority of both. The mining community knew the score well. It told how the Viponts had suppressed its court at Amshaugh by destroying the gallows and diverting pleas to their own court; how the coroners of Tynedale had arrived to enforce the liberty's judicial rights; and how a miner had been gaoled at Wark for refusing to recognise Alexander III as his liege lord. We also learn that when Alston was formally in Edward I's hands (1278–9), Robert Vipont depended on the liberty to prevent the king's ministers from officiating and to mount fresh attacks on the miners' customs. Furthermore, when Nicholas II Vipont was authorised to hold Alston manor, but not the mine, by Edward's grant of 1282, he revoked their rights in concert with Tynedale's officers, who entered the mine's precincts to appropriate felons' chattels, make arrests and dispatch a thief for execution at Wark. In such ways, the liberty reinforced ideas of common interests and allegiances because its monopolies were basic to its own needs and to those of its tenants alike.

But in no arena were solidarities with the liberty expressed and strengthened more completely than through collective participation in a single 'juridical community'. A number of tenants were naturally familiar with English royal justice through litigation unconnected with Tynedale; some became all too well acquainted with its 'stifling bureaucracy' and 'hazardous

<sup>198</sup> For Ousby and Gamblesby, see *CRR*, xv, nos. 960, 1259; *CDS*, ii, no. 133. The main sources used for Alston Moor are *RLC*, ii, p. 8; *CRR*, xvii, no. 1721E; *CDS*, ii, nos. 146–7, 224; *NAR*, p. 266; *JUST* 1/143/1; 1/135, mm. 25, 26–26d; Stevenson, *Docs*, i, no. 299.



and expensive' procedures.<sup>199</sup> In 1278 William Swinburne had to go to the expense of retaining for life two Common Pleas serjeants, William Kelloe and John Lisle, who received annuities of £1 apiece from his manor of Haughton; in 1285 John Swinburne secured legal counsel at Westminster on similar terms.<sup>200</sup> But the critical issue is whether or not litigants took liberty suits to the English crown's courts; and a search of their records up to Alexander III's death leaves no doubt that Tynedale was essentially a discrete judicial zone.<sup>201</sup> Instances to the contrary are rare and concern atypical cases. That three examples are advowson pleas probably shows that the liberty had no jurisdiction in such suits, thus forcing plaintiffs to sue by writ out of the English chancery.<sup>202</sup> When, in the 1270s, Beatrice Whitfield went to the Northumberland county court to appeal Thomas Whitwell of Newcastle of sending men to burgle her house in Whitfield, it was presumably because she believed that no alternative route to justice existed.<sup>203</sup> Nor, unlike Prior Henry of Hexham, was Beatrice punished by Alexander III for contempt of his court, which suggests that it was legitimate to sue in another jurisdiction as long as the defendants were not under the liberty's authority. Unsurprisingly the hapless Roger rector of Whitfield eventually petitioned Edward I in council. In 1286 he complained to the king that Andrew and Simon Fraser had engineered his abduction into Scotland; that their kinsfolk, Beatrice and Robert Whitfield, had appropriated the revenues of Whitfield church; and that he had received no redress in Tynedale because William Fraser (brother of Andrew and Simon) was chancellor of

<sup>199</sup> A. H. Hershey, 'Justice and bureaucracy: the English royal writ and "1258"', *EHR*, 113 (1998), pp. 829, 839.

<sup>200</sup> 'Private indentures for life service in peace and war, 1278-1476', ed. M. Jones and S. Walker, in *Camden Miscellany*, xxxii (Camden Fifth Series, 1994), pp. 35-6; *Year Books of Edward II*, xii, ed. W. C. Bolland (Selden Society, 1916), p. 8. The editors of the 1278 indentures, and J. M. W. Bean, *From Lord to Patron* (Manchester, 1989), pp. 42-3, did not appreciate that these were retainers of attorneys: cf. *Earliest English Law Reports*, ii, pp. lxxv-ix, lxxvii-lxxxii. Kelloe's clients in the English royal courts included Alexander III, William II Tyndale and Bogo Clare: *CDS*, ii, no. 133; *Northumb. PDBR*, no. 210; M. S. Giuseppi, 'The wardrobe and household accounts of Bogo de Clare, 1284-6', *Archaeologia*, 70 (1920), p. 34.

<sup>201</sup> All relevant printed sources have been consulted, as well as unpublished King's Bench rolls, and the main unpublished plea rolls for the Border counties listed in D. Crook, *Records of the General Eyre* (London, 1982).

<sup>202</sup> *Patent Rolls, 1225-1232* (London, 1903), p. 525 (Kirkhaugh, 1232); *CDS*, i, no. 1509 (Haltwhistle, 1240); *Northumb. PDBR*, no. 159 (Haltwhistle, 1274). Even in the Welsh March, advowson disputes were successfully claimed for the crown in the thirteenth century: Davies, *Lordship and Society*, pp. 253-4.

<sup>203</sup> *NAR*, p. 365. In 1276 John I Comyn obtained an oyer-and-terminer commission from Edward I to investigate his complaints against Whitwell; but this case apparently involved victuals from Comyn's Tynedale manors already freighted onto a ship at Newcastle: *CPR 1272-81*, p. 178.

Scotland.<sup>204</sup> But this is the only known instance of a plaintiff from the body of the liberty resorting to the English crown on default of justice.

Otherwise demand for English royal justice in Tynedale suits remained muted at best: local society used the legal services on its doorstep; there was in practice no competing or rival justice system to undercut the liberty court's prestige and its integrating role. No doubt simple pragmatism was important. Liberty justice was, it seems, not only more accessible but swifter and cheaper than its English royal counterpart. Plaintiffs had also to recognise the liberty's power over them: after all, in 1286 Edward I referred back to Alexander III the rector of Whitfield's petition.<sup>205</sup> But, more positively, the liberty court may be regarded as a vital focus for the people of Tynedale, meeting through its own rights of royal justice virtually all their legal needs and expectations and acting as their preferred judicial forum – not least because it was there that local issues could be dealt with free from the English crown's scrutiny, and in ways more attuned to local values and customs. Here, as elsewhere, the liberty and its society defined and reinforced one another. They formed, or might be seen as, a self-reliant and distinct local polity and community.

The validity of such statements is strengthened by what can be learned from the 1279–81 eyre roll. This crucial source captures the governmental and socio-political relevance of 'the royal liberty of Tynedale' in many dimensions.<sup>206</sup> From Alexander III's viewpoint, the eyre's main purpose was to uphold his local hegemony and foster a social order that identified itself by obedience to his authority. Indeed, its power in these respects is amply confirmed by the wide range of business investigated under its articles – the much-expanded new articles of 1278 drawn up for Edward I to enforce his rights and peace elsewhere in the kingdom. But the eyre was also a communal court where local society engaged collectively in its governance. And it is by approaching the eyre roll from this perspective that we get the fullest measure of the liberty's ability to coordinate itself as a community, and to shape a polity defined by its own socio-legal consciousness and culture, Westminster maxims notwithstanding.

The eyre began on 18 November 1279; the justices sat again on three occasions in 1280 and completed their duties in January 1281.<sup>207</sup> It

<sup>204</sup> CDS, ii, no. 290.

<sup>205</sup> Ibid.

<sup>206</sup> Hartshorne's edition of JUST 1/649 can be broken down as follows: civil pleas, pp. ix–xxxi, xxxii–viii, xl–i; attorneys, pp. xxxi–ii; kalendar, pp. xxxviii–xl; crown pleas, pp. xli–lxi; fines and amercements, pp. lxi–viii. The commentary in E. Charlton, *Memorials of North Tyndale*, 2nd edn (Newcastle, 1871), pp. 15–24, is rudimentary.

<sup>207</sup> The dating of the eyre in Crook, *General Eyre*, p. 147, is incorrect.

demanded large-scale participation; and, what is more, its protocols and rituals provided and prescribed myriad opportunities for community-based cooperation and regulation. Only seventeen tenants missed the first day, and six defaulters eventually turned up. Smallholders such as Thomas Templeman of Alston stayed away throughout, but merely two important tenants did so: Alexander Ros of Haltwhistle and (needless to say) the abbot of Rievaulx.<sup>208</sup> Thirty-six men made up the presenting juries for Haltwhistle, Newbrough and the body of the liberty; twelve persons who had been bailiffs or coroners since the 1269 eyre came to assist the justices. We know the names of a further ninety or so who appeared for civil pleas and of another eighty or so who participated at crown pleas. All told, therefore, a minimum of some 220 people attended; many others who remain nameless would have been present as recognitors, trial jurors or in other capacities. It was indeed a major event, which 'brought together all the constituent parts of local society'.<sup>209</sup>

Nineteen Tynedale tenants employed attorneys. Robert Lisle and the prior of Hexham appointed Robert Buteland of Capheaton, a semi-professional pleader from outside the liberty. Normally, though, attorneys were found locally among relatives, neighbours or tenants, as when John II Comyn empowered John Swinburne to conduct his business for the eyre's duration.<sup>210</sup> The evidence for personal pledging points to a reinforcement of broader ties of social interdependence criss-crossing the liberty.<sup>211</sup> In pleas against the prior of Hexham, Robert Vipont went surety for Hugh Grindon, William Bellingham for Richard Thorngrifton, Alan Vipont for Bellingham, and Bellingham for Vipont. In other examples, Gilbert Belles, now Bells Moor above Kielder, was surety for Thomas Thirlwall; while Walter Beufrere, a peasant who sought to prove free status, found as pledges Simon Palmer of Haughton and Matthew Whitfield. As for local tenurial relationships, their relevance was underlined by the regularity with which landlords were called on to fulfil their duties of warranty, including

<sup>208</sup> Templeman had interests in Farlam (Gilsland) and Hilton near Appleby: Castle Howard, A1/28, 136; CRO (Carlisle), D/Wyb/2/35, 39. Ros, however, was a knight of the grand assize at the 1293 eyre: JUST 1/657, m. 4d.

<sup>209</sup> Quoting J. R. Maddicott, 'The county community and the making of public opinion in fourteenth-century England', *TRHS*, 5th ser., 28 (1978), p. 30, where it is suggested that attendance at thirteenth-century shire courts averaged about 150.

<sup>210</sup> Lisle and Comyn came in person at the start of the eyre to make their appointments (cf. NCS, ZSW/1/27; *HN*, III, i, p. 18 [misdated]), and fifteen other principals apparently did so. Nor did these tenants necessarily take no further part in the proceedings: two, for example, were presenting jurors. On Buteland, see especially *Northumb. Pleas*, nos. 705, 708, 721, 731.

<sup>211</sup> The only important rider is that one prominent pledge, John Tecket (sometime bailiff), was possibly paid for his services as a 'professional' bondsman.

on occasion the obligation to give compensation for land lost in pleading. John Comyn was thereby reminded of his lordly duties by Adam Charlton; Hugh Nunwick by William Swinburne; Bartholomew Pratt by John Halton; Halton by Thomas Thirlwall; and so we could continue. At another level, communal cooperation in local peacekeeping was writ large in the policing tasks of the liberty's townships – though (as in any eyre) court orders might be necessary to remind them of their onerous responsibilities in society's service.<sup>212</sup>

The sheer volume and range of the eyre's legal work attest to the many needs vital to community cohesion that Tynedale's justice system served. Likewise the list of the court's clients shows that its multiple forms of redress exercised a broad appeal throughout the liberty. On the civil pleas side, the court was kept busy by the possessory assizes, with twenty-five actions of mort d'ancestor and novel disseisin accounting for about one-third of the caseload. Less frequent pleas included trespass, debt, dower, entry and *quod permittat* (an action for the recovery of common rights). Most of the civil litigation related to north Tynedale; but this pattern is largely explained by the sizeable number of northern suits specific to the combative economic policies of William Bellingham and William Swinburne, notably as regards pasture rights in Hesleyside, Nunwick and Haughton. Otherwise use of the court was evenly spread among plaintiffs from both parts of the liberty. As a court of record, it also played an important role in ordinary property conveyances and provided for the enrolment of recognisances of debt.

As for crown pleas, the eyre roll's 150 or so crime-related entries name about 180 felons or accused. Larceny, robbery, housebreaking and burglary generated two-thirds of the criminal business; the thirty cases of homicide or murder account for one-fifth of it. Eighty-two persons who had fled were found guilty and ordered to be exacted and outlawed, sixty-one for theft and twenty-one for homicide; seventy accused, including sixteen reputed killers, were present for trial, and all save six were acquitted – a phenomenon whose significance will be clarified later. For now these bald figures, though restricted to criminal activity people chose to report, scarcely suggest that (relative to contemporary norms) the liberty had experienced a major crime wave since the previous eyre in 1269;<sup>213</sup> but they do testify to

<sup>212</sup> Thirty-nine townships were put in mercy, mainly for failure to arrest criminals. Twelve defaulted once in raising the hue and cry, and three were disciplined twice on this score; none was penalised for harbouring felons. Vills such as Alston, Bellingham, Newbrough, Simonburn and Whitfield collected more orders than others; but no clear geographical pattern emerges.

<sup>213</sup> Cf. H. Summerson, 'Peacekeepers and lawbreakers in medieval Northumberland, c. 1200–c. 1500', in M. Prestwich (ed.), *Liberties and Identities in the Medieval British Isles* (Woodbridge, 2008), p. 60.

the eyre's importance to local society as a means of controlling wrongdoing according to its needs. In general north Tynedale seems to have been more prone to misbehaviour than south Tynedale. Yet even in the remotest hamlets or farmsteads, transgressions did not escape scrutiny; and the eyre was used to address misconduct that threatened the common good of the liberty as a whole.

It is more problematic to establish the quality of justice and its precise value to communal well-being and cohesion. But the jurors appear to have been men of 'good character'; nor were they necessarily in awe of influential local landowners.<sup>214</sup> Civil remedies were readily accessible to the liberty's poorer residents – as when Alice Harelaw, a widow, recovered part of one messuage and fifteen acres of arable in Simonburn; Roger son of Walter, a minor, successfully claimed against his uncles nine and a half acres in Shitlington; and Alice Carraw regained her dower in Grindon on her plea that her late husband had unlawfully alienated it. Nor as a rule were defendants unduly favoured, so that all who went to the expense of suing out writs had reasonable prospects of getting their money's worth. Even the lord of Langley could rely on the court's help to recover fugitive villeins, some of whom were under Comyn protection. Moreover, civil litigation was rarely stalled by postponements of the sort characteristic of the English general eyre; the only exception, in fact, was one case referred to Alexander III and his council.

Royal justice in Tynedale was also a major resource for the community in broader senses. It was not enforced in a void; rather, its services were used to supplement and reinforce customary local modes of arbitration and social regulation. This is well seen in the eyre's mediational function in civil disputes, a good half of which did not go to trial: indeed, six of the eleven suits involving William Swinburne were agreed and the rest dropped. Non-prosecution may indicate out-of-court accommodations, and that the mere threat of legal action in the eyre was sufficient to defuse local quarrels. As regards suits resolved before the court, some were undoubtedly collusive or non-contentious; but others fall into a different class and illustrate the court's active peacemaking role. For example, it facilitated a settlement of several actions and cross-actions between William Bellingham and the abbot of Jedburgh over their respective rights in Bellingham, Ealingham and Hesleyside. It was also with the court's assistance that mutually

<sup>214</sup> There was no involvement in reported anti-social activity by known jurors; on only four occasions were juries put in mercy for concealing or not presenting; none was cited for false presentment; and only two jurors failed to serve. In civil actions, one party challenged a jury's verdict by process of attain, but he did not prosecute the case; jurors also checked the power of gentry such as William Bellingham and John Halton by sometimes finding against them in favour of smallholders.

acceptable terms were negotiated between John II Comyn and his brother over the manor of Thornton; that Bartholomew Pratt released to William Swinburne his claim to a rent of £10 in Haughton for a consideration of forty marks; that Eda Renfrew surrendered to Adam Bellingham her rights to land in Bellingham and Charlton for £6; and that Nicholas Whitfield quitclaimed to Matthew Whitfield property in Whitfield for ten marks.<sup>215</sup>

These and other compromised suits were not, by and large, untypical of practices elsewhere; nor was the court's custom of underwriting such agreements by authorising the liberty's bailiff to distraint for payments arising from them in the event of default. But they nevertheless epitomise the advantages and attractions of the liberty court; and it becomes easier to understand why people had so little inclination or need to turn to the English crown for remedies. Besides convenience and efficiency, the keynotes were reconciliation and (it seems) even-handed justice. A balance was thus struck between formal and informal legal principle and process, and it served to underscore the court's significance as a forum where local needs could be met and community values upheld.

The same was true of criminal justice. For here the eyre roll reveals the court's usefulness whenever social equilibrium needed to be stabilised by the common law's quota of penalties, though not necessarily according to the full force of that law. Crimes by strangers, who were immune to local communal sanctions, were routinely reported to the eyre; and Tynedale was certainly no secure refuge for villainous outsiders. Much concern was expressed about 'unknown evildoers'; some named suspects were aliens from Redesdale, Galloway, Clydesdale and other areas, including Ireland. Nor does it surprise that neighbourhoods on the Newcastle–Carlisle road such as Newbrough, Henshaw, Melkridge and Haltwhistle were especially anxious about the criminal proclivities of transients. Such persons were rarely caught; but known culprits who absconded were automatically outlawed.

The limitations of 'popular' justice in upholding collective norms of social conduct, and the eyre's value as an enforcing agency, are also reflected in the reported felonies attributed to Tynedalers, perhaps two-thirds of the total. Again, such data should not lead us to suppose that the liberty was a land of serious unrest; still less was a gang culture institutionalised in or condoned by local society. A fair number of suspects were accused of acting with accomplices, but normally in twos or threes – sometimes members of the same family involved in petty crime. The most notable exception concerns the prosecution of sixteen persons outlawed in Hexhamshire for

<sup>215</sup> For two private deeds recording settlements in eyre, but for which the roll has no matching entries, see NCS, ZSW/1/27, 32; *HN*, III, i, pp. 15, 18.

killing men of the archbishop of York in his vill of Ninebanks: their names denote an extended social network reaching from Kirkhaugh to Chirdon; but few, if any, seem to have been hardened criminals.

When local self-regulation failed, however, royal justice could be used by the community against its members in various ways. It did not hesitate to arraign freeholders and simple villagers; it cited William II Tyndale for arson – though, in crown pleas, he was the only gentleman of note whose actions had caused disquiet. It could confront those who appeared to be preying on other communities; and, in particular, the Ninebanks case suggests a consensus that Tynedale's judicial autonomy was not to be defended at the cost of good order in the region. But common law was an unforgiving code which, if rigorously interpreted, might well cut across community customs, values and sentiments. This helps to explain the low conviction rate – all but one of the Ninebanks sixteen, for example, were acquitted. Clearly what local leaders appreciated was the discretion they were allowed to exercise according to their perceptions of criminality and 'good neighbourhood'. They could, and did, invoke capital punishment if a malefactor was felt to be beyond the pale: after all, there had been twelve executions in Tynedale since 1269.<sup>216</sup> Yet the law was used selectively. Flight was a litmus test of guilt, and outlawry – virtually standard in such cases – indicates the community's concern and ability to purge itself of 'ungovernable' neighbours, including those offending outside the liberty.<sup>217</sup> Otherwise, though, the eyre was employed to encourage future good conduct. The acquitted had often been accused of simple larceny and might be rehabilitated; they were thus allowed to remain in the community by its representatives, the trial jurors, whose investigation of their behaviour would in itself have delivered a salutary warning. In such ways, recourse to the eyre enabled local society both to maintain its standards and to retain its cohesion. Of course, a local legal culture accommodating redeemable offenders or 'acceptable misbehaviour' was not unusual for the times.<sup>218</sup> Nonetheless the seventy accused who came for trial is a remarkably high figure, not least in relation to the

<sup>216</sup> Five felons were hanged in Wark gaol deliveries; two killers and five thieves were beheaded by the hue and cry.

<sup>217</sup> Significantly, while the 1279 Northumberland eyre rolls contain complaints about the harbouring of felons in liberties, no such references are made to Tynedale. Richard Smith of Simonburn killed David Graham in Corbridge (*NAR*, p. 339); but the Tynedale roll shows that Smith, Graham's nephew, was banished from the liberty. One of the Ninebanks accused, and three others indicted for homicide in Hexhamshire or the county, were also outlawed.

<sup>218</sup> Recent studies include A. Musson, 'Twelve good men and true? The character of early fourteenth-century juries', *Law and History Review*, 15 (1997), pp. 115–44; Summerson, 'Peacekeepers', pp. 62–6.

1279 Northumberland eyre. Part of the explanation for this may be that the community-based system of attachment and bail was more efficient in the liberty. Yet, in broader terms, it may serve to confirm that mercy was a well-recognised part of the currency of liberty society and one of its strong bonds.<sup>219</sup>

In sum, the eyre was an occasional visitation and only one part of Tynedale's legal system; but here was a jurisdiction whose 'regal rights' of justice and governance had a discernible relevance for mobilising a 'community of the liberty'. Thus its prerogatives did not merely make local society more aware of its obligations and impose a sense of collectivity on it. They enabled it to settle its affairs and problems through a court where its common interests and rights were articulated and heeded. Likewise they allowed it to set its own socio-cultural agenda according to shared notions of law and good rule; they entitled it to decide between social inclusion and social exclusion, and thereby to define its membership by controlling access to the liberty and its privileges. According to English royal paradigms, any manipulation of judicial process to satisfy community needs created a deplorable 'justice gap'; and communal judgements came under special threat from the king's justice. Indeed, when Edward I's eyre justices sat in Tynedale in 1293, another thirteen men were implicated in the Ninebanks affray, and seven were sent to the gallows.<sup>220</sup> Yet from a Scottish perspective, how Tynedale society interpreted its 'liberties' was sanctioned by Alexander III's less intrusive style of rulership, one in which 'love' (compromise) complemented 'law'; and Thomas Randolph, the justice who presided in 1279–81, was himself 'a man of great humanity and wisdom'.<sup>221</sup> The lord/king's judicial lordship represented just one aspect of his superiority, and of a political culture in Tynedale more typical of lowland Scotland than of England. But because it was responsive to local needs and customs, it had deep meanings for the liberty's independence and its unity. Thus it was that loyalties and solidarities were shaped and fostered in the context of communal autonomy and identification. And, above all, we are now better placed to appreciate how 'the royal liberty of Tynedale' was able to project such an image of itself as a local polity that, in contemporary Northumbrian circles, it could be assumed to belong to a separate country and realm, the *regnum Scotie*.<sup>222</sup>

<sup>219</sup> At the Northumberland eyre only half as many accused felons submitted to justice; the acquittal rate (66 per cent) was also much lower than that for Tynedale (91 per cent): *NAR*, pp. 312ff.

<sup>220</sup> Also, one acquitted in 1279 was retried and hanged: JUST 1/657, m. 8.

<sup>221</sup> Above, p. 243; Walter Bower, *Scotichronicon*, ed. D. E. R. Watt et al. (Aberdeen, 1987–98), v, p. 374.

<sup>222</sup> Above, p. 245.



Yet some five years after the eyre's close, Scottish control over Tynedale was effectively extinguished. When Alexander III died without surviving children in 1286, the liberty was taken into Edward I's hands; he likewise determined its descent when, as superior lord of Scotland, he adjudicated in the Great Cause in John Balliol's favour in 1292. King John was given seisin of Tynedale in December 1293; but he would be its lord in name alone: in June 1294 he assigned to Bishop Anthony Bek land there worth £50 yearly and the advowson of Simonburn; in July 1295 he granted to Bek and the church of Durham the entire liberty in perpetuity.<sup>223</sup> Then, on the outbreak of war in 1296, Tynedale was forfeited to Edward I, whose officers also seized all the mesne tenancies of those in Scottish allegiance. Tynedale, in a word, proved to be no less vulnerable to dynastic accident and political calamity than other secular jurisdictions were. But rarely can 'events' have impacted more spectacularly on a medieval liberty and community; and, furthermore, the years 1286–96 were merely a prelude to an era of even greater change.

Most obviously, this transitional decade saw an altogether unprecedented extension of English royal power into Tynedale. The liberty was continuously in Edward I's custody for a full seven years from 1286. Times had patently changed when in 1293 the hearing of liberty suits could be adjourned from Wark to Westminster Hall, and (it might be added) when in 1289 venison was sent from Wark Park to Westminster Palace.<sup>224</sup> Even more of a new world had begun when a specifically English officialdom arrived to direct the liberty's affairs. The royal keepers in 1286–93 were successively Thomas Normanville, escheator north of the Trent, and Bishop Bek; their deputies included Robert Pistor, king's serjeant, and Walter Rothbury, constable of Norham. The eyre of spring 1293 was held in Edward I's name under the auspices of Walter Cambo and Guichard Charon, former sheriffs of Northumberland.<sup>225</sup> In such ways, the year 1286 did indeed mark the end of an epoch.

True, Tynedale retained its distinctive rights and structures of local governance. Edward I himself, far from seeking to suppress the liberty, showed his respect for its privileges when he insisted in January 1293 that 'the liberty should remain in the same state as before'.<sup>226</sup> Nonetheless, even prior to war with Scotland, liberty–community interactions did enter a different phase, so that by 1296 Tynedale was less of a cement for its political society.

<sup>223</sup> Balliol was repaying Bek for his support during the Great Cause: Fraser, *Bek*, p. 90.

<sup>224</sup> JUST 1/657, mm. 2, 4; Stevenson, *Docs*, i, no. 119.

<sup>225</sup> JUST 1/657, mm. 1, 7. On Pistor, formerly Edward I's pantler, see also *CIMisc.*, i, no. 1077; *CPR 1281–92*, pp. 346, 376. Charon was an assize justice in Tynedale in 1286; Cambo and Rothbury served as such in 1291: C 66/105, m. 8d; *NDD*, p. 111.

<sup>226</sup> *NER*, no. 287.

The several changes of lordship underscored that the old certainties underpinning local solidarities were gone for good. Those who held Scottish lands had to deal with the increasingly vexed questions posed by the hitherto unfamiliar problem of dual allegiances. All the liberty's tenants came under new lines of authority not necessarily sensitive to local interests; some, however, might find that a change of regime offered alternative opportunities for advancement. These considerations, and others besides, left a deep imprint on people's lives and behaviour. At the 1293 eyre, a litigant dutifully pleaded that the evidence of Alexander III's charters was inadmissible because the king of Scots no longer had any authority in Tynedale, which was 'within the metes and bounds of the kingdom of England' and 'of the regality of its king'.<sup>227</sup> Conversely, suspected felons were less likely to submit to the law, and with good reason, for all who did so in 1293 were more likely to be convicted and hanged – clear confirmation that this eyre was conducted under Westminster rules.<sup>228</sup> Around the same time, Richard son of Richard Wray protested that the bailiff of Tynedale was preventing him from entering his inheritance in Hetherington; the Ridleys accused the bailiff of depriving them of property in Melkridge; and Nicholas II Vipont was pursued over his title to Alston by the Cumberland eyre justices.<sup>229</sup> Other tenants retreated to concentrate more exclusively on their Scottish concerns, as when Henry Graham leased to Bogo Clare all his lands in Simonburn and then, in about 1291, settled the manor on his sister Idonea in marriage with John Swinburne's son Adam.<sup>230</sup> The Comyns likewise, and even more understandably, gave increasing paramountcy to their political and governmental responsibilities in Scotland.<sup>231</sup> But nor did they neglect to profit from Edwardian patronage, and the marriage of John II Comyn's son and heir to Edward I's cousin, Joan Valence, would have important implications for the nature of fourteenth-century Tynedale as a 'community'.<sup>232</sup>

Among the local gentry, identifications with the liberty did retain some strength. William Swinburne served as a gaol delivery justice; and John Swinburne not only consolidated his family's local standing through the Graham marriage, but acted as Balliol's bailiff in 1294.<sup>233</sup> Nevertheless John

<sup>227</sup> JUST 1/657, m. 4d.

<sup>228</sup> Space cannot be spared here for a full analysis of the 1293 eyre roll since the circumstances were untypical of thirteenth-century Tynedale's experiences.

<sup>229</sup> Stevenson, *Docs*, i, no. 257; *CCR 1288–96*, p. 239; Ragg, 'Mauld's Meaburn', pp. 285–6.

<sup>230</sup> *NCH*, xv, p. 191.

<sup>231</sup> They secured acquittances from attending the 1293 eyre: *CCR 1288–96*, p. 313.

<sup>232</sup> The couple had taken possession of Henshaw, Thornton and Walwick by April 1293: *Cat. Ancient Deeds*, iii, A.4766; cf. JUST 1/657, mm. 3d, 5d. See further below, Chapter 7, pp. 307–8.

<sup>233</sup> C 66/105, m. 11d; JUST 1/657, m. 12; *CPR 1327–30*, p. 427.

also promoted his career through numerous appointments to royal commissions in the county of Northumberland, and by securing his election as its MP in 1294. Similarly William Halton was returned as a knight of the shire to the Parliament of 1295; William II Tyndale became a county coroner.<sup>234</sup> Even the Bellinghams were now developing landed interests in Northumberland villages as far from Tynedale as Abberwick, Akeld and Whittingham.<sup>235</sup> These men, like others, were repositioning themselves in ways that at once loosened their local ties and diluted the liberty's traditional cohesion and culture.

But the significance of the years 1286–96 for our understanding of power, society and identities in thirteenth-century Tynedale scarcely ends here. By May 1296 thirty Northumbrian properties had been confiscated by the English crown as war-forfeits. In due course, the issues of all but six of these properties were accounted for, and those in Tynedale (excluding Wark itself) supplied some two-thirds of the total. The Comyns, along with Anstruther, Graham, Lindsay, Rutherford and Seward, had naturally followed Scottish allegiance. Even the so-called 'pure Englishman' Robert IV Ros, of Wark-on-Tweed and Bellister, 'feloniously and treacherously [adhered] to the party of the Scots'. More striking still, in the same camp are found local men such as William Bellingham, Thomas Moralee, John Shitlington and Adam Swinburne.<sup>236</sup> It has to be acknowledged that in 1296 most Tynedale landowners remained in Edward I's obedience, or at least escaped official displeasure. But the list of those who did not encapsulates the contemporary limitations of the English 'state' in directing identities and allegiances in its northern marchlands; it likewise provides a stark insight into the fate of a community denied clear pathways of lordship, service and loyalty. Yet, in the last analysis, it also supplies an index of the authority that the kings of Scots had once aspired to and asserted in 'the royal liberty of Tynedale'. And so it was that, despite a lengthy Scottish interregnum and English power, old loyalties and values died hard, even within local gentry society.

<sup>234</sup> *CIMisc.*, i, nos. 2401, 2403.

<sup>235</sup> *CIPM*, iii, nos. 63, 562; *NCH*, xi, p. 230; NCS, ZMI/B1/II/3.

<sup>236</sup> Stevenson, *Docs*, ii, nos. 358–9; *CIMisc.*, i, no. 1764; iii, no. 892; *CCR 1354–8*, p. 177; *PROME*, ii, p. 361; *CDS*, ii, no. 1481. Of the local men, only Shitlington held property in Scotland. John Pratt's lands in Knarsdale were also seized because he was in the wardship of the Scottish knight John Wishart. Even John Swinburne was forfeited in 1296, his past record being sufficient to make his loyalty suspect – though Edward I quickly accepted that John had remained faithful and reinstated him: *Rot. Scot.*, i, p. 30. William Swinburne had died in 1289.

# *Tynedale: A Community in Transition, 1296–c. 1400*

*Keith Stringer*

Under the good lordship of the kings of Scots, so it has been argued in the previous chapter, the liberty of Tynedale played a self-assured and potent role as a focus for the organisation of government, loyalty and community. Yet fourteenth-century Tynedale inhabited a very different universe. Indeed, during the Anglo-Scottish hostilities from 1296 and largely, though not exclusively, because of them, the liberty's position on the map of power, identities and allegiances was reconfigured in multiple ways.

Continuities there were. After 1296 the documentation for both liberty and 'community' becomes sparser – virtually all the fourteenth-century court records are lost – but that Tynedale retained much of its traditional autonomy as a 'royal liberty' cannot be gainsaid. Its lord, so a Newcastle jury was to find in 1402, 'has a chancellor, justices, bailiffs and other officers [with] pleas of the crown and all manner of other pleas from time immemorial'.<sup>1</sup> We will likewise see that the liberty's owners and tenants might vigilantly defend its rights, and that the English crown often accepted that local governance was a matter for the liberty-owners or their officers. True, if control of forfeitures is 'the "acid test" of palatine privilege', the liberty fell short of this touchstone.<sup>2</sup> But it belonged with Cheshire, Durham and Hexhamshire to that select group of liberties normally shielded from the growing tax-burden imposed by the crown on the rest of England, so that in this respect its privileges arguably became more distinctive and important. Lawsuits did go from the liberty to the royal courts, though apparently with no regularity; and there is concrete evidence that its own judicial system was valued by the 'community'. It will also be seen that the liberty was sometimes instrumental in structuring patterns of military recruitment and service, and – more significantly – in mobilising collective political action, notably in 1314–15 and around 1370.

<sup>1</sup> *CIPM*, xviii, no. 642.

<sup>2</sup> Storey, *Langley*, p. 53; below, pp. 296, 298–9.

Much of this suggests that, as we proceed, we should be careful not to underrate the implications of Tynedale's 'regal rights' for local identity and solidarity. Yet from the standpoint of its former power, individuality and coherence as a Scottish-ruled liberty in England, there is no mistaking how significant the transformations actually were, both institutionally and – above all – socially, culturally and politically. One big influence on the customary order was, quite simply, a loss of continuity within local landed society due to failures in the male line. But even more critical were shifts in the hierarchy of authority and its modalities. At one extreme, there was a profound expansion of the English monarchy's involvement in Tynedale's affairs and in ordering people's lives and political consciousness; but, at the other, the English 'war-state' failed to provide the tenantry with governance, security and protection. As one lord of Tynedale, Andrew Harclay, was himself said to have concluded in 1322, 'the king of England neither knew how to rule his realm nor was able to defend it against the Scots, who year by year laid it waste'.<sup>3</sup> The English crown's relationship with and impact on Tynedale were therefore ambiguous. According to the context, it might meddle in the liberty's business, show regard for its privileges or merely leave it to its own devices. It imposed war-demands; but its requests, especially for money, were not sustained enough to ensure regular communal activity. It might still prompt some sense of liberty identity; but it also drew people into 'national society'. It displayed its mastery in 1296 by severing any ties between the liberty and the Scottish crown; but it elected to replace Tynedale's traditional leadership with liberty-owners who, for all their rights and 'rule', remained and behaved as outsiders. Most of all, English kingship and lordship assumed responsibility for the liberty, and then largely failed to fulfil the obligations that this responsibility entailed.

There is no easy way of navigating between the poles of experience to which fourteenth-century Tynedale was subjected, let alone of plotting the shifting patterns of identity as they accommodated themselves to novel conditions and problems. But what is beyond doubt is that the paradoxes of English kingship/lordship were such that people often lost, or did not gain, a strong sense of belonging to a distinct liberty community. So it came about that the lack of a focus of authority attuned to interacting with and aligning local solidarities deeply affected the liberty's socio-political identity and cohesion. There was no full-scale retreat into disorder – though north Tynedale adapted less successfully than the rest of the liberty, and developed conventions akin to those of volatile frontier

<sup>3</sup> *Chron. Lanercost*, p. 248.

societies. But we will also find that there emerged a social order whose ethos and practices were brought into much closer correspondence with those of the wider English world, and primarily with the culture and norms of the county of Northumberland itself. In the process, the liberty and allegiances to it were by no means superseded. Yet the older pattern of community was overlaid by new layers of regnal and provincial loyalties; and its fresh emphases and dimensions can be appreciated only by taking a broad view of Tynedale society, and by acknowledging the increasingly variegated nature of its aspirations, relationships and identifications.<sup>4</sup>

To say that the year 1296 marked a radical departure in the liberty's fortunes would be to ignore the changes already set in train by Alexander III's death. But the onset of war undoubtedly accelerated those changes and gave them much more of a transformative stamp. The emergence of a militarised Border reworked the dynamics of all northern communities by opening up new routes to English royal service and reward.<sup>5</sup> The 'war-state' also staked claims to a greater share of local resources and local jurisdiction; and, not least, the March warden-conservators introduced a novel tier of military-cum-judicial power, thereby raising the question of how liberties related to it.<sup>6</sup> In such ways, war meant that the English king's authority in the North-East became less remote and more exacting, and all the region's liberties were in varying degrees brought into closer contact with crown governance. Yet Tynedale had also to adjust to a singular set of circumstances. In 1296, on John Balliol's forfeiture, the liberty 'was rejoined to the crown';<sup>7</sup> and it might be held by the monarch himself or granted to whom he pleased. Here indeed were unique opportunities to bring Tynedale more firmly under English royal control. The crown was now in a position to clarify its supremacy by imposing well-defined terms of tenure (notably knight service and provision for reversion); when the liberty-owner died – or was forfeited – it might choose not to grant the liberty out again for lengthy periods (1314–22, 1323–8, 1369–73); and it naturally demonstrated its superiority by deciding disputes over the liberty's descent, as when it

<sup>4</sup> Cf. C. Carpenter, *Locality and Polity: A Study of Warwickshire Landed Society, 1401–99* (Cambridge, 1992), p. 37: 'It is quite easy to show the existence of a "county community" once one has excluded all landowners with major interests elsewhere.'

<sup>5</sup> See most recently A. King, 'Best of enemies: were the fourteenth-century Anglo-Scottish Marches a "frontier society"?', in A. King and M. A. Penman (eds), *England and Scotland in the Fourteenth Century* (Woodbridge, 2007), pp. 116–35.

<sup>6</sup> Neville, *Violence*, passim; and, for Tynedale, see below, pp. 311–13.

<sup>7</sup> *Regis Edwardi Tertii a primo ad decimum (inclusiue) anni omnes*, ed. R. Tottell (London, 1562), f. 273r (a Year Book report of 6 Edward III).

quashed the claims made by successive bishops of Durham after 1311.<sup>8</sup> In terms of overlordship as well as of direct rule, it could – and did – exercise in the liberty prerogatives of the sort it enjoyed elsewhere, including rights to levy troops, take forfeits of war, and pardon traitors and felons. It likewise had a greater say in ordinary local litigation, so that by about 1330 none of its central courts was unacquainted with Tynedale pleas.<sup>9</sup>

Other evidence, to be sure, indicates a different story-line: that the extension of ‘state’ power into Tynedale was often patchy and limited, and that even the crown’s immediate lordship was never as secure as Alexander III’s mastery had been. Yet by comparison with the pre-1286 period, the English king played a much larger role, and this becomes clearer still if we recognise that the crown’s relationship with liberties depended only partly on questions of formal prerogatives and rights. Its wider political influence might well be more important for a liberty’s workings and significance. And so it was to be in Tynedale’s case. The regnal frame of reference had categorically altered: the fate of the liberty and its tenants now rested, as it had not rested before, on the power, policies and whims of a single, English monarchy.

When Tynedale lay in the king’s hands, its distinctive institutional identity was normally respected; but as crown territory it nevertheless experienced direct English kingship in action. To examine a single year, 1307, the king recruited infantry into his army for Scotland; he also required the liberty to contribute to the twentieth and fifteenth. While separate commissions were announced, the Tynedale taxers were the same men as the Northumberland county taxers, and identical keepers of the peace were also appointed for county and liberty.<sup>10</sup> Such interventions might be intermittent and ineffective, especially in the fiscal sphere. But if on occasion the crown’s demands of society in ‘the king’s liberty of Tynedale’ made it more conscious of itself as a community, so likewise did they qualify that identity-affirming sense of independence from the authority of the monarch and his agents. Indeed, as ‘mere’ overlord of Tynedale, Edward I displayed his supremacy by demanding (albeit without much success) contributions to the lay subsidies of 1295–6 and 1306; by levying archers for his Scottish campaign in 1301; and by residing in the liberty for five weeks in 1306.<sup>11</sup>

<sup>8</sup> For the actions concerning Durham’s rights to or in Tynedale based on Balliol’s grants of 1294–5, see most conveniently *Northumb. Pets*, nos. 49, 54–5.

<sup>9</sup> More or less routine instances include *CCR* 1327–30, p. 372; *CP* 40/275, m. 191; 40/283, m. 388; 40/286, m. 287; *PROME*, ii, pp. 66, 474, 481, 496, 513–14.

<sup>10</sup> *Parl. Writs*, I, p. 380; *CPR* 1307–13, pp. 4, 24.

<sup>11</sup> *E* 372/166, m. 32 (‘libertas regis de Tyndale’); *E* 159/117, m. 162; *CPR* 1301–7, p. 491; *CDS*, ii, no. 1229. See, however, *C* 260/62/4, dorse, for Tynedale’s failure to pay the 1295 subsidy; similarly J. F. Willard, *Parliamentary Taxes on Personal Property, 1290 to 1334* (Cambridge, MA, 1934), pp. 29–30, concerning the 1306 subsidy. Edward stayed

Moreover, for all that Tynedale had its own special keepers while in crown hands, the king asserted his superiority by routinely appointing royal servants from outside the liberty; and often its custody was assigned to northern household retainers: men such as Robert Barton (1307, 1311) and Robert Wells (1314), king's clerks, and William Felton (1324), William Washington (1327) and Thomas Featherstonehaugh (1327), king's esquires or yeomen.<sup>12</sup> As Featherstonehaugh expressed it, his commission was a reward 'for his service to the king . . . in the Scottish war';<sup>13</sup> and in a much fuller sense the liberty became a staple resource of English royal favour. Merely to list the names of those to whom Tynedale was entrusted in lordship is to compile an outstandingly impressive roll-call of leading figures in fourteenth-century English society. It was regranted to Bishop Bek in 1296, and it was held by him until 1307 and in 1308–11; by Piers Gaveston, earl of Cornwall, in 1311–12; by Edmund Mauley, steward of Edward II's household, in 1312–14; by Andrew Harclay, earl of Carlisle, in 1322–3; and by John Darcy *le cosyn*, justiciar of Ireland, in 1328–35. The liberty then became one of the appanages of the king's closest kin. Purchased from Darcy under Edward III's direction, it was at once assigned to his queen Philippa of Hainault (d. 1369). In 1373–98 its lord was their fourth surviving son Edmund Langley, earl of Cambridge and (from 1385) duke of York, and in 1398 it passed to Langley's son Edward, duke of Aumale.<sup>14</sup>

Nor can it be doubted that the liberty-owners flouted the king's authority at their peril. Bek's estrangement from Edward I culminated in the confiscation of all his 'franchises', and in the case of Tynedale, as of Durham, royal lawyers condemned him for acting 'in prejudice of the king [and] the right of his crown'.<sup>15</sup> Though reinstated by Edward II, Bek had to settle

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at Newbrough, Grindon, Bradley, Henshaw, Haltwhistle, Melkridge and Thirlwall (16 August–21 September 1306). Presumably purveyance was then levied on the liberty.

<sup>12</sup> *CFR*, i, p. 550; ii, pp. 7, 106; iii, p. 297; iv, pp. 16, 63–4; *RPD*, ii, pp. 1015–16. On Barton, for example, see G. S. H. L. Washington, *Early Westmorland M.P.s, 1258–1327* (CWAAS, Tract Series, 1959), pp. 5–9.

<sup>13</sup> *Northumb. Pets*, no. 146; cf. SC 8/84/4168.

<sup>14</sup> The liberty's descent as given in *NCH*, xv, p. 284, cannot be relied on. Most notably, it ignores the fact that Mauley was killed at Bannockburn; dates Langley's tenure from 1375 rather than 1373 (*CPR 1370–4*, p. 288); and overlooks Langley's life-grant to Aumale in 1398 (*CIPM*, xviii, no. 642). For Philippa's acquisition of Tynedale from Darcy in April 1335, see C 47/9/58, m. 12d. Technically she did not hold it directly of the crown: cf. *CIMisc.*, iii, no. 892.

<sup>15</sup> *PROME*, ii, p. 370. The charges against Bek as lord of Tynedale focused on the legality of its acquisition for the bishopric by Balliol's grant of 1295; but, in Edward I's eyes, Bek's interpretation of his privileges had also been provocative: Fraser, *Bek*, pp. 90–1, 204–6, 221.



for a life-interest in Tynedale, and a firm message had been sent that the lord's title, prerogatives and power were ultimately subject to the crown's goodwill and control. More dramatic and final was Harclay's downfall. Rewarded with Tynedale for his role at Boroughbridge, he lost both his lands and his life barely twelve months later for brokering his own peace with the Scots. Telling in another way is the termination of Gaveston's lordship on his execution in 1312 – a spectacular instance of how fourteenth-century Tynedale's history might intersect with the narrative of English national history. On such views alone, the world Tynedale now inhabited was palpably the world of English royal patronage, power and politics.

Yet nothing registers the local impact of that world more clearly than Edward I's dealings with the liberty's internal power-map. In 1296 crown officers confiscated the estates of Scottish adherents and made all free tenants swear fealty to the king; thereafter, the royal right to retain control of forfeits was largely upheld, despite Bek's protests, and some passed into the custody of Edward's cousin Aymer Valence.<sup>16</sup> War thus forced the question of political allegiances; the crown likewise saw to it that local society was restructured according to the new imperatives of national power and loyalty. Moreover, it was Edward I who presided over the restoration of Scots reverting to his allegiance; and, in fact, sooner or later nearly all those forfeited did come to terms with him. The sole important exception was Robert IV Ros (of Bellister), 'a traitor who never returned to the king's peace';<sup>17</sup> otherwise even the Comyns submitted in 1304. Such capitulations arose less from betrayal of a country's cause and more from the hard choices that had to be made in the context of English advances and a divided Scottish polity.<sup>18</sup> But no one could doubt that Edward I eventually won the battle for the loyalties of Tynedale society. English royal displeasure could fracture the community at a stroke; even more revealing of the king's might was his ability to reunite it.

Thus did the liberty enter a universe constructed on entirely different terms from those that had guaranteed its special 'trans-national' status as a Scottish-controlled part of the English kingdom. By the same token, it could no longer underpin itself as a unit of governance and identification by drawing on the paradigms and traditions of Scottish political society and culture. 'The national shutters', so it must have seemed, 'had come

<sup>16</sup> *PROME*, ii, p. 372; *CIMisc.*, i, no. 1764; *CDS*, ii, no. 963; Stevenson, *Docs*, ii, no. 359; *CIPM*, iii, no. 479; and, for Valence, see *CFR*, i, p. 470; *CIPM*, vii, no. 165.

<sup>17</sup> *CCR 1354-60*, p. 177.

<sup>18</sup> Instructive here is A. Young, 'The Comyns and Anglo-Scottish relations (1286-1314)', *TCE*, 7 (1999), pp. 207-22.

down firmly’;<sup>19</sup> and Tynedale was exposed to the authority and ideology of ‘royal England’, its socio-political and cultural norms, and its capacity to command loyalty and reward service. Needless to say, it is only by focusing on fourteenth-century liberty society that we can begin to do full justice to the consequences of these changes; but first we must clarify some basic facts.

Save notably for much of Edward II’s reign (1307–27), the liberty was not a crown estate. It served, so to speak, as a fiefdom of members of the English ruling class (namely, for our purposes, the liberty-owners); and the lines of contact between Tynedale and the crown were contingent on the substance of the liberty-owners’ rights and on their ability to win obedience and support. But on both these counts, and chiefly the latter, an effective hub of local lordship did not develop.<sup>20</sup> The crown, therefore, could take a stronger grip on the liberty’s social order and its loyalties; nor was it unassisted by ‘natural’ shifts in landed society, which further weakened the liberty as a unifying agent and force. The Comyns failed in the male line (1316); so likewise did the senior branch of the Swinburnes of Haughton/Little Swinburne (1326), the Ros lords of Haltwhistle (1344) and the Haltons of Sewing Shields (1345). Most of their Tynedale lands, including the Comyn power-base, were partitioned, and the estates concerned went to a large group of ‘new’ families. The main successor landlords were Heron of Ford, Ogle of Ogle and Widdrington of Widdrington, all from east Northumberland; Musgrave of Hartley (Westmorland); Talbot of Goodrich Castle (Herefordshire); and more or less anglicised Scottish exiles: the Strathbogies, titular earls of Atholl, and John Stirling (d. 1378). For Tynedale this was an exceptionally high rate of turnover, and in 1369 the Strathbogies also failed, leaving a gap that would partly be filled by the Percies. In addition, minor families such as Grindon, Nunwick and Tecket vanish from sight in unrecorded circumstances; while, in Edward II’s reign, Graham, Lindsay and Pratt did revert to Scottish obedience for good. Accordingly Tynedale’s old noble elite disappeared from the scene, and the ranks of the established gentry were diluted, leaving a core whose chief representatives were members of the knightly houses of Swinburne of Haughton/Capheaton, Swinburne of Knarsdale, Tyndale of Kirkhaugh, Vipont of Alston and Whitfield of Whitfield.<sup>21</sup> Even more significantly, much territory – in particular, almost the whole of north Tynedale –

<sup>19</sup> A phrase taken from R. R. Davies, *The First English Empire: Power and Identities in the British Isles, 1093–1343* (Oxford, 2000), p. 185.

<sup>20</sup> For a full discussion, see below, pp. 310–17.

<sup>21</sup> For the various Swinburne lines, and Heron, Stirling and Widdrington, see the family tables at the end of this chapter (pp. 356–8).

passed to families lacking any previous association with the liberty. And not only did this impact on and dislocate the internal dynamics of local society: inevitably the ties between Tynedale and the outside world, and often an explicitly English world, were extended and reinforced; and the liberty could not be, nor was it, a distinct community that stood apart from the social and political orbit of the wider realm and the authority of its king.

More specifically, Edward I's applications of royal prerogative in Tynedale set precedents that at times allowed for significant control over the local tenurial landscape. Such was only to be expected when the liberty was directly managed for the king. In 1369, for example, the royal keeper's letter of appointment reserved to Edward III all wardships, marriages, escheats and forfeitures.<sup>22</sup> But from 1307 the crown persisted in laying general claim to forfeits for rebellion; indeed, it might also regard them, even after they had been restored in some form, as subject to its immediate jurisdiction. So, by one means or another, crown power and government retained the ability to interact at first hand with the organisation of Tynedale's landed society, and in ways that might well undermine the liberty's integrity, be it socially, politically or institutionally.

How such matters could work out on the ground is indicated by Edward II's rewards to favoured Border captains, as when he made a life-grant of the manor of Grindon to his banneret Anthony Lucy.<sup>23</sup> Then in 1329–31, when the crown belatedly took charge of the redistribution of the Comyn lands, John Darcy and his bailiff were bombarded with royal injunctions: a keeper commissioned by the king was to manage the property as a separate unit, save for one manor subject to litigation in Chancery; co-heirs were to receive the purparties assigned to them by the crown, reserving its rights of homage; one co-heir was to be allowed to sue for a larger share 'in Chancery or otherwise as should seem appropriate to the king'; a widow's dower lands were to be resumed into royal hands, and Darcy was not to meddle with them; the same lady was to be reinstated on account of her petition to the king in Parliament.<sup>24</sup> So, on this occasion, English royal authority asserted its rights in order to determine the tenurial and political geography of much of north Tynedale. Darcy himself was throughout a mere onlooker; and

<sup>22</sup> *CFR*, viii, pp. 33, 148–9.

<sup>23</sup> *CPR* 1321–4, p. 328. Edward II's household knight, Hugh Lowther, occurs briefly as lord of a moiety of Staward: *CPR* 1324–7, p. 261; H. Summerson, *Medieval Carlisle* (CWAAS, Extra Series, 1993), i, p. 251.

<sup>24</sup> *CCR* 1327–30, pp. 481–2, 548, 582–3; 1330–3, pp. 16, 34–5, 51–2, 102, 122, 132, 189; *CFR*, iv, pp. 186–7; *CIPM*, vii, no. 252.

thereafter it seems that, technically, Edward III continued to regard the old Comyn estates as directly dependent on the crown.<sup>25</sup>

Another revealing illustration of the possible effects of crown interference on landholding within the liberty is the case of Bellister manor, forfeited by Robert IV Ros in 1296.<sup>26</sup> It had passed first, by Bishop Bek's grant of 1297, to Brian Fitzalan of Bedale and his wife Maud. Edward I, however, overrode Maud's rights – and the claims of Ros's daughters – and gave Bellister for life to his household knight Robert Bures in 1307, 'with reversion to the king and his heirs'. Maud recovered the manor by a novel disseisin brought before Bek's justices in the liberty court in 1310; but then came a series of royal interventions whereby Edward II awarded possession to Ros's son-in-law, John Salvin, in 1312, and Edward III restored Bellister to Maud in 1339, confirmed it to Salvin's son Gerard in 1348, and deprived Gerard of it in 1355. And perhaps nowhere is the detailed interest the crown might take in the liberty's social structure better shown than by two vignettes connected with those interventions: in 1339 the king's chancellor accidentally dislodged the seal from Bek's deed of 1297 as he scrutinised it at the chancery table; in 1355 it was over the same table that John of Gaunt sued for Edward III against Gerard Salvin.

Admittedly crown policy towards forfeitures in fourteenth-century Tynedale was often less intrusive than evidence of this sort suggests. Though we will encounter other cases not unlike that of Bellister, such assertions of royal superiority were clearly infrequent. Nor can we always be sure of their effectiveness: after all, in 1312 the forester of Bellister, 'with others unknown', prevented Edward II's sub-escheator from executing his office on behalf of John Salvin.<sup>27</sup> And, earlier, Bek did have some success in resisting royal claims to forfeited estates, as his grant of Bellister implies.<sup>28</sup> In broader terms, moreover, forfeits remaining in crown custody were usually assigned to the liberty-owner, though the principle of ultimate royal control was reiterated.<sup>29</sup> Advowsons might be reserved, as when in 1332 Edward III upheld his rights of presentation to Knarsdale (forfeited by the Pratts) in a suit of *quare impedit* against John Darcy in Common Pleas. Yet by 1339 the advowson of Knarsdale was in Queen Philippa's hands.<sup>30</sup> Thus, while there was undoubtedly a direct expansion of the king's political

<sup>25</sup> Cf. *CCR* 1354–60, p. 130; *CPR* 1377–81, p. 391.

<sup>26</sup> This paragraph draws on *CDS*, iv, no. 1835; *SC* 8/238/11870; *CPR* 1301–7, p. 515; 1338–40, pp. 323, 326–7; 1348–50, p. 221; *CIPM*, v, no. 396; *CCR* 1354–60, pp. 176–8.

<sup>27</sup> *CIPM*, v, no. 396.

<sup>28</sup> See also *CDS*, ii, no. 1892; *CIPM*, iii, no. 611.

<sup>29</sup> See especially *CIMisc.*, iii, no. 892; *CPR* 1370–4, p. 408; 1374–7, p. 490; 1399–1401, p. 151.

<sup>30</sup> *Regis Edwardi Tertii*, etc., ff. 272v–3v; *RPD*, iii, p. 234.

power into the liberty, it remains important not to overstate the extent of such power.

That said, however, account must also be taken of crown authority in wider ways; for across the fourteenth century the aspirations and affiliations of Tynedale's tenantry – 'old' and 'new' alike – were shaped by it at numerous turns. Above all, few of the forces making for change had more significance than the monarchy's expanded military role, the greater claims it made on men's service and allegiances, and the many novel openings for promotion it entailed. So far were traditional norms overturned that warfare against the Scots had a major influence on people's lives and outlook. It could turn a profit, make a name, and even win the king's personal attention and favour; a heightened sense of Englishness was no doubt another outcome, especially if note is taken of the casualty lists.<sup>31</sup> That the liberty-owners (and not just Queen Philippa) gave little or no leadership to Tynedale's 'military community' has a more specific importance. The only noteworthy exception, atypical in more senses than one, was when Bek levied archers from north Tynedale for the siege of Durham Priory in 1300.<sup>32</sup> Here indeed, Tynedale was quite unlike Cheshire under the Black Prince, when the cohesion of its society was strengthened through war-service to a common local lord.<sup>33</sup> Rather, Tynedale's tenants and inhabitants came routinely within the compass of the military lordship of the king or his noble captains, and often with far-reaching consequences for men's experiences, careers and loyalties.

One knightly family's record in the Scottish wars of the first two Edwards provides a good starting-point. John Swinburne of Haughton/Little Swinburne, formerly Alexander III's household retainer, campaigned regularly in Scotland between 1296 and 1304. John's elder son Adam, a Scottish adherent in 1296, became one of the English crown's more notable military servants. He was constable of Dumfries (1306) and Rutherglen (1308–9); he received from Edward II in 1308 a letter of commendation for loyal service in Scotland; and he bore heavy responsibilities for Northumberland's defence as its sheriff in 1315–17. Adam's younger brother, Robert I Swinburne, undertook many tours of duty north of the Border between 1296 and 1311, and helped to defend Carlisle (1315) and

<sup>31</sup> A fair number of Tynedale landowners feature in A. King, "According to the custom used in French and Scottish wars": prisoners and casualties on the Scottish Marches in the fourteenth century', *Journal of Medieval History*, 28 (2002), pp. 263–90.

<sup>32</sup> Fraser, *Bek*, p. 143.

<sup>33</sup> P. Morgan, *War and Society in Medieval Cheshire, 1277–1403* (Chetham Society, 1987), Chapter 3.

Alnwick (1322).<sup>34</sup> Men like these did not necessarily live for war. Yet the impact of the English 'war-state' on their behaviour and attitudes is not in doubt; and such were its dimensions that skills honed in Anglo-Scottish warfare found ready outlets elsewhere. Adam Swinburne's son-in-law, John Stirling, reaffirmed his fame as a paladin by service on Edward III's overseas expeditions, including Cambrai (1339), Sluys (1340), Brittany (1342–3) and Crécy-Calais (1346–7).<sup>35</sup> Thirlwall campaigning – Paris (1360), the Pays de Caux (1369), Gascony (1370) and St Malo (1378) – tells a similar story. Robert I Swinburne's second son Adam was none other than the English army's sub-constable at Crécy.<sup>36</sup> Robert himself was on Edward II's service in Gascony as captain of St Macaire and mayor of Bordeaux (1324–5); his grandson and namesake went to Gascony with the Black Prince; and his great-grandson, Thomas II Swinburne, brought the mayorship of Bordeaux back under Swinburne control (1405–11). Indeed, so wide were Thomas's horizons that, after serving as sole keeper of Roxburgh castle (1386–90), he was in successive command of Guînes, Calais and Hammes.<sup>37</sup>

Much of this already suggests that men's military service was unlikely to consolidate their allegiances within local society. It cannot be said, however, that there was no correlation between the king's wars and the reinforcement of liberty-based solidarities. When the crown called out Tynedale's rank and file against the Scots, arrays and musters often remained under the liberty's exclusive control. The king's keeper was charged with 'the ruling, arraying and leading of all men in the liberty . . . in peace and war'; and when Tynedale was not in royal custody, troops were levied by writs issued to the liberty, at any rate up to the mid-1340s.<sup>38</sup> In such contexts, then, crown demands at once emphasised the liberty's institutional substance and provided for the literal regimentation of its inhabitants on a scale not seen before. For instance, 264 archers served with Edward I in Tweeddale and Clydesdale for eleven weeks in 1301, and 300 archers campaigned

<sup>34</sup> C. Moor, *Knights of Edward I* (Harleian Society, 1929–32), iv, pp. 321–2, supplemented by various sources, including *Scotland in 1298*, ed. H. Gough (London, 1888), pp. 36, 47; *CDS*, iv, p. 389; v, nos. 1140, 1256, 2144, 2199, 2393; *Parl. Writs*, II, ii, p. 372; E 43/668; Society of Antiquaries, MS 120, ff. 45r, 70v, 74v; *Northern Pets*, no. 80.

<sup>35</sup> *CCR 1339–41*, p. 93; 1341–3, p. 460; *The Wardrobe Book of William de Norwell*, ed. M. Lyon et al. (Brussels, 1983), p. 387; C 76/17, m. 27; A. Ayton and P. Preston, *The Battle of Crécy, 1346* (Woodbridge, 2005), p. 218.

<sup>36</sup> *The Controversy between Sir Richard Scrope and Sir Robert Grosvenor*, ed. N. H. Nicolas (London, 1832), i, pp. 181–2; Ayton and Preston, *Crécy*, pp. 188, 206.

<sup>37</sup> *The War of Saint-Sardos (1323–1325)*, ed. P. Chaplais (Camden Third Series, 1954), passim; *HC*, iv, pp. 545–50, with *CDS*, v, no. 4455.

<sup>38</sup> *CFR*, viii, pp. 33, 149. William Felton recruited in Tynedale as keeper in 1324 and apparently as bailiff in 1335, when the county arrayers were specifically excluded from the liberty: *Parl. Writs*, II, ii, p. 672; *Rot. Scot.*, i, p. 327.

in Carrick and Galloway for about four weeks in 1307. Sometimes, as in these cases, the contingents were deployed as distinct squadrons; they might be officered by local gentry, and one of their regular captains was Hugh Walles 'of Tynedale'.<sup>39</sup> In 1317 Hugh, described as an esquire, also attended Edward II at York with five other men-at-arms and fifty-four foot of Tynedale; in 1319 he reinforced the king's army with forty-three hobelars and eleven archers of Tynedale; and in 1327 he led forty hobelars from the liberty during the Weardale campaign.<sup>40</sup> Clearly such forces would not have had the same resonance for communal awareness. But all the liberty's able-bodied men remained liable to collective service, and in the period 1324–37 they were mobilised on at least six separate occasions.<sup>41</sup>

Nevertheless we must not exaggerate the importance of the king's war-demands for 'community' or even for local self-identification. Since the liberty was normally untroubled by royal taxation, it had little need to organise itself other than as a recruiting zone. Furthermore, while the crown's requests for manpower were at times persistent, they did not prompt Durham-style protests, and seem to have been readily met. Thus, whereas in the thirteenth century there had been some freedom from obligations to perform military service outside Tynedale,<sup>42</sup> priority was now given to the war-needs of the English 'state'. And not only are levies found serving under the king's personal standard and at his wages. They might also be amalgamated with other units;<sup>43</sup> and, what is more, from the mid-fourteenth century recruitment did come under the jurisdiction of the Northumberland county arrayers or (more especially) the March wardens. It was apparently accepted that such arrangements required the liberty-owner's permission, at least in 1346 and 1359;<sup>44</sup> and in practice, no doubt, men continued to be raised through the liberty's own mechanisms. Even so, the loyalties of local troops were claimed as much by English kingship

<sup>39</sup> *CDS*, ii, nos. 1229, 1923; *Parl. Writs*, I, p. 380. Hugh, who also commanded the north Tynedale archers at Durham in 1300, is wrongly described as Bek's bailiff of Tynedale in Fraser, *Bek*, p. 143, n. 3. He forfeited land in Chipchase for his Scottish loyalties in 1296 (Stevenson, *Docs*, ii, no. 359); but his Tynedale property cannot be traced. In 1309, 200 troops with captains were to be levied in the liberty, but the summons was cancelled: *CDS*, v, no. 1643; *Rot. Scot.*, i, p. 74.

<sup>40</sup> Society of Antiquaries, MS 121, f. 43r; E 101/378/4, m. 35d; 101/18/9.

<sup>41</sup> *Parl. Writs*, II, ii, pp. 672, 744; *Rot. Scot.*, i, pp. 213–14, 226–7, 327, 495 (and see also p. 389: writ of 1335 for levying men-at-arms, hobelars and archers).

<sup>42</sup> Above, Chapter 6, p. 278.

<sup>43</sup> *Parl. Writs*, II, ii, p. 744; *Rot. Scot.*, i, pp. 213–14. For an agreement in 1296 between William of Tynedale and two Corbridge men about division of spoils, see 'A plea roll of Edward I's army in Scotland, 1296', ed. C. J. Neville, in *Miscellany of the Scottish History Society*, xi (Edinburgh, 1990), no. 60.

<sup>44</sup> *Rot. Scot.*, i, pp. 652, 669–71, 839.

as by the liberty itself; and to that degree the crown's war-making served to blur the boundaries between the locality and broader society. Indeed, so far were such troops from being 'the lord's proprietary army' or a communal defence force that to soldier as individuals under great royal captains was not uncommon.<sup>45</sup>

As for members of the liberty's officer class, their local ties were on occasion strengthened by the comradeship of active service. Certainly the earl of Northampton's castle at Lochmaben in Annandale loomed large in the campaigning of some Tynedale gentry. In 1346 Richard Thirlwall took command of Lochmaben for one year; in 1351 William Heron (of Simonburn) and Gerard Widdrington (of Haughton) obtained protections for service in the garrison; and in 1357, when Thirlwall was once more its keeper, so did a contingent from Alston led by William Vipont.<sup>46</sup> We also see that John Thirlwall was an esquire to Adam Swinburne in Scotland in 1298 and 1307, and that Hugh Walles was with Adam in 1316.<sup>47</sup> In 1310–11 Adam and two other Tynedale knights, his brother Robert I Swinburne and Nicholas II Vipont, fought in Robert Clifford's company.<sup>48</sup> Again, in 1302 Robert Swinburne served with Richard Siward of Tibbers in Annandale and Nithsdale; and, perhaps significantly, it was around this time that Siward granted his property near Falstone in north Tynedale to Robert's father John Swinburne.<sup>49</sup>

Overall, however, war-service by both gentry and nobility (including the Strathbogies) rarely reflected or fostered local bonds of support and loyalty; and in essence military careers and networks had their own distinct structures, with potentially broad implications for the liberty's traditional social and political importance. Take, for example, John Stirling's fifty-strong retinue in Flanders in 1346–7: about ten English shires were represented; Yorkshiremen formed the largest group; and while some men

<sup>45</sup> Indicative examples are *CPR 1358–61*, p. 374 (John Forester of Newbrough and John Stokoe of Gofton: service with John of Gaunt in France, 1359–60); *John of Gaunt's Register, 1379–1383*, ed. E. C. Lodge and R. Somerville (Camden Third Series, 1937), ii, no. 1190 (Adam Mennie of 'Selleworth' in Tynedale: service with Gaunt on the Borders, 1381). The quotation is from Davies, *Lordship and Society*, p. 81.

<sup>46</sup> R. C. Reid, 'Edward I's pele at Lochmaben', *Transactions of the Dumfriesshire and Galloway Natural History and Antiquarian Society*, 3rd ser., 31 (1954), pp. 67–8; *CDS*, v, nos. 3856, 3859, 3926; *Rot. Scot.*, i, p. 796.

<sup>47</sup> *Scotland in 1298*, p. 195; *CDS*, ii, no. 1923; v, no. 3054.

<sup>48</sup> J. E. Morris, 'Cumberland and Westmorland military levies in the time of Edward I and Edward II', *TCWAAS*, new ser., 3 (1903), pp. 312–14; *CDS*, v, nos. 2799, 2919. Vipont was in Clifford service from 1298: *Scotland in 1298*, p. 198; *CDS*, v, nos. 402, 2583. One Thirlwall, whose first name is unrecorded, was Clifford's captain of Douglas castle in 1307: John Barbour, *The Bruce*, ed. A. A. M. Duncan (Edinburgh, 1997), pp. 212–13, 242–5.

<sup>49</sup> *CDS*, ii, no. 1334; *HN*, II, ii, p. 250.



were Northumbrians, none was recruited from Tynedale.<sup>50</sup> Also, Stirling's garrison at Edinburgh in 1335 included only two identifiable Tynedalers; while Thomas II Swinburne's garrison at Roxburgh in the later 1380s was drawn from counties outside the Borders as far-flung as Sussex and Cornwall.<sup>51</sup> More notably, in the absence of any cohesive 'Tynedale affinity', some gentry regularly took service with the king's chief captains. This much is amply confirmed by the soldiering of Robert I Swinburne, who from 1298 was retained by, among others, Ralph Monthermer, Thomas Vere, Bartholomew Badlesmere, John St John of Basing and Edmund Fitzalan.<sup>52</sup> Similarly Gerard Widdrington fought in Scotland in 1333–6 in the companies of Henry Percy, Ralph Neville and William Bohun. From 1338 he accompanied Bohun (now earl of Northampton) for service in the Low Countries and France; in 1342 his brother and heir Roger attended Richard Fitzalan with ten men-at-arms in the Borders; and in 1359–60 Roger served in the Reims campaign under John of Gaunt.<sup>53</sup> Here again Tynedale was scarcely a liberty where only the liberty-owners controlled the military allegiances of its men.

For additional reasons also, the influence of the 'war-state' thinned out the liberty's customary significance for loyalties and identities. At any stage the martial reputations of knights and men-at-arms could bring them directly within the crown's sphere of clientage and patronage. Some were recruited into the royal military household, and the king naturally had first call on their service whether or not the liberty was in his hands. Even if we exclude royal retainers whose associations with Tynedale were short-lived, it is still possible to compile a sizeable list. Robert I Swinburne's son and heir Thomas was a *scutifer hospitii regis* from about 1322; William Heron and Richard Thirlwall were Edward III's esquires by 1340. Adam Swinburne served as a knight of Edward I's household by 1298, and was admitted to fees and robes as a knight of Edward II at Durham in 1312. He had been promoted to the rank of king's banneret by 1315; while John Stirling received the same award from Edward III in 1335, and Richard Talbot (of

<sup>50</sup> G. Wrottesley, *Crecy and Calais* (London, 1898), pp. 222ff.

<sup>51</sup> E 101/19/24, m. 12 (Robert Gofton and Thomas Thirlwall, hobelars); CDS, v, from no. 4201 onwards.

<sup>52</sup> *Scotland in 1298*, p. 36; CDS, v, nos. 3076, 3176; CPR 1321–4, pp. 67, 198; BL, MS Stowe 553, f. 56r; SC 8/346/E1379.

<sup>53</sup> CDS, v, nos. 3295, 3365, 3534; A. Ayton, 'Edward III and the English aristocracy at the beginning of the Hundred Years War', in M. Strickland (ed.), *Armies, Chivalry and Warfare in Medieval Britain and France* (Stamford, 1998), pp. 174 (and references at n. 12), 198; S. Walker, *The Lancastrian Affinity, 1361–1399* (Oxford, 1990), p. 62.

Walwick) had been similarly honoured by 1338.<sup>54</sup> Moreover, there were no important crown offices in the Marches that Tynedale tenants did not hold, and this applies especially to the new military or war-related posts. In the 1340s the keepership of Berwick castle was effectively monopolised by men with Tynedale connections; in 1351 and 1355 Richard Thirlwall was the town's mayor.<sup>55</sup> Stirling's service as sheriff of Edinburgh (1335–8) reminds us of the broader range of assignments experienced soldiers might undertake. Those commissioned to array shire levies or to keep Anglo-Scottish truces are too numerous to note; some had responsibilities for coastal defence. But the March wardenships were, of course, the most influential commands on the Borders; and in this arena, too, Tynedale landowners were well represented. David III Strathbogie was warden of the East March in 1322–3. Thomas Musgrave (d. c. 1385), the first Musgrave lord of Haltwhistle, served regularly as a warden-conservator in the West March; William Heron, Roger Widdrington and John Thirlwall the elder all received at least one commission for the East March between 1369 and 1379; and Thirlwall also acted as co-warden and deputy warden in the West March. It is another impressive inventory, and a clear indication of the power and status in the regional hierarchy that Tynedale's propertied class, even 'lesser gentry' like the Thirlwalls, might now aspire to and attain through English royal service.

To fight with distinction for the king or his lieutenants was also a well-recognised path to territorial reward; and, in particular, men who sought Scottish lands were drawn firmly, or more firmly, within the structures of crown patronage and power. Adam Swinburne owed to Edward I a grant of forfeited Ayrshire property in 1298. It was likewise Edward who was petitioned when in 1306 Swinburne and John Thirlwall requested Dumfriesshire and Perthshire estates respectively.<sup>56</sup> Edward III granted to Richard Thirlwall land in Edington (Berwickshire) in 1336, and he later bestowed protection on John Thirlwall the elder and his tenants in Roughley

<sup>54</sup> Esquires: BL, MS Stowe 553, f. 104r; E 101/68/3/56; *CPR* 1338–40, p. 453; *CFR*, v, p. 66; *CChR*, iv, p. 468. Also, Robert II Ogle (d. 1362) may have continued to serve as Edward III's esquire after becoming a Tynedale landholder (cf. *CChR*, v, p. 4). Adam Swinburne: *Scotland in 1298*, p. 195; BL, MS Cotton Nero C.VIII, f. 91r; E 101/378/6. Stirling and Talbot: *CDS*, iii, no. 1194; *CCR* 1337–9, p. 439.

<sup>55</sup> J. Scott, *Berwick-upon-Tweed* (London, 1888), p. 478; *CIPM*, x, no. 276. Keepers of Berwick: Richard Talbot (1337–41), John Stirling (1344–5), Thomas Musgrave (1347–9; also 1373–7), William Heron (1349–50). Another Richard Thirlwall was customer of Berwick (1333–9): *Rot. Scot.*, i, pp. 256, 271, 276, 379, 560; E 122/193/8.

<sup>56</sup> *CDS*, ii, no. 1183; *Documents and Records Illustrating the History of Scotland*, ed. F. Palgrave (London, 1837), no. 142. See further SC 8/346/E1379: undated petition from Robert I Swinburne for Ayrshire lands.

in Liddesdale.<sup>57</sup> It was also in 1336 that the king granted to John Stirling the baronies of Bathgate and Ratho near Edinburgh; less precarious were John's gains in the 1340s in Berwickshire and Roxburghshire. Moreover, John obtained patronage in Scotland from Edward III's puppet Edward Balliol, who also brought into his orbit David IV Strathbogie and Richard Talbot. Strathbogie claimed the earldom of Atholl, and was co-claimant with Talbot to the vast Comyn domains. His priorities are well seen in the vigour with which, in 1333–4, he stamped his authority on Atholl and Badenoch; but when he took Scottish allegiance in September 1334, all his English estates were automatically forfeited, and he returned to Edward III's service in the following year.<sup>58</sup> Again, it was only when Strathbogie's servant, Thomas Aumfrais, reverted to Edward's peace that he recovered his lands in Yetholm (Roxburghshire) and, by the king's express order to Queen Philippa, his property in Wharmley in Tynedale.<sup>59</sup> Any involvement in cross-Border landholding now depended on the English crown's pleasure;<sup>60</sup> and that was indeed a far cry from the era when the kings of Scots had brought the liberty and its tenants within one main circuit of political authority and favour.

So, from yet another angle, Tynedale's world no longer centred on the liberty-owner as the chief focus of lordship and obedience: power, loyalties and identities were organised on new and very different lines. In England itself, John Stirling secured from Edward III the reversion of the Northumbrian manors of Belsay and Newlands in 1335, and of the Yorkshire manor of Faxfleet in 1343.<sup>61</sup> But how far service in the king's wars could lead to a reordering of men's territorial and other attachments, at the specific expense of local ties, is perhaps best seen in the case of the Swinburnes of Knarsdale. Robert I Swinburne extended his reach to Little Horkesley (Essex), Wiston (Suffolk) and Woodmancote (Gloucestershire), partly by investing his profits of war, and partly through the favour of the war-captain John Botetourt, under whom he had first campaigned

<sup>57</sup> *CDS*, iii, pp. 325–6; *Rot. Scot.*, i, p. 896.

<sup>58</sup> Stirling: *CDS*, iii, nos. 1209, 1330, 1515; Northamptonshire Record Office, Stopford-Sackville Muniments, no. 2851. Strathbogie: A. Ross, 'Men for all seasons? The Strathbogie earls of Atholl and the Wars of Independence, c. 1290–c. 1335. Part 2: Earl David IV (1307–1335)', *Northern Scotland*, 21 (2001), pp. 1–15.

<sup>59</sup> *CDS*, iii, p. 374; C 143/238/19; cf. *CCR* 1333–7, p. 442: writ of seisin to the liberty's officers on Strathbogie's behalf.

<sup>60</sup> In terms of their longevity, the chief links were Stirling and Thirlwall ties to Berwickshire (*CFR*, ix, p. 153; *CDS*, iv, no. 105); and connections with some former Comyn lands in south-west Scotland: A. B. Webster, 'The English occupations of Dumfriesshire in the fourteenth century', *Trans. Dumfriesshire and Galloway Nat. Hist. and Antiq. Soc.*, 3rd ser., 35 (1958), pp. 74–5.

<sup>61</sup> *CPR* 1334–8, p. 168; 1343–5, pp. 158–9.

in 1304.<sup>62</sup> The comforts of southern living proved irresistible to Robert's son Adam, who became lord of Duxford (Cambridgeshire),<sup>63</sup> and even more did they appeal to his grandson, another Robert, on whose second wife – Botetourt's great-granddaughter – had devolved two large inheritances by 1384. This Robert thereby became a major landowner in Essex, and the axis of his activity shifted decisively to the South-East. His son and successor, Thomas II, married another metropolitan heiress, Elizabeth Trivet, the widow of one of Richard II's inner clique; and while Thomas was more closely associated with the North than his father had been, the trajectory of his military career, in the Borders and elsewhere, owed much to the patronage of Thomas Mowbray, earl of Nottingham. Likewise Thomas Swinburne's brief appearance in Tynedale as bailiff for Edmund Langley, around the time that Mowbray was made warden of the East March in 1389, is best explained by his court connections; and home he went (when not on crown service overseas) to follow in his father's footsteps as MP for Essex and sheriff of Essex and Hertfordshire. All told, it seems only appropriate that these Swinburnes, father and son, were buried in Little Horkesley Priory, and in a tomb modelled on the royal tombs in Westminster Abbey.<sup>64</sup>

More generally, the story of how, and how far, Tynedale's landed class could be subsumed into the English body politic takes us back to the extinction of the Comyn male line. One of the two Comyn co-heirs was given to Richard Talbot, presumably by Queen Isabella, in 1326 or 1327; and Richard, as lord of Goodrich Castle, was to remain firmly tied to Herefordshire. The Talbots' in-laws, the Strathbogies, were less self-consciously part of English political society; but they also prized English estates far from Tynedale, and had recovered their ancestral lands in Kent by Edward II's favour in 1321. The initial Strathbogie stake in the liberty, gained by 1314, comprised the manor of Henshaw and the Forest of Lowes (now Henshaw Common); in 1329–30 the rest of the Comyn property was divided into moieties, with their nodes at Tarsset (Strathbogie) and Walwick (Talbot).<sup>65</sup> What truly transformed the

<sup>62</sup> Below, p. 358; *CCR* 1346–9, p. 575; and, for service with Botetourt, see Palgrave, *Docs Hist. Scot.*, no. 126; *CCW* 1244–1326, p. 331; *CPR* 1317–21, p. 245; *CDS*, v, nos. 3011, 3176; *SC* 1/37/5; 8/346/E1379.

<sup>63</sup> *VCH, Cambs.*, vi, pp. 205–6.

<sup>64</sup> *HC*, iv, pp. 545–7, with A. Goodman, *The Loyal Conspiracy: The Lords Appellant under Richard II* (London, 1971), p. 162. For a fine set of deeds concerning the Swinburnes' London property (1378–97), see Guildhall Library, MS 31302/114–28.

<sup>65</sup> *CCR* 1327–30, p. 548; 1330–3, pp. 51–2; *CFR*, iv, p. 186. For the support given by Richard Talbot's father to Queen Isabella in 1326, see N. Fryde, *The Tyranny and Fall of Edward II, 1321–1326* (Cambridge, 1979), p. 187.

landed fortunes of the Strathbogies and Talbots alike, however, was the fact that the Comyn ladies, as co-heirs of their uncle Aymer Valence (d. 1324), also brought to each family one-quarter of the vast Pembroke inheritance. To note the main Strathbogie acquisitions alone, these were Mitford and Ponteland (Northumberland), Gainsborough (Lincolnshire), ten manors in Buckinghamshire, Kent, Norfolk, Suffolk and Wiltshire, and various estates in Ireland. David IV Strathbogie mortgaged many of these properties to subsidise his Scottish expeditions; but it was Gainsborough, by far the family's richest asset, that became its main seat.<sup>66</sup>

Such families operated on a genuinely national stage. Ultimately Richard Talbot – and William Heron, Thomas Musgrave and John Stirling – gained from Edward III the accolade of promotion to the peerage, largely for their military exploits in his service. Talbot was also steward of Edward's household from 1345 to 1349. Thomas II Swinburne was one of Richard II's chamber knights; he acted for Henry IV on embassies to the European courts and was rewarded with estates in Picardy and Périgord.<sup>67</sup> Against such a background, it hardly surprises that Edward II's half-brother Edmund Woodstock, and men such as John Bromwich of Herefordshire, John Malwain of Wiltshire, John Halsham of Sussex, John Scrope of Yorkshire, John Grey of Rotherfield and Miles Stapleton of Bedale became part of the liberty's history, however marginally, through marriages to well-born 'Tynedale' ladies;<sup>68</sup> that private deeds concerning estates in the liberty were sealed in London, York, Brabourne (Kent), East Mersea (Essex), Eccleswall (Herefordshire) and Kenilworth (Warwickshire); that trustees for Tynedale manors included the future Henry IV; or that a map of the tenantry's burial-places would have to embrace not only Little Horkesley but Ashford (Kent), Flanesford (Herefordshire), West Grinstead (Sussex) and Westminster.<sup>69</sup>

Finally we may turn to Tynedale's ecclesiastical history for another

<sup>66</sup> *CCR* 1330–3, pp. 456–7, 584–5; *CIPM*, vi, no. 759; vii, no. 713; xiv, nos. 317, 346.

<sup>67</sup> *HC*, iv, pp. 548–9. Another Tynedale landowner, John Widdrington, was retained by Richard II as an esquire of the royal body in 1394: *ibid.*, p. 854.

<sup>68</sup> Woodstock, Bromwich and Malwain married respectively the widows of John Comyn (d. 1314), Richard Talbot (d. 1356) and David V Strathbogie (d. 1369); Halsham and Scrope were among the husbands of Strathbogie's daughters and co-heirs. For the Tynedale properties of these ladies, see *CIPM*, vii, no. 252; xiv, no. 86; *CPR* 1370–4, p. 279. Grey and Stapleton, sons-in-law of Brian Fitzalan, jointly controlled Bellister in 1343–6: SC 6/950/14.

<sup>69</sup> Deeds: *Greenwell Deeds*, no. 189; *CCR* 1343–6, p. 487; 1360–4, p. 137; 1381–5, p. 408; 1392–6, p. 101; NCS, ZSW/1/83; E 159/102, m. 117. Trustees: Bolingbroke was feoffee to Hugh Waterton, chamberlain of the duchy of Lancaster, for the Talbot/Bromwich estates (*CPR* 1399–1401, p. 94). Burial-places: see, for example, M. Stephenson, *A List of Monumental Brasses in the British Isles* (London, 1926), pp. 206, 509 (the Ashford and West Grinstead brasses of David V Strathbogie's widow and younger daughter).

graphic index of how far the liberty's socio-political coherence was affected by its novel connections with the centres of English power and culture.<sup>70</sup> Arbroath Abbey regained the church of Haltwhistle from Edward III in 1329, but not for long: Queen Philippa became its patron; and in 1385 it was annexed to Tynemouth Priory on the urging of Richard II and his uncles John of Gaunt and Thomas Woodstock.<sup>71</sup> Even more strikingly, in 1351 Edward III gave the advowson of Simonburn to his college of St George at Windsor, the spiritual home of the Order of the Garter.<sup>72</sup> Some Tynedale benefices were also regularly used to reward the English crown's close servants. The presentees to Knarsdale included Edward III's chaplain, David Wooler, and the king's clerk, John Beverley, as well as Philippa's chancellor, John Clixby. The pre-1351 tally for Simonburn is yet more imposing: Edward I's controller of the wardrobe, Robert Cottingham; Edward II's treasurer and chancellor, John Sandal; Edward II's escheator north of the Trent, John Lowther; and Edward III's clerk, William Neville. These worthies were often pluralists on a heroic scale, and few had any personal involvement with the liberty. Nonetheless they may serve to underscore how far the registers of 'society' and 'community' had been transformed.<sup>73</sup>

So it was that Tynedale and its community (broadly construed) came more firmly within the ambit of English kingship and the wider polity. At no period in the liberty's past had identities defined themselves exclusively in terms of local loyalties and attachments; but from 1296 the overlapping ties and associations represented more than just a change of format and orientation. They were more intensive, more extensive in their geographical range, and more likely to undermine the cohesion of liberty society. In

<sup>70</sup> Partly because of the crown's claims to advowsons, the history concerned is a complex one; and we cannot enter into all the details here. For Simonburn, a specially tangled case, see A. K. B. Roberts, *St. George's Chapel, Windsor Castle, 1348-1416* (Windsor, 1947), pp. 20-2.

<sup>71</sup> *CDS*, iii, nos. 984-5; C 47/9/58, m. 13; DCM, Reg. Hatfield, ff. 52r, 65v. The original deed of appropriation by Bishop Fordham is DCM, 1.3.Pont.7. Gibson, *Tynemouth*, ii, Appendix, no. 129, and *HN*, III, ii, pp. 95-6, print the cartulary copy in DCM, Reg. II, ff. 63r-4v.

<sup>72</sup> Simonburn was appropriated to St George's by Bishop Hatfield in 1360: DCM, Reg. Hatfield, ff. 40v-1r; *HN*, III, ii, pp. 101-2; and the original deed, St George's Chapel Archives and Chapter Library, XI.K.1.

<sup>73</sup> R. Donaldson, 'Patronage and the Church: A Study in the Social Structure of the Secular Clergy in the Diocese of Durham (1311-1540)' (unpublished Edinburgh University Ph.D. thesis, 1955), ii, pp. 145, 181, 260-1. From 1342 Clixby held both Knarsdale and Simonburn for almost twenty years. Unsurprisingly Sandal assigned custody of Simonburn to a monk of Newminster Abbey in 1314: *CPR 1313-17*, p. 184. Beverley and Lowther, however, were feoffees for Tynedale landowners: *NCH*, x, p. 394, n. 1; *NCS*, ZSW/1/60; *HN*, III, i, pp. 21-2.

particular, north Tynedale was deeply affected by the fact that none of the Comyns' successors developed a special relationship with the liberty: for example, the Talbots had leased out all their local property by 1355; the Strathbogies had similarly disposed of the bulk of theirs by 1362; and then, by the mid-1370s, the Talbots had sold up to John Bromwich, whose links with Tynedale continued to be purely formal.<sup>74</sup> At lower levels, an eloquent case is that of Andrew Tyndale, a cadet of the Tyndales of Kirkhaugh. He was appointed county crier for Kent in 1355, rose to become one of Edward III's serjeants-at-arms, and remained an exile from the North until his death 'in parts far distant from Newcastle' in 1378.<sup>75</sup> As for the Essex-based Swinburnes, the course of their disengagement from the Borders can be followed in some detail; and though they retained the manor of Knarsdale, their grip on it was tenuous at best.<sup>76</sup>

There were about twenty gentry families whose outlook was more restricted and from which the leaders of local society might be drawn. But to understand this society's behaviour and identifications, fuller account must be taken of Tynedale's experiences and setting. Part of the story will help to clarify the nature of the liberty's relations with the 'state' and how far, and why, it maintained a separate institutional identity. But most crucial, especially from the gentry's viewpoint, were the changing character of lordship and Tynedale's problems within a marchland at war – two closely linked themes. The good stewardship of the Scots kings had given unity and coherence to liberty society; yet after Alexander III's death the 'system' broke down. For all the necessary qualifications, Tynedale was transformed from a Scottish-ruled appendage into an outpost on the margins of English power. By the same token, good rule, justice and protection played much more limited roles in the liberty; nor were secure bases laid for a cohesive local social order and community.

Thus fourteenth-century Tynedale might find itself, and often was, relegated to the status of a far-flung accessory of territorial units anchored in England's heartlands. From local society's perspective, lordship was essentially remote and impersonal; and, aside from that, the liberty's seesaw passage through the hands of eight different English owners (excluding

<sup>74</sup> Notts. Archives, DD/4P/52/134; *Laing Chrs*, no. 49; *NDD*, p. 113; W. H. D. Longstaffe, 'Local muniments', *AA*, new ser., 1 (1857), p. 23; *CPR 1370-4*, p. 279; *1377-81*, p. 391.

<sup>75</sup> *CPR 1354-8*, p. 275; *1370-4*, p. 268; *CIPM*, xv, no. 61.

<sup>76</sup> NCS, ZSW/1/83. For the family's withdrawals from Westmorland, Cumberland and parts of Northumberland, see F. W. Ragg, 'Helton, Flechan, Askham and Sandford of Askham', *TCWAAS*, new ser., 21 (1921), pp. 176-8, 180; CRO (Carlisle), D/Lons/L5/1/3/27-9, 38-9; Levens Hall, Medieval Deeds, Box A/64; *The Duke of Norfolk's Deeds at Arundel Castle: Dacre Estates in Northern Counties*, ed. H. Warne (Chichester, 2006), p. 33; NCS, ZSW/4/26, 59; 'Ancient deeds relating to Gunnerton', *AA*, 2nd ser., 25 (1904), pp. 107-8.

the crown) no doubt removed from the content of lordship much of its authority and effectiveness. Gaveston, Mauley, Harclay and Aumale were mere ciphers;<sup>77</sup> and only Anthony Bek (1296–1307, 1308–11), John Darcy (1328–1335), Queen Philippa (1335–69) and Edmund Langley (1373–98) had any lasting connections with Tynedale. But all except Bek ruled at a considerable distance. Nor was Tynedale seen as a major source of income; and while Darcy and Langley were acquainted with the liberty, they made only one recorded visit apiece.<sup>78</sup> Lordship on such terms was unlikely to be masterful or reassuring. Indeed, it points to a debilitating vacuum of power at the heart of the liberty and its government.

It will soon be seen that the position was not quite as straightforward as these comments indicate. But, in broad outline, they are not contradicted by the fact that Tynedale and its society experienced, and to a degree invited, more active crown interference. Even in Bek's day, the lord's authority was curtailed by the king's prerogative of forfeiture and (unlike in Durham) by his general power of pardon.<sup>79</sup> We must also recall that Darcy's rights of territorial lordship did not extend throughout the liberty to include the Comyn lands; nor, largely as a consequence, could he keep royal justice at arm's length.<sup>80</sup> And, what is more, the crown's superiority was to become more formalised because of Edward III's concern about Border lawlessness and Scottish war-mongering.<sup>81</sup> In 1343 he assigned his own justices to Tynedale for the investigation and punishment of truce-violations. Then in 1346, and similarly in 1359, the warden-conservators in the East March were given authority over Tynedale, along with Durham, Norhamshire and Hexhamshire, 'for the urgent need of our kingdom's defence'. On both occasions, the wardens were ordered to array the men of each liberty, to bring deserters, rebels and truce-breakers to royal justice, and to seize fortresses harbouring wrongdoers. Edward III conceded that these were emergency measures and would not become precedents; but in 1362 Tynedale and other

<sup>77</sup> Gaveston did not even have time to appoint his own officers: cf. E 372/166, m. 32.

<sup>78</sup> For the spread of Philippa's, and Langley's, lands in England, see B. P. Wolffe, *The Royal Demesne in English History* (London, 1971), pp. 237–9, 242–3. From 1369 the liberty had a relatively low estimated annual value of 200 marks, 'rather more in peacetime and rather less in wartime': *CFR*, viii, p. 33; *CPR 1408–13*, p. 383. Darcy returned from Ireland to campaign in Scotland in 1333, and visited Tynedale during a lull in the fighting (*CPR 1334–8*, p. 331); Langley was in Wark on 20 October 1386 and back in London eight days later (*HN*, II, iii, pp. 21–2; *CPR 1385–9*, p. 302).

<sup>79</sup> The reference in N. D. Hurnard, *The King's Pardon for Homicide before AD 1307* (Oxford, 1969), p. 56, n. 6, relates to Penrith, not to Tynedale as stated; but see below, p. 319.

<sup>80</sup> Above, p. 298.

<sup>81</sup> The remainder of this paragraph is based on *Rot. Scot.*, i, pp. 644, 669–71, 839, 862.



north-eastern liberties, though not Durham, were brought explicitly under the wardens' jurisdiction. The crown was taking seriously its duty to guarantee justice and peace for all subjects, and it was made clear that the liberty's officers and residents were accountable not only to the liberty-owner but also to the king's ministers.

This was indeed a different world from that in which Tynedale had developed as a liberty and a community before 1286; but there are nevertheless good reasons for taking a more nuanced view. Absenteeism did not necessarily prevent the liberty-owners from stressing Tynedale's traditions as a distinct local polity. In 1331 John Darcy asserted that only his writs ran in the liberty; that he had cognisance of all pleas; and – even more majestically – that he enjoyed the prerogatives of an 'earl palatine' (*counte paleis*).<sup>82</sup> Such claims ran counter to some fundamental facts, but Darcy needed no lessons when it came to invoking Tynedale's 'regal rights'. Yet more telling is the zeal with which those rights were on occasion defended by the king's immediate kin. In 1346 and 1359 Queen Philippa insisted on written assurances of non-prejudice when Tynedale was included in the wardens' commissions.<sup>83</sup> Furthermore, Philippa championed the liberty's right to exemption from crown taxation, as when – so Edward III's collectors for Northumberland informed the exchequer in 1341 – she refused to allow its inhabitants to be taxed for fifteenths and tenths on the grounds that commissions 'within and without liberties' did not apply to Tynedale, which was a 'royal liberty' where 'the king's writ does not run'.<sup>84</sup> Edmund Langley could argue as strongly for 'the privileges of his liberty'; and in about 1398 he wrote sternly from London to remind its chancellor of his duties 'for the . . . maintenance of our franchise and of the common law within it'.<sup>85</sup>

In such ways, the liberty-owners appreciated the importance of their jurisdiction and its capacity to organise people's lives; they likewise upheld the liberty's customs and rights as far as circumstances allowed. Of course, account had ultimately to be taken of crown policies; but the liberty was also given significant official recognition as a discrete governmental unit. Indeed, especially as a royal appanage from 1335, it enjoyed some measure of the king's respect and goodwill. His sheriffs and justices usually received no (or little) encouragement to meddle with the liberty; and he might step in to support its privileges, as when in 1388 Richard II rebuked his shire

<sup>82</sup> *Regis Edwardi Tertii*, etc., f. 229r. Darcy was attempting, unsuccessfully, to remove from Common Pleas a suit brought against him by Bishop Beaumont for the advowson of Simonburn.

<sup>83</sup> *Rot. Scot.*, i, pp. 671, 839.

<sup>84</sup> E 159/117, m. 162; cf. 179/158/7, m. 7d.

<sup>85</sup> CCR 1385–9, p. 411; *Hexham Priory*, i, Preface, pp. clxviii–ix.

officials for arresting fugitive felons inside Tynedale.<sup>86</sup> Similarly the crown was in general reluctant to intervene unless regional security was at stake: in 1343, for example, Edward III had initially referred complaints about the men of Tynedale to Philippa and her council.<sup>87</sup> And even the threat posed by the warden-conservators to the liberty's independence was more apparent than real. Their judicial authority was geared to tackling cross-Border brigandage according to the laws of the Marches. It was therefore meant to supplement rather than to reduce the common-law jurisdiction of the liberty court, which could not offer redress for truce-related offences.<sup>88</sup> Moreover, regard was paid to the liberty's rights in 1362, when it was accepted that the wardens could enter Tynedale only if its officers refused to deliver offenders to justice. In 1381 Tynedale was automatically deemed to be under the wardens; but in 1386 essential truce-keeping duties were allocated by Richard II's writ to the bailiff, albeit as if he were a crown agent.<sup>89</sup> Likewise other evidence broadly confirms that the wardens were obliged to work with and through the liberty's administration.<sup>90</sup> Thus Tynedale's status as a 'royal liberty' continued to entail significant local autonomy. In fact, if the apparatus of the 'war-state' was becoming more visible, such provision as the crown made for the liberty to manage its own affairs arguably served to reinforce its distinct authority and identity as a power-structure.

All told, therefore, the liberty-owners retained important rights of control with which to coordinate local society and its loyalties. But how effectively in practice did they enforce their will and meet their obligations of rulership? Again, the evidence is not without its paradoxes. The voluminous records of the crown's courts are mainly unpublished for the fourteenth century; but enough sampling has been undertaken to warn against supposing that routine Tynedale pleas were withdrawn from the liberty's jurisdiction in any systematic way. Indeed, despite the dubious nature of John Darcy's power in key respects, he seems to have offered adequate legal remedies to most local complainants.<sup>91</sup> Other sources indicate

<sup>86</sup> The crown's rights of extradition were, however, affirmed; while in 1399 Richard II appointed a commission to investigate a homicide in Tynedale, and it tried the accused in Corbridge: *CCR* 1385–9, pp. 410–11; *ClMisc.*, vi, no. 408.

<sup>87</sup> *CPR* 1343–5, p. 67; *Northern Pets*, no. 67.

<sup>88</sup> Cf. Neville, *Violence*, pp. 59–60, 84–6.

<sup>89</sup> *Rot. Scot.*, i, p. 862; ii, pp. 41, 84.

<sup>90</sup> Cf. *ibid.*, i, pp. 670, 839, for the bailiff's powers of arrest in 1346 and 1359. Relatedly see *CDS*, v, no. 816; *Rot. Scot.*, i, pp. 875–6: royal writs to the bailiff prohibiting illicit trade with Scots (1353) and raids on Annandale (1363).

<sup>91</sup> Of the local gentry, only Gerard Widdrington brought a Tynedale suit in Common Pleas during the first three years of Darcy's lordship (1328–31): CP 40/283, m. 388; cf. A. J. Lilburn, 'Northumberland cases from the De Banco Rolls 1–5 Edward III', unpublished typescript, NCS, SANT/TRA/2/5.

that, at least in 1347–8, the liberty court kept to a schedule of three-weekly meetings on Mondays, thus bringing people together on a regular basis for justice and social regulation.<sup>92</sup> Queen Philippa appointed experienced men as justices, including Roger Blakiston, one of her serjeants-at-law, and Richard Ravenser, her receiver-general.<sup>93</sup> No doubt writs for local litigation had still to be obtained from the queen's household chancellor; but Edmund Langley made such writs more accessible by ensuring that the liberty had its own chancellor and keeper of the seal.<sup>94</sup> In addition, Philippa's success in defending Tynedale's fiscal independence is exemplified by Edward III's concession of 1355 exempting the liberty (and Hexhamshire) from the wool tax of 1347; and in 1358 the government admitted that no parliamentary taxes had been raised there since 1327. Similarly, though Langley was required to appoint collectors of the 1379 poll tax, no payments are recorded; and it was apparently not until 1436 that the crown again attempted to levy taxation in Tynedale.<sup>95</sup>

On this view, it seems that lordship could demonstrate its power and underwrite the liberty's importance as a unifying force. In particular, freedom from national taxes was presumably prized by local people: after all, most of Tynedale's residents appear to have opposed the ninth of 1340–1.<sup>96</sup> It is unknown if resistance in this case involved Philippa; but we can assume some degree of solidarity between the queen and local society based on a shared commitment to the liberty's privileges. Furthermore, notions of 'community' may also have acquired a certain reality at those junctures, rare though they seem to have been, when the demands of lordship obliged people to negotiate collectively and levy common purses. Thus in 1356 a subsidy was granted to Philippa by 'the community of the liberty'; in 1364 a common fine of £200 was made by 'the community' with the liberty's justices.<sup>97</sup>

Nonetheless a fuller assessment leaves no room for doubt that beneath the liberty-owners' assertions and actual powers lay awkward realities that gravely undermined the basic principles on which Tynedale's governmental efficiency and socio-political integrity had been founded. Every

<sup>92</sup> DCM, Misc. Ch. 5254; *HN*, II, iii, pp. 59–60; *NDD*, pp. 112–13.

<sup>93</sup> *NDD*, p. 112; SC 6/952/11; with John Rylands Library, Latin MS 236, f. 8r (for Blakiston, a prominent Durham lawyer and royal justice, as Philippa's serjeant-at-law).

<sup>94</sup> Below, p. 339.

<sup>95</sup> *CFR*, vi, p. 431; *CCR 1354–60*, p. 457; *The Poll Taxes of 1377, 1379 and 1381*, ed. C. C. Fenwick (Oxford, 1998–2005), i, p. xxii. Admittedly the poll tax records are incomplete for Northumberland; but Tynedale does not appear in the detailed assessments for the 1377 tax: *ibid.*, ii, pp. 256–71; iii, pp. 545–50. For 1436, see *CFR*, xvi, p. 262.

<sup>96</sup> Below, p. 330.

<sup>97</sup> *CCR 1354–60*, p. 281; SC 6/1092/3.

allowance made, the provision of justice did not run as it had operated under Alexander III; nor in fact could it have done so, because the general eyre's suspension in 1294 removed from the liberty a vital source of communal discipline and cohesion. Yet little suggests that serious efforts were made to fill the gap. We hear of justices of assize; but justices of oyer and terminer, and of the peace, do not figure among the liberty's regular quota of officers. People still had high expectations of its legal system; but paradoxically this becomes clear since it was not a system they could necessarily rely on. There are strong hints that Bishop Bek, whose grip on Tynedale was tighter than the norm, dispensed justice chiefly in his own interests; indeed, he used his 'regal jurisdiction' to block attempts to secure local remedies against him for lost lands or rents.<sup>98</sup> Edmund Langley's high-flown words of around 1398 about the 'maintenance of our franchise' came in response to a bill from Thomas Claxton complaining that the bailiff had unjustly evicted him from Kirkhaugh, and that the chancellor had denied him redress by refusing to issue writs and assign justices. Nor could Langley impose his authority and give Claxton justice.<sup>99</sup> Also revealing are the liberty's fullest surviving fourteenth-century account rolls, for 1362-73, which mention only three sittings by justices in Tynedale, in 1361, 1364 and 1366, and show that the bailiff answered for the goods of merely four felons.<sup>100</sup> This represents a major contrast with Durham, where assizes could be held several times a year and gaol deliveries every two or three weeks.<sup>101</sup> Furthermore, for all that local society was insulated from some forms of royal interference, individual gentry (as will shortly be underlined) could not count on the liberty-owner's lordship to uphold justice by protecting their landed rights against the crown. Edward III's law-enforcement programme also demonstrated the deficiencies of that lordship. Not only did they justify an extension of the king's authority over Tynedale; the necessity for such confirmed that it was not in the liberty-owner's power to maintain social peace. Queen Philippa acknowledged as much in 1357 when, waiving her jurisdiction, she harnessed crown support in the form of a general oyer-and-terminer commission to deal with crime throughout her northern lordships and liberties.<sup>102</sup> So even the liberty-owner might have to invoke alternative power-sources;

<sup>98</sup> See in particular *PROME*, ii, pp. 212, 539, 547.

<sup>99</sup> *NCH*, x, p. 258, n. 1; below, pp. 351-2.

<sup>100</sup> SC 6/952/11, partly engrossed in E 358/17, m. 7d.

<sup>101</sup> Cf. Storey, *Langley*, p. 64; DCM, 1.5.Pont.16.

<sup>102</sup> *CPR* 1354-8, p. 613. Similarly in 1376 Langley secured a royal commission to discipline felons in Tynedale, though its jurisdiction was restricted to crimes committed when the liberty had been in Edward III's hands (1369-73): *CPR* 1374-7, p. 318.

and, without good rule, the gentry of Tynedale might well have to do the same.

On a wider view, moreover, lordly absenteeism or even indifference had a major effect on the liberty's traditional importance for local society. Neither militarily nor politically did lordship (as opposed to kingship) ever significantly channel people's hopes and loyalties. It needs to be stressed that no lord of Tynedale can be found leading its men to war, even in the liberty's defence. There are likewise very few signs that its lords or lady cultivated the support of the local gentry through membership of their personal affinities. Philippa took into her household Andrew, John and William Tyndale. Andrew, a valet of the queen's chamber, collected various rewards; and Philippa's service was his stepping-stone to service as Edward III's serjeant-at-arms.<sup>103</sup> Otherwise we have drawn a blank.<sup>104</sup> Equally it appears that hardly any of the patronage at the liberty-owners' disposal within Tynedale was used to strengthen local allegiances. It does not surprise that Philippa foisted a farmer on the liberty in 1338 by leasing her demesne for seven years, or that the man to profit thereby was William Felton of Edlingham near Alnwick, a soldier-administrator who had recently become the king's household knight.<sup>105</sup> Nor was it just the case that, generally speaking, office within 'royal liberties' now offered fewer openings to local gentry than the expansion of shire governance. In fourteenth-century Tynedale the liberty-owner barely employed such men at all. Not even a single bailiff or receiver is known to have been recruited from their ranks: Thomas II Swinburne, bailiff around 1390, was much more an Essex knight than a local figure, as has been noted. William Felton was bailiff to John Darcy in the earlier 1330s;<sup>106</sup> while Philippa and Langley also relied primarily on careerists who, like the long-serving bailiff Alan Strother, were experienced Northumbrian county administrators. Again, such policies were typical of absentee lordship and only to be expected; but they nevertheless broadcast the liberty-owner's disregard of local sensibilities. That the coroners continued to be appointed by election (at least in 1324) probably allowed for

<sup>103</sup> E 101/395/2/236; John Rylands Library, Latin MS 236, f. 6v; SC 6/952/11; *CPR* 1354-8, p. 275; 1364-7, pp. 101, 313; 1367-70, p. 342.

<sup>104</sup> For example, no Tynedalers occur in a study of Darcy's affinity in Ireland; and none is known to have received a protection for Langley's expedition to Portugal (1381-2): R. H. R. Mortimer, 'Lordship and Patronage: John Darcy and the Dublin Administration, 1324-47' (unpublished Durham University M.Phil. thesis, 1990); C 76/65, *passim*.

<sup>105</sup> *CPR* 1338-40, p. 109; SC 6/1091/3, 4; BL, MS Cotton Nero C.VIII, f. 225r. In 1337 Philippa's receiver of Tynedale absconded to London to evade his account: E 368/110, m. 27d.

<sup>106</sup> *CLMisc.*, iii, no. 892. Felton also served as Edward II's keeper of Tynedale: above, p. 295.

some local participation in governance;<sup>107</sup> and three identifiable justices did hold land in the liberty. None of these justices, though, belonged to an old Tynedale family. More will later be said of the administrative personnel. But clearly intruders took control of much of Tynedale's government, and in that sense opportunities for power and engagement in its affairs were removed from local reach. The liberty-owners' appointees, for lack of local roots and close supervision, could also jeopardise Tynedale's good management and its landowners' concerns and rights. Indeed, their failings ranged from the incapacity or slackness of Thomas Swinburne to the inclination of other officers to prioritise private interests over both the liberty's authority and local expectations and requirements; and Thomas Claxton was just one casualty of such shortcomings.

For all these reasons, the liberty-owners' superiority must be seen as deeply flawed: it was, in short, unable to guarantee the old norms and values that had been the liberty's strengths as both a source of justice and government and a focus of service, reward and loyalty. Nor do we have to look far for local discontent. Only under Bishop Bek was there any potential for a clash between the power of lordship and the rights of 'community'; but collective protest did not materialise as it did in Durham, perhaps because (so far as can be judged) ordinary local society in Tynedale was less harshly treated. Nonetheless some gentry did express their dissatisfaction, as when William Ros (of Haltwhistle) and John Swinburne resorted to Edward I's Parliaments by private petitions stressing how Bek had refused them justice; they thereby provide clear-cut examples of how inadequate lordship might easily erode people's identification with a liberty by forcing them to turn to the crown.<sup>108</sup> Similarly Thomas Claxton would later seek redress outside Tynedale. But after Bek's time the main target was bailiff Strother, who from 1356 seems to have run the liberty much as he pleased, and evidently overreached himself at the expense of its political and governmental cohesion.<sup>109</sup>

Viewed in these terms, then, the liberty lost much of its relevance as the primary framework for local society and identities. The gentry might look for alternative aristocratic leadership, as many of them indeed did, notably in their military careers. Yet, as for regular service and lordship, there was no obvious focus of noble authority around which gentry loyalties could coalesce. The Swinburnes of Haughton/Capheaton adopted the arms of the Umfravilles, lords of the barony of Prudhoe and the liberty of Redesdale.

<sup>107</sup> *CCR* 1323–7, p. 240. Unfortunately none of the coroners' names is recorded.

<sup>108</sup> *PROME*, ii, pp. 474, 496, 539, 547. Bek's rule of Tynedale is, of course, much less well documented than his rule of Durham.

<sup>109</sup> Below, pp. 322, 340–2, 352.

But no other Tynedale landowners followed suit; nor were the Swinburnes closely connected with the Umfraville affinity after the mid-1340s.<sup>110</sup> More importantly, there was no sustained source of power and loyalty within the liberty itself to fill the void left by the demise of the old Comyn interest. Even the magnetic reach of the Percies must not be overstated. They controlled Corbridge from 1332 and Langley and Prudhoe baronies by the 1380s; Tynedale also figured on their agenda from the 1370s, but until 1399 their territorial presence there was weaker than has been thought.<sup>111</sup> In any event, by the time of the Percy arrival on the Tynedale scene, the gentry had learned the arts of self-reliance. A model case is that of William IV Swinburne (d. 1404), who from 1384 moved between the orbits of Henry Percy and John of Gaunt, and ‘played one lord off against another . . . to secure his own independence of action’.<sup>112</sup>

That such ties existed at all is not without significance for any assessment of ‘liberty identity’, and we must return to this issue in due course. Yet, in the last analysis, the gentry’s world was one where English kingship had the greatest political influence. Certainly the crown had unprecedented scope to shape people’s lives and loyalties, and we have already seen something of how gentry identities were thereby redefined: indeed, William Heron, Thomas Musgrave and John Stirling have all been ranked among Edward III’s ‘new men’.<sup>113</sup> As well as relying on the crown for general career-advancement, royal servants like these might expect to profit from its support in Tynedale; and when the liberty was in its possession, all local families were theoretically under the king’s special protection. So the crown had its opportunities to act as a local good lord; yet the growth of royal involvement with Tynedale and its internal politics rarely had beneficial effects.

On the one hand, crown service and reward occasionally did strengthen the gentry’s local power and their attachment to the liberty. This is suggested, in general terms, by the sturdy tower-house erected beside the

<sup>110</sup> On Swinburne–Umfraville ties, see below, Chapter 8, pp. 386–8; E 101/15/26; 101/19/36, m. 5; CDS, v, no. 3817.

<sup>111</sup> J. M. W. Bean, *The Estates of the Percy Family, 1416–1537* (Oxford, 1958), p. 10, corrects the suggestion in *NCH*, xv, p. 247, that the Percies controlled the Talbot moiety of the Comyn inheritance from c. 1373, by showing that it remained beyond their grasp until 1399. Moreover, while Henry Percy had bought from Edward III the marriages of the Strathbogie co-heirs in 1373, and married them to his younger sons Thomas and Ralph by 1377, this did not lead to a strong or continuous Percy lordship in Tynedale: cf. J. A. Tuck, ‘The emergence of a northern nobility, 1250–1400’, *NH*, 22 (1986), p. 12.

<sup>112</sup> Walker, *Lancastrian Affinity*, p. 110. In 1389 Swinburne was also retained by another of Percy’s rivals, Thomas Mowbray: below, p. 332, n. 164.

<sup>113</sup> J. S. Bothwell, *Edward III and the English Peerage* (Woodbridge, 2004), passim.

Wall by the Thirlwalls in the mid-fourteenth century.<sup>114</sup> It is confirmed by Edward I's life-grant to John Swinburne of Grindon manor, and by Edward II's gift to John's son, Robert, of Chirdon and Knarsdale manors.<sup>115</sup> Both grants were made when Tynedale was in crown hands; it was also normally at such times that rights of warren and other routine favours were conceded on demand.<sup>116</sup> But other claims on the king's benevolence limited the local patronage in offices, lands and benefices available to local men;<sup>117</sup> while in broader respects the crown's lordship, and its overlordship, caused significant complications. It was not just that influential tenants might seek personal advantages by requesting royal intervention regardless of Tynedale's privileges.<sup>118</sup> The main problem concerned the liberty as a source of governance that local society could depend on and readily identify with. After Queen Philippa's death in 1369, Edward III had to be reminded in forthright terms of his duty to renew the liberty's judicial administration; yet no justices seem to have officiated in Tynedale until 1376.<sup>119</sup> Moreover, the crown's authority and rights could be exploited locally, sometimes even with the liberty-owner's apparent connivance, for purposes that directly damaged the liberty's good order as a local polity. The ease with which royal pardons were secured in return for military service tended to undermine local peace and justice, as when in 1303 Edward I pardoned at one go seven Tynedale felons – including the captain Hugh Walles, whose criminal record was second to none.<sup>120</sup> John Swinburne obtained his charter of Grindon to the detriment of John II Halton, against whom Swinburne was accused in 1307 of leading a small army to raze his house in the manor.<sup>121</sup> The complex history of Bellister, which has already been referred to, reveals that judgement for Edward III in 1355 overturned judgement for Gerard Salvin in the liberty court in 1347, and that the king swiftly granted Bellister to Queen Philippa, who may well have invoked his aid to evict Salvin.<sup>122</sup>

Yet the *cause célèbre* involved the king's escheator, William Nesfield, who

<sup>114</sup> A. Rushworth and R. Carlton, 'Thirlwall castle. A gentry residence in medieval Tynedale', in P. Frodsham (ed.), *Archaeology in Northumberland National Park* (Council for British Archaeology, 2004), pp. 272–83.

<sup>115</sup> *PROME*, ii, p. 451; *CPR 1301–7*, p. 517; 1313–17, p. 281; NCS, ZSW/1/25; *HN*, III, i, p. 21; *NCH*, xv, p. 277.

<sup>116</sup> *CChR*, ii, p. 465; iii, pp. 84, 88, 361; but see differently *CPR 1334–8*, p. 550.

<sup>117</sup> Above, pp. 295, 298, 309.

<sup>118</sup> For a good illustration involving William Heron in 1371, see below, p. 341.

<sup>119</sup> Below, p. 330; NCS, ZSW/4/54.

<sup>120</sup> *CPR 1301–7*, pp. 173, 175, 177–9. Walles was pardoned for multiple homicides.

<sup>121</sup> *CPR 1307–13*, pp. 39–40.

<sup>122</sup> *CPR 1348–50*, p. 221; 1354–8, p. 327; cf. SC 6/950/15.



was Philippa's former servant and an ally of her bailiff, Alan Strother.<sup>123</sup> In 1358 Nesfield seized all the Tynedale lands of the late Adam Swinburne (d. 1318) on the grounds that he had adhered to Edward I's Scottish enemies, and that in Edward II's reign he had supported the Scots and the traitor Gilbert Middleton. These charges, though not pure fiction, gave a distinctly one-sided view of Adam's career. And, once more, the liberty was unable to defend local property rights from crown authority; nor did it safeguard men's identity and honour, for Swinburne's grandsons and son-in-law were branded by association with the stigma of treachery. Thus William Heron was ousted from Simonburn; Gerard Widdrington lost his property in Haughton, Humshaugh, and Stonecroft (in Newbrough); and John Stirling was deprived of his lands in Bradley (in Henshaw), the Huntland, and Lewisburn (in Falstone). All petitioned Edward III for remedies and their estates were restored – though only after they had reminded the king of their good names, and Heron and Widdrington had agreed to pay hefty fines.

All this is another way of saying that there was no authority in or over fourteenth-century Tynedale capable of supporting the liberty by regularly satisfying local expectations and aspirations. But we have still to address what lay at the heart of the problem for liberty and 'community': the failure of English rulership to protect local society from the shocks of warfare. The Tynedale evidence broadly supports the view that Scottish attacks represented not the only, or necessarily the most important, check to the socio-economic well-being of the English Borders, and that their impact varied in scale and duration.<sup>124</sup> But if any district in the fourteenth-century Marches is to be called a 'land of war', then Tynedale, or at least north Tynedale, must be considered a prime candidate. Such a conclusion is indicated by the melancholic litanies found in inquisitions *post mortem* of diverse dates;<sup>125</sup> and by the provisional valuations 'in time of peace' assigned to Tynedale properties.<sup>126</sup> It is more amply supported by the inclusion in locally

<sup>123</sup> For this episode, see M. C. Dixon, 'Retrospective treason?: the Nessfield escheats', *AA*, 5th ser., 29 (2001), p. 259; *CPR 1358–61*, pp. 22, 140–1; *CFR*, vii, p. 67; and further discussion below, pp. 340–1.

<sup>124</sup> See most recently C. Briggs, 'Taxation, warfare, and the early fourteenth century "crisis" in the North: Cumberland lay subsidies, 1332–1348', *Economic History Review*, 58 (2005), pp. 639–72; B. Dodds, *Peasants and Production in the Medieval North-East* (Woodbridge, 2007), Chapter 3.

<sup>125</sup> For a sample highlighting 'waste', 'lack of tenants' and 'the poverty of the district' – and laying the blame squarely on the Scots – see *CDS*, iii, no. 886; *CIPM*, xviii, no. 642; *NCH*, xv, p. 277.

<sup>126</sup> Instances include *CDS*, iii, nos. 886, 993; *CIPM*, vii, no. 252; *CPR 1401–5*, p. 254.

contracted leases of clauses of indemnity in the event of Scottish raids or 'general war';<sup>127</sup> and by the entries for Simonburn rectory in the account rolls of St George's, Windsor.<sup>128</sup> Especially during the Scottish incursions of 1311–23 and from the mid-1370s, Tynedale was in the front line of major hostilities; and at other times lesser inroads were commonplace. Local people could suffer much hardship, as is vividly attested by the case of Nicholas Swinburne. Around 1320 he petitioned to be taken into Edward II's household, or into an abbey near London, because the Scots had held him to ransom and ravaged his estates, while the king's garrison in Staward peel had lived off them for the past six years. On this and other occasions, Nicholas pursued conventional channels of authority, and it brought some compensation. Edward II thereby expected Nicholas to feel 'content';<sup>129</sup> yet it is unlikely that he did. His lands in Staward, Greenlee (in Henshaw) and Middleburn (in Wark) were under threat of distraint for debt by 1323; he had to sell his interest in Staward to Queen Philippa in 1341; and he surrendered the remnants of his property in 1344.<sup>130</sup> Border conflict thus highlighted in stark terms the lack of effective rule, royal or otherwise, nourished senses of alienation and resentment, and powerfully reinforced the divorce between lordship and local society.

That society had in sum to recognise some harsh truths. It might hope to adapt by drawing on its bonds of mutual support; but overall this was not an environment where the liberty itself could easily meet people's common concerns or make sustained claims on communal allegiances. In effect, the initiative passed to more independent-minded gentry, and their political behaviour and culture had a profound effect on the internal life of the liberty, on the face or, rather, faces it presented to the outside world, and on interactions and associations with that wider society. To a remarkable degree, these men and their dependants operated within accepted, and acceptable, norms of conduct, but they might also have to help themselves; and all told the consequences for liberty loyalties were multiple, complex and often contradictory.

<sup>127</sup> For example, *CPR 1338–40*, p. 109; DCM, Misc. Ch. 5255; *Greenwell Deeds*, no. 183; *Laing Chrs*, no. 49; NCS, ZSW/1/90; 4/77; Notts. Archives, DD/4P/52/134.

<sup>128</sup> In 1369–70 Simonburn yielded a return of some £143. But by 1377–8 the rectory was farmed at £10 p.a., and the anticipated annual income did not rise above £20 for the rest of the century. This protracted decline is not paralleled in the receipts from St George's other churches – all were in southern England – and the chief cause was no doubt extensive Scottish raiding. See Roberts, *St. George's Chapel*, pp. 23, 239.

<sup>129</sup> *Northumb. Pets*, no. 133; cf. SC 8/343/16198. In 1319 Nicholas – the younger son of William Swinburne, Queen Margaret of Scotland's treasurer – was at the English queen's urging presented by Edward II to St John's church, Perth: *CPR 1317–21*, p. 382.

<sup>130</sup> NCS, ZSW/1/59; SC 6/1091/4; *CCR 1343–6*, p. 487.

To itemise some of a long list of possible examples: in 1331 the sheriff of Northumberland was ordered to proclaim that Tynedalers might attend Corbridge market and fair without fear of arrest for wrongs committed in wartime; in 1348 nine Tynedalers were accused of adherence to the Scots; in 1351 Thomas Vipont of Alston, with men from Gilsland, assaulted the warden of the West March; in 1363 two Tynedalers, with other Northumbrians, were implicated in the murder of John Coupland, a leader of county society; in 1366 John Thirlwall the younger, with supporters from Cumberland, raided into English-held Annandale; and in 1369 the same John was suspected of harbouring cross-Border criminals.<sup>131</sup> Or take the career of William IV Swinburne of Haughton/Capheaton. In 1381 he and another Tynedale landowner, Robert IV Ogle, settled old scores by plundering the possessions of Alan Strother; simultaneously both he and Robert were being pursued by the March wardens for Border-related offences.<sup>132</sup> In about 1390 William also allied himself with Northumbrian gentry such as Thomas Gray of Heaton for an unofficial *chevauchée* against the Scots; in 1398 Richard II pardoned him for any misdeeds excluding treason, murder, rape and felony; and in 1400 he was back to his old ways and holding to ransom William Moscrop of Teviotdale, a retainer of Thomas Reed of Redesdale.<sup>133</sup>

Such a catalogue embodies the staple features and practices of a military-frontier society: fluctuating allegiances, a taste for violence and 'private' warfare, and assaults on enemy and neighbour alike. It is a catalogue that could be replicated for other districts in the late-medieval Borders; but, in Tynedale's case, it would be hard to argue that there was not a real difference between thirteenth- and fourteenth-century patterns of discipline and order, especially among the gentry class. On one view, we see how external forces of political and socio-economic change might affect a liberty by thrusting on it habits of association, and a code of values, that could have important implications for local perceptions of community. Yet, on any assessment, the absence of an effective focus of superior power, protection and governance is fundamental; and nowhere are the consequences for Tynedale more starkly revealed than during the Scottish resurgence after Bannockburn when, in Thomas Walsingham's words, 'Northumberland,

<sup>131</sup> *CPR* 1330-4, p. 62; 1348-50, pp. 20-1; 1350-4, p. 202; *JUST* 1/661, mm. 4d-5, 7; *CDS*, iv, no. 128; *CIMisc.*, iii, no. 734.

<sup>132</sup> *KB* 27/481, m. 31d; *NCS*, ZSW/1/101-2, 107; *HN*, II, iii, p. 130.

<sup>133</sup> J. A. Tuck, 'Richard II and the Border magnates', *NH*, iii (1968), p. 31; *NCS*, ZSW/1/95, 110. Robert Ogle, who would also receive a royal pardon in 1398, was placed under a bond of £1,000 in 1394 to appear before the king's council to answer for contempts and misprisions: *C* 67/30, m. 7; *CCR* 1392-6, p. 261.

ravaged by the Scots and ruined by its own outlaws, lay between the hammer and the anvil.<sup>134</sup>

From 1314 a large part of the liberty came under King Robert I's dominion; it was ruled through his own lords, successively William Soules and Philip Mowbray; and it remained outside the ambit of English sovereignty for a good ten years. The Scots often enjoyed at least the covert support of Earl Thomas of Lancaster; their inroads facilitated the Northumbrian 'rising' led by the Middleton brothers – indeed, Richard Middleton raised his standard in Tynedale itself, where he fortified Houxyty near Wark – and banditry promoted by disaffected English soldiery was widespread. Yet the Scots did not have a completely free hand in west Northumberland. The liberty was clearly the more vulnerable to a Scottish occupation because Edmund Mauley and his leading tenant, John Comyn, had fallen at Bannockburn, and its new English lord was the ineffectual Edward II. But Edward did appoint his banneret Anthony Lucy 'captain' of the men of Tynedale and Hexhamshire in December 1315; and Lucy, whose barony of Langley controlled the Tyne Gap, also took command of Staward peel.<sup>135</sup>

Nevertheless the military-political context had been transformed, and Tynedalers structured their behaviour and fidelity accordingly. The *Historia Aurea*, written around 1350, carefully specifies that it was 'the people of north Tynedale who, deserting the king of England and his obedience, submitted themselves entirely to the king of Scotland'. To set beside this is a petition from 'the people of south Tynedale' to the English Parliament early in 1315, which stated that in July 1314 they had paid William Soules £175 to remain outside his lordship for eight months; that he would soon require them to submit to his authority on pain of forfeiture; and that the men of Cumberland and Westmorland were raiding against them – presumably in retaliation for attacks from (north?) Tynedale on Gilsland and other areas. What they wanted from Edward II was an end to the raids and, more particularly, permission to resettle in Cumbria.<sup>136</sup> This was the world of people living in a severely fractured political landscape: a liberty without a common focus of governance and divided even in its national allegiance. The north Tynedalers had gone their own way voluntarily or under duress. By contrast the south Tynedalers, or their leaders, had found the corporate

<sup>134</sup> Thomas Walsingham, *Historia Anglicana*, ed. H. T. Riley (RS, 1863–4), i, p. 153. For the context, see C. McNamee, *The Wars of the Bruces* (East Linton, 1997), Chapters 3–4; A. King, 'Bandits, robbers and *schavaldours*: war and disorder in Northumberland in the reign of Edward II', *TCE*, 9 (2003), pp. 115–29.

<sup>135</sup> *Rot. Scot.*, i, p. 152; Summerson, *Medieval Carlisle*, i, p. 224; cf. *CPR 1313–17*, p. 373.

<sup>136</sup> V. H. Galbraith, 'Extracts from the *Historia Aurea* and a French "Brut" (1317–47)', *EHR*, 43 (1928), p. 209; *PROME*, iii, pp. 64–5. For raids into Cumbria, see *Chron. Lanercost*, p. 229.

will and ability to buy immunity from Scottish rule and, no doubt, harryings of the sort the liberty had experienced in 1311–12.<sup>137</sup> Though the spur to collective action was the contraction of Edward II's authority, they had nonetheless kept faith with him as their lord and king. They now decried the abeyance of his protection; but they still wanted to remain within the realm, even if that meant abandoning their lands and homes inside the liberty.

Such views, it must be stressed, cannot have owed much if anything to Anthony Lucy: captured by the Scots at Bothwell in June 1314, he did not return to Northumberland until January 1315 at the earliest.<sup>138</sup> So, at least in south Tynedale in 1314–15, leadership came from within the liberty itself, which likewise provided a forum for communal consultation and a framework for revenue-raising. This is therefore a striking insight into the role a liberty might play as a source of collective action and political self-determination. Here, however, was a community capable of imagining a future for itself outside Tynedale. So far had the boundaries of authority and obedience been redrawn since 1286 that English regnal loyalties now counted for more than liberty loyalties, or so the petition's sponsors proclaimed. It also remains the case that the liberty did not negotiate or petition as a collectivity. In 1314 the Scots were under no obligation to accept a truce for the entire district; yet it is possible that communal bonds, without lordship to align them, were not strong enough for Tynedale to present a united front and purchase a full peace. Whatever the position, from 1314 the liberty could not be, nor was it, a unitary community.<sup>139</sup> Moreover, on closer inspection a highly complex jigsaw of attachments and loyalties emerges. One aspect of it is that individuals from both parts of the liberty could follow the Scots, adhere to Thomas of Lancaster, side with the Middletons, or join opportunist gangs whose allegiance no one controlled. Another is the apparent ease with which men moved between the roles of English loyalist and dissident, or simply combined soldiering with brigandage. In short, the failures of the English king's lordship had plural implications for identity and association, with the result that the liberty entered a multi-centred world of relationships and alliances.

We know the names of some forty Tynedalers who fell foul of the English authorities during these crisis years. Well represented are the ordinary folk

<sup>137</sup> *Chron. Lanercost*, pp. 216–17, 219–20, with E 372/166, m. 32, which confirms that in 1311 the Scots attacked Tynedale twice, and refers to an exodus of tenants from Wark.

<sup>138</sup> *Chron. Lanercost*, pp. 228–9. Also seized by the Scots in 1314 was Tynedale's sub-bailiff: *RPD*, ii, p. 1016.

<sup>139</sup> Significantly, too, the men of Alston were not among the petitioners in 1315 – they had combined with groups in Cumberland to buy peace in 1313–14: C. McNamee, 'Buying off Robert Bruce: an account of monies paid to the Scots by Cumberland communities in 1313–14', *TCWAAS*, new ser., 92 (1992), p. 87.

of north Tynedale: men such as the three Thorneyburns who by 1320 were Philip Mowbray's retainers, or John Elder, Adam Greenhead, Nicholas Simonburn, the Spences of Charlton, John Stokoe of Gofton and John Younger, all of whom would also be accused of aiding the Scots. Of the northern gentry, John II Halton was arrested in Newcastle in 1314 for his pro-Scottish sympathies, while Adam Shitlington was later denounced for deserting English allegiance.<sup>140</sup> The south Tynedalers include John Pratt of Knarsdale, another Scottish partisan; William son of Brice Thirlwall, who with comrades from Langley barony looted farms east of Hexham; and a notable Haltwhistle contingent, four of whom embarked on a crime-spree embracing Newcastle and north Yorkshire.<sup>141</sup>

Especially telling are the cases of Richard Thirlwall (another south Tynedaler), Adam Swinburne and Hugh Walles. Thirlwall served in the garrisons of Carlisle and Warkworth in 1314–16; but he needed the earl of Pembroke's support in 1318 to obtain a royal pardon for all crimes except involvement in Gilbert Middleton's infamous attack on the cardinals. He next appears in 1322 as a go-between in negotiations with the Scots on behalf of Lancaster's ally Ralph Neville; and in 1324 Neville rewarded him with the Yorkshire manor of Snape.<sup>142</sup> By 1315 Adam Swinburne's loyalty to Edward II had secured his appointment as king's banneret and sheriff of Northumberland, but in 1317 he was imprisoned for denouncing Edward about the state of the Marches. It was Adam's arrest that evidently triggered the assault on the cardinals; and, having relied on Lancaster to secure his release, Adam then joined the Middletons and fleeced the bishopric of Durham of protection money.<sup>143</sup> Unsurprisingly his son Henry displayed his Lancastrian colours at Boroughbridge – though in 1324 he sought to rehabilitate himself by service in Gascony with his uncle Robert I

<sup>140</sup> *CDS*, iii, nos. 675, 724; *CPR* 1324–7, p. 245; 1358–61, pp. 140–1; *CFR*, iii, p. 35; *DURH* 3/30, m. 13; *SC* 1/45/210; *NCH*, x, p. 392, n. 2. Halton, however, fought in defence of the March in 1316: *CDS*, v, no. 3094.

<sup>141</sup> *CPR* 1313–17, p. 281; 1317–21, pp. 289, 359; *CCR* 1323–7, p. 2; *CP* 40/276, m. 145d; 40/286, m. 339.

<sup>142</sup> Morris, 'Cumberland and Westmorland military levies', p. 317; *CPR* 1313–17, p. 597; 1317–21, p. 117; *Foedera*, II, i, p. 474; *E* 329/43. No subsequent Thirlwall link with Snape is traceable; but Richard and his nephew belonged to Neville's military retinue in 1336–7: *E* 101/19/36, m. 4; 101/20/17, m. 6.

<sup>143</sup> J. R. Maddicott, *Thomas of Lancaster, 1307–1322* (Oxford, 1970), p. 206; *DCM*, Misc. Ch. 4581; *NCH*, ix, pp. 373–4. An unduly rosy view of Adam's conduct in 1317 is taken in A. E. Middleton, *Sir Gilbert de Middleton* (Newcastle, 1918), pp. 78–85. The opinion that he was not related to the Middletons, restated in King, 'Bandits', p. 126, is unwarranted: his daughter Barnaba had married Gilbert Middleton's brother John as her first husband (*CP* 40/275, m. 134d; cf. *CCR* 1327–30, p. 8). See also *CDS*, iv, no. 2, for Barnaba at the Scottish court, presumably after John's execution in 1318.

Swinburne, who remained faithful to Edward II throughout.<sup>144</sup> As for Hugh Walles, in 1315 he was sued in King's Bench by Robert Raimes of Aydon near Corbridge for betraying his fortalice to the Scots. In September 1317 Hugh was in Edward II's pay, but soon after he was back at Aydon and raiding at large together with John Elder, John Spence, John Stokoe and John Younger, and the Yorkshire men-at-arms Geoffrey Delamare, John Page of Flaxton and John Quoint.<sup>145</sup> Moreover, in 1319 Hugh was a leader of a gang-raid on Richmondshire, an expedition probably linked to Scottish attacks on the Vale of York. Of his thirty-eight named accomplices, at least twelve were from Tynedale; more striking are the diverse origins of the rest: confederates such as Thomas Snape, John Forester of Corbridge, and men associated with Bywell, Stocksfield and Newcastle, and with Auckland and Windlestone in south Durham.<sup>146</sup> No doubt a roving gang of this sort had a fluid membership; but some of the same personnel accompanied Hugh to pillage Tynemouthshire as followers of the Middletons' chief lieutenant, Walter Selby.<sup>147</sup>

Since this period was one of the most turbulent in the history of the Marches, and of Tynedale in particular, it did not necessarily set patterns for the future. But with political dislocation and, more especially, with no strong lordship to focus allegiances, came other forms of authority and association at the cost of the liberty's unity and its relevance for collective loyalty and identity. Nor was such a situation entirely novel. In 1307 John Swinburne had pursued his feud with John Halton by recruiting a motley band of supporters, including the likes of John, knave of William 'le Sutherin'; in the same year, Hugh Walles went with a Durham force to harry the earl of Warwick's lands in Teesdale – though admittedly in aid of his former lord Bishop Bek.<sup>148</sup> By the mid-1320s, however, a shadow of peace had returned to the liberty. Edward II appointed one of Gilbert Middleton's captors, William Felton, as its keeper in 1324. Full, and much-delayed, inquisitions *post mortem* into the Comyn estates and the lands of Adam Swinburne were returned into Chancery in 1326–9; while the loyal service of Hugh Walles to Edward III in the Weardale campaign of 1327 was acknowledged by his appointment as a conservator of the Anglo-

<sup>144</sup> *CPR* 1317–21, p. 231; 1321–4, p. 90; 1324–7, p. 27; *CCW* 1244–1326, p. 529. Robert was made keeper of Lancaster's castle of Pontefract after its surrender in 1322: BL, MS Stowe 553, f. 136r.

<sup>145</sup> Middleton, *Gilbert de Middleton*, pp. 70–2; *NCH*, x, p. 345; Society of Antiquaries, MS 121, f. 43r; KB 27/245, m. 59.

<sup>146</sup> *CPR* 1317–21, p. 359. Snape was a notorious Yorkshire soldier-cum-marauder: *CCR* 1313–18, pp. 398, 493, 497; *CPR* 1313–17, p. 586; 1317–21, p. 162.

<sup>147</sup> *CPR* 1324–7, p. 289; 1330–4, p. 389.

<sup>148</sup> *CPR* 1307–13, pp. 39–40, 169; *Bek Recs*, pp. 209–13.

Scottish truce. But Hugh's habit of mixing in lawless circles outside the liberty remained ingrained, and in 1333 his one-time ally, John Forester of Corbridge, was indicted for his murder.<sup>149</sup>

A selection of later records provides a different perspective. Not only do these sources bring Tynedale's status as a 'royal liberty' back into focus, but they suggest that a distinct identity, culture and community were nurtured by it. The material comprises representations to Edward III from the counties of Cumberland and Northumberland, and the crown's responses (1342–3); three further royal injunctions (1346, 1359, 1362); and a parliamentary petition from 'the community of the county of Northumberland' (1414).<sup>150</sup> Their rhetoric normally embraces other liberties in the North-East, and sometimes all of them; but with this proviso they give an instructive view of Tynedale as it might be imagined by both the English government and neighbouring county society.

Two inter-connected themes characterise these texts. First they categorised Tynedale as a society whose disrespect for the law and civilised values was basic to its way of life; it was, moreover, easily seduced from its allegiance to the crown, and its lawless and seditious proclivities posed a grave threat to public peace and national security. The tone was set by the county spokesmen in 1342. 'The community of the county of Cumberland' condemned the men of Tynedale as incorrigible marauders; and 'the people of the counties of Northumberland and Cumberland' complained that Tynedale swarmed with robbers and thieves, who consorted with the Scots, plundered at will, and generally terrorised the surrounding districts. Such concerns were echoed in 1414; while the government's policy statements stressed its anxieties about confederations of wrongdoers and their maintainers and promoters – the hallmarks of organised crime. In the second place, both the crown and the county petitioners identified Tynedale's privileges and independence as the key determinants of its inhabitants' lifestyles: the one by implication when royal agents (usually the March wardens) were commissioned to expedite round-ups of truce-breakers; the other by the assertion in 1342 that the liberty shielded evil-doers from arrest, and by the explicit statement in 1414 that wanted men could escape to Tynedale without fear of

<sup>149</sup> *CFR*, iii, p. 297; *CIPM*, vi, nos. 697, 751; vii, no. 157; *CPR* 1327–30, p. 227; *SC* 8/243/12108.

<sup>150</sup> *Northern Pets*, no. 67; *CPR* 1343–5, p. 67; *Rot. Scot.*, i, pp. 644, 670, 839, 862; *PROME*, ix, pp. 49–50. Some of these records have been discussed for other purposes above, at pp. 311–13.



punishment because they were enfranchised and ‘the king’s writ does not run there’.<sup>151</sup>

It must be emphasised that the government regarded lawlessness as a problem by no means confined to liberties; it might even allow that Tynedalers were as likely to be prey for their neighbours as to prey on them. What was not said is also revealing, for the rhetorical strategies fall short of the implacable anti-liberty discourse of Tudor propagandists. Though references were made to criminal gangs, there was no denunciation of ‘surnames’; nor in fact have we found any allusion to such solidarities in other contemporary records.<sup>152</sup> And there was no demand for the suppression of liberties. Indeed, in 1414 the county spokesmen, and Henry V himself, simply wanted guarantees of regular law enforcement through Tynedale’s own legal system. They therefore understood that the liberty had a well-founded legitimacy as a governmental entity, and that its independent status merited respect. Despite all this, however, public order themes were a means of differentiating between Tynedale and wider society, and the role assigned to the liberty was that of a generalised ‘Other’, whose alien norms exemplified a kind of counter-culture dangerously opposed to ‘common-law’ manners and customs. The liberty’s bounds were thus represented as a socio-cultural divide, with liberty and county inhabiting separate worlds. Tynedale’s privileges had turned it, so to speak, into a ‘criminals’ paradise’;<sup>153</sup> and even more did those privileges place that land and society beyond the pale when they seemed to include the power to make war ‘in breach of the king’s peace and to the consternation of his lieges’.<sup>154</sup>

Yet, in reality, such expositions have only limited value for clarifying the nature of ‘liberty identity’. It is undeniably significant to see the liberty–county jurisdictional boundary taken as a given. For all Tynedale’s vicissitudes, it would thus be rash to underestimate its institutional autonomy and the connotations this had for individual or shared interests and identities, as when (for example) a distinction was drawn in 1381 between ‘the king’s subjects of the parts of Tynedale and his subjects of the county of

<sup>151</sup> See similarly SC 8/130/6459; *PROME*, ix, p. 296: petition of 1421 against the felons of Hexhamshire, Redesdale and Tynedale, which added for good measure that no justice was done there ‘because most of the inhabitants . . . are malefactors or maintainers of them’.

<sup>152</sup> NCS, ZSW/1/110, a bond extracted by William IV Swinburne from Thomas Reed in 1400, has been cited as ‘evidence that these surnames go back to the fourteenth century’ (Tuck, ‘Richard II and the Border magnates’, p. 29, n. 6); but there is nothing in the bond to justify this conclusion.

<sup>153</sup> The term is borrowed from Davies, *Lordship and Society*, p. 170.

<sup>154</sup> *Rot. Scot.*, i, p. 644.

Northumberland'.<sup>155</sup> In addition, the periodic categorisation of Tynedalers as an 'out-group' may have enhanced their self-perceptions of belonging to a discrete and specially privileged territory and society. Even so, we must not jump to the conclusion that the liberty fostered a local identity, culture and mindset as coherent, distinctive and menacing as its detractors supposed.

Public concerns about a 'lawless' community, it must be conceded, were no doubt real and in a measure justified; and certainly the liberty's rights did advantage unruly elements – so much so that the wardens' supervision of Tynedale may in practice have been largely ineffective.<sup>156</sup> But the crown had a metropolitan view of authority that was unforgiving of the adjustments and compromises a frontier society was forced to make; it was also in its interests to 'invent' a renegade community in order to justify extensions of its jurisdiction. Moreover, county petitions were traditional mediums of political discourse, which drew on a stock of conventional loyalist tropes and paradigms.<sup>157</sup> In the present context, a key aim was to win royal approval for their sponsors by stressing their law-abiding respectability at the liberty men's expense. It was central to such a purpose to criminalise Tynedale society as marginal and morally inferior, and to deny the existence of any similarities, or peaceful modes of interaction, between county and liberty. Power-structures like Tynedale were thus represented as the main obstacles to justice and order, regardless of contrary evidence, including what seem to have been broadly comparable levels of county-based criminality.<sup>158</sup> Also, the complaints from counties and the crown normally coincided with upsurges of cross-Border violence. It was then that the problems posed by a disjointed judicial landscape would have been most acute, and assumptions about the liberty were inevitably influenced by such conditions. The texts considered here thus reveal more about their originators' agendas, prejudices and neuroses at times of exceptional danger than about

<sup>155</sup> KB 27/481, m. 16d.

<sup>156</sup> Cf. below, p. 331. More generally, the tenants of Wark perhaps had a point when in 1613 they traced back to Edward III's reign their claims to tenant-right, which included immunity from forfeiture for felonies: S. J. Watts, 'Tenant-right in early seventeenth-century Northumberland', *NH*, 6 (1971), p. 79.

<sup>157</sup> Cf. J. A. Doig, 'Political propaganda and royal proclamations in late medieval England', *Historical Research*, 71 (1998), pp. 253–80; A. Musson and W. M. Ormrod, *The Evolution of English Justice* (London, 1999), pp. 163–6.

<sup>158</sup> See A. J. Macdonald, *Border Bloodshed* (East Linton, 2000), p. 235, for the view that Border liberties were not more turbulent than adjacent counties until the fifteenth century; and, most recently, H. Summerson, 'Peacekeepers and lawbreakers in medieval Northumberland, c. 1200–c. 1500', in M. Prestwich (ed.), *Liberties and Identities in the Medieval British Isles* (Woodbridge, 2008), pp. 56–76.

the organisation of criminal underworlds and the liberty's actual relevance as a source of socio-cultural identity and definition.

It would naturally be helpful if we had a rich alternative supply of collective articulations to illuminate how members of Tynedale society saw themselves; yet such sources are scant. This is perhaps only to be expected of a jurisdiction rarely troubled by the demands of lordship and kingship. But there is also some evidence from the 1340s and 1350s to suggest that the liberty as a whole was less important for shaping communal consciousness than were the interests of groups within or connected with it. In 1356 the miners of Alston Moor petitioned Edward III against distraints by Tynedale's bailiff.<sup>159</sup> Earlier, in 1340–1, the king's collector of the ninth in Northumberland had been unable to tax Alston, Kirkhaugh, Knarsdale, Whitfield and Simonburn because 'no writ of the king runs within the liberty'. Though no fuller explanation was given, it seems that he had encountered local resistance founded on the liberty's privileges. If so, however, people protested on a parish-by-parish basis and do not appear to have cooperated closely – as is suggested by a peculiarity of the collector's accounts, which record that Knarsdale and Simonburn were in Tynedale, but allocate Alston, Kirkhaugh and Whitfield to Hexhamshire. That parishes were the local assessment units for the ninth helps to explain the circumstances; yet it is also noteworthy that Haltwhistle originally agreed to pay, and that Kirkhaugh was not a party to the appeals for respite submitted to Edward III between 1344 and 1357. Those appeals, moreover, were made in combination with other Northumbrian parishes, and on grounds not of exemption but of hardship due to Scottish raids.<sup>160</sup>

Yet in about 1370, when Tynedale was in crown hands, a community of some significance did find its voice. It was then that 'the community of the liberty of Tynedale' complained to Edward III that since Queen Philippa's death (in 1369) the liberty was bereft of justices, chancellor and chancery, and that its tenants would be ruined for lack of justice if he did not supply a remedy.<sup>161</sup> This is clearly a valuable illustration of the claims a liberty could make on identities and loyalties. Here was a community shaped and defined not by the power of lordship, but by common institutional attachments and interests. In principle, it was committed to and prized Tynedale's legal independence and privileges: the liberty court, not some external court, was its preferred tribunal; it likewise expected to have justice and government

<sup>159</sup> *CCR* 1354–60, pp. 262, 281–2; *CIMisc.*, iii, no. 222.

<sup>160</sup> E 179/158/14, mm. 1, 2; *CPR* 1343–5, p. 409; *CCR* 1349–54, p. 613; 1354–60, pp. 71, 120, 185, 409–10.

<sup>161</sup> *Northumb. Pets*, no. 105.

provided by the liberty rather than by the 'state'. Furthermore, the petitioners registered their self-identification with the liberty at deeper levels. They embodied its traditions and autonomy by assuming responsibility for its survival as a viable local polity; and they took as read that its 'regal rights' were not just lordly prerogatives, but rights the community itself was entitled to hold and benefit from – and above all else the right to good rule.

In all these respects, the liberty and its customs evidently had significant meanings for identity and solidarity. But it cannot simply be assumed that the liberty was the petitioners' nodal focal point for communal loyalties. After all, the circumstances tell against well-developed norms of collective cooperation by indicating that, as in 1314–15, so again around 1370, it required a profound crisis of lordship to bring a community into being.<sup>162</sup> In a broader sense, we also see that people were not tolerating lawlessness; a properly run jurisdiction was basic to their common affairs and welfare. Accordingly there was, in terms of public discourse, no difference between liberty and county cultures, but rather a shared concern for peacekeeping and social harmony. And yet this was also a community that in practice was paying a price for its enfranchisement. It had more freedom than its communal resources could cope with. It therefore needed effective local lordship; it likewise gave notice that without such the liberty was not meeting local expectations as a focus for governance and social unity.

Unfortunately there is no means of measuring actual crime-levels in fourteenth-century Tynedale or, as it were, how far its jurisdictional autonomy did cease to benefit its law-abiding tenants and residents. Yet it now becomes harder to believe that people could necessarily rely on the liberty for government and justice, and all the easier to understand why local strongmen could emerge as self-appointed arbiters of its rights and powers. So it was that the liberty might well sustain alternative forms of local authority and solidarity, to the detriment of its institutional integrity, its ability to serve the interests of local society as a whole, and its social equilibrium and cohesion. Nowhere is this more fully borne out than in the activities of William IV Swinburne of Haughton/Capheaton (d. 1404), whose power-building was in large part dependent on, and facilitated by, the liberty. It was above all he who took advantage of its privileges to frustrate the March wardens.<sup>163</sup> More notably, he specialised in appropriating governmental authority and adapting it to create his own system of local rule and 'justice'. Too much should not be read into Richard II's pardon

<sup>162</sup> For discussion of how the community of c. 1370 might be defined, see below, pp. 347–50.

<sup>163</sup> For the ease with which Swinburne brushed aside summonses to attend March days, see NCS, ZSW/1/101–2; Neville, *Violence*, p. 86.

to Swinburne of June 1398, which refers in formulaic terms to escapes and chattels of felons, forfeitures and misprisions. Yet a royal writ of April 1398 shows that Swinburne had been appealed of usurping under 'false and contrived colour of authority' the stewardship of Hexhamshire; and much the same had happened in Tynedale in the late 1380s, when he supplanted or otherwise neutralised the then bailiff Thomas II Swinburne.<sup>164</sup>

William Swinburne plainly valued Tynedale's rights and independence, and profited significantly from them. But he was never able to impose his control and leadership on the entire liberty; rather, his priorities and actions directly weakened its unifying frameworks and force. North Tynedale was his main base; and the point has general as well as specific relevance for understanding what may be characterised as the increasingly polarised nature of the liberty's socio-political and governmental structures. The area north of the Wall suffered far more than the rest of the liberty from the power-vacuum that emerged after 1296. In particular, Wark was a monument to absentee lordship; so likewise was Tarsset after the Comyns' departure. Moreover, the rugged Border valleys of north Tynedale formed an isolated and fragmented world of dispersed settlements and farmsteads; the resident landlords were fewer and often poorer than their southern counterparts; and the district was highly vulnerable to Scottish raids. For these reasons, it was an area where the culture of an unstable march society was most likely to take root. Such a conclusion is not contradicted by the 'separatism' displayed by north Tynedale in 1314, or by those fourteenth-century sources (albeit external sources) that identified north Tynedale as the most belligerent part of the liberty. According to the *Historia Aurea* (*sub anno* 1318), its menfolk 'treated their neighbours the Northumbrians savagely, looting their goods and abducting captives'; even the women rode forth in warlike array to take their share of spoils. Indeed, as early as 1300 or soon after, Durham sources spoke of the men of north Tynedale as 'a wretched people' (*gens perditā*), 'despicable scoundrels' and 'enemies of the king'.<sup>165</sup>

<sup>164</sup> NCS, ZSW/1/81, 95–6. Thomas Swinburne may have been a willing accomplice. In 1388 he incurred the government's displeasure as a truce-breaker, and in 1392 he appointed William to collect debts owed to him in Tynedale: *CPR* 1385–9, p. 412; NCS, ZSW/1/83. In 1389 they also served together on the Border as retainers of Thomas Mowbray: A. King, "Pur salvation du roiaume": military service and obligation in fourteenth-century Northumberland', *Fourteenth Century England*, 2 (2002), p. 29. This raises the further possibility that William's pardon of 1398 had no special local significance, but related to service with Mowbray in the Appellant rising (1387–8).

<sup>165</sup> Galbraith, 'Historia Aurea', p. 209; *Gesta Dunelm.*, pp. 33, 39; *RPD*, iv, pp. 20, 57. More prosaically, it was said in 1297 that Simonburn church was 'in a solitary place, near the borders of England and Scotland, wherefore there are many dangers, and it is difficult

Their leader, so we are told, was Hugh Walles, and if anyone assumed his mantle in the later fourteenth century it was assuredly William Swinburne. Lord of the third part of Haughton, he had obtained by 1391 a lease of the adjoining Widdrington demesne; by 1392 he was also leasing the rectory of Simonburn from St George's College.<sup>166</sup> That other aspects of his activity shaded into lawlessness and the arrogation of governmental authority – including 'imagined' prerogatives such as the right to wage war independently – was because these were the orthodox means whereby power-brokers in competitive marchland zones asserted their local superiority. Yet what kind of community did Swinburne preside over? It was not, nor could it have been, 'the community of the liberty'. In 1385 his thirty-one-strong retinue included local henchmen such as Richard Carraw, Thomas Chirdon, Richard and Robert Kershope, and Robert Yeland. Thomas Shipley, a brigand who had received Edward III's pardon in 1377, was another from north Tynedale. But Swinburne had also attracted into his service John Richardson of Featherstone and Richard Vaux of Fallowfield (one of John Coupland's killers); east Northumbrians such as John Hogg of Brandon, Thomas Roddam, and Adam Rogerson of Alnham; and Scots or Cumbrians such as Oliver Grant, Adam and John Liddel, and possibly the notorious John Hunter.<sup>167</sup> It was a similar story in 1398, when Swinburne apparently negotiated royal pardons for men from Tynedale, Hexhamshire and Langley barony.<sup>168</sup>

The loyalties of such a warband were created as much by the trans-local contacts and associations of a frontier society as by the liberty itself; likewise, no doubt, the criminal activity of Swinburne and his followers was often conducted outside Tynedale. Yet this was no species of 'social bandits' who enjoyed widespread support within the liberty for resisting external authority, dispensing community-based justice and preying only on aliens. Communal solidarity was a low-level affair when men treated neighbours

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to find rectors who will stay there to serve the church': *Bek Recs*, no. 56. For a gang of felons based in Simonburn in 1313, see *RPD*, i, pp. 291–2; similarly JUST 1/661, mm. 2, 7 (Bellingham, 1354, 1365).

<sup>166</sup> *NDD*, p. 235; NCS, ZSW/1/86, 89, 90; *HN*, III, ii, p. 35.

<sup>167</sup> BL, Cotton Roll XIII.8, with C 67/28B, m. 6 (Shipley); JUST 1/661, mm. 1, 6 (Vaux). John Hunter 'the Scot', who was hanged in Newcastle in 1390 for many crimes committed in the county in 1384–5, had operated out of Tynedale: JUST 3/176, m. 21; cf. *CCR* 1385–9, pp. 410–11. But Swinburne's follower may have been the John Hunter 'of Tynedale' who received a protection for service in Berwick in 1391 and was apparently bailed in Hexhamshire in 1398: *CDS*, v, no. 4471; NCS, ZSW/1/98. It is uncertain to which John Hunter the following records relate: *CPR* 1381–5, p. 135 (with men of Redesdale and Bewcastledale: truce-breaking, 1382); *ibid.*, pp. 507–8; *NCH*, iv, p. 201 (with men of Hexhamshire: robbery in Fairhills and Whittonstall, 1384).

<sup>168</sup> C 67/30, mm. 8, 9.

as fair game, and one victim of Swinburne's confederates may have been his kinsman John Thirlwall the elder, who was slain 'in manner of war' for goods worth 100 marks in 1385.<sup>169</sup> Thus when we find Edmund Langley responding to local anxieties in 1390 by placing Swinburne under a recognisance of 500 marks, to desist from 'raiding, violence, oppression, extortion and wrong against the duke's officers and tenants, counter to the peace . . . and privileges of the lordship', it is difficult to suppose that Tynedale was anything other than a destabilised and deeply divided society.<sup>170</sup>

Yet there was another side to William IV Swinburne's power, identity and behaviour, and it rested (as will be seen) on his membership of the Northumbrian shire elite. Indeed, the liberty's incorporation into the broader social fabric of the English Borders was, relative to pre-1296 norms, exceptionally thoroughgoing. Briefly stated, it was less of an anchor for gentry society because it was caught up in a complex world of adversity and opportunity that surfaced alongside (and was often conditioned by) Anglo-Scottish warfare. Tynedale experienced the arrival of a 'new' landed class and office-holding oligarchy, whose loyalties were also claimed by neighbouring shires where the personnel concerned were often major 'county gentry'. Generally these were the men who in terms of administrative power and preferential leases capitalised on the retreat of lordship from the liberty; it was likewise they who profited from the extinction or economic decline of Tynedale families, thereby further restricting the openings available to local people. This served in turn to accentuate the liberty's problems in competing with the rival attractions of county society as a forum for crown service and as a source of advancement, security and mutual aid. The consequent diversity of interests and allegiances was less marked among old local families like Thirlwall, Tyndale, Vipont and Whitfield than it was among influential newcomers like Heron, Musgrave, Ogle, Strother and Widdrington. But the fact remains that the liberty's gentry moved increasingly within wider regional circles. A different story might well have unfolded had there been a potent focus of local lordship, support and protection; but, in its absence,

<sup>169</sup> JUST 3/176, m. 21. John Hunter 'the Scot' was one of Thirlwall's killers. See also *CIMisc.*, vi, no. 408: Robert Yeland 'the younger', convicted of a homicide in Lee Hall near Bellingham (1399). More broadly, a case of 1371 concerns John Robson, murdered with others in Falstone, and Roger Spence, abducted from Charlton and held to ransom in Scotland. Both were north Tynedale tenants, and the perpetrators were assumed to be local men: *CCR* 1369-74, p. 296; *CFR*, viii, p. 201; *NDD*, p. 114. Also, in 1362 Robson was accused of harbouring Robert Stokoe after he had stolen property from John Thirlwall, and Stokoe had earlier been put to ransom by his kinsman John Stokoe: JUST 3/145, m. 23; *CPR* 1358-61, p. 374.

<sup>170</sup> NCS, ZSW/1/81. The recognisance's terms are misconstrued in *HC*, iv, p. 547.

the liberty became merely one of a number of possible reference points for identities and loyalties, and sometimes with far-reaching repercussions for its traditional cohesion and effectiveness as a local polity.

So it was that links to Cumbria grew stronger. By the 1360s, for example, Robert Bellingham had married the heiress of the manor of Burneside near Kendal, thereby becoming the first of the Bellinghams to assume knighthood; while John Thirlwall the younger controlled Alstonby near Carlisle and was keeper of Nicholforest.<sup>171</sup> In the opposite direction had come Thomas Musgrave (d. c. 1385), lord of half the manor of Haltwhistle and Coanwood from the mid-1340s in right of his marriage to a Ros co-heir.<sup>172</sup> But more significant were the landholding ties forged or strengthened between Tynedale and the rest of the North-East. To borrow the terminology of a deed of 1357, a family's landed estate might lie 'in the county of Northumberland [and] in the liberties of Durham, Hexham and Tynedale'.<sup>173</sup> One important development stemmed from the marriages by about 1300 of two of Adam Swinburne's daughters into the east Northumberland families of Heron and Widdrington, both of which shared in the partition of Adam's substantial properties after his son's death without male heirs in 1326. John Stirling had snapped up Adam's third daughter Barnaba by 1329.<sup>174</sup> The springboard for the Ogles' expansion into Tynedale was provided by their pre-existing connections with Hexhamshire. Though from the Morpeth region, Robert II Ogle (d. 1362) had acquired Aydon Shields and Rowley Head, probably through his service as Hexhamshire's bailiff. By 1355 he was officiating as Queen Philippa's bailiff, and he used this position to obtain the manor of Sewing Shields, previously held by the Haltons, as well as a seven-year lease of the Talbot estates.<sup>175</sup> Hugh Settlingstones, a Newcastle lawyer who became recorder

<sup>171</sup> Bellingham: W. Farrer, *Records Relating to the Barony of Kendale*, i, ed. J. F. Curwen (CWAAS, Record Series, 1923), pp. 206, 268, 285; *CIPM*, ix, no. 74; and, for his Tynedale estates, see Bodl., MS Dodsworth 149, f. 103r-v. Thirlwall: CRO (Carlisle), D/Ay/1/79; 2/11; *CIPM*, xii, no. 170; *CFR*, vii, p. 381. Linked with Thirlwall in the keepership of Nicholforest, in Liddel barony, was William Dixon of Kirkhaugh, who later held property in Carlisle: *CIMisc.*, iii, no. 734; Castle Howard, A1/100; cf. JUST 3/176, m. 32.

<sup>172</sup> *CIPM*, viii, no. 599; xiii, no. 192; cf. NCS, ZSW/2/36; *HN*, II, iii, p. 116; III, ii, pp. 33-4.

<sup>173</sup> DCM, Misc. Ch. 6947. The family concerned was Vaux of Whittonstall (Northumberland), Tudhoe (Durham) and Beaufront (Hexhamshire). Its Tynedale lands cannot be identified.

<sup>174</sup> *Northumb. Fines*, ii, no. 223.

<sup>175</sup> Above, Chapter 5, p. 190; SC 6/952/10; *CIPM*, xi, no. 401; Notts. Archives, DD/4P/52/134. See also on Ogle's career GEC, x, pp. 24-6. According to J. Wallis, *The Natural History and Antiquities of Northumberland* (London, 1769), ii, p. 551, Ogle was Tynedale's bailiff in 1337, but this remains unverified.



of London, purchased land in Nunwick and elsewhere in north Tynedale in 1348.<sup>176</sup> The royal clerk John Ellerker the elder (d. c. 1350), who married Joan Ros and in her right held the other half of Haltwhistle and Coanwood, was one of the Ellerkers of Newcastle, a prosperous merchant family.<sup>177</sup>

Most of these illustrations put the emphasis on new landlords from the county of Northumberland, and such an emphasis is fully justified. Some of them were also proprietors in Cumberland: Ogle in Thursby near Wigton; Stirling in Bewcastle; and Widdrington in Lanerton and Upper Denton in Gilsland.<sup>178</sup> But their main estates outside the liberty were located in numerous Northumbrian baronies, and their overlords included the Greystokes, Percies, Scropes and Umfravilles. In consequence, by the mid-fourteenth century the pattern of tenurial and territorial attachments had been well and truly transformed. The liberty-owner had become one superior among many, and the landholding links between Tynedale and the county ranged far beyond the narrow field characteristic of the pre-1296 period: they radiated through Coquetdale and Glendale to south Tweedside; they swept through the Tyne valley and the Newcastle–Morpeth area to the central coastal plain.<sup>179</sup>

Yet more intricate would be the pattern in 1400, partly because old-established Tynedale gentry, and even simple freeholders, continued to spread their wings in Northumbrian society as opportunity arose. Their landed gains were often relatively small;<sup>180</sup> they might content themselves with marriages intended primarily to seal new friendships – as in the case of the Tyndales, who allied themselves with the Lilburns of Shawdon and the Raimes family of Aydon and Bolam, not to mention the Claxtons of Claxton in Durham. But there was one major exception in the person

<sup>176</sup> *Greenwell Deeds*, nos. 183, 186–7, 189; *CCR 1346–9*, pp. 598, 604, 606. For Hugh's activity in the Northumbrian land-market, see also *CCR 1343–6*, p. 662; *1354–60*, pp. 202, 240, 492; *FA*, iv, pp. 54, 61; Notts. Archives, DD/4P/21/45. He represented Durham Priory's legal interests (1341–61), and his will of 1361 describes him as recorder of London: DCM, Misc. Ch. 3389, 5068; *Calendar of Wills . . . Enrolled in the Court of Husting, London, 1258–1688*, ed. R. R. Sharpe (London, 1889–90), ii, p. 57.

<sup>177</sup> *CIPM*, viii, no. 599; *HN*, II, iii, p. 116.

<sup>178</sup> *CIPM*, xi, no. 401; T. H. B. Graham, 'The lords of Bewcastle', *TCWAAS*, new ser., 29 (1929), pp. 63–6, and 'Brampton and Denton', *ibid.*, 26 (1926), pp. 290–3.

<sup>179</sup> A key source for mapping the county property held by Tynedale landowners is the roll of accounts of the 1346 aid printed in *FA*, iv, pp. 53–77; cf. *NDD*, p. 54, for date of roll (c. 1360).

<sup>180</sup> By c. 1360 Alan Bellingham had achieved manorial lord status in Abberwick near Alnwick: NCS, ZSW/2/32, 41; and, for his Tynedale property, see NCS, 324/W1/13A (transcripts and rent book of 1630, unpaginated). For examples concerning lesser families of Tynedale origin, see *NCH*, vi, p. 131 (Charlton); *FA*, iv, pp. 64–5 (Coanwood); H. H. E. Craster, 'Some Bingfield deeds', *AA*, 3rd ser., 21 (1924), pp. 194–5; NCS, ZSW/169/2, 4, 6 (Simonburn).

of William IV Swinburne, whose patrimony outside Tynedale, centred on Capheaton, supplied a ready-made base from which to climb to the forefront of county society. By 1374 he was holding at farm the castle and barony of Wark-on-Tweed; in the 1390s he acquired property in Heugh and Stamfordham, consolidated interests in Buteland, Kirkheaton and Little Whittington, and held Nedderton in Bedlingtonshire at rent.<sup>181</sup> Even more notably, by his marriage to the wealthy widow and co-heir Mary, daughter of Alan Hetton of Chillingham (d. 1388), he gained estates spread across the length and breadth of east Northumberland, with significant concentrations in Glendale, in and around Ingram in the Breamish valley, and in lower Coquetdale.<sup>182</sup>

One can easily continue in such a vein. Newcastle, for instance, was now an important centre for the gentry of Tynedale, and not just for those with predominantly county concerns. Some cooperated with other Northumbrians to acquire supplies, or to petition for doles of wine, from the king's Newcastle stores.<sup>183</sup> A good number kept houses in the borough.<sup>184</sup> The town also provided a handy venue when individual gentry needed to transact business relating to their estates in the liberty; some sat as jurors in the county court.<sup>185</sup> William III Tyndale (d. 1373) left bequests to all four orders of the friars in Newcastle; the Herons endowed a chantry in St Thomas's chapel on Tyne bridge; and Aymer Atholl (d. 1403), whose Tynedale lands lay in Walwick, founded a chantry in St Andrew's church.<sup>186</sup>

What is more, whereas under Alexander III the liberty had provided its 'old' and 'new' gentry landowners with their main route to authority and power in local governance, the shire now effectively took over this role. Some incomers, notably the Herons, had in any case long traditions of service in county administration; but even a brief review, confined to major office-holding, shows the importance of such service to a broad cross-section of the liberty's more prominent gentry tenants, whatever

<sup>181</sup> NCS, ZSW/1/82, 84-5, 93, 108; 4/26; 5/63-4.

<sup>182</sup> *HC*, iv, p. 552; *CIPM*, xvi, no. 594; NCS, ZSW/1/79, 121, 149. One William Ingram was vicar of Simonburn by 1392, when he appears with Swinburne as co-lessee of the rectory; he was also feoffee of the estates of Swinburne's widow in 1404; NCS, ZSW/1/86, 120-44.

<sup>183</sup> BL, MS Stowe 553, ff. 138v, 141v, 142v; *Northumb. Pets*, no. 161.

<sup>184</sup> Early fourteenth-century examples are in *CIPM*, vi, no. 751; *Newcastle Deeds*, no. 348. For John Stirling's considerable Newcastle property, see *CIPM*, xv, no. 145.

<sup>185</sup> For example, *Greenwell Deeds*, no. 180; NCS, ZSW/1/52, 65, 70; *HN*, II, ii, p. 252; III, i, p. 20.

<sup>186</sup> *NCH*, x, p. 216; R. Welford, *History of Newcastle and Gateshead* (London, 1884-7), i, pp. 72, 205, 215. On Atholl, the uncle of David V Strathbogie, see also *The Pudsay Deeds*, ed. R. P. Littledale (YASRS, 1916), nos. 460-5; *CCR 1392-6*, p. 101.

their origins. Four served as sheriffs of Northumberland: Adam Swinburne (1315–17), William III Tyndale (1331–2), Roger Widdrington (1361–2) and Aymer Atholl (1381–2). Another, John Stirling, was appointed to the shrievalty in 1343 but did not officiate because of war-wounds.<sup>187</sup> Those who affirmed their influence by representing the county as MPs included Adam Swinburne (1313), William Tyndale (1332), Gerard Widdrington (1336) – and William IV Swinburne (1395). Roger Widdrington was returned five times between 1348 and 1368, and Aymer Atholl four times between 1365 and 1381. In addition, Thomas Musgrave (d. 1409) was sheriff of Cumberland in 1392–3 and MP for Westmorland in 1399.<sup>188</sup> Perhaps more remarkably, the unknighthed John Thirlwall the younger was sheriff of Cumberland in 1384–7 and its MP in 1386.

Admittedly the popularity of shire office must not be exaggerated. In fact, William Tyndale, claiming that he had been made sheriff ‘against his will’, secured in 1333 an exemption from future county service.<sup>189</sup> We must also remember those who avoided, or could not aspire to, such positions, and whose outlook and associations were in this respect more restricted. In particular, the Viponts and Whitfields seem not to have sought senior roles, despite their status as knights. Nevertheless office-holding in the shires largely replaced the pre-1286 norms of service in the liberty and to the liberty-owner – the more so in light of the regular participation by, among others, the Herons, Thirlwalls, Tyndales and Widdringtons in routine county governance. It was a story that repeated itself in the careers of those such as William Heron, John Stirling and John Thirlwall the elder, who underwrote their prominence by serving as March wardens or keepers of Berwick.<sup>190</sup> Nor can we doubt that cooperating with other gentry in the Borders ‘for the defence of those parts against . . . the Scots’ reinforced a sense of regional identity as much as did collaboration in civil government and patterns of marriage and landholding.<sup>191</sup> On this view, the liberty was indeed anything but isolated from provincial society. Rather, many of its gentry were seen, and saw themselves, as part of this larger universe.

We must also stress that Tynedale’s administration was extensively

<sup>187</sup> *CCR* 1343–6, pp. 281, 325. The listings in this paragraph exclude men whose landed connections with Tynedale were transient.

<sup>188</sup> Musgrave’s biography in *HC*, iii, pp. 809–11, ignores his Tynedale interests, on which see *NCS*, *ZSW*/2/36; *HN*, III, ii, pp. 33–4.

<sup>189</sup> *SC* 8/143/7134; 8/174/8687; *CPR* 1330–4, p. 462.

<sup>190</sup> Above, p. 305, and n. 55.

<sup>191</sup> William Tyndale, for instance, guarded the Tyne between Haydon and Corbridge against James Douglas in 1327, and – notwithstanding the exemption of 1333 – was a county arrayer in 1335: *SC* 8/174/8687; *CCR* 1333–7, p. 485. The quotation is from a royal charter for William Heron: *CChR*, iv, pp. 468–9 (1340).

infiltrated by men from other parts of the North-East, especially the county of Northumberland itself. Professional lawyers such as Roger Fulthorpe of Tunstall, Michael Pressen of Middleton and Walter Swinhoe of Scremerston were liberty justices.<sup>192</sup> Among the senior officers was Alexander Marton, prior of Hexham, who had become chancellor by the mid-1370s and was still active as such in the 1390s, holding the post simultaneously with the chancellorship of Hexhamshire. The lawyer-administrator John Mitford of Molesden, MP for Northumberland on thirteen occasions from 1372, was keeper of the seal for Edmund Langley, probably throughout Marton's term as chancellor. The receivers included John Wauton (1335), who held the manor of Brotherwick near Amble, and had previously served as bailiff and justice in Hexhamshire. As for Tynedale's bailiffs, Robert II Ogle's predecessor in the 1330s was William Felton, another influential Northumbrian, who became sheriff and a knight of the shire. One of Ogle's successors, John Fenwick – bailiff for Langley in the 1390s – had been sheriff in 1373–4 and MP in 1378, and was reappointed sheriff in 1399. The most notable bailiff, however, was Alan Strother, who succeeded Ogle in 1356 and died, apparently in office, in 1381. The Strothers were a well-to-do Newcastle family, and had also established themselves as landed gentry in north Northumberland, where Alan was lord of Lyham near Belford. He was at once bailiff of Tynedale, sheriff of Northumberland (1356–8), MP (1363, 1369), joint-warden of the East March (1369, 1372) and sheriff of Roxburgh (1369–78): in sum, a model example of how office-holding in Tynedale was integrated into the broader career-structures of regional society.<sup>193</sup>

This influx of externally recruited officers well exemplifies the liberty's loss of social and political coherence. Since Tynedale brought them authority and opportunities, including the possibility of profiting from office for much longer than was often acceptable elsewhere, they might readily appreciate its privileged status. But the liberty was not central to their loyalties; while in the absence of regular lordship they could give preference to other allegiances over its prerogatives and/or good rule. Their power and influence likewise inhibited, and sometimes directly challenged, the local standing and aspirations of Tynedale's landed gentry, not excluding newcomers

<sup>192</sup> *NDD*, p. 112; *SC* 6/952/11.

<sup>193</sup> Senior liberty officers: *NCS*, *ZSW*/1/78; 4/54; *HN*, III, ii, p. 34; *Hexham Priory*, i, Preface, pp. clxviii–ix (Marton); *HN*, II, iii, p. 22; *HC*, iii, pp. 744–6; cf. *CPR* 1374–7, p. 490; 1396–9, p. 584 (Mitford); *E* 159/114, m. 152d; *NCH*, iii, p. 65; iv, p. 239; v, pp. 254–5; x, p. 433 (Wauton); *CIMisc.*, iii, no. 892 (Felton); *Pudsay Deeds*, no. 462; *DCM*, Misc. Ch. 5265 (Fenwick); *CCR* 1354–60, p. 262; *NCS*, *ZSW*/4/54 (Strother). Other known receivers of Tynedale are the obscure Nicholas Radeswell 'of the county of Northumberland' (1335–7) and William Roude (1357–8), named after Queen Philippa's manor of Rowde (Wiltshire): *E* 159/114, m. 152d; 368/110, m. 27d; *SC* 6/952/11.

like the Herons and Widdringtons; and, in one way or another, they had a largely negative impact on the liberty's development and its cohesion and relevance.

More specifically, most of the officials just mentioned played concrete roles in reinforcing links between regional and local society. In 1378 chancellor Marton had the rectory of Alston appropriated to Hexham Priory; in 1386 he prevailed on Edmund Langley to lease Staward peel to the convent for 100 years.<sup>194</sup> Nor is it less noteworthy that Hexham's secretariat would have served as the chancery for Tynedale and Hexhamshire for most of Marton's priorate (1367–98). How Robert Ogle benefited from his office to become a man of property in Tynedale has a parallel in the enterprise of William Felton, who contracted with Nicholas Swinburne a nine-year lease of a shieling in the Huntland in 1330, and went on to farm Queen Philippa's demesne in 1338–45.<sup>195</sup> County–liberty contacts were also consolidated by the local marriages of daughters of Felton, Mitford, Ogle and Strother.<sup>196</sup> And, from another angle, it is possible that William IV Swinburne's connections with Strother, Fenwick and the Ogles facilitated his advancement as lessee of Wark-on-Tweed and husband of Mary Hetton.<sup>197</sup>

Beyond such considerations, the opportunities for sharp practice afforded to office-holders could bring Tynedale more firmly within the socio-political and even governmental ambit of the county of Northumberland. One instance, which concerns chancellor Marton and bailiff Fenwick, is best discussed elsewhere.<sup>198</sup> Here we focus on Alan Strother's excesses. As a landowner, Alan concentrated on accumulating estates outside Tynedale;<sup>199</sup> but he had no rival when it came to exploiting his powers in the liberty on his family's behalf. He was bailiff when in 1358 the king's escheator, William Nesfield, confiscated the Tynedale lands of William Heron, John Stirling and Gerard Widdrington. Though the intended beneficiary of these forfeitures cannot be known for certain, they bear the trademarks of the land-grabbing policies of the Northumbrian parvenu John Coupland; and Alan, who cooperated with Nesfield through-

<sup>194</sup> *HN*, III, ii, pp. 82–7; *CPR* 1385–9, p. 302.

<sup>195</sup> *NCS*, ZSW/1/56; above, p. 316.

<sup>196</sup> Agnes Felton married into the Swinburnes of Knarsdale; Alice Mitford into the Whitfields; Joan Ogle into the Swinburnes of Haughton/Capheaton; and Mary Strother into the Musgraves.

<sup>197</sup> Mary Hetton was the widow of Alan Strother's nephew and sister-in-law of John Fenwick and Robert IV Ogle. Strother's brother Henry was Swinburne's immediate predecessor as farmer of Wark-on-Tweed: *NCS*, ZSW/4/27, 32–6, 41, 53.

<sup>198</sup> Below, pp. 351–2.

<sup>199</sup> See especially *CIPM*, xv, no. 419; DCRO, D/St/D10/5; E 199/33/24; H. H. E. Craster, 'Woodman charters', *AA*, 3rd ser., 5 (1909), pp. 46–7; *Laing Chrs*, no. 48.

out, was Coupland's brother-in-law.<sup>200</sup> It is, in short, a reasonably clear example of how the liberty might suffer from an officer's county loyalties; and, for William Heron, it served in turn to strengthen his own shire connections. He was convicted of harbouring, in his castle of Ford, John Clifford of Ellingham and his accomplices after they had murdered Coupland in 1363; and William's release from imprisonment in 1366 required the aid of pledges who included, besides John Stirling and Roger Widdrington, noted north-eastern gentry such as Henry Delaval of Callerton, Robert Fenwick, Bertram Monboucher of Horton, Thomas Surtees of North Gosforth and Robert Umfraville of Farnacres.<sup>201</sup>

Another case is more complex, but at least in one respect it saw Tynedale opened up to a contest between Strother's misgovernment and forms of county power. In 1359–60 Alan's brother William, mayor of Newcastle and steward of David V Strathbogie, gained a five-year lease of the Strathbogie shieling grounds in upper north Tynedale; he also secured the reversion of Henshaw manor and the Forest of Lowes, though this property was protected by an entail. Then, after the deaths of Strathbogie and Queen Philippa in 1369, Alan used the authority of his office to put William's heirs in possession. Meanwhile Alan had taken out a lease on the shielings; and clearly the Strothers aimed to control much of the old Comyn territories by fair means or foul.<sup>202</sup> Their power-building doubtless irked William IV Swinburne and Robert IV Ogle;<sup>203</sup> and it evidently alarmed William Heron and Roger Widdrington, who were provoked into challenging the bailiff's predominance through their influence with Edward III (now Tynedale's direct lord) and within the shire.

Thus Heron and Widdrington are found in London in April 1371, shortly before the appointment of a royal commission of inquiry on information to the king that Henshaw and the Forest of Lowes had been misappropriated. The commission was headed by John Stirling and Robert Umfraville (Widdrington's son-in-law), and it was to investigate 'by the oath of knights and others of the county'. This provision infringed the liberty's rights, but it had the political advantage of circumventing Alan's local authority and influence. Nor does it surprise that Heron and Widdrington, with Henry Delaval and Thomas Surtees, were on the jury assisting the commissioners at Newcastle in July 1371; and its verdict ensured that William Strother's

<sup>200</sup> M. C. Dixon, 'John de Coupland – hero to villain', in D. Rollason and M. Prestwich (eds), *The Battle of Neville's Cross, 1346* (Stamford, 1998), pp. 36–49, supersedes other accounts, but ignores the Tynedale dimension.

<sup>201</sup> CDS, iv, no. 123; CPR 1374–7, pp. 298–9.

<sup>202</sup> *Laing Chrs*, nos. 49, 57; CCR 1360–4, p. 137; CIPM, xii, nos. 308, 327; CFR, viii, pp. 32, 86.

<sup>203</sup> Cf. above, p. 322.

heirs were prosecuted at Westminster by the crown, which recovered the property in right of the wardship of Strathbogie's daughters.<sup>204</sup> Alan retaliated in 1372–3 by seizing Heron's lands in Tynedale and by meddling in Widdrington's attempts, through an enfeoffment-to-use, to protect his estates from a lengthy wardship after his death. Thus, though Edward III ordered Heron's reinstatement, Alan employed a liberty jury to get permission to take the Widdrington property into royal hands, despite the feoffees' protests that they had been enfeoffed 'without fraud'. But it was Thomas Surtees (among others) who thereupon had the Widdrington demesne in Haughton wasted in order to prevent Alan from collecting any issues. Finally, though Edmund Langley was successfully petitioned to sanction the use on his becoming lord of Tynedale in 1373, the precaution was also taken of obtaining an *inspeximus*-confirmation from the abbot of Alnwick, the prior of Tynemouth and the earl of Northumberland.<sup>205</sup> Such cross-currents were more or less inevitable, given the liberty's closer ties with county society. But Alan Strother's machinations not only took a toll of the liberty's internal stability: they obliged men to undermine its authority because his dominance was based on it; they also intensified men's dependence on, and sense of belonging to, alternative power-networks. Politically, as in other respects, Tynedale was scarcely a world wholly separate from adjacent worlds.

All this makes it increasingly problematic to assess the nature of 'liberty loyalties'. But any such assessment would be incomplete without attempting to engage more closely with gentry mindsets, and we may begin by taking fuller account of the attitudes and attachments of the 'new' gentry landlords. As might be expected, they could prejudice the liberty by taking business belonging to its jurisdiction to the crown's central courts.<sup>206</sup> But such instances seem to have been rare; and local judicial records, skimpy though they are, do indicate some significant respect for the liberty's legal system: indeed, the rota of liberty justices included Gerard Widdrington (1348), and Aymer Atholl and John Stirling (1364).<sup>207</sup> It is also noteworthy that in 1386 licence was sought from Edmund Langley for the enfeoffment of the Widdrington heir;<sup>208</sup> and – more generally – it would be wrong to assume

<sup>204</sup> *NCH*, xiii, p. 410; *CIPM*, xii, no. 308; C 135/205/22; 44/5/22; KB 27/457, rex, m. 20.

<sup>205</sup> *CFR*, viii, pp. 177–8, 209; *CIPM*, xiii, no. 215; SC 6/952/11; *CPR* 1370–4, p. 416; 'A Widdrington charter', *Genealogist*, new ser., 7 (1891), p. 81.

<sup>206</sup> Examples include *CCR* 1343–6, p. 487; CP 40/412, m. 155 (Heron); 40/275, m. 191 (Stirling); 40/283, m. 388 (Widdrington).

<sup>207</sup> *NDD*, p. 112; *NCS*, ZSW/2/34; SC 6/952/11.

<sup>208</sup> *HN*, II, iii, pp. 21–2.

that the liberty had little relevance in other contexts. The Westmorland-based Musgraves purchased one custody from Queen Philippa, and had engrossed the whole manor of Haltwhistle and Coanwood by 1357.<sup>209</sup> The Ogles had a park, and presumably a fortified house, at Sewing Shields in the 1370s; the Widdringtons' seat at Haughton, an impressive hall-block conversion, was called a 'castle' in 1372.<sup>210</sup> The Herons had profited from William III Tyndale's financial difficulties in 1357 by gaining temporary control of Kirkhaugh in south Tynedale; but they were still more set on expansion north of the Wall from their Simonburn base – a policy at the heart of their conflict with the Strothers. In 1344 they bought up Nicholas Swinburne's assets in Greenlee; in 1348 they acquired the manor of Foulwood; in 1362 they leased the manor of Tarsset from the Strathbogies for thirty years; and in 1379 they augmented their property in Nunwick.<sup>211</sup> Possession of Tynedale estates might also refocus a family's interests by giving it an incentive to seek out lands adjacent to the liberty. Thus in 1348 William Heron secured the manor of Chipchase for his youngest son Walter; while in 1375 Walter reinforced the Heron stake in Tynedale itself by acquiring property in Bellingham and Conheath. When Roger Widdrington took over his inheritance in 1362, he had already purchased the manor of Great Swinburne; he later gained Bingfield in Hexhamshire and had a lease of Thockrington.<sup>212</sup>

Clearly, then, the liberty might in these terms have an important influence on the 'new' gentry's outlook, involvements and behaviour. But it is even more necessary to stress that, except for the Herons of Chipchase, their primary interests did not lie in or close to Tynedale. A broader focus is needed when we find Aymer Atholl staking his claim to Felton near Amble in 1360 and becoming lord of Ponteland in 1392; and, no less so, in the case of John Stirling, who amassed estates chiefly in south-east Northumberland, with their nodal points at Belsay, Brunton and Jesmond. He advanced himself by crown grants, by purchase and, not least, by his

<sup>209</sup> SC 6/952/11; below, n. 211.

<sup>210</sup> *Hexham Priory*, ii, p. 15 (a rental of 1379, see *NCH*, x, p. 98, n. 1, for date); *CIPM*, xiii, no. 215; SC 6/952/11. In 1415 Sewing Shields had a 'castle'; while Haltwhistle (Musgrave) and Simonburn (Heron) had 'towers': C. J. Bates, *The Border Holds of Northumberland* (London, 1891), pp. 15, 18. For an appraisal of Haughton, see A. Emery, *Greater Medieval Houses of England and Wales, 1300–1500* (Cambridge, 1996–2006), i, pp. 97–100.

<sup>211</sup> *NCH*, x, pp. 247–8; xv, p. 197; *CCR* 1343–6, p. 487; *NDD*, pp. 112–14. The Herons also secured half the manor of Haltwhistle and Coanwood from Thomas son of John Ellerker, but surrendered it to the Musgraves in 1357: *HN*, II, iii, p. 116.

<sup>212</sup> *NCH*, iv, pp. 279, 332–3, 399; *NDD*, pp. 114, 232–3. In 1362 Widdrington also extended his interest in Stonecroft (in Newbrough): Longstaffe, 'Local muniments', p. 23.



marriage around 1361 to his second wife Jacoba, daughter and co-heir of Richard Embleton, a senior county figure.<sup>213</sup> As for the Herons, Ogles and Widdringtons, it was likewise from the Northumbrian lowlands that they drew their main sense of honour, rank and identity. Their lordship centres were and remained at Ford (forty-one miles from Simonburn), Ogle (twenty-one miles from Sewing Shields) and Widdrington (twenty-five miles from Haughton); and they advertised their loyalties to them by their efforts to ensure that the finest gentry seats in Northumberland were built there. The Herons secured a royal charter in 1340 that broadcast Ford's status as a *bona fide* castle, and authorised them to hold beside it weekly markets and twice-yearly fairs. There were chantries at Widdrington and Ogle; and it was natural for an Ogle to announce his desire to be buried locally in the parish church of Whalton.<sup>214</sup> In the mid-fourteenth century William Heron developed interests in Northumberland;<sup>215</sup> it was from Widdrington that the Widdringtons masterminded a series of deals that would bring under their control the manors of Newbiggin-by-the-Sea, Plessey, Shotton and Woodburn.<sup>216</sup> Robert II Ogle's marriage in 1331 to Joan Hepple brought the Ogles northwards in strength to the Coquet, as lords of half the barony of Hepple – and southwards to the Tees, as lords of half the manor of Hurworth. Numerous deeds chronicle Ogle ventures in the north-eastern land-market in the years 1335–60. The family's reach stretched from Farnham in upper Coquetdale to Whickham south of the Tyne; but what came first in its order of priorities was rounding off its holdings in Ogle and the immediate vicinity.<sup>217</sup> The Ogles also married into the Bertrams of Bothal, the Hettons of Chillingham and the Grays

<sup>213</sup> Atholl: *CIPM*, xviii, no. 581; *NCH*, vii, pp. 237–43. Stirling: *CCR 1349–54*, pp. 499–500; *CIMisc.*, vii, no. 439; *CIPM*, xii, no. 136; xv, nos. 142, 145; *CPR 1334–8*, p. 168; *NCH*, ii, pp. 88, 104.

<sup>214</sup> The 'new' gentry's chief building-works, which included major residences at Belsay, Chipchase and Great Swinburne, are best approached through C. L. H. Coulson, *Castles in Medieval Society* (Oxford, 2003), pp. 83, 358–61; Emery, *Greater Medieval Houses*, i, pp. 48–50, 68–70, 94–5, 122–3, 153–4. For the chantries, see *CPR 1340–3*, p. 289; *1370–4*, p. 39; *CIPM*, xiii, no. 215; *DCM*, Reg. Hatfield, f. 117r. Robert IV Ogle was buried in Hexham Priory in 1410, but only because an outbreak of plague prevented his burial at Whalton, as his will had specified: *Reg. Langley*, i, no. 150.

<sup>215</sup> *CPR 1348–50*, pp. 208–9; *NDD*, p. 100.

<sup>216</sup> See especially *CIPM*, xiii, no. 215; *CPR 1338–40*, p. 102; *1340–3*, p. 497; E. M. Halcrow, 'Ridley charters', *AA*, 4th ser., 34 (1956), pp. 63–74, passim; *NCH*, xiii, pp. 320, 433; and, for consolidation in Widdrington itself, Tynemouth Cart., ff. 169r, 171v, 173r.

<sup>217</sup> *HN*, II, i, pp. 387–9; J. C. Hodgson, 'The Brumell collection of charters, etc.', *AA*, 2nd ser., 24 (1903), p. 117; *NDD*, pp. 172–4; Notts. Archives, DD/4P/21/30–132, passim. The Ogle moiety of Hurworth was exchanged for the other half of Hepple in 1386: *NCH*, xv, p. 384; Notts. Archives, DD/6P/1/1/14.

of Heaton.<sup>218</sup> This already has the makings of a lengthy catalogue, but it scarcely does justice to the strength of the ties that bound the gentry concerned to east Northumberland, which was unmistakably their preferred zone of operations and their natural habitat.

Where does that leave the question of ‘liberty identities’? A more systematic review depends on the local deed evidence; and though this material is patchy, a fair number of gentry deeds from Tynedale survive for the period spanning the 1340s to the 1370s.<sup>219</sup> All the ‘new’ gentry appear in them; but members of old local families predominate. We also see that the former, as Tynedale landowners, remained largely northern-based, with the obvious exception of the Musgraves of Haltwhistle. Aymer Atholl and John Stirling hardly register. Moreover, the Herons, Musgraves and Widdringtons usually feature in transactions directly concerning them, which suggests that Tynedale figured in their itineraries only when special business brought them there – as in 1348, for example, when Heron affairs came twice before the liberty court, with Gerard Widdrington sitting as one of the justices.<sup>220</sup> Other records confirm that the Herons and Widdringtons were closely allied; Stirling and some Ogles belonged to their network, too. But its epicentre lay elsewhere, as the witness-lists of contemporary deeds, sealed at Newcastle, Fenwick, Mitford, Morpeth, Warkworth and similar locations, amply bear out.<sup>221</sup> Heron concerns were also responsible for a conveyance drawn up at Tarsset in 1362, with two Herons and two Widdringtons named as witnesses; the other attestors include John Clifford, Henry Harrington of Benton, and Robert and Thomas Fenwick – that is to say, friends or clients whose normal orbit was east Northumberland.<sup>222</sup> It was likewise from this ‘home’ region that Roger Widdrington selected his trustees for settling his Tynedale

<sup>218</sup> Key stages in the process whereby the Ogles secured Bothal barony in 1406 can be followed in Nottingham University, Manuscripts and Special Collections, PL/E11/2/1/1/1; Notts. Archives, DD/4P/42/1–5.

<sup>219</sup> Abstracts or calendars: *Greenwell Deeds*, nos. 181, 183; *HN*, II, iii, pp. 59–60, 62, 88, 102–3, 112, 116, 120; III, i, pp. 22–3; III, ii, pp. 33–4; *NDD*, pp. 112–14; *Pudsey Deeds*, nos. 460–1. Unpublished deeds: ADM 75/64/A1, A3, A4; 75/81/A1, A2; 75/112/A1; Durham University Library, Archives and Special Collections, HNP/N49/1; NCS, 324/W1/13A; ZSW/1/71.

<sup>220</sup> *NDD*, pp. 112–13.

<sup>221</sup> For example, *Brinkburn Cart.*, p. 17; *NCH*, vii, p. 392, n. 1; NCS, ZSW/2/28; 4/86; *NDD*, pp. 22, 54; Notts. Archives, DD/4P/21/48–9, 53; *Percy Cart.*, no. 829; also Essex Record Office, D/DBY/T27 (unsorted charter): a Tynedale deed probably issued at Horton near Wooler.

<sup>222</sup> *NDD*, p. 113. Many of the same witnesses feature in deeds issued shortly beforehand at Belsay on Stirling business, and at Denton near Newcastle on Widdrington business: DCM, 1.6.Spec.50; *NCH*, ix, p. 320, n. 5.

lands in 1372, when they were enfeoffed to William Hazlerigg of Fawdon and Edmund Hazlerigg, both members of his council, Donald Hazlerigg of Eslington and Thomas Surtees.<sup>223</sup> The Swinburnes of Haughton/Capheaton had dealings with the newcomers; indeed, a Swinburne-Heron-Widdrington assault on the Umfraville manor of Birtley opposite Wark was said to have occurred in 1351.<sup>224</sup> But the overall impression is that the 'new' gentry were operating at the outer limits of their accustomed range and did not identify strongly with the liberty through their social connections and interactions.

Conversely the deed evidence suggests that Tynedale's old gentry families were more firmly tied to the liberty. This network's key personnel were Swinburne, Thirlwall, Tyndale, Vipont and Whitfield, and minor gentry such as Haltwhistle, Johnson of Alston, Ridley, Thorngrifton, Whitelaw of Randalholme (near Alston) and Williamston. They held as landlords much of south Tynedale; and only Swinburne, linked to this area by control of the manor of Williamston and by intermarriage with Haltwhistle and Thirlwall, carried weight in the north of the liberty. They had some contact with the 'new' gentry, but such contacts were partly through Swinburne and often sporadic at best. Otherwise, however, a relatively tight-knit social group was based on the liberty. For example, Haltwhistle and Ridley feature in both Swinburne and Thirlwall deeds; Ridley and Vipont in Swinburne, Tyndale and Whitfield deeds; and Johnson, Ridley, Swinburne, Whitelaw and Whitfield in Tyndale and Vipont deeds. Rarely do men from across the liberty boundary appear in witness-clauses; the meeting-places were Alston, Elrington, Haltwhistle, Kirkhaugh, Ouston, Thirlwall, Whitfield and Williamston; and, all told, these southern gentry seem to have been close associates, united by common interests in, and attachments to, the liberty.

The obvious conclusion is that, in the period concerned, the liberty was not an all-inclusive unifying framework for gentry society and relationships. As leading shire figures, the 'northerners' moved largely within circles defined by their more significant county lands and allegiances. The 'southerners' were mostly less substantial gentry with fewer external commitments; they were also bound to Tynedale by stronger historic ties. Accordingly the liberty was more of a focus for their social affiliations and identities; and, furthermore, its administrative routines brought them

<sup>223</sup> *CFR*, viii, p. 209. Appropriately the 1386 feoffment of the Tynedale lands to John Widdrington by the surviving trustee was effected at Newcastle, and attested by the earl of Northumberland and thirteen others, of whom only Matthew Whitfield represented an old Tynedale family: *NDD*, p. 234.

<sup>224</sup> *CDS*, iii, no. 1555; cf. *NCS*, ZSW/32; *HN*, III, i, pp. 22–3 (Williamston, 1354); *NDD*, p. 113 (Tarset, 1362). The emphasis, however, is on contacts outside the liberty: see, for example, *CIPM*, xvii, no. 275; Lucy Cart., no. 204; *NCS*, ZSW/1/47, 77; 4/22, 79, 83, 86; *HN*, II, ii, p. 251; III, ii, pp. 10, 16–18.

together for jury service, which also entailed – unlike in other settings – some interaction with small tenants in north Tynedale such as the Charltons and Kershopes.<sup>225</sup> Thus, at least to these degrees, the liberty retained its traditional role as a binding force. But perhaps only the cohesive effects of good lordship could have drawn both gentry groups into regular contact; and so, in reality, those groups were in essence separate sociabilities operating more within their own spheres than within a single liberty community. Arguably such differentiation was already signalled when in 1314–15 the liberty fractured into halves, with south Tynedale defining itself in antithesis to north Tynedale. No doubt it was now reinforced by the long minorities experienced by the Ogles (1362–72) and Widdringtons (1372–92). Yet at the core of it lay different senses of locality and rootedness. The introduction of county families therefore profoundly altered the liberty's internal political dynamics and geography; and this provides a fuller context for understanding its difficulties in maintaining social unity and coherence. The southern gentry, inhabiting a relatively close-meshed neighbourhood, could call on well-established norms of mutual cooperation for regulating their affairs and upholding local peace. By the same token, the lack of an equivalent landed interest in north Tynedale would have heightened its problems of governance and leadership. In brief, on such an interpretation the Swinburnes were the only gentry of note embedded there; the family lacked the kind of support from neighbours it could count on in south Tynedale, not to mention their restraining influence; and, all in all, it seems little wonder that sooner or later the liberty polarised into a heartland and an outer marchland.

But who were responsible for the petition presented to Edward III by 'the community of the liberty' in about 1370? This display of collectivity would indicate closer gentry–liberty attachments than network analysis alone implies; and, first, it may prove helpful to glance forward to 1422, when two plaintiffs in Chancery delivered a homily on Tynedale's privileged status. The liberty, they declaimed, was an ancient 'regality' (*dominium regale*); its lords had always had their own chancery and court of all pleas; they enjoyed 'regal authority' (*jurisdictio regalis*) save only within the mine of Alston Moor; and no royal officer had ever exercised authority in Tynedale except as regards the mine. The originators of this exegesis were the Viponts' successors, William and Mary Stapleton; and it might

<sup>225</sup> Few local jury lists survive except for the period 1369–73, when the jurors included Hugh Ridley, John Thirlwall (the elder?), John Tyndale, John Vipont and Matthew Whitfield. Significantly none of the 'new' gentry appears. See C 135/205/22; 135/207/22; 135/223/10; 135/231/3; 145/203/23.

be concluded that they had deep local roots, even that the liberty was basic to their self-identification. But William Stapleton was an interloper from Edenhall in Cumberland; he evoked the liberty's privileges as a litigation strategy; and, moreover, he was farmer of the Alston mine and had recently obtained royal letters affirming its independence from the liberty – hence in part the care he took in 1422 to distinguish between the two jurisdictions.<sup>226</sup> Nonetheless William was eager to stress the liberty's rights when they served his purposes; to that extent, his alternative attachments did not conflict with support for its traditions. Thus, depending on the circumstances, the liberty might have implications for identification even when a man's other ties had much stronger claims on his loyalties.

The meaning of 'community' around 1370 appears to have been no less flexible, contingent and ambiguous. Nothing suggests that the petition's demand for law and justice did not represent the interests of the 'old' south Tynedale gentry. To judge from the composition of juries sworn in at Newbrough and Wark between 1369 and 1373, they identified closely with the liberty's governance structures.<sup>227</sup> Nor, probably, could they easily afford the expense of seeking redress in the Westminster courts. Yet the petition was not (unlike the 1315 petition) purely south Tynedale's handiwork. Its promoters invoked the entire 'community of the liberty'; and this community was, or seems to have been, fixed less in social reality than in shared consciousness of the liberty as a jurisdiction and support for its good rule. On this view, the liberty was a sufficiently powerful institutional entity to unite people of diverse backgrounds and interests into a single 'community of the mind'.<sup>228</sup> But we must also try to tease out some of the complexities of the motives, values and assumptions that in all likelihood informed that notion.

Arguably the lead was taken by the 'new' northern gentry, prompted by concern to stabilise the liberty and, more especially, to satisfy their own needs. In the 1360s most of them were actively associated with upholding good governance in Northumbrian county society.<sup>229</sup> They were, or might claim to be, pre-eminently guardians of the rule of law and its enforcers.

<sup>226</sup> C 44/25/17; KB 27/652, m. 94; *HC*, iv, pp. 463–5; *CPR 1413–16*, pp. 250–1; *CIMisc.*, vii, no. 519. For the legal context, see F. W. Ragg, 'Mauld's Meaburn, the Alston mines, and a branch of the Veteriponts', *TCWAAS*, new ser., 11 (1911), pp. 294–5.

<sup>227</sup> Above, n. 225.

<sup>228</sup> A recent study stressing the importance of 'imagined communities' is M. L. Holford, 'Pro patriotis: "country", "countrymen" and local solidarities in late medieval England', *Parergon*, 23 (2006), pp. 47–70.

<sup>229</sup> In particular, John Stirling and Roger Widdrington appear on numerous county commissions during this decade: *CPR 1361–4*; *1364–7*; *1367–70*, passim; *Laing Chrs.*, no. 55.

Inasmuch as Tynedale landowners served as liberty justices, it was also such men who did so. Significantly, too, in 1361 the justices held their sessions not in Wark but in William Heron's manor of Simonburn; while in 1364 Aymer Atholl and John Stirling conducted, in terms of judicial profits, the most exacting of all the assizes in the period 1361–76.<sup>230</sup> Furthermore, it has already been noted that from 1369 bailiff Strother's behaviour was jeopardising 'new' gentry interests. Tellingly he did not lack support, tacit or otherwise, among the 'old' gentry; and so his opponents had to look outside the liberty for allies.<sup>231</sup> But they would also have wanted local checks on Strother's control of its government. Indeed, it was perhaps William Heron and Roger Widdrington who presented the petition to Edward III on their visit to London in 1371; and when Edward did provide a remedy – that is, by granting the liberty to Edmund Langley in 1373 – this was doubtless seen as going some way towards restoring their position. But the petition's significance, it can be argued, rests much more on the fact that the 'new' gentry's chief priorities lay elsewhere; thus, as a normal course, they needed regular governance and justice to compensate for their lack of local influence and control, not least because when they used the crown's courts to prosecute Tynedale suits, they could not rely on them to defend their interests and rights.<sup>232</sup> In fact, in this sense the liberty's 'royal' status disadvantaged these men; it might also give them little option but to identify with the liberty's prerogatives and authority.

It is a nice paradox to have to conclude that the 'new' gentry's apparent loyalty to the liberty and its 'community' around 1370 seems merely to confirm that east Northumberland was the main source of their power and allegiances. Such a verdict should not obscure the suggestion that the more marginal and vulnerable a landowner's role and place in local society, the more he might imagine institutional solidarity with the liberty. By this yardstick, the liberty's ability to evoke awareness of common interests and loyalties does indeed merit emphasis. Similarly even notable royal servants – John Stirling was promoted to the peerage in 1363, as was William Heron in 1371 – were seemingly capable of supporting the respective rights of both

<sup>230</sup> A £200 common fine (1364 assizes) can be compared with £72 (1361), £37 (1366) and £23 (1376): SC 6/952/11; NCS, ZSW/4/54. Unfortunately the names of the justices in 1376 are not recorded. For Simonburn gaol, see *CPR 1358–61*, p. 374.

<sup>231</sup> Above, pp. 341–2. Local juries, on which families such as Ridley, Thorngrifton, Tyndale and Williamston were represented, upheld Strother claims to Henshaw and found against the Widdrington enfeoffment-to-use: C 135/205/22; 135/231/3.

<sup>232</sup> In 1363, for instance, William Heron brought into Common Pleas a case of trespass in Shitlington (in Bellingham) against Thomas Johnson of Thirlwall, Thomas Kershope, John Richardson and others; but the sheriff of Northumberland could not find and attach them: CP 40/412, m. 155.

the crown and Tynedale itself. But it nevertheless remains important not to oversimplify perceptions of the liberty and the terms in which attachments and obligations to it might be understood. Whatever hopes William Heron and Roger Widdrington had of it, they appear to have seen nothing inconsistent in pursuing their feud with Strother by turning to the county and its jurisdiction. Earlier, in 1346, they were among the nineteen named knights and serjeants of 'the community of the county of Northumberland' who petitioned Edward III against a postponement of the Newcastle assizes;<sup>233</sup> and it can probably be assumed that they were also among the county spokesmen who in 1342 denounced the liberty as a criminal society and requested action against it. Certainly, in 1343 William Heron, John Stirling and Gerard Widdrington secured their appointment as royal justices to punish crime in Tynedale, and thereby sought to protect their local interests not as members of any 'liberty community' but as representatives of the county and crown power.<sup>234</sup>

'Community', then, was defined and redefined in relation to context and need, and loyalties to the liberty fluctuated accordingly. It may serve to underwrite how far Tynedale was assimilated into complex orbits of overlapping and sometimes contradictory associations and identifications. Nor can it be taken as read that the 'old' south Tynedale gentry, though linked more closely to the liberty, lived in a world that was substantially less multi-textured than the world of the 'new' gentry. Some evidence puts the emphasis on the immediate family and locality. In 1385, for example, John Thirlwall the elder led a retinue of nine followers, including three kinsmen and two neighbours, while Matthew Whitfield had eleven men, of whom five were his sons.<sup>235</sup> As for larger involvements, the Thirlwalls were not the only ones to gravitate westwards. The Viponts advanced themselves as lords of Johnby (Cumberland) and Keisley (Westmorland), just as the Whitfields extended their reach to Tarraby north of Carlisle and to Whittrigg on the Solway flats. Johnby and Keisley slipped from the Viponts' grasp in 1369; and Whitfield expansion was pioneered by a cadet branch. But there can be no gainsaying the ease with which the Thirlwalls, Viponts and Whitfields turned in Cumbrian society or the widely ramified nature of their contacts with gentry such as the Aglionbies, Blencowes, Cotesfords, Daubeneyes and Stapletons. Even the Whitelaws of Randalholme followed in the Viponts'

<sup>233</sup> C 49/7/20.

<sup>234</sup> *CPR 1343-5*, p. 67; *Rot. Scot.*, i, p. 644 (and note also p. 935: the commission awarded in 1369 to William Heron and Roger Widdrington as warden-conservators).

<sup>235</sup> BL, Cotton Roll XIII.8. See similarly *CPR 1354-8*, p. 610; *CDS*, v, no. 3926 (the Vipont retinue, 1357).

wake as proprietors in Johnby.<sup>236</sup> Also instructive is Hexham Priory's rent-roll of 1379, which shows that John Thirlwall, William Whitelaw and Matthew Whitfield were homagers of the priory for all or some of their main estates in the liberty.<sup>237</sup> Nor was south Tynedale's eastern boundary less porous in other respects; and a notable case in point concerns the manor of Kirkhaugh, which passed from the Tyndales to their Durham kinsmen, the Claxtons.

The Claxton association with Kirkhaugh may also serve to illuminate the liberty's history in relation to competing spheres of noble influence, an issue perhaps unduly neglected hitherto.<sup>238</sup> It was in 1376 that Walter Tyndale (d. 1378), having disowned as an adulteress his wife Isabel, set about disinheriting her offspring by conveying Kirkhaugh, and his lands outside the liberty in Dilston and Corbridge, to John Claxton of Fishburn. Walter thereby trod on important toes: the Percies regarded Corbridge as their preserve and as a base from which to dominate the surrounding district, including south Tynedale itself;<sup>239</sup> but the Claxtons were leading retainers of the Percies' principal rivals, the Nevilles of Raby. Kirkhaugh remained with John Claxton until just before his death in 1392, when he granted it for life to his brother, Thomas Claxton of Old Park. In the 1390s, however, the Nevilles represented a growing threat to Percy ambitions in south Northumberland; and the Percies used their influence over Tynedale's bailiff and chancellor, John Fenwick and Alexander Marton, to secure Thomas Claxton's ejection from Kirkhaugh, in favour of Isabel

<sup>236</sup> Thirlwalls: above, p. 335; CRO (Carlisle), D/Ay/1/75, 114; D/HA/2/118. Viponts: *CFR*, vii, p. 96; *CIPM*, xi, no. 476; xiii, no. 54; *CPR* 1343–5, p. 147; CRO (Carlisle), D/HGB/1/3, 27; D/Lons/L5/1/BM49; D/Mus/2/2/53. Whitfields: *CCR* 1323–7, pp. 193–4; CRO (Carlisle), D/Ay/1/13–75, passim; 2/5, 12; *The Register of Gilbert Welton, Bishop of Carlisle, 1353–1362*, ed. R. L. Storey (Canterbury and York Society, 1999), nos. 320, 328. In 1345 Robert Wulveseye, a servant of Bishop Kirkby, exchanged the rectory of Scaley near Tarraby for that of Whitfield: *The Register of John Kirkby, Bishop of Carlisle, 1332–1352*, etc., ed. R. L. Storey (Canterbury and York Society, 1993–5), i, nos. 272, 784–9, 793. Whitelaws: *CCR* 1369–71, p. 147; *CIPM*, xiii, no. 54; CRO (Carlisle), D/Wal/9/32; and, for other connections with Cumberland, see CRO (Carlisle), D/Mus/2/2/10, 31; *Testamenta Karleolensia*, ed. R. S. Ferguson (CWAAS, Extra Series, 1893), nos. 46, 49.

<sup>237</sup> *Hexham Priory*, ii, pp. 18–19. For the reality of Hexham Priory's lordship over the Whitfields, see NCS, 324/W1/13A: licence to found a chantry in Whitfield church issued by the prior to Robert Whitfield (1339), albeit in confirmation of earlier licences by John Darcy and Queen Philippa (*CPR* 1334–8, p. 331); and deed by Matthew Whitfield, in which Prior Marton is styled 'dominus meus' (1386).

<sup>238</sup> Much of this paragraph rests on *NCH*, x, pp. 252–9; B. Barker, *Law and Disorder in the Medieval North East* (North East England History Institute, 2007), pp. 17–24.

<sup>239</sup> In 1375 John Ebchester, rector of Knarsdale, was presented by Percy favour to St Mary's chantry, Corbridge: *NCH*, x, p. 195.



Tyndale's surviving daughter, and to deny him any local remedy.<sup>240</sup> It was then that Thomas appealed to Edmund Langley for justice; but on Langley's failure to get justice done, the Claxtons looked to the good lordship of Ralph Neville, earl of Westmorland, who settled the dispute by arbitration in about 1399.

This story, however untypical it may have been, has several strands to it. For Fenwick and Marton, like Alan Strother before them, the liberty was a valuable source of political power and advantage. Equally, however, they were ready and able to put other loyalties before their responsibilities to the liberty, and it was a fine thing when such loyalties could bring its judicial machinery to a stop. Significantly Thomas Claxton had recognised the liberty's authority by regarding its court and its lord as his first ports of call; but for him, too, alternative magnate leadership turned out to be more important and relevant. All told, this episode provides another telling measure of the liberty's integration into the wider socio-political networks of regional society, and starkly reveals what the cost could be for its role as a local polity.

On a broader view, moreover, magnate influence in the region affected liberty loyalties in ampler if less dramatic ways. For throughout the fourteenth century, in peace as well as in war, myriad client-patron links were forged. Loose, provisional and short-lived such ties may often have been, but they nevertheless involved multiple connections and obligations outside the liberty. All parts of its gentry society explored the available options, and to such an extent that virtually every English magnate active in the Borders carried a certain political weight within that society. To give some indicative examples, Gerard Widdrington was Henry Percy's feed retainer in the 1340s, and later became a household knight of Humphrey Bohun, earl of Northampton (1360-73).<sup>241</sup> It is also impossible to reconstruct the careers of the Thirlwalls without noting their links with William Bohun (d. 1360), or that they were in John of Gaunt's orbit in the 1360s, performed services to the Percies in the 1370s, and owed much of their prominence in Cumbrian local governance in the 1380s to a mixture of Gaunt, Neville and

<sup>240</sup> For Fenwick's Percy connections, see A. King, "'They have the hertes of the people by north': Northumberland, the Percies and Henry IV, 1399-1408", in G. Dodd and D. Biggs (eds), *Henry IV: The Establishment of the Regime, 1399-1406* (Woodbridge, 2003), p. 141. It should also be noted that Marton's deputy in Tynedale as keeper of the seal, John Mitford, was steward of Corbridge for the Percies from 1370: *HC*, iii, pp. 744-5.

<sup>241</sup> Thomas Walsingham, *Gesta Abbatum Monasterii Sancti Albani*, ed. H. T. Riley (RS, 1867-9), ii, pp. 375-8. The Bohuns were evidently Gerard's most important patrons: see also, for example, *Rot. Scot.*, i, p. 706.

Percy influence.<sup>242</sup> In 1347 William Heron bound himself to serve the prior of Durham before all others, except the king and the bishop of Durham – though not Queen Philippa. Robert Bellingham showed an exceptional loyalty to the Percies, and was granted, presumably in trust, all the Percy lands in Lancashire and Westmorland in 1368. The Viponts' Clifford affiliations were strong enough to have repercussions for the liberty in the early fifteenth century, when John Clifford attempted to extend his hegemony into south Tynedale by engrossing the Vipont inheritance at the Stapletons' expense.<sup>243</sup>

And thus we may return to William IV Swinburne's multi-faceted career, which especially in its closing stages perhaps best encapsulates how far the boundaries of identities and allegiances could be transformed. For all William's attachment to the liberty and its opportunities for local power, it was undoubtedly the county of Northumberland that became the pivot of his interests and aspirations. His Hetton marriage and his election as MP (1395) are two important pointers; but the story did not begin or end there. William's role in the shire included duties as tax-collector (1380) and arrayer (1392). Moreover, it was in the late 1390s that Percy service and patronage proved irresistible to him; and, after Henry IV had showered Hotspur with rewards for supporting the Lancastrian coup, he was the chief Percy retainer to profit from them – as Hotspur's deputy justiciar of Cheshire, his steward and receiver-general in the lordship of Denbigh, and his constable of Beaumaris. For William this was not an automatic or necessarily a painless accommodation, assisted as it was by the power-shift in north Tynedale on Hotspur's acquisition of the former Talbot lands in 1399; but it nonetheless reinforced his county links and brought him to prominence on an even wider stage. In 1403, however, William did not join the Percy rebellion, which reminds us that his Lancastrian connections went back to 1384 when he had joined Gaunt's affinity, and that the Percies, even as they entrenched themselves in Tynedale, were by no means his sole focus of loyalty, obedience and lordship.<sup>244</sup> Such was the fragmented nature

<sup>242</sup> Above, p. 303; *CDS*, iv, nos. 225, 331; v, no. 4091; *HC*, iii, p. 584; *CPR* 1385–9, pp. 10, 129. It can be added that two successive rectors of Haltwhistle, John Seggenaux and Richard Barton, were Gaunt's servants: *DCM*, Reg. Hatfield, ff. 64v, 160r.

<sup>243</sup> Heron: *DCM*, Loc.XXVIII.9(1). Bellingham: *CDS*, v, nos. 4023, 4090; BL, Cotton Roll XIII.8; Bodl., MS Dodsworth 149, f. 103r. Viponts: the Clifford campaign to annex the Vipont patrimony is discussed in Ragg, 'Mauld's Meaburn', pp. 294–8, and a key unnoticed source, linking Clifford with the Herons and Swinburnes in 1421, is Notts. Archives, DD/4P/5/1. A Vipont–Percy tie, to which William Vipont owed his appointment as keeper of Inglewood Forest in 1328 (*CPR* 1327–30, p. 249), apparently did not last.

<sup>244</sup> *HC*, iv, pp. 552–4; King, "Hertes of the people", pp. 141, 146. Evidence of the relevance to Swinburne of his Lancastrian links includes his possible support of the Appellants,

of the universe in which the liberty's gentry ordered their lives, and which moulded their identities and behaviour.

So, finally, what meanings should be assigned to 'the liberty of Tynedale' in the fourteenth century? Much remains problematic because of the lack of sources about its routine judicial and administrative work. But, plainly, both the authority and the reverses of the English 'war-state', as well as more local influences, altered the overall context for the liberty's development and often ran counter to its traditional governmental integrity and socio-political distinctiveness. In the event, however, Tynedale's autonomy as a 'royal liberty' was not reduced very far. Despite the crown's increasing contact with the liberty, it thus remained a recognised power-structure, whose independent status was in varying degrees respected and supported by king and liberty-owner alike, and gave it a considerable potential to shape people's lives and identities. But if this much is clear, so also is the gap between potential and reality. The stirrings of 'community', as in 1314–15 and around 1370, epitomise the liberty's shortcomings in the service of local interests and needs; and, more especially, they tell of the lack of a lordship–liberty partnership of the sort that had enabled thirteenth-century Tynedale to define itself as a local polity of striking cohesion and power. Measured by these terms of reference, its fourteenth-century successor was much less of a unifying force for loyalty, culture and identity. Above all, once the lines of authority, protection and advancement became fragile, complex and contradictory, a pluralistic world emerged where 'the liberty of Tynedale' denoted merely one of a range of options for allegiance and identification, and was not automatically a major focus for those relationships.

Yet, for all our reservations, the liberty was still a focus of some significance. Its influence on traditional political society was weaker; but it continued to provide that society with a certain sense of social coherence and identity. And while its tenurial and administrative structures were dominated as never before by leading county gentry, even they could value its privileges or powers according to their needs and priorities. Thus liberty, county and other loyalties were sometimes opposed; but they might also co-exist and, what is more, there was a sense of commitment to the liberty that did not necessarily depend on close personal ties or on the agency of superior authority. Nowhere are these themes more in evidence than in about 1370, when a community united around the liberty as an institution and a

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and his enlistment of the aid of Bolingbroke (the future Henry IV) against the Percies in a dispute over the Hetton inheritance. See also above, p. 332, n. 164; and, for the Talbot lands, *CPR 1399–1401*, p. 94.

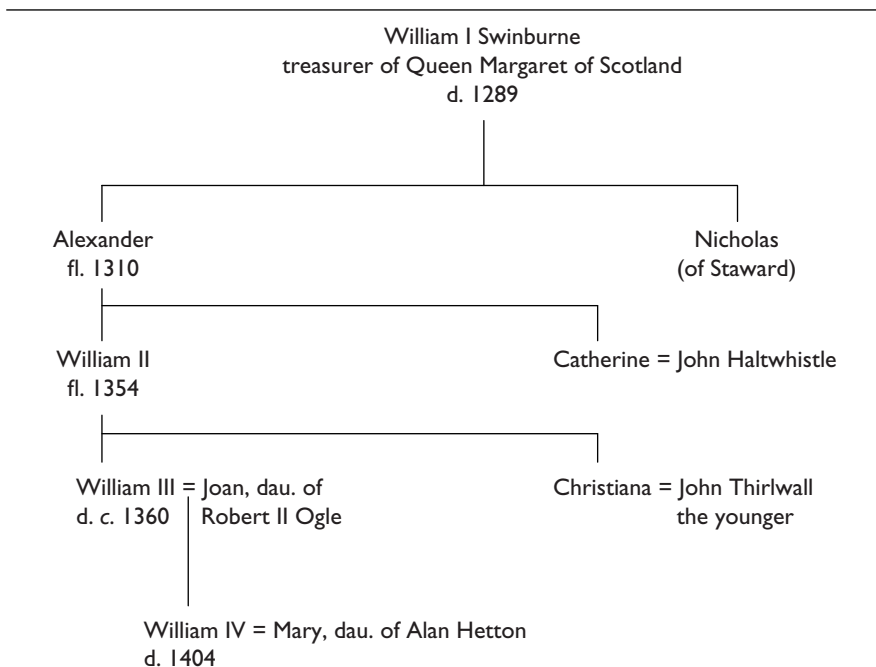
source of collective rights. So Tynedale became more typical of the 'average' shire with its 'web of overlapping and multi-layered loyalties and channels of patronage';<sup>245</sup> but we cannot simply conclude that it was the 'state' and not the liberty that prevailed. Or, to restate John Leland's apposite assessment of the Tynedale he visited in the 1530s, in some respects it belonged to the county of Northumberland, but in others it was self-sufficient and distinct.<sup>246</sup>

<sup>245</sup> G. Harriss, *Shaping the Nation: England, 1360-1461* (Oxford, 2005), p. 197.

<sup>246</sup> *The Itinerary of John Leland*, ed. L. T. Smith (London, 1906-10), v, p. 63.

BORDER LIBERTIES AND LOYALTIES

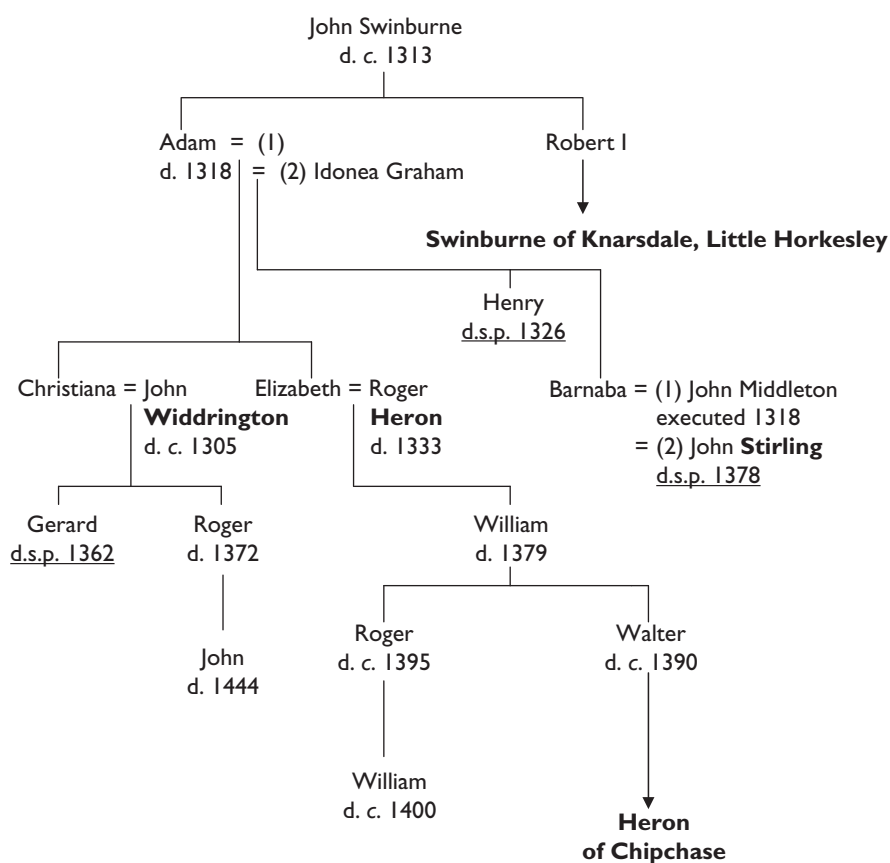
**Table I** Swinburne of Haughton, Capheaton  
(simplified)



Main estates by c. 1300: Haughton (one-third of township) and Williamston, Tynedale; Capheaton and Chollerston, Prudhoe barony; Raylees, Redesdale.

TYNEDALE: A COMMUNITY IN TRANSITION

**Table 2** Swinburne of Haughton, Little Swinburne (including Heron, Stirling and Widdrington; *simplified*)



Main estates by c. 1300: Haughton (two-thirds of township), Humshaugh and Simonburn, Tynedale; Little Swinburne, Bywell barony; Bewcastle, Irthington and Lanerton, Cumberland. For the shares of Heron, Stirling and Widdrington, see *CCR 1327–30*, p. 8.



## *Redesdale*

*Keith Stringer*

Medieval Redesdale is the poorest documented liberty to be considered in this book, and no study can expect to provide a fully rounded analysis of its governance and society.<sup>1</sup> But we can, and indeed must, begin with its geographical structure and setting. Redesdale was a compact territorial unit of some 200 square miles. It shared with Tynedale a boundary of twenty-two miles from the lower reaches of the Rede to Carter Fell. The northern limits followed the Border as it twisted through one of its most desolate stretches to Plea Knowe. On the east, Redesdale was divided from Kidland and Coquetdale by a march that came down from the Cheviot watershed and ran along the Coquet to Harehaugh opposite Hepple. The bounds continued south by Steng Cross to the Ottercops Burn, and then extended west towards Tynedale until the Rede was reached near its confluence with the North Tyne.<sup>2</sup> In terms of modern parishes, the liberty encompassed the whole of Corsenside, Elsdon, Otterburn and Rochester, much of Alwinton, Harbottle and Hepple, and part of Birtley. Its medieval ecclesiastical structure was based on the parish churches of Corsenside, Elsdon and Holystone; its administrative townships for purposes of royal taxation from 1336 were Chesterhope, Elsdon, Harbottle, Linshiels, Otterburn, Troughend and Woodburn.

The liberty's geography deeply influenced its history and experiences. It is plausible to suggest that a unitary block of territory entailed enhanced possibilities for lordly power and local solidarity; but in Redesdale's case the reality was rather different. In 1220 the castle of Harbottle was described as situated in the March of Scotland towards the 'Great Waste'.<sup>3</sup> Though this

<sup>1</sup> Original material for Redesdale was published by John Hodgson, notably in *HN*, II, i. Otherwise the main contribution has been made in *NCH*, xv (by Madeleine Hope Dodds), under 'Holystone Chapelry', which covers the north-eastern part of the liberty.

<sup>2</sup> Redesdale's bounds have been reconstructed by comparing the circuit of 1604 in *Survey of the Debateable and Border Lands*, etc., ed. R. P. Sanderson (Alnwick, 1891), pp. 84–5, with a range of earlier sources.

<sup>3</sup> *Royal Letters*, i, no. 122.



BORDER LIBERTIES AND LOYALTIES



**Map 6** The Liberty of Redesdale

was a reference to the Cheviot massif, the description would not have been out of place for Redesdale itself. Much of the terrain rises above 1,000 feet, and there are few expanses below 600 feet. Accordingly it was (and is) a markedly different environment from Northumberland's domesticated lowlands. In

1307, for example, twenty-four vaccaries (cattle farms) accounted for three-quarters of the liberty-owner's estimated annual income.<sup>4</sup> The arable areas were almost entirely confined to small concentrations close to the liberty-county boundary; upper Redesdale was largely given over to shielings or summer grazing grounds, and to seasonal occupation.<sup>5</sup> Such a pattern of socio-economic organisation already indicates that 'lordship' and 'society' might have limited meanings in a Redesdale context. Moreover, while the panorama from near Newcastle suggests a secluded, self-contained marchland, the liberty was traversed by Dere Street, the main Roman road into Scotland; another route ran up the Rede valley from Elishaw near Otterburn to Redeswire (Carter Bar).<sup>6</sup> Redesdale's heartlands thus lay within a day's ride of Jedburgh; Newcastle itself was as close to hand, and Corbridge, Morpeth and Alnwick were closer still. By these measures, Redesdale was scarcely a closed world; and its proximity both to Scotland and to the nodal points of 'county society' had wide consequences for authority, governance and 'community'.

Throughout our period Redesdale was held by the Umfraville family, whose role is no less basic to an understanding of the liberty's history.<sup>7</sup> At the start of the thirteenth century, it was one of the oldest and most powerful noble houses in northern England. The first Umfraville lord had been established in Redesdale, and in the adjacent barony of Prudhoe, probably through the favour of Henry I (1100–35); and it was not until the death of the Garter knight Robert Umfraville in 1437, when the male line became extinct, that Redesdale slipped from the family's grasp. Its remarkable longevity ensured that Redesdale avoided the rapid turnovers of ownership that often disrupted the development of other secular liberties. Even so, the continuity of Umfraville leadership was periodically undermined by lengthy minorities and other dynastic difficulties. Nor was the family consistently successful in broader spheres. It sought to reinforce its regional dominance and to strut on the larger 'British' stage; but the outbreak of Anglo-Scottish warfare in 1296 played havoc with its status and ambitions. The family lost its Scottish lands, and its Northumbrian territories were exposed to regular harryings. War also assisted the advancement of a new court-connected Border nobility, whose emergence caused further problems. Indeed, the

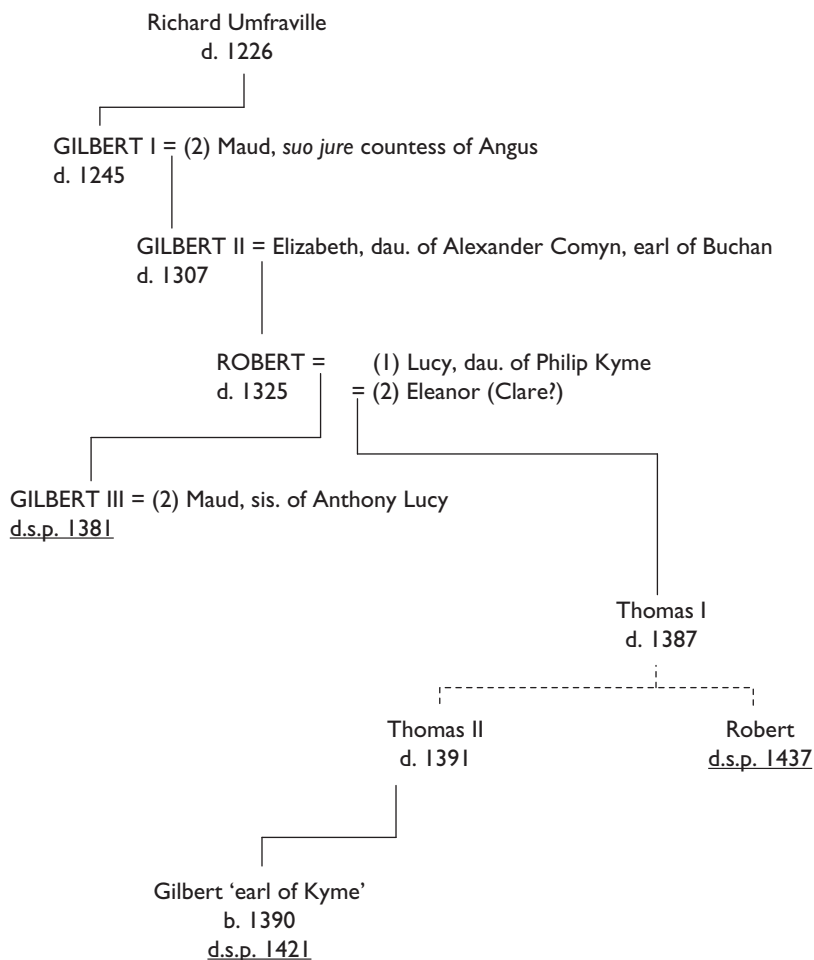
<sup>4</sup> C 134/2/21; *HN*, II, i, pp. 108–9 (to the nearest pound, £142 out of £181).

<sup>5</sup> See especially A. J. L. Winchester, *The Harvest of the Hills* (Edinburgh, 2000), pp. 85–91.

<sup>6</sup> G. W. S. Barrow, 'The Park in the Middle Ages', in J. Philipson (ed.), *Northumberland: National Park Guide* (London, 1969), p. 59.

<sup>7</sup> Basic information on the Umfravilles is drawn without further reference from GEC, i, pp. 146–52; vii, pp. 355–7, 363–5; G. W. Watson, 'The Umfravilles, earls of Angus and lords of Kyme', *Genealogist*, new ser., xxvi (1910), pp. 193–211; W. P. Hedley, *Northumberland Families* (Society of Antiquaries of Newcastle upon Tyne, 1968–70), i, pp. 208–15.

**Table 4** Umfraville of Redesdale  
(simplified; earls of Angus shown in capitals)



rise of the Percy dynasty at the expense of the Umfravilles is a leitmotif of the historiography of medieval Northumberland.<sup>8</sup> There is much more to their story than this; but, in one way or another, their fortunes and misfortunes had profound repercussions for Redesdale as both a liberty and a society.

At this juncture, it will therefore be helpful to consider more closely the

<sup>8</sup> For instance, J. A. Tuck, 'The emergence of a northern nobility, 1250-1400', *NH*, 22 (1986), pp. 1-17.

overall nature and dynamics of Umfraville power with particular reference to the thirteenth century, which was an important era of expansion and consolidation. The ability of Gilbert I Umfraville to maintain Scottish friendships – his father Richard had supported Alexander II against King John – paid off handsomely when in 1243 he secured the earldom of Angus by marriage. Comital rank elevated the Umfravilles to a new plane of prestige and authority; and they were to parade the title ‘earl of Angus’ long after Angus had been taken from them as a forfeit of war. Yet their core interests remained focused on Northumberland; it was thus essentially as Border lords that they asserted their identity and affirmed their pre-eminence. Angus was after all one of Scotland’s smallest earldoms, with an income of £80 in 1264. By contrast, the Northumbrian estates, valued at some £333 in 1256, placed the family at the forefront of the north-eastern nobility, as was fully appreciated by Simon de Montfort, who snapped them up with the wardship of Gilbert II Umfraville in 1245.<sup>9</sup>

In terms of the Umfravilles’ thirteenth-century regional hegemony, the most obvious development concerned Redesdale itself, whose jurisdictional rights were clarified and more rigorously exploited. But we cannot assume that the liberty was the family’s paramount source of wealth and political influence. On Earl Gilbert II’s coming of age in 1266, Redesdale had long been part of an interlocking complex of lands and lordship, and not necessarily the most prized part. Admittedly it was more focal to Umfraville power-building than were the so-called ‘ten towns of Coquetdale’: namely, Alwinton, Biddlestone, Burradon, Clennell, Farnham, Netherton, Peels, Sharperton and (in the Breamish valley) Fawdon and Ingram. These villis, eight of which nestled on the liberty’s eastern flank, had been held by the Umfravilles since Henry I’s reign as mesne tenants of the lords of Alnwick; but little property was retained in demesne.<sup>10</sup> Far more significant, however, was the lowland barony of Prudhoe, whose patchwork of manors – including Rudchester, Ingoe, Chipchase, Birtley, Capheaton, West Harle and Kirkwhelpington – extended northwards from the Derwent and the Tyne to Redesdale’s southern boundary. In 1245 the barony and the liberty, including advowsons, were valued at about £289 and £180 respectively. This helps to explain why the castle of Prudhoe was well established as the family’s main lordship centre by 1200.<sup>11</sup> King John acknowledged as much when in 1212 he required Richard Umfraville to surrender it as security

<sup>9</sup> *The Exchequer Rolls of Scotland*, ed. J. Stuart et al. (Edinburgh, 1878–1908), i, p. 9; *NAR*, p. 102; J. R. Maddicott, *Simon de Montfort* (Cambridge, 1994), p. 54.

<sup>10</sup> *NCH*, xiv, pp. 472–3, 477–80; xv, pp. 405–47, *passim*.

<sup>11</sup> *CDS*, i, no. 1667; L. Keen, ‘The Umfravilles, the castle and the barony of Prudhoe, Northumberland’, *Anglo-Norman Studies*, 5 (1982), pp. 165–84.

for his good behaviour; and, to anticipate, when the Percies moved in on Umfraville territory in the late fourteenth century, it was the barony of Prudhoe that they coveted above all else.<sup>12</sup>

Moreover, when the Umfravilles had a choice in the matter, it was the barony rather than the liberty that tended to be protected from family settlements and other inroads. Around 1220, for example, Richard Umfraville allocated large properties in Redesdale to his daughter Sibyl and her husband, Hugh Morwick, to prevent them from tying up lands near Prudhoe. Dowagers had Otterburn settled on them for a residence; while in 1331–2 Earl Gilbert III would go to considerable lengths to keep Prudhoe's assets out of the settlement for his step-mother by ensuring that the bulk of her portion was assigned in the liberty.<sup>13</sup> Also revealing is the Umfravilles' attitude towards Kidland. This expanse of hill country had been appropriated from the 'Great Waste' in the twelfth century; but it was not permanently absorbed into Redesdale proper because of alienations in favour of Newminster Abbey, a process that began in 1181 and ended in 1270, when Earl Gilbert II sold to the monks the moors of Kidland 'entirely, with all their appurtenances and rights'.<sup>14</sup>

Redesdale could still exercise an important influence on the Umfravilles' self-image and how they were seen by others. They occasionally aired the title 'earl of Angus and lord of Redesdale'; more remarkably, it was not unknown (after 1296) for local scribes to refer to the 'earl of Redesdale'.<sup>15</sup> Nor can it be gainsaid that the liberty's administrative and judicial privileges gave the lord a much ampler authority than he was entitled to enjoy as baron of Prudhoe. Yet, as will shortly be underlined, Redesdale's governance rights were defined gradually; nor did it attain the autonomy and unifying force of a 'royal liberty'. Furthermore, in the thirteenth century (and later) the Umfravilles needed little reminding that their claims to leadership depended on mobilising the resources of all their Northumbrian domains, and on reinforcing their mastery through ties of lordship and service within the region generally. Even Redesdale's internal governmental structure bore witness to such priorities. The original administrative focus was the earthwork castle in Elsdon; but by about 1200 it had been supplanted by Harbottle castle, on the edge of the liberty in the Coquet valley, in order

<sup>12</sup> J. C. Holt, *The Northerners*, new edn (Oxford, 1992), p. 83; below, p. 405.

<sup>13</sup> Below, p. 380; CDS, i, no. 1668; BL, Harley Ch. 58.G.22; CCR 1330–3, pp. 454, 552.

<sup>14</sup> *Newminster Cart.*, p. 300. See further J. C. Hodgson, 'The lordship of Kidland and its successive owners', AA, 3rd ser., 8 (1912), pp. 21–3; E. Miller, 'Rowhope, Trows, and Barrowburn', and 'Shilmoor', PSAN, 5th ser., 1 (1955), pp. 270–1, 333–4.

<sup>15</sup> NCS, ZSW/4/11; HN, III, ii, p. 1; BL, Harley Ch. 58.G.22; Notts. Archives, DD/FJ/4/26/13; CCR 1337–9, p. 103; CDS, iii, no. 835; *Newminster Cart.*, pp. 50, 159; *Percy Cart.*, nos. 653, 677; *Hexham Priory*, ii, p. 37.

to project the lord's authority over both Redesdale and the 'ten towns'.<sup>16</sup> Such strategies confirmed Redesdale's status as part of a wider framework of power; they likewise promoted clientage networks encouraging closer social integration with the county of Northumberland. And, aside from other considerations, they were unlikely to forge a liberty and a 'community' with their own well-defined senses of identity and distinctiveness.

Since Redesdale's history as a jurisdiction is little known, it is essential to establish some of the institutional groundwork before we turn to the socio-political realities. As might be expected, the precise nature of twelfth-century Redesdale's governmental rights is unclear. Most frontier liberties were originally personal or territorial superiorities; and the jurisdictional architecture developed over time, often in response to the threat posed by the rise of the 'law-state' to the authority and ambitions of local lordship.<sup>17</sup> In 1212 it was reported that Redesdale was held in chief of the king 'by the service of defending it from thieves'.<sup>18</sup> This responsibility does not imply any delegation of crown power, still less a historic 'immunity' from such power. Rather, it suggests a general right to rule in a marchland beyond the reach of regular crown government; and no doubt the lord's authority had been freely adapted to meet such conditions. Indeed, in 1279 Earl Gilbert II would justify his right to gaol delivery at pleasure by appeal to the powers assumed by his forebears 'because the liberty is beside the March of Scotland'.<sup>19</sup> Also instructive are the terms of the 'Redesdale charter'. This forgery, known only from a copy made by Roger Dodsworth in the 1630s, was possibly concocted for Earl Gilbert during the *Quo Warranto* inquiries, that is, before the crown conceded in 1290 that long usage (as opposed to express royal sanction) could warrant 'franchises'. The legitimating discourse explains that the first Umfraville lord of Redesdale gained it by William the Conqueror's grant; that it was acquired with the 'royal rights' enjoyed by its pre-Norman lord; and that it was to be held by the service of securing it 'from enemies and wolves' with the sword worn by William on his entry into Northumberland.<sup>20</sup> This communicates a version of the past

<sup>16</sup> There is a good discussion of this matter in *Elsdon, Northumberland: An Archaeological and Historical Study of a Border Township* (unpublished report, The Archaeological Practice Ltd, Newcastle, 2004), pp. 33–6.

<sup>17</sup> The classic study is R. R. Davies, 'Kings, lords and liberties in the March of Wales, 1066–1272', *TRHS*, 5th ser., 29 (1979), pp. 41–61.

<sup>18</sup> *BF*, i, p. 201.

<sup>19</sup> *NAR*, p. 373.

<sup>20</sup> On the 'Redesdale charter' and its provenance, see H. Pease, 'Otterburn', *AA*, 3rd ser., 21 (1924), pp. 124–6, supplemented by references showing that Earl Gilbert II held Redesdale 'by the service of defending it from wolf and thief' (*CIPM*, v, no. 47), and that it was fixed

where the modalities of governance depended in varying degrees on royal approval or acquiesce, local custom or convention, and the lord's rule-enforcing powers; nor, surely, was it altogether an invented past.

In an exchequer return of 1242–3, Earl Gilbert I was said to hold Redesdale 'by regal power'.<sup>21</sup> The impressive but imprecise phrase *regalis potestas* is also found in a charter relating to twelfth-century Redesdale, which announces that Robert Umfraville (d. c. 1195) granted to his brother-in-law, William Bertram, the forest of Elsdon and Ottercops 'in free forest . . . saving regal power to me and my heirs'. Yet while it can be accepted that this act was based on a genuine text of about 1185, parts of the wording were evidently 'improved' to meet later requirements.<sup>22</sup> Moreover, there are clear indications that the lord's concern to promote Redesdale as an exempt and separate jurisdiction developed slowly. Even in the early thirteenth century, there was no sense of urgency about making a sustained case for 'immunities'. In 1204 Richard Umfraville readily turned to King John for a charter prohibiting unlicensed use of 'his forest of Redesdale and Coquetdale'; and the penalty clause, 'under the king's forfeiture of £10', may indicate that transgressors would be justiciable in the royal courts.<sup>23</sup> No less revealing is the matter of Harbottle castle in 1220.<sup>24</sup> Richard was accused of strengthening it contrary to royal orders, and Henry III's minority government empowered the sheriff of Northumberland to have any new work demolished. Richard protested to the king's justiciar that Harbottle was a vital strongpoint for the defence of the Marches; that it had been constructed in Henry II's reign (1154–89) with the aid of the county of Northumberland and the bishopric of Durham; and that it was in no sense unauthorised because it had been built at the king's command 'for the public good'. Richard side-stepped the accusation – no doubt Harbottle had been upgraded while Prudhoe was in King John's hands from 1212 – and, more significantly, he invoked the crown's superior authority, not his own jurisdiction. Indeed, in another letter, Richard appealed not to the 'liberties'

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in family tradition by 1207 that the Umfravilles had been in Northumberland since the Conquest (*CRR*, v, p. 59).

<sup>21</sup> *BF*, ii, p. 1121.

<sup>22</sup> *NCS*, *ZSW*/2/4; *HN*, III, ii, pp. 24–5. Note especially phrases such as 'suits of all kinds of courts' and 'all service in the world'. The handwriting suggests a mid-thirteenth-century date for this document.

<sup>23</sup> *Rotuli Chartarum in Turri Londinensi Asservati*, ed. T. D. Hardy (Record Commission, 1837), p. 119.

<sup>24</sup> The remainder of this paragraph rests on *RLC*, i, pp. 436–7; *Royal Letters*, i, no. 122; *SC* 1/2/16. The episode is also discussed, from rather different standpoints, in D. A. Carpenter, *The Minority of Henry III* (London, 1990), pp. 207–10; C. L. H. Coulson, *Castles in Medieval Society* (Oxford, 2003), pp. 221–3.

of Redesdale but to the 'liberties' of Magna Carta by demanding that the issue be submitted to 'the judgement of the king's court by consideration of my peers'.

Plainly, however, crown involvement in Redesdale's affairs was becoming more intrusive, and it was during the next generation or so that its powers began to be expressed and defended in terms of specific jurisdictional rights. What the available evidence suggests, in fact, is that it was above all the imperious and grasping Simon de Montfort who first asserted Redesdale's legal-constitutional status and brought 'the liberty of Redesdale' firmly into being. In the Northumberland eyre of 1256, Simon's agents upheld his claims, by virtue of his custody of Redesdale, to return of royal writs, all pleas of the crown and other pleas, and all profits of justice. The principle was likewise affirmed that Redesdale was entitled to conduct its own eyres according to the articles of royal eyres.<sup>25</sup> Nor were matters left there. Simon's officers defended his judicial authority by successfully claiming a Redesdale suit from Common Pleas; they also went on the offensive, so that Coquet Moor, 'in the northern part of the River Coquet', was removed from 'the body of the county' and brought under the liberty's jurisdiction.<sup>26</sup> Simon's policies mirrored his attempts to assert his authority as a liberty-owner elsewhere in England; but nowhere was such mastery displayed more vigorously than as regards Redesdale itself.<sup>27</sup> Of course, he and his ministers had the short-term aim of maximising the financial profits accruing from Gilbert II's wardship (1245–66). Yet this was nevertheless a formative period of institutional definition; and young Gilbert clearly learned much from his guardian's regime. He was proclaiming by 1277 that 'from the conquest of England his ancestors . . . pleaded all pleas pertaining to Redesdale by their own justices'; he likewise appropriated as a central concept the notion that his predecessors had held such a jurisdiction in Redesdale that 'no crown officer of any kind might enter it to exercise authority'.<sup>28</sup> More importantly, in the *Quo Warranto* inquiries of 1293 Earl Gilbert demanded on grounds of prescription, and – with reservations – was allowed, substantial privileges: return of writs; all royal pleas; gaol delivery at will; his own eyre sessions; and all powers of the king's justices, sheriffs and coroners.<sup>29</sup>

<sup>25</sup> NAR, p. 44.

<sup>26</sup> PQW, p. 594; NER, no. 604; RH, ii, p. 17; NAR, pp. 352–3. On Coquet Moor's geography, see E. Miller, 'Coket Moor', *PSAN*, 5th ser., 1 (1955), pp. 189–91.

<sup>27</sup> Cf. Maddicott, *Simon de Montfort*, pp. 58–9; D. A. Carpenter, *The Reign of Henry III* (London, 1996), p. 104.

<sup>28</sup> JUST 1/1238, m. 15; *Northumb. Pets*, no. 87.

<sup>29</sup> PQW, pp. 593–4; NER, no. 604.



Thus in 1293, as in 1256, Redesdale's customs and usages were defined as formal rights, albeit within a framework of 'liberties' broadly acceptable to the English king's lawyers. What did these rights amount to in legal theory? They exceeded those of an ordinary return-of-writs liberty. Such an entity lay outside the routine authority of the king's sheriff; but Redesdale enjoyed a double layer of shrieval and regalian jurisdiction, and its court corresponded to both a shire and a royal court. A high 'franchise' of this sort, which was rare in England, entailed significant degrees of independence from crown intervention, and its governance rights put the lord in a strong position to direct people's lives and loyalties. Even so, Redesdale's institutional authority must not be overstated. Usually it is ranked with Durham, Hexhamshire and Tynedale as one of the greatest liberties in the medieval North-East.<sup>30</sup> Redesdale, however, was not – nor, strictly speaking, did it ever become – a 'royal liberty' or regality on a par with those other jurisdictions.

The crucial difference is that Redesdale lacked the advantage of its own 'royal' chancery. Technically the king's writs ran within the liberty; and though their execution depended on the lord's cooperation, his own writs did not supplant and exclude royal mandates. Rather, the lord and his staff had the lesser right of upholding law and government at the king's command, provided that crown officers made returns of all royal writs concerning Redesdale (an important qualification). The liberty was in this sense shaped and circumscribed by 'a new definition of royal sovereignty'.<sup>31</sup> By the same token, the lord's bailiff was answerable to the king; and if he failed to execute royal orders, the sheriff of Northumberland could be empowered by the writ *non omittas* to enter the liberty and enforce them himself. Nor indeed was the lord entitled as a normal course to bar all crown agents from his lands: he commissioned his own justices to plead all pleas in Redesdale; but the principle had been established by 1256 that a knight of the county, appointed by royal justices, was to sit with them to ensure that justice was upheld.<sup>32</sup> In theory, therefore, Redesdale was a parallel but not an exclusive local jurisdiction, and its privileges were 'conditional on the franchise holder's seeing that the king's work was properly done by his own officials'.<sup>33</sup> The nearest equivalents, as in the case of Tynemouthshire, are liberties like Battle, Beverley and Ripon, which by their nature were more subject than

<sup>30</sup> For example, C. M. Fraser and K. Emsley, 'Justice in north east England, 1256–1356', *American Journal of Legal History*, 15 (1971), p. 164.

<sup>31</sup> M. T. Clanchy, 'The franchise of return of writs', *TRHS*, 5th ser., 17 (1967), p. 59.

<sup>32</sup> *NAR*, p. 44; *PQW*, p. 593; *NER*, no. 604.

<sup>33</sup> H. M. Cam, *Liberties and Communities in Medieval England*, new edn (London, 1963), p. 192.

'royal liberties' to crown authority and government, to the extent that, or so it has seemed, the lord was effectively a 'minister of the king', whose liberty 'fitted . . . into a national scheme of administration'.<sup>34</sup>

So much for legal doctrine; what of Earl Gilbert II's control in reality? He certainly did not see himself as ruling the liberty in the king's interest; nor was its power ever merely an extension of the 'state's' power. The earl made the fullest possible use of his authority within and beyond the letter of the law; indeed, at times he behaved as if he was no more accountable to the crown than were the 'lords royal' of the Welsh March. He might insist that his own peace was superior to the king's peace by giving asylum to fugitive felons and by allowing them to redeem their crimes at his discretion; he (or his officers) could grant safe-conducts, in one instance through Redesdale 'towards the kingdom of England'; and he maintained that none of his men should be arraigned and fined save by his servants and for his profit. He could also neutralise the sheriff's supervisory authority and veto royal writs. He thereby sought to enforce his claim to forfeitures, as when the sheriff's bailiff was imprisoned in Harbottle gaol for entering the liberty on a *non omittas* to put Henry III's grantee, Bernard Balliol, in seisin of Raylees and Ottercops. He continued Simon de Montfort's campaign to usurp 'all the regality' in Coquet Moor and brought it firmly within the liberty; he presumed to levy tolls on Newcastle merchants 'against their rights and to the king's injury'; and he could have an escaped felon pursued outside the liberty and beheaded near Simonside 'in prejudice of the king's dignity'.<sup>35</sup>

Earl Gilbert, then, was no king's minister; and more will later be said of his assertiveness. Yet, for all its manifestations, the fact remains that both in theory and in practice there were important limitations on the liberty's institutional privileges and capacity. The earl had to accept that only the crown could grant pardons to homicides; in 1293 he also surrendered to its jurisdiction a felon who had fled to Redesdale from the county, albeit reserving the right to inflict punishment after trial 'in accordance with his liberty'.<sup>36</sup> In 1298 he allowed the king's sub-escheator to attend an inquest taken in Redesdale; and in 1303, recognising that he needed royal licence to alienate land in the liberty, he permitted the king's escheator

<sup>34</sup> *Ibid.*, p. 192. See also M. D. Lobel, 'The ecclesiastical banleuca in England', in *Oxford Essays in Medieval History* (Oxford, 1934), pp. 122–40.

<sup>35</sup> The above examples are taken from *RH*, ii, pp. 17, 21–2; *NAR*, pp. 352–3, 369, 372–3; *Northumb. Pets*, no. 87; H. H. E. Craster, 'An unpublished Northumbrian Hundred Roll', *AA*, 3rd ser., 3 (1907), p. 189. Coquet Moor was assumed to belong to Redesdale in 1325 and 1331, though not in 1381: *CIPM*, vi, no. 607; vii, no. 390; xv, no. 434.

<sup>36</sup> *CPR 1266–72*, p. 63; *1292–1301*, pp. 373, 606; *1301–7*, pp. 8, 154–5; *JUST 1/653*, m. 21.

to hold an inquisition *ad quod damnum*, though on the liberty–county boundary. Then, when in 1306 Edward I authorised Gilbert to grant to his younger son Thomas, the king’s esquire, land in Redesdale worth £20 annually, it was on condition that Thomas and his heirs should be tenants-in-chief of the crown after Gilbert’s death.<sup>37</sup> Moreover, his claim to appropriate rebels’ lands was quashed by Henry III: after the abortive grant to Bernard Balliol, Henry gave Raylees and Ottercops to his own son Edmund, who gained possession through the sheriff and, in about 1270, granted the property to William Swinburne ‘for laudable service to our sister, the queen of Scotland’.<sup>38</sup> Redesdale also came within the ambit of the 1274–5 Hundred Rolls inquest into infringements of the crown’s authority, and cases arising were fully investigated by Edward I’s justices in 1279.<sup>39</sup> Likewise, at the Redesdale eyres of 1279 and 1293, the king’s justices exercised their right to assign observers. On the latter occasion, the crown was represented by Guichard Charon, a highly experienced Northumbrian royal officer; and even if he took a passive role, his presence broadcast to all concerned that the liberty was not a self-regulating local jurisdiction.<sup>40</sup>

More serious from an institutional viewpoint were the problems encountered by a liberty-owner who had no right to control judicial process by issuing the type of common-law writs available in the north-eastern regalities. Since the ‘royal’ jurisdiction of Redesdale’s court was in this respect dependent on the king’s writs, tenants were not automatically withdrawn from the crown’s judicial authority. In effect, plaintiffs were able to choose their own forum, and they might actively seek justice in the royal courts. Equally the sheriff of Northumberland could ignore the liberty and refuse to release writs to it.<sup>41</sup> The lord might endeavour to enforce cognisance: as Earl Gilbert expressed it, whenever Redesdale suits came before royal justices, he was entitled to claim them through his bailiff for pleading in the *curia libertatis*.<sup>42</sup> But the liberty’s intrinsic vulnerability to loss of jurisdiction is highlighted by the return of only eight out of a sample of seventeen Redesdale cases begun in Common Pleas in the period 1273–1305. There may have been doubts about the earl’s entitlement to apply for the several actions sued against him, though he did regain jurisdiction in two

<sup>37</sup> *CIPM*, iii, no. 461; *CDS*, iv, no. 1790; BL, Harley Ch. 43.D.8; *CPR 1301–7*, p. 414.

<sup>38</sup> *Northumb. Pleas*, nos. 791, 795–7; *HN*, II, i, p. 105. Raylees and Ottercops were not, however, subtracted from the liberty.

<sup>39</sup> *RH*, ii, pp. 21–2; Craster, ‘Hundred Roll’, pp. 189–90; *NAR*, pp. 352–3, 369–74.

<sup>40</sup> *NAR*, p. 359; *PQW*, p. 594; *NER*, no. 604.

<sup>41</sup> Cf. *CCW 1244–1326*, p. 2.

<sup>42</sup> *PQW*, p. 593; *NER*, no. 604.

of them.<sup>43</sup> Nonetheless, while claiming court was axiomatic to ‘the lord’s power over his men and his right to mediate their quarrels’, it was rarely ‘a simple matter’ under any circumstances.<sup>44</sup>

But a further complication for the lord of Redesdale was conflicting interpretations of ‘return of writs’. In 1293 the *Quo Warranto* judges allowed Earl Gilbert to demand pleas from royal eyres and assizes only for the time being; while judgement was reserved over his authority to withdraw cases from Common Pleas because he could not prove his right ‘from time out of mind’.<sup>45</sup> Nor were the Umfravilles ever to get explicit royal confirmation of a form of return of writs that routinely transferred jurisdiction. In general, claims to cognisance were accepted by the crown only after searching scrutiny,<sup>46</sup> and the trouble and expense involved restricted the lord to defending his judicial superiority selectively. An alternative to *cognitio placitorum* was non-cooperation with the royal justice system, whose local effectiveness was contingent on getting writs served. But it remains the case that, with no return of writs and actions without exception, the liberty court was not Redesdale’s sole tribunal. Earl Gilbert himself submitted to Westminster jurisdiction in 1279, when he appeared by attorney in Common Pleas and judgement was given against him to the plaintiff, Joan Gunnerton, for dower in Chesterhope. Nor indeed was he above resorting to the services of the crown’s courts over Redesdale property: in 1304, for instance, it was before the king’s justices at York that he had Otterburn settled on himself and his wife.<sup>47</sup>

In such ways, Redesdale was not as autonomous and self-sufficient as a ‘royal liberty’. Likewise the liberty was in Earl Gilbert’s time, and would continue to be, subject to the king’s taxes. In 1235 Henry III had conceded to Gilbert’s father that the fortieth should be levied in Redesdale only if other Northumbrian liberties contributed. But the thirtieth of 1237 appears to have been imposed as a matter of course, though Redesdale’s officers were allowed to assess and collect it. Nor did Redesdale escape the 1242

<sup>43</sup> *Northumb. PDBR*, nos. 21, 265, 440, 492, 513, 551, 680, 684; CP 40/58, mm. 14d, 29; 40/78, m. 78d; 40/86, m. 261d; 40/93, m. 110d; 40/142, m. 96d; *CPR 1343–5*, pp. 356–7; *Northumb. Fines*, ii, nos. 18, 134. At the Northumberland assizes in 1277 – though not in 1284 – Gilbert conceded that his right to claim writs for the liberty excluded ‘those concerning his person’: JUST 1/1238, m. 15; below, p. 376. More generally, see D. E. C. Yale, ‘*Iudex in propria causa*: an historical excursus’, *Cambridge Law Journal*, 33 (1974), pp. 80–96.

<sup>44</sup> R. C. Palmer, *The County Courts of Medieval England, 1150–1350* (Princeton, 1982), p. 119.

<sup>45</sup> *PQW*, p. 594; *NER*, no. 604.

<sup>46</sup> Examples include JUST 1/1238, m. 15; *Placitorum . . . Abbreviatio*, ed. W. Illingworth (Record Commission, 1811), p. 227. See also below, pp. 395–6.

<sup>47</sup> *Northumb. PDBR*, no. 684; *Northumb. Fines*, ii, no. 112.

scutage of Gascony.<sup>48</sup> For the lay subsidies of 1269, 1283 and 1294–5, the crown again recognised the liberty's right to be assessed separately from the county; but its tax-paying obligations had evidently ceased to be open to debate.<sup>49</sup> Thus Redesdale was regularly taxed towards the fifteenths and tenths in the fourteenth century; it was also subject to the ninth of 1340–1, the aid of 1346 and the poll tax of 1377. Furthermore, much taxation was no longer carried out by the liberty's officers; and, according to the extant assessment rolls, the king's collectors normally taxed its villas as members of Tynedale ward, an administrative subdivision of the county.<sup>50</sup>

In sum, a liberty like Redesdale did not provide for full 'regal governance', administratively, judicially or fiscally. So if we cannot speak of the liberty-owner as simply a crown agent, to characterise Redesdale as part of a 'national scheme' of government would not be entirely inappropriate. Such was the nature of the position Earl Gilbert II found himself in, and of the legacy he would bequeath to his successors. Indeed, as the liberty's experience of royal taxation serves to indicate, even the basis he had constructed was not to be immune from encroachments by crown authority after his death.

That, however, is a theme to which we must return, because the issue of the liberty's relevance for local loyalty and identification is best addressed in the first instance by looking more closely at the situation under Earl Gilbert II (1266–1307). Undoubtedly there was a price to be paid for the liberty's institutional weaknesses. Since it was less privileged than a regality, it was less able to serve the needs of lordship or those of its tenants and inhabitants; it was likewise less of an instrument for moulding patterns of obedience and solidarity. Most obviously, the liberty was not as useful as Durham, Hexhamshire or Tynedale in protecting local society from the English crown's growing fiscal appetite. Redesdale's right to manage its own tax-affairs in the thirteenth century perhaps benefited some interests; but in essence people faced the same tax-burden as their unenfranchised neighbours. It remains possible that the liberty's judicial system played a formative role as a legal and communal reference point; yet the available evidence – no court rolls survive in the Umfraville archive – is scarcely conclusive.

On the one hand, Earl Gilbert did have some significant success in maintaining jurisdiction over local litigation, and tenants were thus made more

<sup>48</sup> *CR* 1234–7, p. 184; 1237–42, p. 45; *BF*, ii, pp. 1121–2.

<sup>49</sup> Stevenson, *Docs*, ii, no. 1. The suggestion that Redesdale was not taxed for the 1295 subsidy (*NLS*, pp. xiii, 182) is clearly mistaken.

<sup>50</sup> Below, pp. 382, 390–1, 397, 405.

conscious of the liberty and its power to order their activities and relationships. Royal writs were, it seems, regularly pleaded in the liberty between 1266 and 1271. Gilbert also craved his court at the Northumberland assizes in 1277, 1284, 1291 and 1305; and, more notably, in 1293 nineteen civil actions were reclaimed from the Northumberland eyre. All fifteen demandants, but none of the twenty-three defendants, had appeared in court; and, on claiming cognisance, Gilbert urged the king's justices not to punish the defaulters 'in violation of his liberty'.<sup>51</sup> As this episode also suggests, people might well value the liberty for its ability to shield them from the perils of being impleaded in the royal courts. A telling instance of how plaintiffs could thereby be thwarted is supplied by *Everingham v. Butticumbe*, a case begun by a family resident in Farnham in the 'ten towns' with the aim of recovering property in Troughend from a local Redesdale family. The defendants avoided prosecution before royal justices and alien juries in 1277, 1290 and 1293, and the dispute was not resolved until it was concurred, albeit in Common Pleas, in 1316. Again, in 1285 and 1293 Gilbert Taylor was saved from having to stand trial outside Redesdale for land in Elsdon, as was Nicholas Harle for tenements in Otterburn. It was also when Earl Gilbert successfully sued his court that John and Richard Callan evaded prosecution in an action of trespass in Common Pleas, and in an assize of mort d'ancestor at the Northumberland eyre. Nor should it be overlooked that when a case of assault at Harbottle remained in Common Pleas in 1302, all four defendants defaulted and the sheriff failed to arrest them because 'they are not found'; or that when John Harle was sued in Common Pleas in 1274-6, in a plea of warranty of charter about county land in Killingworth, he evaded attachment and distraint, notwithstanding repeated *non omittas* orders to the sheriff. On this view, the liberty's privileges might indeed protect men's interests and influence their loyalties, if only on an individual basis.

In other respects, however, there was little that was unifying about Redesdale's judicial rights and processes. In the more important civil actions, the liberty did not offer a streamlined service to plaintiffs. Earl Gilbert did allow an assize to be heard without the king's writ.<sup>52</sup> But this remarkable case was probably an aberration even by his standards, and the royal prohibition of impleading *sine precepto nostro* seems generally to have been observed. It was therefore necessary to obtain original

<sup>51</sup> *Placit. Abbrev.*, pp. 227, 285; JUST 1/1238, m. 15; 1/1265, m. 7d; 1/659, m. 3; *PQW*, p. 600; *NER*, no. 628. See also, for the remainder of this paragraph, *Newminster Cart.*, p. 160; CP 40/58, mm. 14d, 29; 40/86, m. 261d; 40/142, m. 96d; *Northumb. Fines*, ii, no. 161; *CPR* 1343-5, p. 356; *Northumb. PDBR*, nos. 167, 248, 305, 344, 373.

<sup>52</sup> Below, p. 376.

writs from the king's chancery, doubtless at no small inconvenience and expense; and to individual litigants it may have seemed as practicable to pursue their suits in the royal courts. They might also welcome Redesdale's porous jurisdiction in writs and pleas, which could be exploited for tactical or political reasons; and, in particular, the regularity with which Earl Gilbert had to claim court leaves little doubt that many litigants were anxious to sue outside the liberty. Such persons included kinsmen of the earl, former office-holders and ordinary local landowners: all these categories were indeed represented among those who brought writs into the 1293 Northumberland eyre. Significantly, too, it was not only 'outsiders' like the Everinghams who had good cause to criticise the liberty for inordinate delays in justice.<sup>53</sup> Nor, of course, was the jurisdiction of the crown's courts always excluded. This also applies to local men committing offences within Redesdale. In crown pleas of the 1279 Northumberland eyre, the liberty's bailiff and several co-accused were sentenced to imprisonment and damages for various misdemeanours. Another example shows that in 1301 royal commissioners summoned Redesdalers to Newcastle and amerced them for currency violations, despite Gilbert's protest that such was 'to the detriment of the liberty and to his disinheritance'.<sup>54</sup> As for the liberty court's profits, if full figures were available they would probably reveal important annual fluctuations; even so, it is striking that in 1307 court issues were valued at merely £2.<sup>55</sup> For all these reasons Redesdale, it seems clear, was something less than a vibrant 'judicial community' in the years 1266–1307.

Furthermore, the question of the liberty's contemporary role as a focus for identity and loyalties cannot be separated from the style of local lordship and governance; and there is little doubt that Earl Gilbert, especially in his prime, took another leaf from Simon de Montfort's book and aspired to rule 'like a commissar'.<sup>56</sup> True enough, the catalogue of charges made against him in the Hundred Rolls (1274–5) cannot be taken wholly at face value. Yet it is a litany full of specific details and evidently based in part on information collected inside Redesdale itself; nor is the impression that the earl's rulership was overbearing and unjust contradicted by other records.

More particularly, the evidence points to a twofold conclusion. First, Redesdale under Earl Gilbert gained the kind of reputation for lawlessness

<sup>53</sup> See especially *NCH*, xv, p. 487: a protracted dispute concerning Linshiels, which was ultimately decided in Common Pleas in 1307.

<sup>54</sup> *NAR*, pp. 369–72; *Northumb. Pets*, no. 87. Edward I later allowed Gilbert's right to the amercements: *CDS*, ii, no. 1217.

<sup>55</sup> The corresponding figure for Prudhoe barony was £1: *C* 134/2/21; *HN*, II, i, p. 109.

<sup>56</sup> J. R. Maddicott, 'Montfort, Simon de', *Oxford Dictionary of National Biography* (Oxford, 2004), xxxviii, p. 803.

that other Border liberties were not to earn until the mid-fourteenth century or later. This much is suggested, for example, by his raid on Fawdon to oust the Douglas family, which was said to have been launched from Redesdale in 1267 by 'about 100 of the king's enemies, some of them outlaws'; or by the plight of Denise Bitchfield, who was abducted into the liberty in 1271 in an attempt to force her to marry a son of its bailiff, Walter Sweethope.<sup>57</sup> Second, if such behaviour did not directly harm liberty society, other recorded oppressions were in a different class, and indicate that the earl's dependants in Redesdale were by no means safe from persecution. He tried to enforce rights of wardship over lands held by socage tenure.<sup>58</sup> It was claimed in 1274–5 that he had imposed new customs on the liberty in the form of so-called sheriff's tourns, and for the sole purpose of mulcting the tenantry. We may also detect genuine concern among the law-abiding in the charges (again in 1274–5) that the earl had profited to the tune of almost £100 by allowing felons to escape and by harbouring notorious thieves, one of whom received sanctuary in Harbottle with his entire gang.<sup>59</sup> No doubt some of these and other criticisms can be explained by the disturbed conditions in Northumberland during the Barons' War (1264–7) and its immediate aftermath. Nevertheless it was as if Redesdale's privileges and powers were primarily serving its lord's interests – and his purse.

Such policies hardly promoted collective identification with the liberty as a source of rights benefiting its tenants as a whole. Rather, they tested people's loyalties to the jurisdiction and encouraged them to resort to royal authority in order to protect their 'freedoms'. The position becomes clearer if we return to the relationship between local and royal justice and, more specifically, to the large number of plaintiffs who went to the crown's courts. The liberty's authority was not overtly rejected in every instance. Two claimants, Roger Lumley and Robert Neville, were major landowners and their actions, which remained in Common Pleas, involved many properties besides estates in Redesdale.<sup>60</sup> But other suits suggest acute problems about getting justice from Earl Gilbert and his officers, and a real demand for remedies in the royal courts. When, at the Northumberland assizes in 1291, William Sweethope lodged a novel disseisin against Simon Bingfield for woodland in Highleam, the writ was claimed; but William renewed suit before the king's eyre justices in 1293.<sup>61</sup> Or take the example of Gilbert's cousin, Ingram Umfraville, and his difficulties in securing his father's

<sup>57</sup> *Northumb. Pleas*, no. 776; *NAR*, pp. 369–71.

<sup>58</sup> *CPR 1343–5*, p. 357.

<sup>59</sup> *RH*, ii, pp. 21–2.

<sup>60</sup> *Northumb. PDBR*, nos. 21, 513, 551.

<sup>61</sup> *Placit. Abbrev.*, p. 285; *NER*, no. 83.



estates in Elsdon: Ingram petitioned Edward I for the property in 1279; he then tried to bring a mort d'ancestor in the 1293 royal eyre.<sup>62</sup> Furthermore, between 1275 and 1285 at least five litigants turned to the crown for justice against Gilbert himself. The background to every case is not clear; but the sources are unusually full regarding two of Gilbert's adversaries.

When in 1281 William Umfraville, another of the earl's cousins, received Edward I's permission to have in Elsdon a Thursday market and a fair in late August, 'with all rights and free customs', Gilbert's indignation knew few bounds.<sup>63</sup> In 1279 he had claimed a market in Elsdon by prescription; in 1293 he would likewise claim a Sunday market and a fair in mid-August. William, moreover, had the temerity to gain rival monopolies through the king's authorisation. As far as Gilbert was concerned, he enjoyed the sole right to regulate, and profit from, commercial activity within the liberty: thus William was strictly disciplined; and the consequences were predictable. It was in 1283 that William obtained a royal commission of oyer and terminer to deal with his plea that twenty-six men had attacked his servants in Elsdon and removed the new market's pillory and tumbrel. In 1285 he acquired another royal commission concerning similar offences and assaults on traders, and on this occasion he accused Earl Gilbert of being the prime mover. Meanwhile, in 1284, William had brought into the Northumberland assizes a novel disseisin against Gilbert for the site of the market-place. Gilbert reacted to this challenge by asserting the right to hear pleas concerning himself, and cognisance was conceded to the liberty. But two proxies were appointed 'on the king's part to see . . . that full justice is done', and on any default William was urged to return to the assizes.

The relationship between Earl Gilbert and his sometime bailiff Walter Sweethope supplies a no less bleak insight into the tensions of contemporary Redesdale society.<sup>64</sup> When Adam Bingfield sued Walter in the liberty court for property in Low Leam, Adam had not secured a royal writ, and Walter pleaded that without the required writ the court could not proceed. But the earl ignored this basic principle of law, and Walter lost his freehold. Subsequently, in 1275, Walter compiled a devastating indictment of local injustice. Gilbert, he claimed, had imprisoned him in Harbottle castle until he had paid 100 marks; the earl had also extorted £10 from him, destroyed his house in Durtrees (in Otterburn) and impounded his mares in Redesdale Forest. Unsurprisingly Walter appealed to Edward I, and had his lands and person taken under royal protection. He went on to seek

<sup>62</sup> CDS, ii, nos. 155–6; PQW, p. 600; NER, no. 628.

<sup>63</sup> For this paragraph, see CChR, ii, p. 257; NAR, p. 373; PQW, p. 593; NER, no. 604; CPR 1281–92, pp. 65, 206–7; JUST 1/1265, m. 7d.

<sup>64</sup> See RH, ii, p. 22; CPR 1272–81, p. 109; Northumb. PDBR, no. 265.

redress in Common Pleas; he was also supported by an oyer-and-terminer commission – though, as in the case of William Umfraville, it is not known if justice was upheld.<sup>65</sup>

In Earl Gilbert II's day, therefore, the liberty's powers were perceived to be more tools of seigneurial coercion than an assurance of good governance for its 'community'. But liberty, lordship and local society were mutually dependent; and how they interacted was crucial, not least for a jurisdiction like Redesdale, which had notable institutional flaws as well as strengths. Without a local consensus, it could not be a significant common focus for cooperation with the lord in support of its privileges, and its problems in sustaining a well-grounded sense of local autonomy and collectivity would become increasingly pronounced. The patchy sources, and their often partisan nature, may serve to distort the level of discontent within Redesdale: after all, the liberty was not confiscated by the crown for misgovernment, and there were no group protests based on people's 'liberties'. So Redesdale avoided the fate of Tynemouthshire in 1291; still less did Earl Gilbert's rule provoke the kind of communal resistance experienced by Bishop Bek in Durham. Yet in Redesdale there was no historic culture of political solidarity to draw on such as the concept of the *Haliwerfolk*. Nor was the liberty's identity as a community affirmed by institutional maturity or, necessarily, by its encounters with central authority. It was thus denied the opportunity of making collective presentments by a separate return at the 1274–5 inquest: the Hundred commissioners investigated Redesdale as part of Tynedale ward, whose jury presumably reported on the basis of testimony taken from each vill.<sup>66</sup> In any event, the liberty cannot be seen as much of a corporate world in the period 1266–1307. It was an era characterised less by community cohesion than by disruption and division; it was likewise a time when individuals were compelled to defend their interests and rights by invoking the 'universal jurisdiction' of the crown.

The preceding analysis needs to be expanded from other vantage points, because the liberty's in-built limitations, and Earl Gilbert II's failings, are not the only explanations for its weaknesses as a local polity. It must be underscored that Redesdale was not a separate node of governance for Umfraville power; rather, the exercise of that power tended to overlap and blur administrative boundaries, thereby reducing the liberty's potential to influence local society by providing it with a distinct institutional context

<sup>65</sup> As for William Umfraville, however, it must be added that the only market and fair at Elsdon in the later Middle Ages were those Earl Gilbert had claimed in 1293: see, for example, C 139/83/57 (1437).

<sup>66</sup> Cf. L. E. Scales, 'The Cambridgeshire Ragman Rolls', *EHR*, 113 (1998), pp. 562ff.

and identity. Prudhoe barony, the main additional component until the 1380s, scarcely offered the same measure of formal autonomy to its lord or tenants; yet it was sufficiently privileged to exclude some of the county's jurisdiction.<sup>67</sup> Moreover, the lord might well behave as if he ruled a unified power-structure. Richard Umfraville (d. 1226) conducted Redesdale business in his court of Kirkwhelpington, just as he used his court of Prudhoe for Kidland affairs.<sup>68</sup> Earl Gilbert II's assertion of his jurisdictional supremacy might see him claim as baron of Prudhoe an authority hardly less exalted than that he aspired to as lord of Redesdale. He insisted on his right to reset felons in Prudhoe castle as well as in Harbottle, to amerce men for non-appearance at the tourn whether they belonged to the liberty or not, and to take distrains at will wherever he pleased.<sup>69</sup> For its purposes, the crown itself might emphasise the interconnected character of the family's power-centres, as when Redesdale and Prudhoe were placed under one royal keeper during Gilbert III Umfraville's minority (1325–8).<sup>70</sup>

In the later fourteenth century, we also find explicit references to 'the lordship of Redesdale and Coquetdale'.<sup>71</sup> Too much should not be read into the significance of this formulation: for example, the Border survey of 1604 relates that the men of the 'ten towns' were bound by 'ancient custom' to serve in Harbottle castle; but there is no clear evidence that such an arrangement existed under the Umfravilles, and some indication that it did not.<sup>72</sup> Nevertheless the inhabitants of Redesdale and Coquetdale shared the same meeting-place at Gamelspath for settling cross-Border disputes; while the 'Lanercost' chronicler regarded the two dales as one 'country' (*patria*).<sup>73</sup> More revealingly, in 1284 the tenant of Ingram owed suit of court to Harbottle, and in 1307 this obligation was attached to all the 'ten towns'. Other sources indicate that they were later served by their own independent court(s), for Biddlestone paid suit to Peels in 1325, and Ingram to Alwinton in 1353 and to Peels in 1388.<sup>74</sup> But under Earl Gilbert II the liberty and the 'ten towns' were evidently linked together for purposes of judicial

<sup>67</sup> PQW, p. 593; NER, nos. 308, 604.

<sup>68</sup> *Liber S. Marie de Calchou* (Bannatyne Club, 1846), ii, no. 328; *Newminster Cart.*, p. 77.

<sup>69</sup> RH, ii, pp. 21–2; CIMisc., i, no. 1079; CPR 1272–81, p. 176; 1301–7, p. 280; *Northumb. PDBR*, no. 254; *Northumb. Pets*, no. 101; *Northumb. Pleas*, no. 808; cf. *Hexham Priory*, ii, p. 37.

<sup>70</sup> CFR, iii, p. 359; iv, p. 12.

<sup>71</sup> Below, pp. 402, 406. For the forest of Redesdale and Coquetdale, see above, p. 366.

<sup>72</sup> *Alwinton, Northumberland: An Archaeological and Historical Study of a Border Township* (unpublished report, The Archaeological Practice Ltd, Newcastle, 2004), pp. 31–2.

<sup>73</sup> G. W. S. Barrow, *The Kingdom of the Scots*, 2nd edn (Edinburgh, 2003), p. 127; *Chron. Lanercost*, p. 292.

<sup>74</sup> CIPM, ii, no. 524; v, no. 47; vi, no. 607; x, no. 113; xvi, nos. 592–3.

administration, though the exact implications of this coupling remain uncertain.

The Umfraville supremacy was thus a quasi-unitary network of lands, lordship and governmental authority; and so far was Redesdale from being a fully differentiated entity that even attendance at the liberty court, and its business, might assume a heterogeneous character.<sup>75</sup> Nor is such terminology inappropriate when we take fuller stock of the associations and practices of the liberty's landholders in the Umfraville era; for such an appraisal will serve to confirm the absence of a regular 'Redesdale community' whose identity, culture and behaviour were ordered by the liberty, still more of a close-knit community separated socially and distinguished politically from neighbouring communities.

We may begin with aspects of the relationship between Church and society. The Umfravilles founded the hospital of Elishaw; more notably, they were patrons of the Augustinian priory of Holystone near Harbottle, whose sisterhood claimed a special bond with the liberty as a whole by calling themselves 'the nuns of Redesdale'.<sup>76</sup> Yet this small nunnery could not have been expected to, nor did it, play through its rituals and alliances a powerful role in the liberty's spiritual or secular life; and after 1296 the modest importance it had as a focus for local culture and identity would in any case be compromised by the impact of Anglo-Scottish hostilities.<sup>77</sup> It did offer status and a vocation to some local women. Its prioresses included Sibyl Battle (elected in 1283) and her long-serving successor Margery Horsley, both from families with a Redesdale/Coquetdale base; but it was one Elizabeth Sussex who was elected in succession to Horsley in 1342. Significantly, too, a list of seven nuns compiled in 1432 contains only two local names, Alice Butticumbe and Margery Harbottle; while four of the nuns were evidently Scots.<sup>78</sup>

Furthermore, though Holystone's possessions in Redesdale from 1312 embraced the rectories of Holystone and Corsenside, it by no means monopolised local lay piety and patronage. Accordingly the liberty did not provide the only basis for people's religious associations. Rather, such allegiances were also shaped by monasteries beyond its bounds, and the monastic landowners in thirteenth-century Redesdale included Alnwick

<sup>75</sup> Notts. Archives, DD/4P/21/121, dated at Harbottle in 1310, is a quitclaim by Earl Robert of property in Farnham in Coquetdale.

<sup>76</sup> *Liber S. Marie de Dryburgh* (Bannatyne Club, 1847), no. 148; *Registrum Episcopatus Glasguensis* (Bannatyne and Maitland Clubs, 1843), i, no. 109.

<sup>77</sup> Below, pp. 396–7.

<sup>78</sup> *The Heads of Religious Houses: England and Wales*, ii, 1216–1377, ed. D. M. Smith and V. C. M. London (Cambridge, 2001), pp. 572–3; *NCH*, xv, p. 465.

Abbey, Hexham Priory and Jedburgh Abbey. Small gains were the norm; but Kelso Abbey took a tithe of the foals from the Umfraville horse-stud in Cottonshope Forest, an interest of sufficient note to bring Redesdale within the jurisdiction of the papal Curia in 1228.<sup>79</sup> Holystone's limited influence in the liberty is further indicated by its dependence on support outside it, so that by 1300 it had accumulated endowments both in the county of Northumberland and in south-east Scotland, where its reach extended to Berwick and Roxburgh.<sup>80</sup> Clearly Holystone's cultivation of plural links with wider society was fundamental to its fortunes, and it was increasingly absorbed into that world.

Turn to Redesdale's beneficed clergy and much the same picture emerges. Few were local men and none took a leadership role in the liberty. A representative case is supplied by the Lincolnshire cleric John Pickworth, who from 1360 was successively rector of Alwinton in Coquetdale, Elsdon in Redesdale and Ovingham in Prudhoe barony. Pickworth owed these livings to his service to the Umfravilles outside Northumberland, and he probably never set foot in the Borders.<sup>81</sup> Similarly the mastership of the hospital of Elishaw was to pass to clerks of Lincoln diocese in the early fifteenth century.<sup>82</sup> So, overall, local society was not strongly represented among the liberty's ecclesiastical personnel. Nor in broader ways did the Church significantly reflect or reinforce the liberty's identity, still less underpin a sense of 'liberty community'. Redesdale indeed was not another Durham.

As for the lay tenantry, a fair number of families have left adequate evidence for analysis;<sup>83</sup> and much of this evidence suggests that the liberty had little direct relevance for identities and solidarities in the secular domain as well. Secure foundations for a coherent community were in fact never laid, not least because the Umfravilles regularly used the liberty as a source of patronage in order to ally themselves with 'county gentry'. Thus nine of the twenty lay tenants in Redesdale listed for the 1242 scutage held their main lands of other lords. Such tenants included prominent Northumbrians like the Bertrams of Mitford, the Delavals of Callerton and the Morwicks of West Chevington. By 1226, for instance, Richard Umfraville's son-in-law, Hugh Morwick, had taken possession of Hudspeth, the Leams and extensive forest grazings, though his core concerns remained focused on the

<sup>79</sup> *NCH*, xv, p. 462; *CChR*, iii, p. 86; *Hexham Priory*, ii, p. 111; *BF*, ii, p. 1122; *Kelso Liber*, ii, nos. 325–31.

<sup>80</sup> *NCH*, xv, pp. 459–62; *Dryburgh Liber*, no. 148.

<sup>81</sup> *DCM*, Reg. Hatfield, ff. 43v, 51v, 68r, 76v, 77v; *CIPM*, xvii, nos. 1243–4.

<sup>82</sup> *Reg. Langley*, i, no. 38; ii, no. 241.

<sup>83</sup> Indispensable for the basics are *NCH*, iv, xii, xiv and xv, which contain the fullest, though by no means comprehensive, commentary on the tenurial structure of the Umfravilles' Northumbrian estates.

Warkworth area.<sup>84</sup> The Morwicks, and the main Bertram line, had ceased to be Redesdale landowners by the 1270s; but among the well-connected county families to make their appearance in the fourteenth century were Felton of Edlingham, Heron of Ford, Horsley of Farnham, Tailboys of Hepple and Widdrington of Widdrington. In addition, there were those Redesdale tenants who occupied intermediate positions between the most influential gentry and the (to us) semi-anonymous smallholders. Yet while their horizons were narrower, most of them also had more important county estates. Examples from the mid-thirteenth century include Walter Battle of Linshiels, also a tenant of the barony of Alnwick; Peter Gunnerton of Chesterhope, William Mickley of Little Carrick and Walter Sweethope of Low Leam, also tenants of the baronies of Bywell and/or Prudhoe; and John Harle of Heatherwick, also a tenant of the baronies of Morpeth, Prudhoe and Whalton.<sup>85</sup> All told, therefore, the obvious focus for the gentry's relationships and loyalties was the county of Northumberland rather than the liberty itself. Indeed, just as they were bound to the county by significant landed interests, so might they advance themselves through its governance, notably in the fourteenth century when, among others, the Horsleys and Widdringtons became sheriffs and MPs.

A brief examination of one knightly family, the Lisles, may serve to underscore the liberty's limitations as a socio-political force. In 1241 Othuel Lisle settled on his son-in-law and daughter, Michael and Juliana Bayfield, an estate comprising property in Troughend (in Otterburn) and on the outskirts of Newcastle. The deed was attested by eight Northumbrian knights who were not associated with the liberty, and the sheriff, Hugh Bolbec, was the chief witness. In about 1274 Juliana released the same estate to her brother, Robert Lisle of Woodburn (in Corsenside), under deeds witnessed by the sheriff, Robert Hampton, and a former sheriff, Guichard Charon.<sup>86</sup> Around 1290 Robert Lisle and his tenants in Woodburn obtained a grant of rights of marl on Ray Fell in Prudhoe barony: the witness-list of this deed names three Redesdale landowners, William Battle, Thomas Clennell and John Gunnerton; but all held fees outside the liberty.<sup>87</sup> Then, in about 1298, Robert Lisle conveyed to his grandson John 'all his lands in Northumberland and Redesdale' by a deed whose attestors included Robert Balliol, the sheriff, and William Halton, MP for Northumberland

<sup>84</sup> *BF*, ii, pp. 1121–2; *NCH*, xii, p. 89, n. 2; *CIPM*, iii, no. 461.

<sup>85</sup> *BF*, ii, pp. 1115, 1118, 1121–2; *NCH*, xii, pp. 168, 243; xiii, pp. 343, 419.

<sup>86</sup> *NDD*, pp. 124–6.

<sup>87</sup> *NDD*, p. 126. Battle was of Great Bavington, Prudhoe barony; Clennell, whose Redesdale fee lay in Woodburn, was of Clennell in the 'ten towns'; Gunnerton was of Gunnerton, Bywell barony: *NLS*, pp. 20, 176; *Northumb. Fines*, ii, no. 134; *NCH*, iv, p. 320.

in 1295; two others were Lincolnshire men, for Lisle interests spread into the north Midlands.<sup>88</sup> John Lisle was sufficiently prominent in Umfraville service to act with Earl Robert as a mainpernor for the earl's mother in 1323; but he was also one of the knights and serjeants of 'the community of the county of Northumberland' who presented a petition to the crown in 1346. He was indeed a natural leader of this community. Though he styled himself 'of Woodburn', his estates extended to Hawkwell, Newton Hall, Bearl and South Gosforth in south Northumberland, as well as to Sawcliffe near Barton-upon-Humber.<sup>89</sup> He was also regularly employed on crown commissions in Northumberland, and served as sheriff in 1327.

Properly speaking, moreover, Redesdale did not have much of a 'landed society' at all. As a district where high pastures and moorland predominated, it contained few manors worthy of the name. The Horsleys of Farnham held the manor of Quickening Cote and founded a chantry there in 1317; the Swinburne manor of Raylees, however, had little if any arable demesne. Chesterhope was perhaps another manorial centre; but for most of the fourteenth century it was divided into thirds among the Grays, Herons and Widdringtons.<sup>90</sup> Its fragmentation brought it firmly into line with other mesne tenancies in Redesdale, which were based mainly in and around Elsdon, Otterburn and Woodburn, and typically comprised secondary units of small farmlands and large tracts of rough grazing. Indeed, of the twenty lay tenants named in 1242, nine held their properties for peppercorn rents, and six for tiny fractions of a knight's service, of which the most common was one-twentieth of a knight. Again, of the six fees in the liberty subject to the 1346 aid, three were specifically described as shielings.<sup>91</sup> And, of the sixty-seven people assessed in Redesdale for the 1336 lay subsidy, only nine had taxable wealth set at £5 or more, while the highest taxpayer, Walter Russell of Otterburn, had personal property valued at £10. The vast majority were small freeholders – and even at this level it is notable that some were also taxed outside the liberty.<sup>92</sup>

Redesdale, then, was not a major zone for the development of gentry estates. Nor, by the same token, could it rely on influential resident families to assert its unity and identity as a local polity. It says much for the liberty's lack of social substance and political definition that, in the later thirteenth

<sup>88</sup> *NDD*, pp. 126–7.

<sup>89</sup> *CDS*, iii, no. 818; *C 49/7/20* (where the name Robert Lisle of Woodburn is a mistake for John Lisle of that ilk); *NDD*, p. 127; *CIPM*, ix, no. 534.

<sup>90</sup> *CPR 1317–21*, p. 28; *FA*, iv, p. 73.

<sup>91</sup> *BF*, ii, pp. 1121–2; *FA*, iv, p. 73.

<sup>92</sup> *NLS*, pp. 183–5. Of Russell's fellow taxpayers in Otterburn, for instance, Simon Bell was also rated in Humbleton near Wooler, Thomas Bell in Thornton near Bolam, and John Chaytor in Scrainwood near Netherton: *E 179/158/7*, mm. 4, 5d–6.

century, the tollgate for taxing Scots was at Elishaw, twelve miles south of the Carter.<sup>93</sup> Turning to the 1415 list of Northumbrian fortifications, we find that just four of the 115 structures mentioned were located in Redesdale: the castle of Harbottle and the tower-houses of Otterburn, Elsdon and Troughend.<sup>94</sup> Since Harbottle and Otterburn were Umfraville strongholds, and Elsdon belonged to the rector, only Troughend falls into the category of a local gentry seat. It was owned by an old Redesdale family, whose most important member, Thomas Butticumbe (Butencumbe, Butecom, etc.), had made his reputation in the 1310s by campaigning in Umfraville service in Scotland and the Borders.<sup>95</sup> He invested forty marks in consolidating his patrimony in Troughend in 1316, and endowed Newminster Abbey with land in Farnham in the 'ten towns'. He also had sufficient wealth to take knighthood, and it was as Sir Thomas that he executed Earl Robert's will. But no other Butticumbe is recorded as a knight, and the family returned to relative obscurity, though it remained one of the few resident houses of any note in the liberty.<sup>96</sup>

Redesdale's governance provided a basis for local association and involvement; yet the surviving evidence, for the thirteenth and fourteenth centuries alike, gives little indication that the liberty's landowners had or actively sought opportunities to identify with it as major office-holders. Exceptions must be made of John Harle, Thomas Harle and Walter Sweethope, bailiffs under Earl Gilbert II; William son of Ralph, the earl's chief forester; and Richard I Horsley, a justice in 1310.<sup>97</sup> In general, however, the Umfravilles appear to have employed Northumbrian tenants or clients previously unconnected with the liberty. It was no doubt difficult to find power-brokers within Redesdale through whom they could assert their authority; while, for leading non-resident gentry, county administration was often a more obvious and important route to service and reward. Nonetheless even the Butticumbes, who might arguably have expected to benefit from prominent roles in liberty governance, seem to have been denied senior office: they served as jurors and as tax-assessors in Elsdon; but Roger Butticumbe, Sir Thomas's father or older brother, had to make his career in Cumberland, as bailiff of the lord of Greystoke and one of

<sup>93</sup> NAR, p. 373.

<sup>94</sup> C. J. Bates, *The Border Holds of Northumberland* (London, 1891), pp. 14, 18, 19.

<sup>95</sup> CCW 1244-1326, p. 327; E 101/15/26; cf. CPR 1321-4, p. 189. There is no modern form of the surname, which was probably taken from Buttercombe near Barnstaple, close to estates held by the Devon family of Umfraville.

<sup>96</sup> *Northumb. Fines*, ii, no. 161; *Newminster Cart.*, p. 159; CP 40/269, mm. 23d, 55. Alice Butticumbe became prioress of Holystone in 1432: NCH, xv, p. 465.

<sup>97</sup> RH, ii, p. 22; JUST 1/659, m. 3; NAR, p. 369; NCS, ZSW/1/50; 4/75; HN, II, i, p. 33; III, ii, p. 13. William son of Ralph was of Monkridge (in Otterburn): *Northumb. Pleas*, no. 829.



Alexander III's agents in the liberty of Penrith.<sup>98</sup> The predominance of 'alien' administrators is well seen in the fact that Earl Gilbert II's bailiffs for Redesdale also numbered Thomas Fishburn, William Fawns, Hugh Hartington, Richard Rudchester, John Sturdy and John Widdrington. Fishburn held various lands outside the liberty, including property in Nether-ton in the 'ten towns'; the others hailed from the baronies of Styford, Prudhoe, Bywell and Whalton.<sup>99</sup> Richard Horsley's fellow justices in 1310 were Adam Meneville of Whittonstall in Bywell barony, and Walter Burradon of Burradon in the 'ten towns'. Gilbert Burradon of Foxton and Sharperton, also in Coquetdale, appears to have been Redesdale's bailiff in 1335.<sup>100</sup> Thomas Horsley, constable of Harbottle in about 1360, was not a Horsley of Farnham: he held the manor of Longhorsley in Morpeth barony and land in Ingram in the 'ten towns'.<sup>101</sup> Finally we must mention Adam Whalton, Richard Rowland, Thomas Hexham and Hugh Westwick, who in the 1350s or 1360s performed the bailiff's duty of claiming Redesdale pleas from the royal courts. Whalton was a landowner in Thornton near Bolam; Rowland came from Corbridge; and Hexham and Westwick, probably professional lawyers, were more closely connected with the bishopric of Durham than with Northumberland.<sup>102</sup>

All these men shared in, and profited from, the authority of the liberty. To one degree or another, their affiliations and outlook were thus influenced by it; and they no doubt had a keen interest in upholding its rights and powers: Thomas Fishburn, for instance, supported the liberty by endorsing the taking of an assize without a royal writ.<sup>103</sup> Yet it is clearer still that the liberty was rarely the sole focus for their service and loyalty. Of those who were tenants in Redesdale, Walter Sweethope was also a gaol delivery

<sup>98</sup> E 179/158/14, m. 2; JUST 1/132, m. 33; CDS, ii, p. 38; E 32/5, m. 35d; cf. *NER*, nos. 436, 440, 517. For jury service by the Butticumbes concerning Redesdale, see CDS, i, no. 1667; C 133/83/18; 136/67/17; 139/83/57; *Reg. Langley*, iii, no. 820; below, p. 408. Walter Sweethope's son William was also a bailiff of Penrith for Alexander III, as well as bailiff for John Swinburne in Tynedale: E 32/5, m. 12; Hartshorne, p. xxxvi.

<sup>99</sup> *RH*, ii, p. 22; JUST 1/653, m. 21; 1/659, m. 3; 1/1265, m. 7d; CP 40/86, m. 261d; *NLS*, pp. 19, 32, 65, 76, 83. Fishburn's biography is in *The Earliest English Law Reports*, ed. P. A. Brand (Selden Society, 1996-), ii, pp. xxxvi-xl, though without any reference to his Umfraville service. In the thirteenth century, the Umfravilles also employed as stewards/bailiffs John Halton, William Mickley (a Redesdale tenant) and Simon Rudchester (*NDD*, p. 244; *Newminster Cart.*, p. 81; *CRR*, v, pp. 59-60); but their areas of responsibility remain unclear.

<sup>100</sup> NCS, ZSW/1/50; *HN*, II, i, p. 33; *CIPM*, vi, no. 607; *Rot. Scot.*, i, p. 389.

<sup>101</sup> *NDD*, p. 17 (misdated); *CIPM*, x, no. 550; *NCH*, xiv, p. 475.

<sup>102</sup> JUST 1/1453, mm. 3, 5d; 1/1460, m. 4; 1/1464, mm. 22, 39; *NDD*, p. 96; *NCH*, x, p. 94; *Fasti Dunelm.*, pp. 61-2, 136.

<sup>103</sup> Albeit at the expense of an earlier bailiff, Walter Sweethope: *RH*, ii, p. 22; above, p. 376.

justice for Hexhamshire;<sup>104</sup> Richard Horsley was an experienced MP for Northumberland and its sheriff in 1309–10. Nor was the liberty's importance for career-advancement particularly significant in other cases. For example, John Widdrington was a justice for Tynemouthshire and a royal justice; and Adam Meneville was steward of Corbridge.<sup>105</sup> Thomas Fishburn, who was extensively employed elsewhere in the North-East, went on to become a serjeant in the royal courts; Walter Burradon was Edward I's justiciar of Galloway in 1305–6; Gilbert Burradon was sheriff of Northumberland in 1323–4; and Adam Whalton was clerk of the statute merchant in Newcastle in 1349–60.<sup>106</sup> Moreover, office-holding in Redesdale did not automatically lead to continued associations with the liberty in other ways. John Widdrington was rewarded for his service with a life-grant of land in Ingoe; Adam Meneville also received property in Prudhoe barony.<sup>107</sup>

In sum, the evidence hitherto discussed serves to underwrite the dangers of assuming that a liberty necessarily played a focal role in the organisation of people's interests and loyalties; it might be, and doubtless often was, only one of a number of diverse sources of allegiance and identification. In the present case, in fact, the broader framework of Umfraville lordship and authority seems to have been much more of a binding force than the liberty itself. First of all, there was some significant correspondence between patterns of liberty–county landholding and the overall distribution of the lord's estates. Gentry such as Battle, Felton, Gray, Harle, Sweethope and Swinburne also held fees in Prudhoe barony; while, among others, Butticumbe, Clennell, Delaval, Heron and Horsley also controlled property in the 'ten towns'. Such men, it is true, might still move in circles outside the Umfraville orbit. For example, William II Swinburne and William Heron were among those who supported the 1346 petition from the knights and serjeants of the Northumbrian county community. Swinburne, who held Raylees and the Prudhoe manors of Capheaton and Chollerton, was also a substantial proprietor in Tynedale. Heron had one-third of Chesterhope and estates in Netherton in Coquetdale; but his interests spread into Tynedale and across the county, and the family seat at Ford was in the far north of Northumberland.<sup>108</sup> Nonetheless the geography of gentry

<sup>104</sup> *NCH*, iv, p. 409.

<sup>105</sup> Above, Chapter 5, pp. 213–14; *Brinkburn Cart.*, no. 207. William Fawns was another royal justice (*CPR 1292–1301*, p. 516), and MP for Northumberland in 1300.

<sup>106</sup> *English Law Reports*, ii, pp. xxxvi–xl; G. W. S. Barrow, *Scotland and its Neighbours in the Middle Ages* (London, 1992), pp. 169–70; C 241/128/97; 241/164/66.

<sup>107</sup> *NDD*, p. 252; *DCM*, Misc. Ch. 6563; *NCH*, xii, p. 169.

<sup>108</sup> C 49/7/20; *FA*, iv, p. 73; *NCH*, xv, p. 443. On Heron and Swinburne, see also above, Chapter 7, *passim*.

landowning, if by no means confined to Umfraville territory, inclined towards the zone between the mid-Tyne valley and the Border where the family was traditionally dominant.

Consequently Umfraville leadership might, and often did, provide a regional focus of some importance for people's social interactions and political alignments. Battles, Clennells, Harles, Lises and Sweethopes were witnesses of the family's charters, together with tenants or well-wishers who had no roots in Redesdale;<sup>109</sup> various Clennells, Horsleys and Normanvilles (of Hudspeth and Bywell barony), along with some Burradons, profited directly or indirectly from Umfraville favour in Scotland prior to 1296.<sup>110</sup> In the absence of a good set of family deeds, however, the evidence is slanted towards the military retinues of the earls, especially during the years 1298–1336, when they were among the more prominent of the English crown's northern captains.<sup>111</sup> Some of their retainers came from Angus, Yorkshire and even Hampshire, but the main recruiting ground was naturally Northumberland itself. Thus at least thirteen Northumbrian knights and forty-five local esquires served in the earls' companies in the period under review. Relationships of this sort were often transient; yet some instructive conclusions can nevertheless be drawn.

Just over half the Northumbrians concerned were linked to the Umfravilles by landed ties, sometimes involving the liberty itself. At the knightly level, Redesdale was represented by John Lisle of Woodburn; Redesdale with Prudhoe by William II Swinburne; and Redesdale with the 'ten towns' by Thomas Butticumbe, Thomas Clennell and Richard I Horsley. Of the lesser gentry, John Heatherwick, John Mumby, John Normanville, John Ravensburn, Walter Russell and Thomas Troughend were Redesdale landowners; and Thomas Harle, William Harle and John Tosson held property in both liberty and barony.<sup>112</sup> Accordingly the relationship between Redesdale and Umfraville recruitment cannot be ignored – even if wages were needed to guarantee service, as when in 1334 Earl Gilbert III retained

<sup>109</sup> For example, BL, Harley Ch. 57.D.6; *CChR*, ii, p. 166; iii, p. 86; *Hexham Priory*, ii, pp. xvi–xvii; *Kelso Liber*, ii, nos. 325–7, 329; *NCH*, xii, p. 89, n. 2; *NDD*, pp. 110, 210, 252.

<sup>110</sup> *Rot. Scot.*, i, p. 15; *CDS*, ii, pp. 213–14; *Liber Sancte Marie de Melros* (Bannatyne Club, 1837), i, nos. 338–44; D. E. R. Watt, *A Biographical Dictionary of Scottish Graduates to A.D. 1410* (Oxford, 1977), pp. 55–6.

<sup>111</sup> The following analysis is based mainly on retinue-lists of 1319–20 and 1336 (E 101/15/26; 101/19/36, m. 5), and C 81/1719/6, 9, 11; *CCW 1244–1326*, pp. 351, 362–3; *CDS*, iii, no. 192; iv, p. 477; v, nos. 2844, 2870; *Parl. Writs*, II, ii, p. 406; *Rot. Scot.*, i, p. 75; *Scotland in 1298*, ed. H. Gough (London, 1888), pp. 30–1; Society of Antiquaries, MS 121, f. 24v.

<sup>112</sup> For their Redesdale tenements, see *CPR 1343–5*, p. 356; *1358–61*, p. 492; *Greenwell Deeds*, no. 35; *NDD*, p. 187; *NLS*, pp. 184–5; for the Prudhoe properties, *CDS*, iii, no. 835; *NCH*, xii, p. 383; *NLS*, pp. 22, 27.

William Swinburne at a fee of twenty marks to attend him with two esquires for nine months.<sup>113</sup> Yet the Umfravilles also relied on tenants who had no lands in Redesdale, including men from Coquetdale such as Richard Berghalgh and Richard Sharperton, and men from Prudhoe barony such as Thomas Bavington, Robert Buteland, Thomas Ingoe and John Rudchester. Indeed, Walter Russell is the only taxpayer in Redesdale in 1336 to appear on Earl Gilbert III's retinue-list of that year. Of the knights, Thomas Butticumbe and Richard Horsley were prominent at times; but the earls' most loyal retainer was probably Gilbert Burradon from the 'ten towns', for he became Earl Robert's son-in-law and was Earl Gilbert's chief lieutenant in Scotland in 1336.<sup>114</sup> Mention might also be made of John Redesdale, Earl Robert's esquire in 1311: despite his name, he was a tenant of Prudhoe barony in Thockrington, and held land elsewhere in the county, including the manor of Benridge near Morpeth.<sup>115</sup>

Yet again, the earls were far from relying for service merely on their own tenants; and, in particular, a significant element came from localities close to the family's power-centres. Its control of the 'ten towns' explains the presence of two knights, Robert Glanton of Glanton and Luke Tailboys of Hepple, in Earl Gilbert II's retinue for the Falkirk campaign of 1298 – that is, some eight years before Tailboys secured much of the old Morwick interest in Redesdale.<sup>116</sup> A more important area of support was the Prudhoe–Hexham district, whence came the knights John Fishburn of Great Swinburne, John II Halton of Halton and John II Vaux of Beaufront, as well as esquires such as Robert (later Sir Robert) Raimes of Aydon, Gilbert Vaux of Thornbrough and Richard Vaux of Fallowfield.

Thus the gentry who served the Umfravilles in war between 1298 and 1336 comprised a very mixed group; nor likewise did such service depend on or reinforce a distinct liberty identity. There are hints that it was a different story for ordinary soldiers and their officers: in 1301 Earl Gilbert II campaigned in Scotland with 200 archers from the liberty; in 1303–4 he was supported by similar numbers of archers 'from the earl's land in Redesdale' led by William Harle and John Heatherwick.<sup>117</sup> Otherwise, though, the main sense of unity and common loyalty was provided by membership of the Umfraville affinity; and any connection with the liberty was simply

<sup>113</sup> NCS, ZSW/1/58.

<sup>114</sup> For Horsley's Umfraville service, see also *Northumb. Pets*, no. 139; Society of Antiquaries, MS 120, f. 44r. Burradon's probable brother, John Burradon of Burradon, was constable of Prudhoe in 1327: E 101/18/9.

<sup>115</sup> BL, MS Cotton Nero C.VIII, f. 87v; NLS, pp. 28, 85; CIPM, iii, no. 490.

<sup>116</sup> NDD, pp. 186–7.

<sup>117</sup> CDS, ii, no. 1229; BL, MS Additional 8835, ff. 73v, 75v. Harle was styled 'of Redesdale' in 1319: *Northumb. Pets*, no. 161.

part of a larger network of relationships structured by the lordship that the earls exercised within their ‘country’ of mid-Northumberland as a whole. Nor is such a conclusion contradicted by the fact that Burradon, Horsley, Swinburne and (possibly) Clennell – collectively representing Coquetdale, Redesdale and Prudhoe – all took arms modelled on the Umfraville cinquefoil.<sup>118</sup>

It is doubtless merely a truism that whenever a liberty was part and parcel of a magnate’s wider regional power-base, it was less likely to be a defining focus for gentry identities. Put another way, however, the lines of Umfraville authority did have some ability to restrict the involvements of Redesdale’s tenants to a narrower field than might otherwise have been the case; and, on further reflection, this perhaps made their ties with the liberty more relevant. First, as long as Umfraville lordship was effective, such men were arguably less prone to seek alternative noble patrons, and more disposed to recognise and uphold the lord’s prerogatives and rights. Second, it is one thing to stress that Redesdale lacked a resident gentry with the critical mass to build a strong local community; quite another to suppose that non-residence precluded any concern with the liberty’s affairs and its good rule. After all, families such as Clennell, Harle, Heron, Horsley and Swinburne developed estate-centres and kept houses in close proximity to Redesdale, as did the Tailboys family and its Ogle successors. Additionally a series of deeds relating chiefly to Biddlestone (c. 1280–1432) confirms that the Clennells, Delavals, Herons and Horsleys were active in upper Coquetdale.<sup>119</sup> The liberty was thus an adjacent neighbourhood in whose routines such families might easily share; they might also value its institutions for protecting their interests against perceived threats, including lawlessness and any overspill onto their own patches, and generally support its authority as a governmental unit. On this view, then, there was perhaps rather more to Redesdale as an agency of ‘community’ than appears at first sight.

Such propositions must not be pressed too far, if only because Umfraville lordship might well be flawed as a source of authority and affiliation. But, like the Butticumbes, the Clennells, Delavals, Harles, Herons, Lisles

<sup>118</sup> C. H. H. Blair, ‘The armorials of Northumberland: an index and ordinary to 1666’, *AA*, 3rd ser., 6 (1910), pp. 187–8; cf. B. A. McAndrew, *Scotland’s Historic Heraldry* (Woodbridge, 2006), pp. 99, 101.

<sup>119</sup> A. Tempest, ‘Selby charters and deeds’, *Genealogist*, new ser., 7 (1891), pp. 21–3, 90–2. By 1415 significant residences had been built in Biddlestone (Delaval?), Capheaton (Swinburne), Farnham (Horsley), Great Swinburne (Widdrington), Hepple (Tailboys/Ogle), Simonburn (Heron) and West Harle (Harle), all within six miles of Redesdale: Bates, *Border Holds*, pp. 15, 16, 18, 19. For the descent to the Ogles of Tailboys properties in Redesdale and elsewhere, see *CIPM*, xix, no. 734.

and Normanvilles were jurors in inquests concerning the liberty, though scarcely on a regular basis.<sup>120</sup> Evidence of some identification with the liberty is also provided by various gentry deeds in which lands were specifically said to be located 'in Redesdale'.<sup>121</sup> True, the gentry's local business could be conducted outside the liberty in Chollerton (Swinburne), Farnham (Horsley), Halton and Newton Hall (Lisle), as well as in Newcastle, which was an important venue for the Widdringtons and some others.<sup>122</sup> But there are occasional snapshots of a 'real' Redesdale world. The witness-list of a deed by Robert Delaval (d. 1353) granting to John Usworth a tenement in Woodburn is dominated by local landowners, including Henry Acton, Thomas Butticumbe, Peter Graper, William Harle, William Kemsing, John Lisle and Thomas Woodburn. Similarly, an early fourteenth-century conveyance concerning Highleam is attested by Nicholas Acton, William Kemsing, John Lisle, William II Swinburne, Robert Usworth and Thomas Woodburn.<sup>123</sup> Both deeds probably passed in Redesdale's court; and they give notice that the liberty was not entirely devoid of social significance. Yet, equally, these deeds may serve to underline the complexities of men's identities and, in particular, the density of their wider ties with Northumbrian society. For example, Peter Graper figured in the Woodburn transaction in his capacity as a tenant in Broomhope, but he was also a Newcastle burgess and represented the borough in Parliament; the Actons, who controlled the shieling of Highleam, were lords of Acton near Felton; and Thomas Woodburn was another landowner in Northumberland's coastal plain, at Seaton and Tritlington.<sup>124</sup>

So far, then, it seems clear that the liberty played only a limited role, socially, politically and even governmentally. Was its position further weakened in the fourteenth century by the power of the Edwardian 'war-state'? The evidence is uneven and difficult; but we may start with some comments on the general status of the jurisdiction under Earl Robert (d.

<sup>120</sup> CDS, i, no. 1667; C 133/83/18; 135/29/8; 136/17/1; 136/48/5; 136/67/17; below, p. 408.

<sup>121</sup> For example, BL, Egerton Ch. 567; *Laing Chrs*, no. 53; NCS, ZSW/1/78; *HN*, III, ii, p. 34; *NDD*, p. 126; Tempest, 'Selby charters', p. 91; W. H. D. Longstaffe, 'Local muniments', *AA*, new ser., 1 (1857), p. 30.

<sup>122</sup> See, further to references in the previous note, NCS, ZSW/4/76; *HN*, III, ii, p. 15; *NDD*, pp. 16, 125, 127.

<sup>123</sup> *NCH*, x, p. 33, n. 6; *Greenwell Deeds*, no. 35 (misdated). Delaval's war-retinue in 1319–20 included John Usworth and Thomas Woodburn: E 101/15/26.

<sup>124</sup> *CIPM*, vi, no. 607; *FA*, iv, p. 73; *CPR* 1358–61, p. 117. Other Actons connected with Redesdale were the Actons of Newcastle, whose association with Hudspeth (and Farnham) arose from investments made by William Acton, MP for Newcastle in 1346 and 1348: *NDD*, p. 187; Notts. Archives, DD/4P/21/125–6.

1325) and Earl Gilbert III (d. 1381). On one assessment, the Umfravilles and their liberty were firmly subject to English royal authority and control. The king's escheator naturally took possession of Redesdale on the lord's death, surveyed his properties, and made provision for his widow. During Gilbert's minority (1325–31), Edward II first entrusted the administration of the whole Northumbrian inheritance to his household knight, Roger Mauduit of Eshott. Mauduit went on to marry Earl Robert's widow Eleanor; but since he did so without royal licence, he was superseded as keeper by Gilbert Burradon, recently sheriff of Northumberland.<sup>125</sup> It was also by royal command that in 1328 Gilbert Umfraville, while still a minor, was granted livery of his inheritance, though not in its entirety. Similarly, when dispute arose between the new earl and Roger Mauduit over Eleanor's dower, the matter was settled in Chancery; the escheator then made a new extent, and in 1332 he delivered to Roger and Eleanor the 'lands assigned to them by king'.<sup>126</sup> Nor did Earl Gilbert fail to acknowledge that he needed royal authorisation to transfer estates within the liberty.<sup>127</sup>

In more specific terms, the 'war-state's' enlarged role in the Borders brought the liberty's officers and tenants into closer contact with the demands and agencies of crown government. Royal taxation was imposed with unprecedented frequency. Redesdale had thus to contribute to virtually every grant of a fifteenth and tenth made to Edward III; and, to take the period 1336–54, such taxes were levied there on thirteen different occasions.<sup>128</sup> From the mid-fourteenth century, the liberty was also under the military-judicial authority of the warden-conservators of the East March; nor, in their commissions of 1346 and 1359, did Redesdale – unlike Durham, Hexhamshire, Norhamshire and Tynedale – merit special mention in the 'no prejudice' clauses.<sup>129</sup> This would indicate that the crown was less sensitive to the liberty's rights because of its lack of 'royal' standing; and it raises the possibility that when, from Edward I's reign, crown officers were appointed to act 'within and without liberties', Redesdale normally came under their supervision. If the liberty's bailiff executed action as their agent, then such supervision was indirect, with a limited impact on local privileges and power. Yet the liberty seems to have coped more effectively in some spheres than it did in others. It therefore cannot be assumed that all governmental duties were devolved, or that the right to return of writs automatically excluded

<sup>125</sup> *NCH*, xii, p. 100, with Society of Antiquaries, MS 120, f. 80v.

<sup>126</sup> *CPR* 1327–30, p. 330; *CIPM*, vii, no. 390; *CCR* 1330–3, pp. 454, 552.

<sup>127</sup> *CPR* 1343–5, p. 451; 1345–8, p. 364.

<sup>128</sup> *NLS*, pp. 182–5; E 179/158/8–11, 15–17A, 19–21, 23–6; 179/364/17/14; *CPR* 1358–61, p. 348.

<sup>129</sup> *Rot. Scot.*, i, pp. 670, 839.

all royal officers. The liberty had at best little control over the king's taxers, who now regularly exercised their office within it. Its relationship with other royal ministers is often obscure. In 1335 the liberty's men-at-arms, hobelars and archers are known to have been summoned by special writ;<sup>130</sup> otherwise, however, they presumably came under the authority of the king's arrayers, who may or may not have levied them through the bailiff.

Certainly, despite the vagueness of some of the evidence, it would be wrong to underestimate how far crown authority might penetrate into the liberty's internal affairs and thereby shape local perceptions of power, obedience and identity. As regards taxation, in 1336 each 'community' in Northumberland liable to the lay subsidy agreed on its quota with the king's taxers, and the sums due were apportioned and collected by local men.<sup>131</sup> But Redesdale, unlike Tynemouthshire or even the minor liberty of Embleton, was no longer recognised as a distinct fiscal community separate from the county. Its taxpayers were treated as members of seven individual townships, which were dealt with directly by the royal taxers under the assessment of the villis of Tynedale ward. The same method was apparently used for subsequent fifteenths and tenths other than in 1360;<sup>132</sup> and the quotas were normally fixed, so that there was limited scope for collective negotiation even at township level. Thus, in these respects, royal policies and procedures did little to promote specific liberty-based solidarities apart from, perhaps, some sense of 'the community of the vill'.<sup>133</sup>

This, then, amounted to a significant erosion of the liberty's traditional rights and its relevance for identities; and a closer look at the roles of the king's escheators is also instructive. In the fourteenth century it was their standard practice to take single inquisitions *post mortem* into the Northumbrian estates of the Umfravilles and their widows, and at county venues of their choosing: Kirkwhelpington (1307) and Ovingham (1325, 1331) in Prudhoe barony, and Bywell (1329), Newcastle (1368), Morpeth (1381, 1399), Corbridge (1387) and Alnwick (1391).<sup>134</sup> There was, in

<sup>130</sup> *Ibid.*, p. 389.

<sup>131</sup> Cf. *The Lay Subsidy of 1334*, ed. R. E. Glasscock (Oxford 1975), pp. xiv–xvi.

<sup>132</sup> In 1360 the liberty received some recognition from the crown when it issued distinct commissions for Tynedale ward and 'the parts of Coquetdale and Redesdale': *CPR 1358–61*, p. 348. Otherwise, for the post-1336 period we have had to rely on the semi-fossilised E 179 tax documents cited above in n. 128.

<sup>133</sup> Cf. C. Dyer, 'Taxation and communities in late medieval England', in R. Britnell and J. Hatcher (eds), *Progress and Problems in Medieval England* (Cambridge, 1996), pp. 168–90. It can be added that fees in Redesdale came under the assessment of Coquetdale ward for the aid of 1346: *FA*, iv, p. 73.

<sup>134</sup> C 134/2/21; 134/90/12; 135/15/26; 135/29/8; 135/203/8; 136/17/1; 136/48/5; 136/67/17; 136/106/3. The corresponding calendars, largely inadequate for present purposes, are



other words, no acknowledgement that Redesdale should be served by its own juries, or of any right of its landowners not to be placed on juries outside it. Such disregard for the liberty represented a departure from thirteenth-century norms.<sup>135</sup> It therefore serves as another index of the growth of crown authority at the direct cost of both local privilege and communal cohesion: indeed, in this context, royal government drew men from the liberty, notably lesser tenants such as the Dunns of Elsdon and the Reeds of Otterburn, and obliged them to act collectively with persons from Coquetdale and the Morpeth–Hexham region, whence most of the jurors were drawn.<sup>136</sup> Moreover, the escheators intervened in the liberty to uphold the crown’s political authority at the expense of local interests, as when Jedburgh Abbey was deprived of its Troughend estate as a war-forfeit, and William Ufton, an adherent of Roger Mortimer, secured custody of the property by Edward III’s grant of 1327.<sup>137</sup> Again, in the 1350s the escheator William Nesfield confiscated the Redesdale lands of seven men on the grounds that they or their predecessors had supported the Middleton ‘rebellion’ (1317–18). John Woodburn was able to redeem his estate for £20; but John Usworth’s tenements in Coldtown and Woodburn were given by Edward III to one of Nesfield’s associates, Thomas Birkby, for his good service in the Scottish wars. Nesfield also enforced the crown’s right of prerogative wardship by seizing lands in Broomhope and Woodburn from the son of the Lincolnshire tenant-in-chief, John Lisle.<sup>138</sup>

But, without question, the most dramatic way in which ‘state’ intervention affected the liberty in the fourteenth century concerns the institutional focus of its authority and identity: Harbottle castle. Captured by the Scots in 1318, Harbottle was surrendered to English commissioners in 1319 on condition that it should be returned or razed if no final peace was made by a specified date. It remained under the control of Edward II’s envoys, including the king’s chancellor and Bartholomew Badlesmere, who appointed Badlesmere’s retainer John Penrith to serve as constable in the crown’s name and at its wages.<sup>139</sup> In 1321 Penrith received orders to level the castle, and he acted on them with the assistance of the sheriff of Northumberland

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*CIPM*, v, no. 47; vi, no. 607; vii, nos. 208, 390; xii, no. 250; xv, no. 434; xvi, nos. 470, 1043; xvii, no. 1246.

<sup>135</sup> Cf. *CDS*, i, no. 1667 (1245); *CIPM*, iii, no. 461 (1298).

<sup>136</sup> Thus, apart from Dunn of Elsdon, the main families represented at the inquests – Bavington of Bavington, Berghalgh of Clennell, Lawson of Stocksfield and Whelpington of Kirkwhelpington – were all from outside the liberty.

<sup>137</sup> *CFR*, iv, p. 27; SC 8/145/7231.

<sup>138</sup> *CPR 1358–61*, pp. 117, 135–6, 140–1, 357, 491–2; E 40/311–12.

<sup>139</sup> *CPR 1317–21*, p. 416; E 43/395; 101/378/4, m. 21d.

and the men of the county ‘within and without liberties’. The crown also commissioned Gilbert Burradon to expedite matters, partly because of his local connections, but mainly because he was a trusted royal servant.<sup>140</sup> The circumstances were altogether exceptional; yet on Edward II’s mere nod, the royal will struck at the very core of the liberty and its structures of lordship and governance.

Thus might the crown’s prerogative rights and powers easily jeopardise the liberty’s governmental and socio-political authority; and, by such measures, Redesdale’s relationship with the ‘war-state’ was unlike that of the Northumbrian regalities, whose traditions of independence were less seriously curtailed. Even Tynemouthshire, as has been indicated, was more successful in preserving its institutional autonomy and identity.<sup>141</sup> Conversely, however, we must not overstate the degree of external scrutiny and interference; for it is far from clear that, at least as a normal course, Redesdale was conspicuously more subject to royal government than it had been in the thirteenth century. There is evidence that the Umfravilles remained committed to defending their rights; nor was the crown’s attitude to the liberty necessarily an antagonistic one: indeed, the king was prepared in certain contexts to respect its privileges. Earl Robert, for instance, continued to challenge the competence of royal courts to hear Redesdale cases, and when he claimed his ‘ancient franchises’ in 1311, Edward II ordered the justices of Common Pleas to allow them ‘as used reasonably’.<sup>142</sup> Also, in terms of regional governance and defence, the crown often recognised the need to work with the grain of Umfraville power, and this was a policy with notable ramifications for the liberty. Arguably neither its privileges nor local loyalties were compromised by commissions of array in and out of liberties when Earl Gilbert III was himself a member of such commissions, and thereby had the authority to ensure that separate levies were fielded under their own captains.<sup>143</sup> Or take the commissions appointed by Edward III in 1343 to combat Border-related crime and truce-violations. In the first instance, Earl Gilbert was instructed to arrest and judge felons who consorted with Scots and were found in Redesdale, including those committing offences elsewhere; but it was also stipulated that if persons indicted inside the liberty were captured outside it, they would not be extradited to its jurisdiction. Thus the crown both underwrote Redesdale’s jurisdictional

<sup>140</sup> *Foedera*, II, i, p. 455. Burradon was then a truce-conservator in Northumberland: *CPR* 1317–21, p. 586.

<sup>141</sup> For a full discussion, see above, Chapter 5, pp. 209–11.

<sup>142</sup> *CCW* 1244–1326, p. 336.

<sup>143</sup> Instances include *Rot. Scot.*, i, pp. 565, 588, 594–5, 662–3, 775.

rights and emphasised their limitations. Yet Gilbert was swiftly appointed a royal justice to try suspects arrested in the counties of Northumberland and Cumberland, and he then became a truce-conservator in the Marches, with powers that ultimately embraced truce-breakers sheltering in Hexhamshire, Tynedale and Berwick.<sup>144</sup> Here was a form of lordship, albeit partly ad hoc and not purely ‘franchisal’, that the liberty’s tenants and inhabitants might respect and benefit from.

It can likewise be argued that the emergence of the March wardenships had more or less neutral consequences, and perhaps even positive advantages, for the liberty. Edward III implicitly acknowledged its distinctness by appointing Earl Gilbert a warden-conservator for the East March on nine occasions between 1352 and 1372.<sup>145</sup> Periodically, therefore, Gilbert – though never sole warden – was well placed to protect the liberty from any loss of jurisdiction; he might also support it through his authority as the king’s military governor and enforcer of truces. In any case, even for Redesdale the rule of the wardens does not fit neatly into any model of ‘crown centralisation’. In 1356 the commission for the East March had to be supplemented with a writ ordering Redesdale’s officers to arrest wanted men and hand them over for punishment; and the wardens, it seems, might come into the liberty to negotiate with their Scottish counterparts, but otherwise had no right of entry unless its officials flouted their orders. Here, unlike in other contexts, the evidence does indeed point to a power-sharing arrangement whereby, for the most part, the king’s agents did not deal directly with the local population, but worked through the liberty’s mechanisms. Edward III accepted, moreover, that its cooperation was not guaranteed: in 1356 the liberty was formally threatened with forfeiture; in 1362 the wardens were authorised if necessary to apprehend and punish both truce-breakers and liberty officers. Set against this backcloth, royal authority depended on the Umfravilles’ local jurisdiction and power; and by no one were such realities better appreciated than by Henry Percy, who in 1346 criticised the crown for expecting a commission of joint wardenship, without Earl Gilbert’s name on it, to operate effectively.<sup>146</sup>

On this view, the liberty did have some capacity to influence people’s lives and identifications, even if in practice the results were variable. Judicially, for example, the lord failed on occasion to prevent parties from suing or being sued in the royal courts, so that tenants such as Butticumbe, Clennell,

<sup>144</sup> *CPR 1343–5*, p. 67; *Rot. Scot.*, i, pp. 638, 640, 644.

<sup>145</sup> That is, in 1352, 1359, 1367, 1369, 1370, 1371 and 1372. Gilbert was also a co-warden for the West March (1370–3).

<sup>146</sup> *CDS*, v, no. 801. Other essential references are *Rot. Scot.*, i, pp. 794 (1356), 862 (1362); ii, pp. 85–6 (truce concluded at Billsmoor near Elsdon, 1386).

Horsley, Tailboys, Usworth and Woodburn were sometimes removed from his jurisdiction.<sup>147</sup> Yet we cannot conclude that the king's justice had a serious impact on the liberty's integrity. If anything, the evidence for legal recourse to the crown indicates a decrease on pre-1307 patterns: in the period 1327–31, in fact, merely three out of some 300 Northumbrian suits heard in Common Pleas were Redesdale actions.<sup>148</sup> And when cognisance was enforced, there could be no mistaking the liberty's relevance for regulating local affairs. In 1309 Ingram Umfraville obtained powerful backing from Edward II for prosecuting his hereditary claim to property in Elsdon against Alexander Swinburne. Royal justice was to 'make all the grace and favour for him' it could offer, and a commission was duly appointed. But Earl Robert nevertheless had the action transferred, and both parties came before the liberty court in 1310.<sup>149</sup> Similarly, when in 1342 a novel disseisin concerning estovers in Elsdon was taken to the Northumberland assizes by John Lisle against William II Swinburne and others, the defendants did not appear and relied on Earl Gilbert to claim jurisdiction for the liberty. It involved a lengthy wrangle; but after close scrutiny of the earl's dossier of precedents, the crown ruled in his favour.<sup>150</sup> In 1354 inspection of the record of this allowance prompted Edward III to order his assize justices to remit a novel disseisin sued by Robert Bertram of Bothal against Walter Clifton for lands in West Woodburn.<sup>151</sup> In 1357 a writ brought at the assizes by Elizabeth Gunnerton against William Heron and Gerard Widdrington for part of Chesterhope was returned 'in accordance with the franchise in the parts of Redesdale from time immemorial'.<sup>152</sup> Earl Gilbert likewise pleaded his liberty at the assizes in 1355, 1359, 1362 and 1364; and he could also exclude the jurisdiction of the central courts. In 1344 there was a suit before Common Pleas between John Tosson and John Mumby relating to premises in Otterburn. Both recognised the court; but Gilbert, who had a claim to the property against Tosson, demanded the plea. This request was also referred to the king's council, and some five months later it was

<sup>147</sup> *Northumb. Fines*, ii, no. 161; CP 40/270, m. 49; 40/273, m. 132; 40/299, m. 210; 40/438, m. 138.

<sup>148</sup> As is evidenced by A. J. Lilburn, 'Northumberland cases from the De Banco Rolls 1–5 Edward III', unpublished typescript, NCS, SANT/TRA/2/5. Moreover, two of the three actions were prosecuted when Redesdale was in royal custody because of Gilbert III's minority: CP 40/270, m. 49; 40/273, m. 132; 40/287, m. 557d.

<sup>149</sup> *CCW 1244–1326*, p. 286; NCS, ZSW/1/49, 50; *HN*, II, i, p. 33. For this case's antecedents, see above, pp. 375–6.

<sup>150</sup> JUST 1/656B; 1/1435, m. 50d.

<sup>151</sup> JUST 1/1453, m. 3; C 260/78/16.

<sup>152</sup> JUST 1/1453, m. 5d; *Rotulorum Originalium . . . Abbreviatio*, ed. H. Playford and J. Caley (Record Commission, 1805–10), ii, p. 252.

granted.<sup>153</sup> In these examples at least, litigants who wanted to take the royal route to justice received a sharp reminder of the authority of the liberty and its lord; and most defendants presumably welcomed the opportunity to plead locally before their friends or associates – though their pleas did not invariably succeed.<sup>154</sup>

Such evidence suggests that the liberty's governmental role may not have undergone radical changes in the course of the fourteenth century; but a rather different line of argument has to be followed when fuller consideration is given to the various forces shaping its history during these years. Undoubtedly the most serious problems for the liberty resulted not from any policy of 'state centralisation', but from its descent into a 'land of war'. This meant that the Umfravilles exercised a form of local lordship that was often loose and precarious; and that for long periods the liberty was not only less than secure in the power of its rulers, but also less than effective in its internal machinery and in its value to local society. These at least are the main conclusions indicated by the sources about to be discussed; and under such conditions no liberty could hope to realise its full potential as a structure of authority, governance and loyalty.

The 'Lanercost' chronicle, for instance, recounts how in 1311 King Robert I marched into Northumberland through upper Coquetdale and Redesdale.<sup>155</sup> Nor does it surprise that the only battle in fourteenth-century Northumberland was fought at Otterburn (1388). Regular warfare was of course intermittent; but Redesdale's strategic importance as a major cross-Border thoroughfare made it exceptionally vulnerable to harrying raids or worse. According to a Yorkshire chronicler, writing in the 1390s, Redesdale and Tynedale were 'coerced into Scottish obedience' in 1316 – though earlier sources refer only to north Tynedale as falling to the Scots in Bannockburn's aftermath.<sup>156</sup> They clearly treated Redesdale as hostile territory in 1318, when Harbottle castle was besieged and taken. If this represented the nadir of the liberty's fortunes, it was by no means the end of the story. The nuns of Holystone had to place themselves under Edward II's protection and occupy temporary quarters in Newcastle in 1322. A large Scottish raiding party attacked the liberty in 1335; there was another inroad

<sup>153</sup> JUST 1/1453, m. 3; 1/1460, m. 4; 1/1464, mm. 22, 39; CPR 1343–5, pp. 356–7; C 260/55/90.

<sup>154</sup> The outcomes of most of the actions mentioned are unknown; but the liberty court did find in favour of Elizabeth Gunnerton and (probably) Ingram Umfraville: *Rot. Abbrev.*, ii, p. 252; CDS, iii, no. 721.

<sup>155</sup> *Chron. Lanercost*, p. 216.

<sup>156</sup> *Chronica Monasterii de Melsa*, ed. E.A. Bond (RS, 1866–8), ii, p. 333; above, Chapter 7, p. 323.

in 1337.<sup>157</sup> In 1375 Earl Gilbert recommended to the Pope that Holystone should be permitted to appropriate the church of Alwinton because the priory's properties 'were wasted by constant hostile incursions'. Nor does such language lose any of its force when we see that a Coldtown deed of 1375 allowed for a rent-rebate in the event of 'general war'.<sup>158</sup>

Indeed, such was the reality or threat of warfare that its pressures have provided our best evidence of local communal cooperation, for by 1380 'the people of Redesdale' were paying fifty marks yearly to have a truce with the Scots.<sup>159</sup> This, however, is the sole explicit record of a 'liberty community' in action; and the only other relevant information for the fourteenth century concerns the ninth of 1340-1. The king's taxers could make no collections from the parishes of Corsenside and Holystone, which claimed to have been 'wholly devastated and destroyed by Scottish enemies'. Elsdon, on the other hand, initially agreed to meet its assessment; but it subsequently campaigned to secure respite in concert with parishes outside Redesdale.<sup>160</sup> Thus, while the times might compel people to collaborate, it cannot be said that they did so regularly; nor was such collective activity necessarily structured by, or confined to, the liberty itself.

What, furthermore, was the impact of war on the liberty's ability to uphold government and justice? This question must be approached with some caution. It cannot simply be taken for granted that fourteenth-century Redesdale was the lawbreakers' utopia it has often been assumed to be. Admittedly we do not know how regularly the liberty court sat, and there is scant documentation on local crime patterns. But, overall, it seems difficult to argue that Redesdale was a significantly greater threat to peace than it had been in the later thirteenth century. On the one side, eleven of Redesdale's sixty-seven taxpayers in 1336 had been sued in Common Pleas between 1328 and 1331 for trespasses in the county; and the liberty may have sheltered them, since none appears to have been brought to trial.<sup>161</sup> In 1381 a sizeable group of Northumbrians from Glendale, who were accused of murdering John Muschamp of Barmoor, did take refuge in Redesdale.<sup>162</sup>

<sup>157</sup> *NCH*, xv, p. 463; *Chronicles of the Reigns of Edward I and Edward II*, ed. W. Stubbs (RS, 1882-3), ii, p. 121; *Chron. Lanercost*, p. 292.

<sup>158</sup> *DCM*, Reg. Hatfield, f. 158v; *NDD*, p. 17. Hexham Priory's lands in Chesterhope were said in 1379 to have been waste for almost forty years: *Hexham Priory*, ii, p. 21.

<sup>159</sup> Below, pp. 404-5.

<sup>160</sup> *E 179/158/14*, mm. 2, 3; *CPR 1343-5*, p. 409; *CCR 1349-54*, p. 613; *1354-60*, pp. 71, 120, 185, 409.

<sup>161</sup> *CP 40/273*, m. 98; *40/276*, m. 201d; *40/281*, m. 186; *40/282*, m. 220; *40/283*, m. 207d; *40/284*, m. 303d. One of the accused, Walter Russell, also avoided prosecution in a plea of contempt and trespass in King's Bench in 1349: *KB 27/356*, m. 10.

<sup>162</sup> *KB 27/481*, m. 16d.

Yet, on the other side, merely one Redesdaler was indicted at a coroner's inquest into offences committed outside the liberty in Tynedale ward between 1348 and 1356.<sup>163</sup> Regional law-and-order discourses also tended to target Tynedale more than Redesdale, and only in the 1340s was the liberty specifically criticised, notably in petitions presented to Edward III by the counties of Northumberland and Cumberland in 1342. Moreover, such tendentious articulations are hardly trustworthy sources, and it is clear from the crown's answers to the complaints then made that a more complex situation existed than is usually appreciated.<sup>164</sup>

At root a 'franchise' like Redesdale was not in itself the problem; rather, it was seen as part of a bigger dilemma affecting the welfare of all the king's loyal subjects in the Marches. Cross-Border violence had exacerbated local criminality; but in the crown's view there was no precise correlation between liberties and lawlessness. Liberty men might (allegedly) cooperate with Scottish felons and plunder the counties; by contrast, though, it was recognised that Redesdale (as well as Hexhamshire and Tynedale) was as much sinned against as sinning. Jurisdictional boundaries were being criss-crossed at will by wrongdoers of both nationalities; and the law-abiding had no automatic remedy for the assaults, abductions or other crimes carried out against them. Thus liberties were understood to suffer no less than other parts of the Borders from the twin problems of mobile predators and the lack of a unitary justice system. Unfortunately, however, it remains hard to say exactly how far Redesdale's social order was thereby undermined. The wider judicial powers periodically invested in Earl Gilbert by royal commissions possibly provided a useful antidote. Nevertheless he found it necessary in 1350, and again in 1353, to resort to the crown's courts over trespasses in Harbottle; and if the lord could experience difficulty in obtaining justice locally, it seems improbable that the liberty's tenants could regularly rely on its legal system to defend their interests.<sup>165</sup> All told, therefore, any upsurge in regional disorder was likely to emphasise the liberty's shortcomings in upholding law and social cohesion.

The loss of Harbottle castle raises even more awkward issues about the liberty's relevance as a source of collective security and solidarity. In April 1318 the Scots had granted the garrison a respite in which to seek Earl

<sup>163</sup> NCS, ZSW/1/70. It should also be noted that in 1364 John Coupland's killers were received not in Redesdale but near Linbriggs 'in Coquetdale': JUST 1/661, m. 5; cf. *CPR* 1361-4, p. 539.

<sup>164</sup> *CPR* 1343-5, pp. 67, 88; *Rot. Scot.*, i, p. 644. For discussion regarding Tynedale, see above, Chapter 7, pp. 327-30.

<sup>165</sup> *CDS*, iii, no. 1554; CP 40/375, m. 122. For precedents supporting the lord's right to hear pleas touching himself, see above, pp. 370-1, 376.

Robert's aid, but it was obliged to surrender 'because relief did not arrive by the appointed day'.<sup>166</sup> Inevitably the earl's failure to protect Harbottle delivered a major reverse to his local reputation and authority; and the castle's subsequent slighting had still more significant consequences. The curtain wall was evidently demolished; indeed, the inquisition *post mortem* on Earl Robert in 1325 alludes merely to the 'site of the castle'. Nor is there any sign that Harbottle was back in use until the mid-1340s;<sup>167</sup> and, what is more, by 1351 the castle had again been rendered unserviceable – expressly 'by the war of Scotland' – so that it was unavailable until the mid-1350s at the earliest.<sup>168</sup> For lengthy intervals, the liberty was therefore deprived of its main centre of governance; the lord lacked an obvious means of bolting his rule on the countryside and its inhabitants; and they in turn had no military/policing strongpoint to protect them from Scottish raiders and English felons.

But that is not all. In 1336 Earl Gilbert informed Edward III that whereas prisoners arrested in the liberty used to be kept in Harbottle castle, there was now no secure building where captives could be detained. He requested permission to hold them in Prudhoe castle until the repair of Harbottle, and estimated that this would take twelve to fourteenth years. A licence was duly granted, though for ten years only; and it was renewed by Edward III in 1351.<sup>169</sup> These are model examples in microcosm of the crown's ability to cooperate with liberty-owners: their respective rights might clash; but the king could still show basic consideration for a liberty's jurisdiction and aid its enforcement. Nonetheless the removal of the liberty gaol to Prudhoe, twenty-eight miles from Harbottle, meant that making arrests in Redesdale now entailed long cross-country journeys and related problems such as finding escorts and greater risk of escapes. The new order represented at best a major inconvenience to the liberty's officers, and their diligence must have been tested. It is also most unlikely that suspects were returned to Redesdale for trial. Delivery presumably took place at Prudhoe, and it may well have been difficult to secure participation from Redesdale at the sessions. All these circumstances suggest that felons operating in Redesdale were less likely to be brought to justice; that they would 'increase in

<sup>166</sup> *Chron. Lanercost*, p. 235.

<sup>167</sup> J. Crow, 'Harbottle castle: excavation and survey, 1997–9', in P. Frodsham (ed.), *Archaeology in Northumberland National Park* (Council for British Archaeology, 2004), pp. 249, 258; *CIPM*, vi, no. 607; *CPR 1343–5*, pp. 356–7; NCS, ZSW/1/64.

<sup>168</sup> *CPR 1350–4*, p. 42. Harbottle was perhaps damaged by the Scots in 1346 before Neville's Cross; for in 1347 Earl Gilbert recovered by exchange the castle-mound of Elsdon: *CPR 1345–8*, p. 364. There is, however, no evidence that it was ever refortified. For Harbottle's return into service by c. 1360, see below, p. 402.

<sup>169</sup> *Northumb. Pets*, no. 101; *CDS*, v, no. 754; *CPR 1334–8*, p. 238; *1350–4*, p. 42.



boldness in wrongdoing';<sup>170</sup> and that a serious blow was dealt to the liberty and its social well-being.

Moreover, when Redesdale lost its own gaol it was stripped of a major symbol of its authority and identity as a jurisdiction. A liberty's headquarters castle was likewise something more than a hub of governance; it was, or had the potential to be, an affirmation of both the lord's prerogatives and 'the community of the liberty'. As for Redesdale, however, it is conceivable that the liberty not only failed to maintain its right to internal delivery, but had all pleading touching it held (albeit before its own justices) in Prudhoe castle. To one degree or another, the liberty's effectiveness and cohesion were compromised: it had no independent administrative or communal focus; and the historic tendency to see it as part of a broader power-system was no doubt accentuated. Indeed, when Harbottle was (it seems) temporarily re-established as a gaol in 1345, Earl Gilbert gave a suspect awaiting trial on bail the option of surrendering to Harbottle or to Prudhoe.<sup>171</sup>

The Scottish wars thus had a direct and injurious impact on the liberty as a unit of power and identification; and this becomes clearer still because the dislocation they inflicted on its governmental structures and integrity almost certainly provides the main reason for the difficulties it experienced in keeping English royal authority at bay. It was after all in 1336, when Earl Gilbert formally acknowledged the liberty's institutional weaknesses, that its townships began to be taxed as part of the county. Nor was Harbottle's protracted incapacity unconnected with the erosion of Umfraville revenues due to war. In about 1320 Earl Robert reported that all his estates had been despoiled by the Scots, and asked for Edward II's help in maintaining both his dignity and Prudhoe castle.<sup>172</sup> War-damage provided an obvious pretext for special pleading of this sort; but beneath any embroidery lay harsh realities. That much was conceded when in 1328 Gilbert III, though under-age, was granted his inheritance 'in consideration of the losses his ancestors have sustained for the weal of the kingdom'. It may be added that it was also a significantly truncated inheritance, for not until 1368 was Gilbert able to get control of the dower lands of his step-mother Countess Eleanor.<sup>173</sup> Gilbert's unsuccessful bid to recover the earldom of Angus, in alliance with Edward Balliol in the 1330s, tightened the financial screws: two manors had to be sold off from the barony of Prudhoe; the advowson of Kirkwhelpington was alienated to Newminster Abbey for £100; and two Rutland manors

<sup>170</sup> Quoted from *PROME*, iii, p. 79, which concerns a parallel case.

<sup>171</sup> NCS, ZSW/1/64.

<sup>172</sup> *Northumb. Pets*, no. 138.

<sup>173</sup> *CPR 1327-30*, p. 330; *CCR 1364-8*, pp. 439-40.

were disposed of for 1,100 marks.<sup>174</sup> Here was a magnate who lost heavily from Anglo-Scottish warfare in more ways than one; and the restoration of Harbottle was evidently beyond the young earl's means.

A properly run liberty, especially on a militarised frontier, required not only capital investment; it needed a lord with 'presence'. Yet how the Umfravilles adjusted to the problems posed by war ensured that the assertion of a vigorous personal lordship locally was not an overriding priority. When magnates ran into difficulties, one obvious step was to marry well, and this was a stratagem from which Earl Gilbert reaped handsome dividends. Between 1338 and 1362 he gained in stages, in right of his mother Countess Lucy, the entire Lincolnshire barony of Kyme, whose ample manors made him one of that county's richest landowners.<sup>175</sup> This valuable windfall afforded a more stable and inviting power-base; it likewise drew Gilbert into Lincolnshire society and government. In 1341 he headed a major investigation into lawbreaking, and his continued prominence in county affairs is indicated by his appointment to numerous commissions of the peace, of array and of sewers. Nor can it be doubted that he often conducted such business in person.<sup>176</sup> The axis of the lord's world was shifting, and he ceased to provide his dependants in Redesdale or elsewhere in the Borders with a sustained focus for their loyalties.

From 1369 Earl Gilbert's estates also included the small barony of Langley in Northumberland and the large honour of Cockermouth in Cumberland, acquired through his second wife Maud, sister and heiress of Anthony Lucy. But Lincolnshire still exercised its attractions. Gilbert was at least as concerned to defend his rights in his adopted shire as he was to uphold his authority as lord of Redesdale.<sup>177</sup> Above all, South Kyme near Boston became and remained a favoured seat. Thus, in the 1340s or 1350s, a fine residence with a four-storey tower was built there for the earl's pleasure, and to broadcast the fact that a powerful newcomer had arrived in Lincolnshire society. Gilbert also took a special interest in Kyme Priory, of which he was patron, and presented to the canons a set of vestments decorated with his arms.<sup>178</sup> Kyme's significance as a lordship centre is further indicated by

<sup>174</sup> *CPR* 1330-4, p. 381; *Newminster Cart.*, pp. 82-3; *CCR* 1337-9, pp. 102-3.

<sup>175</sup> *CIPM*, xv, nos. 435-6.

<sup>176</sup> *The 1341 Royal Inquest in Lincolnshire*, ed. B. W. McLane (Lincoln Record Society, 1988), p. xv. See also, for example, Notts. Archives, DD/FJ/1/164/2; *Records of Some Sessions of the Peace in Lincolnshire, 1360-1375*, ed. R. Sillem (Lincoln Record Society, 1936), p. lxxviii; SC 1/40/161.

<sup>177</sup> See especially *CPR* 1340-3, pp. 361-2; DL 27/295; *Public Works in Mediaeval Law*, ed. C. T. Flower (Selden Society, 1915-23), i, no. 118; SC 8/162/8091.

<sup>178</sup> A. Emery, *Greater Medieval Houses of England and Wales, 1300-1500* (Cambridge, 1996-2006), ii, pp. 296-7; Lincolnshire Archives, Dean and Chapter Muniments, Dij/62/iii/12.

the deeds he issued there, which suggest an increasingly regular pattern of visits and lengthy stays – and the ‘earl of Angus’ also called himself ‘lord of Kyme’; rarely was he ‘lord of Redesdale’.<sup>179</sup>

This excursus serves to underscore that any liberty’s history was contingent on its broader context, and how far its effectiveness as a source of local governance and identity might be a casualty of ‘events’. More specifically, it reminds us that the lord’s failings or successes, and his policies, were crucial to a liberty’s development and its role in society. But it would nevertheless be misleading simply to dwell on Earl Gilbert’s semi-disengagement from the Borders. All magnates were non-resident in varying degrees; and compared with fourteenth-century Tynedale, the earl’s Northumbrian estates suffered far less from the problems of absenteeism. In fact, in the 1340s Gilbert received, and perhaps executed, more commissions in Northumberland than he did in Lincolnshire; and in the 1360s and 1370s he was as likely to be commissioned for one shire as for the other. Nor did any of Gilbert’s Lincolnshire offices rival in responsibility and power his authority as a March warden on various occasions from 1352. And, more importantly, steps were in due course taken to renew Redesdale’s administration, with the result, no doubt, that the liberty became more successful in organising people’s affairs and meeting their needs. In 1355, 1357 and 1359 civil suits were apparently heard at Harbottle; in about 1360 Thomas Horsley is recorded as its constable. This would indicate that the castle had been fully reinstated, thanks probably to Lincolnshire revenues; and at some date in the later fourteenth century, Harbottle was indeed renovated by adding a drawbridge and a barbican to the inner bailey gatehouse.<sup>180</sup> The earl’s concern for Redesdale’s management was also displayed when in 1380, by an indenture drawn up in Kyme, he entrusted its governance to his half-brother, Thomas I Umfraville, as constable of Harbottle and ‘warden and governor of . . . his lordship of Redesdale and Coquetdale’.<sup>181</sup> But the fact remains that while Gilbert was keeping his distance in Lincolnshire, the Scots were harassing Redesdale and its people had largely to fend for themselves.

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Gilbert also displayed his allegiance to Lincolnshire by founding a chantry at Dogdyke near Kyme and arranging for his obit to be celebrated in Lincoln Cathedral: *CCR 1377–81*, pp. 491–2; *CPR 1381–5*, p. 412.

<sup>179</sup> See, for instance, BL, Harley Ch. 57.D.3, 7–9; *CCR 1377–81*, pp. 232, 491–2; *CIPM*, xvii, no. 1243; xxi, no. 833; DCM, Reg. Hatfield, f. 159r; E 210/1159, 9213, 9627.

<sup>180</sup> C 260/78/16; JUST 1/1453, mm. 3, 5d; 1/1460, m. 4; *Rot. Abbrev.*, ii, p. 252; *NDD*, p. 17 (misdated); Crow, ‘Harbottle castle’, pp. 252–3, 259. Harbottle is depicted on the Gough map (c. 1360).

<sup>181</sup> BL, Harley Ch. 57.D.9.

The fourteenth-century evidence just reviewed has touched on both the liberty's governmental capacity and the overall nature of Umfraville lordship; but it remains difficult to provide a straightforward summary of the wider socio-political implications. On one level, here was a noble house whose role in Northumberland was on the wane. It failed to compete effectively with brokers of patronage and power such as the Nevilles and Percies, who (unlike the Umfravilles) were royal favourites as well as royal servants; and we can be reasonably sure that the family's ability to shape regional or local loyalties deteriorated, even within its traditional heartlands. Nor did Northumbrians profit significantly from the surge in Earl Gilbert's fortunes elsewhere in England. Richard Ovingham became parson of Aswarby near Kyme, and William Ilderton resigned the rectory of Alwinton for the richer living of Waddingham near Lincoln. Yet the only Redesdale tenant known to have benefited was Thomas Reed, who in 1380 received a grant for twenty years of the receivership of Allerdale in Cumberland.<sup>182</sup>

Much else remains uncertain, but some tentative assessments concerning 'liberty society' can at least be made. Most obviously, the good lordship that might have made it a more recognisable and cohesive group was no more guaranteed after Earl Gilbert II's death in 1307 than it had been in his heyday, though for different reasons. Thus, just as Umfraville interests branched out into Lincolnshire, so no doubt did gentry families participate more fully in Northumbrian county society and its alternative networks of service and allegiance. The career of Richard II Horsley offers an instructive example. Redesdale was sufficiently important to his interests for him to acquire new lands in Coldtown in 1360,<sup>183</sup> but such were his ambitions in the shire that he was MP in 1358, 1360 and 1363, and sheriff in 1362–3 and 1367–70. Moreover, it appears that Redesdale's tenants had few incentives to identify with the liberty because its traditional disadvantage of lacking the privileges and powers of a 'royal liberty' was compounded by the damage done to its authority by Scottish aggression. Significantly, too, nothing suggests that the 'war-state's' increasing demands on and involvement in Redesdale prompted collective local protests based on support for its rights. By these yardsticks, therefore, it would be easy to conclude that the liberty's ability to act as an effective local polity was modest indeed. But there is nevertheless some need for a more measured assessment; there are also good reasons for deferring a final verdict. As to the second point, we have yet to investigate Redesdale's fortunes after 1381. As to the first, we

<sup>182</sup> *CIPM*, xv, no. 435; *DCM*, Reg. Hatfield, f. 175v; E 210/1159. Thomas Reed 'of Otterburn' was a royal taxer in Northumberland in 1395 and 1398: *CFR*, xi, pp. 139, 265.

<sup>183</sup> *NDD*, p. 17.

may draw and expand on some of the issues already discussed in order to take a rather more positive view of the modalities of lordship, liberty and identity in the age of Earl Gilbert III (1331–81).

We must thus recall that Gilbert's wardenship in the East March warns against an over-simplistic interpretation of the Umfraville 'decline'. His commissions from 1352 (including six in 1367–72) gave him an unprecedented regional authority; they likewise entailed special judicial powers for stabilising the localities by securing protection and redress from Border brigands. These powers are fully registered by the terms of Gilbert's commission of July 1370; nor did he execute it by deputy, for surviving deeds place him at Prudhoe in November 1370 and at Harbottle in May 1371. Reappointed in June 1371, he was also at Harbottle in the following September.<sup>184</sup> At such times, the liberty court may in effect have assumed the functions of a warden's tribunal, exercising a peacekeeping jurisdiction beyond its normal scope and offering better justice locally. One vector of governance might thus reinforce another to their mutual benefit; and here Redesdale's experience was more in line with that of Tynemouthshire, whose relevance as a power-structure was in some senses strengthened by the requirements of the 'war-state'.<sup>185</sup> Again, before and especially after the mid-1350s, the liberty's own institutional significance must not be minimised unduly. Gilbert appears to have claimed court with reasonable vigilance; more notably still, the number of litigants known to have used the crown's courts, even while Harbottle was out of action, does not suggest that royal justice was automatically preferred. It thus needs emphasising that the liberty court may well have been the main tribunal for most local landowners – including members of the gentry, notwithstanding the weakness of their social bonds with Redesdale. Nor can it be ruled out that the liberty's authority was important to such men for purposes besides their litigation strategies, be it to compensate for their limited personal power at grassroots level, or to protect their county estates from breakdowns of order.

So, despite all the liberty's difficulties, it might still have some influence on loyalty and identity; and, more particularly, it did provide a basis for collective unity and action, however fleetingly, when 'the people of Redesdale' came together to purchase peace from the Scots. They are mentioned in a petition to Richard II from the counties of Northumberland, Cumberland and Westmorland, which can be dated to 1379 or 1380. It was said that Berwick, Tweedmouth and the castle of Wark-on-Tweed had also

<sup>184</sup> *Rot. Scot.*, i, pp. 939–40, 945; BL, Harley Ch. 53.B.41; Notts. Archives, DD/FJ/4/26/11–13; cf. *CPR 1370–4*, p. 35.

<sup>185</sup> Above, Chapter 5, pp. 209–11.

bought truces, as had the king's lieges of Roxburghshire, Dumfriesshire and Cumberland. So Redesdale was the only liberty to organise a common response, even though the petition complained of truce-violations 'more damaging than open war'.<sup>186</sup> This, then, was a notable stirring of a 'liberty community'; and, what is more, the lord was apparently in no position to coordinate it. We do not know who the leaders were or how the money, £33.6s.8d. a year, was raised. But reference can be made to Redesdale's recent experience of royal taxation. According to the county rolls for the fifteenths and tenths of 1372–3, the king's commissioners had continued to tax each township separately.<sup>187</sup> Yet for the poll tax of 1377 they treated the liberty as a single unit; and the file of receipts for Tynedale ward shows that 510 (unnamed) taxpayers had been taxed together under 'Redesdale castle' at the rate of £8.10s.<sup>188</sup> Earl Gilbert's concern to restore the liberty's administration had evidently reasserted its institutional unity and identity, as is underlined by its exemption in 1381 from paying towards the expenses of Northumberland's MPs, a concession displaying exceptional regard for its privileges.<sup>189</sup> So in 1377 the 'fiscal-state' had respected the liberty's distinctive status; it had also reinforced Redesdale's social cohesion by obliging its inhabitants to see themselves and act as a collectivity. Likewise the procedures to assess and levy the poll tax doubtless supplied a ready-made framework for organising the truce-payments. Yet if the king's government played its part in the 1370s in the mediation of a 'liberty identity', the fact remains that it was the liberty and not the 'state' that provided people with their unifying focus. Thus even a liberty like Redesdale might on occasion mobilise a community; and *in extremis* that community could take responsibility for its own common interests and security.

The Umfravilles' dignity and power were profoundly affected by Earl Gilbert's childless death in 1381, and the chief gainer was Henry Percy, earl of Northumberland. His marriage to Gilbert's widow Maud swiftly brought Prudhoe under his thumb; and from 1398 he controlled the barony in his own right, according to the terms of an entail purchased in 1375. Yet Earl Gilbert had not entirely ignored the claims of the Umfraville cadets to the Northumbrian patrimony. In 1378 Edward III had allowed him to re-entail

<sup>186</sup> *Northern Pets*, no. 113.

<sup>187</sup> E 179/158/25–6; 179/364/17/14.

<sup>188</sup> *The Poll Taxes of 1377, 1379 and 1381*, ed. C. C. Fenwick (Oxford, 1998–2005), ii, pp. 259, 264.

<sup>189</sup> J. Wallis, *The Natural History and Antiquities of Northumberland* (London, 1769), ii, Appendix, p. 4. See also KB 27/481, m. 16d, for explicit acknowledgement by the sheriff of Northumberland in 1381 of Redesdale's authority as a jurisdiction distinct from the county.

on them Redesdale with the 'ten towns'; and the descent was as follows: the earl's half-brother Thomas I (d. 1387); this Thomas's bastard son Thomas II (d. 1391); Thomas II's son Gilbert (d. 1421); and Thomas I's other bastard son Robert (d. 1437), the last Umfraville lord of Redesdale.<sup>190</sup>

So it was that Redesdale became pivotal to the family's status in Northumberland, and such a refocusing of interests might have worked for a closer correspondence between lordship, liberty and local society. But the Umfravilles were now reduced to the ranks of the Border gentry, albeit its upper ranks; it would therefore be a struggle to assert an influential and attractive leadership. More serious problems also compromised their authority. One-third of Redesdale, assigned to Countess Maud in dower, was under Percy's rule;<sup>191</sup> while his control of Prudhoe brought all Redesdale tenants who had lands in the barony directly within the ambit of his power. Moreover, on Thomas II Umfraville's death in 1391, his son Gilbert was only four months old, and Redesdale (or the bulk of it) fell into crown hands for a good twenty years. Countess Maud's third passed into Hotspur's custody when she died in 1398; the rest of the liberty was managed by Ralph Neville, earl of Westmorland. Admittedly the redoubtable Robert Umfraville was captain of Harbottle castle by 1400; and in 1404 he replaced Hotspur as keeper of Otterburn tower and the third part of 'the lordship of Redesdale and Coquetdale'.<sup>192</sup> But the liberty was not reunited under a single lord until young Gilbert received full livery of his inheritance in 1412. Thus, for three decades, Umfraville government of Redesdale was neither unitary nor continuous; its tenants and inhabitants experienced a prolonged period of 'natural' uncertainty and instability; and, in addition, their livelihoods were threatened by a resurgence of cross-Border conflict in the 1380s and from 1399. This was indeed no basis for building an assured sense of local solidarity in the service of a liberty and its lord.

Furthermore, the Umfraville estates outside Northumberland now included important Durham manors, while the barony of Kyme reverted following Countess Maud's death.<sup>193</sup> So Redesdale was hardly the sole focus of the family's interests and connections; nor was it the main source of its income and power. In 1381 the liberty had been valued at £53.6s.8d. 'and no more, because of the war of Scotland'; in 1391 the Umfraville two-thirds of

<sup>190</sup> For the transmission of Prudhoe to the Percies, see Tuck, 'Northern nobility', pp. 11–12, where the significance of the defective title of Earl Gilbert's nephews is, however, overlooked.

<sup>191</sup> *CIPM*, xvii, no. 1246.

<sup>192</sup> *Proceedings and Ordinances of the Privy Council*, ed. H. Nicolas (Record Commission, 1834–7), i, p. 125; *CPR 1401–5*, p. 372. Significantly, too, the bailiff of Redesdale is found claiming a plea at the Newcastle assizes in 1395: JUST 1/1507, m. 8.

<sup>193</sup> See most conveniently *HC*, iv, pp. 687–8 (Thomas II Umfraville's biography).

Redesdale were said to be worth merely £6.13s.4d. 'on account of the war, destruction and burnings inflicted by the Scots'. According to surveys made in 1421, Redesdale had an annual yield of £13.6s.8d. – and Kyme one of some £280.<sup>194</sup> The Umfravilles might still turn in Border society and governance. Thomas II Umfraville played a gentry-style role in Northumberland as sheriff and MP; while Robert Umfraville enjoyed 'an influence on the northern marches disproportionate to his actual status'.<sup>195</sup> The liberty and its tenants must therefore have received some protection and support, as when Robert acted as Redesdale's military champion at Fulhope Edge (1399) and Redeswire (1400). But the family's partial retreat from the Borders was by no means completely reversed after Earl Gilbert's death; and nowhere is this better shown than by the exploits of his great-nephew and namesake, who made a career for himself in Henry V's French wars and was elevated by popular acclaim to the honorary status of 'earl of Kyme'.<sup>196</sup>

Once again, it is difficult to pin down the consequences for 'liberty society'; but some important sources can be drawn on. The first is the retinue-list of Thomas Umfraville (probably Thomas II) for the 1385 Scottish campaign. As well as Robert Umfraville, twenty-eight men are named. Some, such as the men-at-arms Robert Farnacres and John Roddom of Beverley, were from Durham or Yorkshire. At least thirteen retainers, virtually all archers, belonged to Northumberland; but only four or five are known to have had strong Redesdale connections: John Henryson and John Russell of Coldtown, Robert Hedley and Robert Johnson 'of Redesdale', and possibly Thomas Chaytor, who was to be the liberty's bailiff in 1418–19. John Andrewson of Ingram, Robert Berghalgh of Clennell, Thomas Brown of Sharperton, Hugh Shillmoor, and Nicholas Straker of Clennell came from the 'ten towns'; William Cuthbert of Shilbottle, William Gallon of Trewhitt and John Greenson of Nafferton were freeholders elsewhere in the county. Furthermore, Henryson, Russell and Johnson were themselves minor county landowners.<sup>197</sup> Such a directory scarcely suggests that the Umfravilles were cultivating loyalty and service within a catchment area defined by the liberty. Rather, it reminds us of the comment of John Harding, the family's fifteenth-century panegyrist, that whenever Robert

<sup>194</sup> C 136/17/1; 136/67/17; *CIPM*, xvi, no. 1043; xxi, nos. 832–3. By 1437 the liberty was described as worth nothing to its lord 'because of the war that existed between the kingdom of England and the Scots [and] is still continuing': C 139/83/57.

<sup>195</sup> H. E. L. Collins, *The Order of the Garter, 1348–1461* (Oxford, 2000), p. 49.

<sup>196</sup> GEC, vii, p. 364.

<sup>197</sup> BL, Cotton Roll XIII.8. The main prosopographical source used is *Poll Taxes*, ii, pp. 262–71; see also *CPR* 1396–9, p. 72; JUST 3/54/3, m. 3; *NDD*, pp. 18, 127. Henryson was a Percy retainer in 1384: E 101/40/5, m. 2.



Umfraville made war on the Scots he depended on 'the men of the bishopric and of Northumberland'.<sup>198</sup>

We turn next to the proof of age for Gilbert Umfraville taken at Newcastle in 1412.<sup>199</sup> The jurors whose local knowledge Gilbert relied on to testify to his birth in Harbottle castle on 18 October 1390 were a heterogeneous group. William Butticumbe of Troughend, John Orde of Broomhope, Robert Lisle of Woodburn (d. 1425) and John Lisle were the only Redesdale tenants on the panel. John Lisle remembered building a house in Harbottle at the time of the birth; Orde declared that he had gone to Newcastle to arrange his daughter's marriage.<sup>200</sup> In addition, Robert Tempest recalled riding to summon Elizabeth Heron of Ford to be Gilbert's godmother; Wenceslas Dorsteynour said that he had fetched the abbot of Melrose to be a godfather. Neither of these men had any deep roots in Northumberland, though both prospered in county circles after 1390.<sup>201</sup> The other jurors were well-established shire landholders: William Cramlington, Richard Craster of Dilston, Hugh and William Gallon of Trewhitt, Nicholas Turpin of Whitchester and Edward Wetwang of Dunstan.<sup>202</sup> Like Dorsteynour and Tempest, all six gave personal statements asserting or implying that they had been in Umfraville service when Gilbert was born.<sup>203</sup> Hugh Gallon, for example, recollected escorting Elizabeth Heron from Rothbury to Harbottle for the baptism; Cramlington recalled his presence in the castle as Thomas II Umfraville's household steward. Of the Redesdale tenants, however, only Robert Lisle seems to have been an Umfraville retainer in 1390; and he would inherit the manor of South Gosforth in the following year, and serve as MP for Northumberland and its sheriff.<sup>204</sup> All in all, the picture is that of a liberty firmly integrated into a wider universe, and the world of local county society in particular.

<sup>198</sup> *The Chronicle of John Hardyng*, ed. H. Ellis (London, 1812), p. 382. Harding's assessment is largely confirmed by the composition of Robert's company for the Scottish campaign of 1400. Conversely the 'earl of Kyme's' substantial retinue for France in 1417 was drawn mainly from outside the North-East. See respectively E 101/42/16, m. 10; 101/51/2, m. 33.

<sup>199</sup> *CIPM*, xix, no. 1005.

<sup>200</sup> For John Orde 'of Newcastle', also a proprietor in Abberwick near Alnwick, see *NDD*, p. 151; *CIPM*, xx, no. 153.

<sup>201</sup> Tempest, originally from Yorkshire, married into property in Halton and Great Whittington in 1408, and was sheriff in 1409; Dorsteynour held Fawdon in the 'ten towns' by 1428: *CPR 1405-8*, p. 464; *1408-13*, p. 41; *FA*, iv, p. 88.

<sup>202</sup> For Turpin's career, see *HC*, iv, pp. 677-8.

<sup>203</sup> The jurors' recorded memories cannot, of course, be trusted implicitly; but most of their recollections were not formulaic and have an authentic ring. Moreover, William Gallon and Robert Tempest served under Robert Umfraville in 1400: E 101/42/16, m. 10.

<sup>204</sup> For his biography, see *HC*, iii, pp. 610-12.

But the remaining evidence to be considered supplies strikingly different perspectives. Petitions presented in Parliament by neighbouring counties in 1414 and 1421 displayed unprecedented concern about the lawlessness of men from Redesdale.<sup>205</sup> The lack of continuity in the liberty's governance from 1381, coupled with persistent Scottish harrying, may have increased levels of misconduct – though, to judge from contemporary Newcastle gaol deliveries, its inhabitants were as likely to be the victims of crime.<sup>206</sup> Here, however, the key issue is the prominence accorded to Redesdale as a separate jurisdiction. The Northumberland 'county community' reported in 1414 that the sheriff could not enforce writs in the liberty without raising the *posse comitatus*; that the shire could no longer sustain this burden; and that Redesdale was left to its own devices, because the sheriff dared not enter it unsupported 'for fear of being killed'. Thus, as long as crown agents had the necessary backing, Redesdale was ultimately subject to shrieval authority – a reminder that its privileges were not those of a 'royal liberty'. But in practice the sheriff's disciplinary control had become a dead letter, or so it was said. In 1421, moreover, the county communities of Northumberland, Cumberland and Westmorland represented Redesdale as another Tynedale or Hexhamshire: it was, they asserted, a liberty where 'the king's writ does not run'.

Such evidence is not easy to interpret: it may be, for example, that the sheriff exaggerated the liberty's intransigence in order to excuse his own derelictions of duty. Even so, Redesdale was externally defined as a distinct local polity with its own institutional ethos and identity. Nor can this construction be dismissed as merely a myth. It was not unusual for liberties to resist royal officers by force when they attempted to uphold the crown's rights; and, after all, Earl Gilbert II had employed such tactics in Henry III's reign.<sup>207</sup> Thus Redesdale's administrative history may have been, and often was, erratic and unpredictable; but it is salutary to find that its experiences continued to revolve around its liberty status. And for explicit corroborating detail we need look no further than the inquisition *post mortem* on Robert Umfraville in 1437. Its jury, which met in Newcastle and included Northumbrians from outside Redesdale, had no doubt about the enduring reality of the rights of government and justice 'allowed to the lord under Edward I and Edward III'. It testified to cognisance of all pleas, return and execution of royal writs, and gaol delivery at will; it declared that 'no sheriff

<sup>205</sup> *PROME*, ix, pp. 49–50, 296–7; SC 8/130/6459.

<sup>206</sup> Storey, *Langley*, pp. 140–1; cf. JUST 3/54/1/3.

<sup>207</sup> Below, Conclusions, p. 430; above, p. 369. See also KB 27/481, m. 16d, which suggests that in 1381 the sheriff lacked the power to execute the king's writ in Redesdale by process *non omittas*.

or other royal bailiff should enter the liberty to carry out any office', though with the rider 'except in default of the lord's bailiffs'. It also mentioned two yearly views of frankpledge, a three-weekly court, and a biannual court called 'forstercourt', presumably a forest court.<sup>208</sup>

What then should the final verdict be? Redesdale under the later Umfravilles, no less than in Earl Gilbert II's epoch, can be categorised with some justification as a 'failed' liberty in terms of its social and political topography. People had diverse ties and loyalties; there is nothing to suggest the presence of a vibrant community with a sustained sense of its distinct place in the world. This is perhaps only to be expected of an entity lacking the superior institutional definition and collective freedoms of a regality; and, of course, a more specific (and exceptional) consideration is the impact of frontier warfare, which weakened the liberty's cohesion in many directions. On the other hand, however, the overall story of medieval Redesdale is not one of remorseless integration into the apparatus of the 'state'. So, on a broad view, the liberty had much resilience as a local jurisdiction, notwithstanding its general lack of socio-political capital. This apparent paradox is seemingly made more complex because insofar as the liberty remained institutionally separate from the rest of the kingdom, so did its rights and authority continue to influence people's attitudes and assumptions, despite the absence of a strong narrative of identity. How might these themes be reconciled?

First and foremost, the dominance of the Umfravilles, for all its oscillations, had the capacity to superimpose an organising authority over a remarkably long period. Their defence of the liberty's privileges was not without its successes; it was also assisted by the practical and other limits on the exercise of crown power. Indeed, far from systematically encroaching on local prerogative and custom, the king might respect and assist the liberty, as when (for example) Edward III upheld its right to have a gaol. In consequence, and in spite of evident complications, an institutional framework existed whose significance might be more immediate and relevant than that of the 'state'. It might likewise claim part of people's loyalties and identities; but how large a part would differ according to circumstance and need. An obvious illustration is how Scottish aggression in the late 1370s triggered ideas of 'community'. It is also possible that, during the years 1381–1421, the liberty became increasingly important to communal values and interests in order to compensate for or exploit the lack of regular lordship. We seem to learn as much on finding that by 1444 the liberty's

<sup>208</sup> C 139/83/57.

tenants, perhaps thanks to collective representations, were allowed to live rent free during wartime, save for their service in keeping Redesdale 'from wolves and thieves'.<sup>209</sup>

Be that as it may, in the early fifteenth century people did identify themselves with the liberty by closing ranks against crown interference and controls. Their numbers and names cannot now be known. But one likely candidate is Thomas Reed, who was bailiff of Redesdale by 1425 and enjoyed some notoriety as a Border freebooter. He thus had good reasons to uphold the liberty's independence – though he also pursued important concerns elsewhere, as is underlined by his efforts to secure the Turpin inheritance in the Tyne valley.<sup>210</sup> William Swan of Linshiels had equally varied interests and attachments: his home was apparently outside Redesdale in Little Ryle, and he was receiver of Dunstanburgh in 1404. Nevertheless he may have been another supporter of the liberty's powers since he had a well-attested contempt for crown officers, two of whom he imprisoned in Alnwick.<sup>211</sup> Similarly Laurence Acton and Thomas Herrington identified themselves in different ways: as Redesdale landowners, shire gentry, and burgesses. But when in 1389 they were called on to defend local autonomy as bailiffs of Newcastle, they did not hesitate to block a royal writ. No less instructive is a deed issued by Herrington in Newcastle in 1409, whose terms took it for granted that, as a power-structure, Redesdale had as much validity and relevance as the county town and the county itself.<sup>212</sup> In sum, people's affiliations and identities were hardly less pluralistic in the past than they are today; but other loyalties did not necessarily conflict with liberty loyalties. And in the last analysis, it can be argued, this is what 'the liberty of Redesdale' was all about. Though never the whole basis for a society and its self-identification, the liberty managed despite its weaknesses to adapt to changing times and needs; and so it was that relations with it, even where they were part of broader and more important ties, still had meaning for people's lives and allegiances, however variable that meaning may have been.

<sup>209</sup> C 139/115/30.

<sup>210</sup> *Reg. Langley*, iii, no. 618; NCS, ZSW/1/110; C 1/12/221; *HC*, iv, p. 678.

<sup>211</sup> Tempest, 'Selby charters', p. 91; *CFR*, xvi, p. 19; *CPR 1401–5*, p. 365; C 1/16/88.

<sup>212</sup> *CPR 1388–92*, p. 298. On Acton, see also *HC*, ii, p. 9, with Longstaffe, 'Local muniments', p. 30, for his Redesdale property. Herrington's deed, which carefully distinguishes between his properties in county, liberty and town, and between witnesses 'of the county of Northumberland' and those 'of Redesdale', is DCRO, D/St/D10/11; *HN*, II, i, p. 170 (misdated).



# *Conclusions and Wider Perspectives*

*Matthew Holford and Keith Stringer*

To draw conclusions from the foregoing analyses of north-east England's major liberties is not straightforward. It is indeed a key finding that they each had a distinct history contingent on disparities in their institutional status and a wide range of other variables. Thus all were affected in some way by Anglo-Scottish warfare from 1296; but Tynedale and Redesdale, because of their frontier positions, were inevitably the most exposed to Border conflict. Again, the political calamity of Alexander III's death without direct male heirs led to a vacuum of lordship in Tynedale of the sort that no other liberty experienced. Conversely the good lordship previously offered by the Scottish kings in Tynedale was different in its nature and results from the regime of Earl Gilbert II Umfraville in Redesdale, or those of successive priors of Tynemouth. Once again, Durham 'between Tyne and Tees' had a historic pedigree, a cultural identity and a powerful saintly patron, which were more or less unmatched in the North-East. These factors helped to make 'the community of the liberty', the *Haliwerfolk*, a uniquely prominent force; they likewise assisted the bishops of Durham in defending and extending their jurisdictional rights, and contributed to ensuring that, of all the north-eastern liberties, Durham would enjoy the most extensive prerogatives and powers. Yet while the diverse experiences of individual liberties do require emphasis, their histories are not without shared themes and trends, and some wider conclusions and observations are warranted. These can be grouped under three general (and interrelated) topics: liberties and the 'state'; liberties, lordship and local society; and liberties, identities and communities.<sup>1</sup>

First, our findings confirm and supplement recent critical assessments by Rees Davies and other scholars of the power and resources of the medi-

<sup>1</sup> Parts of the following analysis draw on K. J. Stringer, 'States, liberties and communities in medieval Britain and Ireland (c. 1100–1400)', in M. Prestwich (ed.), *Liberties and Identities in the Medieval British Isles* (Woodbridge, 2008), pp. 5–36, where liberties outside the North-East are discussed at greater length.

eval English 'state'. The picture that has emerged is not, therefore, entirely novel; but its contours deserve to be highlighted, especially in view of the crown-centred assumptions that have traditionally dominated the historiography of England's liberties. Achieving a more balanced judgement of crown-liberty relations is nevertheless a nice problem, partly because of the very nature of the associated vocabulary. The language of 'liberties' and 'privileges' or, still more, of 'delegation', 'franchises' and 'immunities', unduly favours the crown as both a source of legitimate authority and a force capable of imposing at will its own imprint on the localities. Yet such terminology, for all its shortcomings and distortions, is by no means wholly anachronistic. Indeed, it has an impeccable medieval provenance, which is conventionally traced to 'the age of Bracton' in the mid-thirteenth century, when the theorising of Henry III's jurists was deeply influenced by notions of unitary royal rule and the belief that all 'franchises' had been delegated and defined by the crown. Nor can it be gainsaid that these concepts of monarchical authority were informed by the actualities of expanding 'state' power, or that the growth of royal oversight and regulation could have a real impact on liberties. Accordingly the crown cannot be counted out. It would be absurd to suggest otherwise, even as regards the outer margins of the wider English polity. The Welsh March enjoyed a remarkable degree of autonomy from the kingdom of England; yet it was in the 'context of royal power and ultimate control that Marcher liberties developed and were eventually defined'.<sup>2</sup> Even more does this apply to English Ireland where the reach of the king's jurisdiction meant that Trim was the only liberty allowed to hold all crown pleas.<sup>3</sup>

By the same token, nor did liberties in the thirteenth-century North-East, including those in the Borders proper, escape the penetrative influence of English royal superiority. The king of Scots conceded that Tynedale was subject to the common law of England, and that he could hold eyres in the liberty only after jurisdiction had been craved from the English king's eyre justices. Redesdale lived more fully within the 'state': it was automatically subject to royal taxation, and its justice system was far from self-contained. Above all, liberties throughout the English king's dominions had to adjust to the consequences of increasingly exalted Bractonian doctrines of the crown's supremacy; and at no point did royal attitudes harden more dramatically than during Edward I's reign (1272–1307). We need not dwell on the lofty claims of the king and his ministers, or on their practical

<sup>2</sup> R. R. Davies, 'Kings, lords and liberties in the March of Wales, 1066–1272', *TRHS*, 5th ser., 29 (1979), p. 55.

<sup>3</sup> G. J. Hand, *English Law in Ireland, 1290–1324* (Cambridge, 1967), Chapter 6.

applications in the *Quo Warranto* inquiries in England, in the shiring of Kildare and Meath, and in the challenges faced by the Welsh Marcher lords especially in the 1290s. From the liberty-owner's perspective, Edward I's view was encapsulated only too trenchantly in the retort to the lord of Pembroke that 'the king was entitled to send justices to hear pleas wherever he wished'; or in the ruling that Bishop Bek's seizure of Barnard Castle as a forfeiture from John Balliol had been a 'presumptuous usurpation' and 'to the prejudice of our royal right and crown'.<sup>4</sup> It was a discourse of governance that subordinated all institutions and power-relations to the *dominus rex* as sole keeper of the *regalia*: sovereignty, in brief, could not be shared.

Yet, in effect, sermons like these tell us more about how crown authority might be imagined than about the capacity of the thirteenth-century 'law-state' to enforce its will as 'a free-floating superstructure of power'.<sup>5</sup> Nor was centralist franchise-theory necessarily the most influential contemporary thesis, for there were both "royalist" and "anti-royalist" views.<sup>6</sup> After all, regalities like Durham, Hexhamshire and Tynedale rested not on any king's grants but on tenure 'from time immemorial'. Their powers might still be represented by the crown as delegations of regalian authority; but the liberty-owner and his subjects rarely qualified their rights in such terms. Accordingly 'royal liberties' could be perceived as something other than mere subsidiary jurisdictions. Rather, they might have their own rightful authority as power-bases outside the normal sphere of crown governance, enjoying their own *jura regalia*, not 'privileges' bestowed at the king's pleasure.<sup>7</sup> That was why in Durham in 1295 a writ of Edward I was torn up and trampled into the ground.<sup>8</sup> It was another way of saying that the crown should defer to a liberty's 'regal rights'; and – most importantly – in practice such rights were seldom seriously impaired by the growing power of the 'law-state' and its officers, be it in north-east England or in the 'jurisdictional redoubt' that was the Welsh March.<sup>9</sup>

Much of this has less resonance for return-of-writs liberties like

<sup>4</sup> Davies, *Lordship and Society*, p. 259; *RPD*, ii, p. 796.

<sup>5</sup> R. R. Davies, "The medieval state: the tyranny of a concept?", *Journal of Historical Sociology*, 16 (2003), p. 296.

<sup>6</sup> D. W. Sutherland, *Quo Warranto Proceedings in the Reign of Edward I, 1278–1294* (Oxford, 1963), p. 12.

<sup>7</sup> For some broader discussion, see J. B. Smith, "Distinction and diversity": the common lawyers and the law of Wales', in H. Pryce and J. Watts (eds), *Power and Identity in the Middle Ages* (Oxford, 2007), pp. 147ff.; also T. Thornton, *Cheshire and the Tudor State, 1480–1560* (Woodbridge, 2000), p. 253, where attention is drawn to the 'uncertainty and open debate' evident in discourses in the Year Books about Cheshire's constitutional status.

<sup>8</sup> Fraser, *Bek*, p. 97.

<sup>9</sup> Smith, "Distinction and diversity", p. 149.



Redesdale and Tynemouthshire, whose powers of government and justice were automatically more dependent on the structures of crown superiority and administration. Nonetheless the lord of Redesdale and the prior of Tynemouth guarded their rights as keenly as did the bishop of Durham, the archbishop of York or the king of Scots. Nor should we underestimate the levels of local control they achieved. In fact, when Edward I's officers intervened in the affairs of Redesdale and Tynemouthshire, they generally did so in reaction to the concerns of tenants about the unfettered nature of the jurisdiction their lords exercised over them. And so it was that, overall, there were clear limits to crown government in the thirteenth-century North-East, where the king's writ was rarely executed between Tees and Tyne, and his officials were usually excluded from about half the area of modern Northumberland. It was not so very different in the North-West, where Allerdale, Copeland, Penrith and other liberties confined the sheriff of Cumberland's bailiwick to the Carlisle plain and parts of the Eden valley; while Yorkshire was (and long remained) such a land of liberties that the sheriff was directly in charge of only about one-third of the county.<sup>10</sup> Here as elsewhere even Edward I 'could not cancel the past'; or rather he 'was a master who was content with the acknowledgement of his mastery'.<sup>11</sup>

The fourteenth-century 'war-state' did pose new challenges. Its assertiveness was revealed in increased demands, in the proliferation of royal commissions, and in a general strengthening (for all the necessary reservations) of 'regional integration'. In particular, whereas for most of the thirteenth century the north-eastern liberties had seldom been affected by aids or lay subsidies, from the 1290s a more exacting tax-system put their prerogatives rigorously to the test. Furthermore, the crown's war-making entailed demands for troops and purveyance 'within and without liberties'. Efforts were also made to lay claim to all forfeitures of war; while strategic imperatives could lead to the commandeering of a liberty's key fortress, as in the case of Harbottle in 1319. And, certainly, even the North-East's 'royal liberties' found that in some respects their freedom from the king's mandates and exactions did become compromised. Durham's location outside the Marches largely removed it from the jurisdiction of the warden-conservators; and its inhabitants were able to obtain some exemption from military duty beyond the liberty. But the lords of Durham, Hexhamshire and Tynedale were all ordered at various points to levy their men for service in the king's wars, and without doubt many such requests were willingly

<sup>10</sup> PQW, pp. 112–31; A. J. Pollard, *North-Eastern England during the Wars of the Roses* (Oxford, 1990), p. 145.

<sup>11</sup> *Select Pleas in Manorial and other Seignorial Courts*, ed. F. W. Maitland (Selden Society, 1888), p. xxi; Davies, *Lordship and Society*, p. 267.

met. Indeed, as Archbishop Corbridge reminded the men of Hexhamshire when Edward I instructed him to levy them in 1303, it was vital to reinforce royal armies in defence of the Border before the Scots arrived on the liberty's doorstep.<sup>12</sup>

Yet the view that 'national security was no great respecter of franchise', as Rees Davies expressed it,<sup>13</sup> does require a measure of qualification, especially as regards the 'royal liberties'. Their right to conduct independent arrays and musters was often recognised. The March wardens were rarely given authority over Hexhamshire and Tynedale before 1362, and it seems that such powers as they exercised in either liberty depended on working through its officers. Even more striking lessons are to be drawn from war-finance. Whereas Lancashire remained liable to direct taxation after its elevations to a county palatine in 1351 and 1377, the traditional fiscal independence of much older liberties could not easily be overridden – partly because in the financial sphere the needs of 'national security' were less immediately pressing, and the impositions of the 'state' could more readily be refused. Thus the north-eastern regalities all established a broad right not to contribute to parliamentary taxation: Durham and Tynedale had claimed such a dispensation before 1296, and it gained increasing solidity in the fourteenth century; more significantly, Hexhamshire, which appears to have contributed to the fifteenth of 1275, went on to secure a comparable exemption. In this light, the 'war-state' was as far from undermining these liberties as it was from jeopardising the institutional independence of Cheshire and the Welsh Marcher lordships. Indeed, its demands might serve not only to clarify but to augment a liberty's distinct status and privileges. And to turn from war to law, much of the evidence suggests that Durham and Hexhamshire retained and maintained vigorous judicial systems with no loss of jurisdiction to the crown. Remarkably, even in fourteenth-century Tynedale, where a rather different tale unfolded, there is no indication that pleas were routinely heard outside the liberty, and its court seems to have remained basic to its institutional authority and autonomy.

By comparison, Redesdale and Tynemouthshire continued to have less freedom from the crown, whose military-fiscal requirements inevitably made their presence more strongly felt. Nonetheless Tynemouthshire retained a separate identity for virtually all lay taxation, and may well have avoided contributing to some taxes. Similarly the other demands of the 'war-state' appear to have been mediated through its structures; and – more broadly – its experiences suggest that it was not just at the level of

<sup>12</sup> *Hexham Priory*, Preface, i, pp. lxxxvii–viii.

<sup>13</sup> Davies, *Lordship and Society*, p. 255.

'royal liberties' that such demands might consolidate a liberty's institutional integrity by acknowledging its governmental role. In the legal arena, too, Tynemouthshire had significant successes in claiming pleas from the crown's courts. The nature of fourteenth-century Redesdale's encounters with 'state' power was at once analogous and very different; but the main contrast is as revealing as are the parallels. Thus the absorption of Redesdale's townships into the county's fiscal structures has to be seen as anomalous, especially since Tynemouthshire was but one of numerous tax-paying liberties in England, from Cockermouth or Richmondshire to the Isle of Wight, that were recognised as distinct tax-assessment units by the king's collectors.<sup>14</sup> Moreover, it seems certain that Redesdale's exceptional 'demotion' in this regard resulted not from any coherent policy of crown centralisation, but from the disruption of the liberty's institutional mechanisms and unity due to Scottish attacks.

It can thus be concluded that the expanding medieval English 'state', whether its resources were mobilised for law or for war, did not have a comprehensive programme – let alone the ability – to eradicate local privilege. Over-zealous crown lawyers might believe otherwise;<sup>15</sup> but when central and local authority came into direct conflict, the rights of liberties might often remain intact. On Bishop Bek's refusal to appear before Edward I's eyre justices to crave his 'franchises' in April 1293, the justices took Durham into crown hands; yet the liberty's claims to be treated as a self-regulating entity, separate from the king's local administration, were swiftly acknowledged, and the confiscation was reversed in Parliament in October of the same year.<sup>16</sup> Similarly the confiscations of Durham in 1302–3 and 1305–7 had only a limited impact. The repercussions of Edward I's seizure of Barnard Castle and Hartness were more far-reaching; yet, as in the Welsh March, such cases must not be allowed to obscure the less dramatic but arguably more important processes of crown cooperation and accommodation with respect to liberties.<sup>17</sup> For fourteenth-century Durham,

<sup>14</sup> For the ninth of 1340–1, for instance, Richmondshire and other liberties in the North Riding of Yorkshire, including Allertonshire, Scarborough and Whitby, were taxed separately: E 179/211/16. The crown also cooperated with Yorkshire liberties for raising troops; see M. Prestwich, "'Tam infra libertates quam extra': liberties and military recruitment", in Prestwich, *Liberties and Identities*, pp. 115–16.

<sup>15</sup> Cf. F. R. H. Du Boulay, *The Lordship of Canterbury* (London, 1966), p. 287: 'the archbishop had to struggle at times, not so much for privileges from a king who was probably a political friend . . . as for interpretations of privilege that the king's acute ministers sought to narrow in his interest'.

<sup>16</sup> C. M. Fraser, 'Edward I of England and the regalian franchise of Durham', *Speculum*, 31 (1956), pp. 329–32.

<sup>17</sup> Cf. Davies, *Lordship and Society*, p. 257: 'Acquiescence and respect certainly describe the normal attitude of the kings of England to the liberties of the March.'

explanations of this phenomenon have drawn on the concept of reciprocity: the king recognised the liberty's traditional autonomy in exchange for the bishop's serving royal needs, notably in regional governance and Border defence.<sup>18</sup> Or, to alter the emphasis slightly, the crown depended on collaboration and compromise with other power-sources for its own 'infrastructural power', especially towards the periphery where it could not of itself provide effective rule.<sup>19</sup> But in reality specific 'frontier' considerations take us only so far. After all, in the fourteenth century even the minor liberty of Havering in metropolitan Essex remained 'free from most forms of central government or county administrative authority'.<sup>20</sup> A better view is that the crown's exercise of its sovereignty over liberties was qualified not merely by pragmatism but by the force of law and custom. Prescription or grant provided liberties with a lawful basis that the crown was bound to acknowledge, just as it had a wider duty to uphold the law with due regard to all rights.<sup>21</sup> Account had likewise to be taken of the support for liberties within local society, as expressed not only whenever collective action was applied to defend their freedoms and traditions, but in the legitimacy accorded to them by county juries. In 1279, for example, Northumbrian jurors from south of the Coquet had no hesitation in testifying that in Hexhamshire, as well as in Tynedale, only 'the lord's writ runs'.<sup>22</sup> Nor, over a century later, did jurors meeting in Newcastle in 1402 and 1437 have any doubts about the legal status of Tynedale and Redesdale as alternative agencies of local governance. So liberties were and remained integral parts of the governmental landscape of north-east England: here as elsewhere there was limited integration of central and local jurisdictions; and then as now 'polities co-exist and overlap in territories'.<sup>23</sup>

Thus the north-eastern liberties were in essence powerful institutional entities; and to say so is to raise the issue of their strengths (and weaknesses) for

<sup>18</sup> This argument reappears in a more nuanced form in C. D. Liddy, 'The politics of privilege: Thomas Hatfield and the palatinate of Durham, 1345–81', *Fourteenth Century England*, 4 (2006), pp. 61–79.

<sup>19</sup> The concept of 'infrastructural power' figures prominently in the social theory of Michael Mann, on which see now J. A. Hall and R. Schroeder (eds), *An Anatomy of Power* (Cambridge, 2006).

<sup>20</sup> M. K. McIntosh, *Autonomy and Community: The Royal Manor of Havering, 1200–1500* (Cambridge, 1986), p. 72.

<sup>21</sup> Cf. J. V. Capua, 'Feudal and royal justice in thirteenth-century England: the forms and the impact of royal review', *American Journal of Legal History*, 27 (1983), pp. 55–6: 'The . . . constitutional realities . . . required that the Crown exercise its judicial primacy within carefully circumscribed bounds.'

<sup>22</sup> *NAR*, p. 358.

<sup>23</sup> S. Walby, 'The myth of the nation-state: theorizing society and politics in a global era', *Sociology*, 37 (2003), p. 540.

the organisation of lordship and local society. Within the English 'state' as a whole, lordship in the greater liberties – to some extent, in fact, in most liberties – was likely to be more tightly woven than a magnate's overall authority in ordinary county society. The county or gentry studies for medieval England have shown that magnates had their 'countries' where their main seats lay and where they hoped to master political power and relationships.<sup>24</sup> They sought to assert their lordship over tenants and non-tenants alike by retaining and patronage, brokering crown favour and influencing the outcome of lawsuits; but in practice there were many limits to magnate ambitions in the king's shires. The estates of most lords were dispersed and fragmented, and in most counties spheres of noble lordship were overlapping and contested. Crown control had also to be reckoned with: it was of course the crown that shaped local political society by appointing sheriffs, escheators and increasing numbers of commissioners; its courts played the dominant role in county litigation, if not necessarily in settling disputes; and it might compete with magnates by retaining local gentry. The workings of shire governance could still be swayed by a lord's personal connections, but typically such influence was restricted. It therefore required unusual circumstances for a single magnate to dominate county politics, and often such supremacies were fragile and short-lived. Indeed, patterns of power and loyalty were in general 'kaleidoscopic'; and there was no such thing as 'uniform magnate rule in the shires'.<sup>25</sup> Thus counties were rarely unitary political frameworks; and this is one reason (there are many others) why historians have found it so difficult to agree about the notion of 'county communities'.<sup>26</sup>

The structures of lordship in liberties were, however, less complex and more concentrated, as was recognised in England by the 1250s, when 'liberty' became the accepted term to denote 'the basic unit of magnate power in the localities'.<sup>27</sup> There were important variations from one corner of the English 'state' to another. But, as in north-east England, liberty-owners were often 'universal landlords' within whole districts. Their authority was also institutionalised into local society, so that they might govern what were effectively their own counties, as in much of Yorkshire

<sup>24</sup> Important syntheses of such studies include C. Given-Wilson, *The English Nobility in the Late Middle Ages* (London, 1987), pp. 69–83, 160–79; G. Harriss, *Shaping the Nation: England, 1360–1461* (Oxford, 2005), pp. 187–206.

<sup>25</sup> D. A. Carpenter, 'Debate: bastard feudalism revised (II)', *Past and Present*, 131 (1991), p. 184.

<sup>26</sup> See, for example, R. Virgoe, *East Anglian Society and the Political Community of Late Medieval England* (Norwich, 1997), pp. 96–7.

<sup>27</sup> D. A. Carpenter, 'The second century of English feudalism', *Past and Present*, 168 (2000), p. 69.

or English Ireland. Royal authority had limited scope for sustained intervention at the expense of the lord's monopolies and power. He had jurisdiction not merely over his own tenants but over 'all and singular'.<sup>28</sup> He chose officers who elsewhere would have been crown appointees; his authority was sometimes augmented by powers such as broad rights of wardship or escheat and superiority over forests. Moreover, such prerogatives gave him an enviable fund of renewable patronage; he could also guarantee to local society distinctive collective freedoms and customs. And if good lordship might prevail, so might heavy lordship. The lord's rights of 'public' administration and justice could be used to serve 'private' interests by subduing the recalcitrant; and his criminal jurisdiction, even without crown pleas, 'buttressed the lord's powers considerably'.<sup>29</sup> So liberties, especially the greater ones, might well attain more political cohesion than that of many a magnate's 'country' and most standard counties.

Broadly speaking, this assessment holds good in practice for the liberties we have considered, though there were differences of degree and differences over time. It would be risky to argue more strongly because of a range of issues, both general and more specific. First, nowhere save arguably in Scottish-ruled Tynedale was lordship as all-embracing as it was in the liberties of the Welsh March. They had the kind of tenurial coherence that was often lacking in the north-eastern liberties.<sup>30</sup> The fact that, by 1242, about half of Redesdale's lay tenants had alternative ties of lordship was no doubt atypical; but nor should we forget the thirteenth-century power-blocks consolidated in Durham by the Balliols and Bruces, whose rule (unlike that of the Comyns in Tynedale) diluted rather than complemented the liberty-owner's authority. Furthermore, whereas the Welsh March remained largely unaffected by the rival attractions of the English crown's protection and patronage, in the North-East competition from the king's superior lordship was a growing problem for most liberty-owners. It could be invoked at any stage in local disputes; the mushrooming of opportunities for royal service in government and in war created something of a crown interest among local gentry similar to that elsewhere in fourteenth-century England; and the king might well intervene in a liberty's affairs on behalf of his servants.

For these reasons in particular, it was harder for a liberty-owner in the

<sup>28</sup> *CCR* 1374-7, p. 428 (concerning Bishop Hatfield, 1376).

<sup>29</sup> R. H. Hilton, *A Medieval Society: The West Midlands at the End of the Thirteenth Century* (London, 1966), p. 229.

<sup>30</sup> Cf. B. Holden, *Lords of the Central Marches: English Aristocracy and Frontier Society, 1087-1265* (Oxford, 2008), Chapter 3.

North-East to act as 'the natural focus of loyalty and service for . . . individuals and communities'.<sup>31</sup> Tynedale was, and in part remained, a special case; and in some respects the appropriate comparison is with Cheshire, where the earl – as an English royal prince or the king himself – did have the means to bring the liberty and its society within 'one main channel of political power, patronage and judicial favour'.<sup>32</sup> But what made the difference for Tynedale was that after Alexander III's death nothing of this sort was achieved in practical effect under Edward II (as king and lord), Queen Philippa or Edmund Langley. It is thus one thing to stress that the lord (or lady) of a north-eastern liberty had considerable authority to command; quite another to suppose that local landholders necessarily had, or were likely to have, an exclusive attachment to lord or liberty. And, unsurprisingly, it was a liberty's greater gentry who tended to have the more active involvements in wider society.<sup>33</sup>

What then of the specific styles of lordship? We have seen that these were at least as important to a liberty's socio-political relevance as were its institutional forms and processes. The ruled expected their interests to be protected, defended and advanced; or, as Bishop Beaumont put it in 1327, the liberty-owner had a duty 'to serve the people and deliver justice'.<sup>34</sup> But policy and practice often varied from one liberty to another and from lord to lord; and such differences affected local societies in highly complex ways. Certainly the close-knit loyalty fostered in Tynedale by the Scottish kings was exceptional, so that even in Durham the cohesive effects of the good lordship of successive bishops were less apparent, thanks partly to the prominence of clergymen in their households and service. In other respects, too, the impact of lordship brought mixed results. On the one hand, it is evident that resident gentry normally had some access to employment and favour under the liberty-owners; that such benefits could be central to men's prospects and allegiances; and that routine liberty governance often provided in itself significant scope for local participation and influence. On the other hand, in no north-eastern liberty was there a pattern of increasing 'local control of local offices' comparable with that among the gentry in the king's shires.<sup>35</sup> The reasons for this were varied; but clearly the lord often preferred to recruit officers, and retainers, from

<sup>31</sup> R. R. Davies, *The Age of Conquest: Wales, 1063–1415* (Oxford, 1991), p. 394.

<sup>32</sup> P. H. W. Booth, *The Financial Administration of the Lordship and County of Chester, 1272–1377* (Chetham Society, 1981), p. 7.

<sup>33</sup> Cf. C. Carpenter, *Locality and Polity: A Study of Warwickshire Landed Society, 1401–99* (Cambridge, 1992), p. 310: 'regions containing numbers of families of middle rank and below . . . were likely to contain the most effective local networks'.

<sup>34</sup> *PROME*, iv, p. 40.

<sup>35</sup> Given-Wilson, *English Nobility*, p. 79.

beyond the jurisdiction, thereby weakening the traditional unifying force of lordship for the liberty's tenants, and perhaps encouraging them to seek advancement elsewhere. Whatever the case, liberties in the North-East did not always provide the only or even the chief routes through which the local gentry 'rose'.

This is not to suggest that a liberty-owner's ability to shape local loyalties is to be measured solely in terms of patronage and clientage, still less that his authority was otherwise insignificant for a liberty's political definition. But if the cohesion of local society at large depended ultimately on the lord's good government, such was not automatically forthcoming even in the thirteenth century. When the liberties of Redesdale and Tynemouthshire were first formalised, their lords concentrated on maximising their power and incomes by subjecting people to their governance in novel and unwelcome ways; and the aggrieved promptly took the royal road to justice. Nor, of course, was aggressive rulership unknown in Durham and Tynedale, as Bishop Bek's regime shows. In other circumstances, however, the status and prestige of the 'royal liberties' facilitated less divisive styles of lordship. Since these power-structures had stronger traditions of authority, the rights and claims of the liberty-owners were in general more readily accepted, and there was less need for forceful assertions of their mastery. Exceptions serving to prove the rule concern Sadberge wapentake in Durham and Alston Moor in Tynedale, where the lords' prerogatives were newly established, and sometimes contested by local interests. Even in Sadberge, though, the bishop's courts were widely used after its acquisition around 1189; while, by the mid-thirteenth century, men such as John Gilet of Eggescliffe were drawn to the opportunities of episcopal service and profited accordingly.

Thus modes of lordship, and their consequences for local unity and loyalties, conformed to no simple paradigm. In the last analysis, the main successes were realised in Durham and Hexhamshire, whose lords merited support and respect because they normally did 'serve the people and deliver justice'; and, what is more, they could offer leadership and continuity from one generation to the next. The chief failures resulted from a retreat or semi-retreat of lordship, combined with the transformation of the Borders into a military fault-line experiencing degrees of instability quite unparalleled anywhere else in fourteenth-century Britain. Alexander III's childless death provides a sharp reminder that liberties such as Tynedale were as prey to dynastic mishaps as were lay estates as a whole. That was why many liberties in English Ireland lacked resident lords by the 1330s; in the Welsh March, too, most liberties were ultimately transmitted to lords who were absentees. Accordingly power often devolved to largely autonomous officers and local



strongmen;<sup>36</sup> and much the same occurred in Tynedale, where absenteeism likewise ensured that alternative networks of authority, service or association became increasingly important to its tenants. By contrast the Umfravilles lasted; but they could not, and did not, offer sustained good rule to Redesdale. Border hostilities had placed a premium on lordship; they also highlighted its failings, partly because power-vacuum outside the king's counties were less likely to be filled by crown authority. Thus Redesdale and Tynedale, and especially Tynedale north of the Wall, assumed some of the features of Irish liberties, which often shaded into disputed marchlands characterised by governmental incoherence, self-help and violence.<sup>37</sup> All told, there can indeed be few more striking illustrations of how far the actual performance of liberties as local polities rested on the character and context of the lord's lordship.

The lordship-liberty relationship was therefore crucial; and, in general, a liberty's political and social capital varied according to the dynamics of that relationship. Yet lordship was not everything. In Durham and Tynedale, Bishop Bek was heavy-handed and unwilling to redress complaints, but local opposition took very different forms. The same is true if the response to Bek's policies in Durham is compared with the reactions to the contemporary oppressions of Earl Gilbert II and the prior of Tynemouth. In Tynedale, as in Redesdale and Tynemouthshire, people sought to protect their rights by appealing to the crown as individuals on their own accounts. In Durham, of course, resistance was collective, and much more effective for that reason. No doubt the levels of injustice and extortion were far from identical in every case; yet there is a sense in which broadly similar styles of lordship were interacting with contrasting cultural and socio-political traditions and frameworks.

Such interactions, we might well conclude, were key to the relationships between liberty, identity and 'community'; but these relationships are naturally hard to assess. Individual and collective identities are always ambiguous, elastic and elusive. Paradoxically, moreover, liberties not only assisted processes of 'community' but set certain limits to the scope of such processes. We have found no close parallel to the expansion and 'gentrification' of offices that allowed shire gentry bigger says in their governance. Furthermore, royal impositions could spur 'county communities' into action;<sup>38</sup> and, significantly, one of England's best documented 'liberty

<sup>36</sup> For discussion, see R. Frame, *English Lordship in Ireland, 1318-1361* (Oxford, 1982), Chapter 2; Davies, *Age of Conquest*, Chapter 15.

<sup>37</sup> See especially R. Frame, *Ireland and Britain, 1170-1450* (London, 1998), Chapter 11.

<sup>38</sup> A classic study is J. R. Maddicott, 'The county community and the making of public opinion in fourteenth-century England', *TRHS*, 5th ser., 28 (1978), pp. 27-43.

communities' in a legalistic sense is the royal appanage of Cheshire.<sup>39</sup> But, generally speaking, a liberty's relative insulation from royal demands meant less need for corporate activity at the centre–locality interface than was the case elsewhere. This is far from saying that the king's counties had sole rights in political consciousness and 'community-mindedness' – or, we must add, in 'communities' that may often have been 'ephemeral, specific to and dependent on particular contexts and activities'.<sup>40</sup> In fact, throughout the Welsh March, 'community' regularly appears as the 'essential counterweight to lordship'.<sup>41</sup> Equally, however, to assess how far liberties might (or might not) have provided a strong alternative basis for identities to that of the county or the 'state' involves more than just computing public expressions of *communitas* in response to 'top–down' pressure. Community awareness and values were also determined by a broader range of relationships, interests and circumstances; yet this is a world that often remains (to us) semi-hidden.

It is therefore at least as difficult to pin down liberty identities as it is to categorise or define other identities. Nor can we pretend that it has proved to be otherwise for north-east England, and the point cannot be put too strongly. Thus we have encountered a daunting range of variables in patterns of local identification and cohesion, partly because those patterns could fluctuate, as they did in fourteenth-century Tynedale, thanks not only to changes in the nature of lordship but to significant demographic shifts within a liberty's political society. There were likewise seemingly infinite variations in the extent of the gentry's internal and external involvements and attachments; and, by such measures, our findings serve merely to confirm the dangers of underestimating the complex workings of medieval English provincial society and its 'teeming mass' of attitudes, commitments and loyalties.<sup>42</sup>

Some substantive issues can nevertheless be highlighted. The first is that while none of the north-eastern liberties was ever a closed social world, all became more integrated into the broader English mainstream after 1296, largely though not exclusively as a result of war. The scale of change varied considerably, from Tynedale at one extreme to Durham at the other; but all liberties saw an increase in the gentry's links with adjacent county society

<sup>39</sup> See, for instance, P. H. W. Booth, 'Taxation and public order: Cheshire in 1353', *NH*, 12 (1976), pp. 16–31.

<sup>40</sup> V. Amit and N. Rapport, *The Trouble with Community* (London, 2002), p. 5. Cf. P. Coss, *The Origins of the English Gentry* (Cambridge, 2003), p. 214: 'Actual political solidarity may have been achieved only sporadically at county level.'

<sup>41</sup> Davies, *Lordship and Society*, p. 461.

<sup>42</sup> D. Crouch, 'From Stenton to McFarlane: models of societies of the twelfth and thirteenth centuries', *TRHS*, 6th ser., 5 (1995), p. 199.

and with the crown. Nor can it be doubted that such links could undermine allegiance to a liberty, as when – to take a single instance – Geoffrey Hartlepool sued for Edward I against Bishop Bek and attempted to have Durham pleas transferred to the royal courts. But matters were rarely so simple. Incomers to a liberty might appeal fulsomely to its ‘regal rights’, as when William Stapleton invoked Tynedale’s privileges in 1422. And crown service did not prevent Alan Strother from prizing his powers as Tynedale’s bailiff from 1356, or Jordan Dalden from asserting his rights as an inhabitant of Durham ‘between Tyne and Tees’ in 1322. For these gentry and others like them, their wider ties and interests were not inevitably at odds with some sense of liberty identity.

Such examples also suggest that the extent to which liberties in the North-East were important for sustaining identities and ‘communities’ after 1296, and earlier, owed much to institutional and cultural structures; and some distinction must again be made between the ‘royal’ and the other liberties. It is a truism that local communities in medieval England wanted to protect themselves from growing interference by central government; but that was often easier said than done. The regalities, however, had a self-organising authority that clearly marked off their populations from those in non-privileged areas; and these jurisdictions might often be held in high regard because their rights could serve not just the concerns of lordship but the common needs and interests of the ruled. Thus people were attuned to the fact that they lived under a lord who ‘enjoys all things pertaining to the crown’, and where ‘the king’s writ does not run’; they also recognised the personal benefits that their membership of a ‘royal liberty’ entailed, notably in the fiscal and juridical arenas. By contrast with the Welsh March and Cheshire, where local taxes were or became regular and heavy, Tynedale is known to have experienced communal taxation or fines only in 1356 and 1364. In this respect it appears to have been similar to Durham, whose tenants ‘clearly had much to gain . . . from the maintenance of the palatinate’s fiscal independence’.<sup>43</sup> The legal machinery of the regalities was also valued. This much is indicated by the meagre number of local actions known to have been pleaded in the crown’s courts. It is shown more plainly by the importance of the 1279–81 Tynedale eyre to communal concerns and cohesion; and, after the eyres had ceased, it is exemplified by the collective petitioning from Durham and from Tynedale in support of their judicial rights. All this gave the ‘royal liberties’ a governmental and political culture, distinct from that of the wider realm, around which identities and loyalties might coalesce according to notions of shared freedoms, customs and usages.

<sup>43</sup> Liddy, ‘Politics of privilege’, p. 71.

Conversely liberties like Redesdale and Tynemouthshire had less capacity to develop their own independent ethos and traditions of institutional identification, and were correspondingly less relevant to local society and its values. Nonetheless, especially as regards their courts – the hubs of all liberties – the contrasts must not be drawn too sharply. At this and lower levels of jurisdiction, it is particularly difficult to learn much about such tribunals and, not least, to assess their meanings for ‘community’. But the court of Battle, a liberty on a par with Redesdale and Tynemouthshire, has been classified as both a largely self-sufficient ‘miniature royal court’ and a ‘species of parliament in the liberty’.<sup>44</sup> Indeed, liberty courts everywhere entailed the right to swift justice close at hand, and the possibility of communal representation and self-regulation free from external authorities. This helps to explain why, after Earl Gilbert II’s day, the tenants of Redesdale had no obvious preference for royal justice over liberty justice; and local society as a whole might likewise profit from ‘a shelter, behind which [its] shortcomings were hidden from the view of experienced and implacable curial administrators’.<sup>45</sup> Clearly, however, Tynemouthshire does not fit neatly into such a model. Theoretically its court ‘of all pleas’ was far more authoritative and useful than any shire court; but since its powers were a continual source of friction between lord and tenants, it is no wonder that plaintiffs often resorted to the royal courts. The obvious conclusion to be drawn is that only when local justice served the needs of both lordship and ‘community’ could a liberty realise its full potential as a focus of loyalty and solidarity.

But, on a broader front, we should also acknowledge that liberties in ecclesiastical as opposed to secular ownership might well possess stronger legitimising and supportive cultural bases, and thereby have a greater significance for local allegiances and cohesion. Scottish-controlled Tynedale did benefit from a specific ‘kingship culture’; and, less exceptionally, all liberties offered scope for developing a distinct, sometimes semi-regal,

<sup>44</sup> J. H. Baker, *The Common Law Tradition* (London, 2000), p. 284; E. Searle, *Lordship and Community: Battle Abbey and its Banlieu, 1066–1538* (Toronto, 1974), p. 393; and see similarly, on the continued importance of the London courts, P. Tucker, *Law Courts and Lawyers in the City of London, 1300–1550* (Cambridge, 2007). The court of Glamorgan was referred to by contemporaries as a *parliamentum*: M. Altschul, *A Baronial Family in Medieval England: The Clares, 1217–1314* (Baltimore, 1965), p. 262.

<sup>45</sup> Searle, *Lordship and Community*, p. 218; cf. Frame, *English Lordship*, p. 27: ‘For the inhabitants of liberties, the regular sessions of their lords’ courts . . . may well have been preferable to the perilous road to Dublin.’ S. G. Ellis, ‘Civilizing Northumberland: representations of Englishness in the Tudor state’, *Journal of Historical Sociology*, 12 (1999), pp. 112–13, notes the general dearth of Northumbrian cases in Common Pleas up to 1547; but it is explained purely on grounds of cost.

ideology based on their rules and privileges. Even the lord of Redesdale could invoke his *regalis potestas*; he also manipulated the past to construct a historic identity and warrant for his jurisdiction. But naturally lay lords could not reinforce a liberty's authority and autonomy by means of spiritual sanctions and prerogatives, including perhaps rights of diocesan administration.<sup>46</sup> In other respects, however, the crucial distinction is between liberties that were actively defended by religious houses and patronal saints, and those that were not. Durham and Tynemouth priories had in the authority of St Cuthbert or St Oswin a potent resource unavailable to the lords of Redesdale and Tynedale – or even to the archbishops of York, who made little effort to appropriate the power of Hexham Priory's saints. The importance of patron saints to liberties is elsewhere shown by the role of St John of Beverley in constructing a recognisable local consciousness at Beverley, and by that of St Edmund in fostering a strong sense of local pride and loyalty at Bury.<sup>47</sup> But while St Oswin may well have helped to maintain Tynemouthshire's privileges, his cult was not a significant source of unity for the liberty's inhabitants. In the North-East, only in Durham was a patron saint claimed by the 'liberty community' as well as by the lord. It was thus only in Durham that institutional and cultural vitality could and often did combine with good or bad lordship to make 'the community of the liberty' a major political concept and force.

Nonetheless the unique attributes of Durham must not lead us to be unduly dismissive of communal identification within other north-eastern liberties. To be sure, we have to look to liberties such as Cheshire, Copeland, Gower and Trim for equivalents to Durham's 'charter of liberties' of 1303, which epitomises how a liberty might become a source for the 'community' of the customs and freedoms by which it defined and defended itself.<sup>48</sup> Yet

<sup>46</sup> For example, St Albans was highly privileged in such respects, and literally stamped itself with the papal seal by fixing an impression of it to the top of the abbey's tower: J. E. Sayers, 'Papal privileges for St Albans Abbey and its dependencies', in D. A. Bullough and R. L. Storey (eds), *The Study of Medieval Records* (Oxford, 1971), pp. 57–84. Cf. also C. Dyer, *Lords and Peasants in a Changing Society: The Estates of the Bishopric of Worcester, 680–1540* (Cambridge, 1980), pp. 76–7, for a revealing case involving the excommunication of a sheriff and resort to the papal Curia.

<sup>47</sup> See most recently S. E. Wilson, *The Life and After-Life of St John of Beverley* (Aldershot, 2006); A. Gransden, *A History of the Abbey of Bury St. Edmunds, 1182–1256* (Woodbridge, 2007).

<sup>48</sup> Cheshire: *The Charters of the Anglo-Norman Earls of Chester, c. 1071–1237*, ed. G. Barraclough (Record Society of Lancashire and Cheshire, 1988), no. 394 (1215). Copeland: *The Register of the Priory of St. Bees*, ed. J. Wilson (SS, 1915), pp. 547–8 (c. 1280). Gower: T. B. Pugh (ed.), *Glamorgan County History*, iii (Cardiff, 1971), pp. 240–1 (1306). Trim: *Calendar of the Gormanston Register*, ed. J. Mills and M. J. McEnery (Dublin, 1916), pp. 176–7 (c. 1265).

the evidence for pre-1286 Tynedale indicates how good rule might bolster a liberty's relevance as a basis of shared loyalties, rights and values. There, as in late-medieval Richmondshire, 'lordship . . . was not just an alternative pattern of association; it provided itself another of the means by which the sense of community was reinforced'.<sup>49</sup> Unsurprisingly this thirteenth-century Tynedale 'community' made no formal statements of its existence; but it was arguably as real as, if not more substantial than, any 'county community'. Later Queen Philippa's occasional requests or demands prompted some collective consciousness in the liberty, just as the 'community' of the Isle of Wight can be found granting aids to the earl of Devon in the mid-thirteenth century.<sup>50</sup> More significantly, Philippa and her subjects appear to have joined forces to assert and protect their rights and freedoms in 1336–9, when Tynedale – and Durham and Hexhamshire – refused assessment for national taxation because they were 'royal liberties'.

Nor has this synopsis exhausted the contexts in which communal ideas might come to the fore. There is indeed good reason for stressing that 'community' was not necessarily 'the artificial creation of a lord'.<sup>51</sup> For when lordship was as tenuous as it became in Redesdale and (more especially) in Tynedale, we have seen that 'communities' were sometimes capable not only of autonomous coordination: they might assume political or governmental responsibility for the common good; they might also see themselves as the custodians and embodiments of liberties, in every sense of that term, for which they relied on no lord save (perhaps) the king. It is telling that the people of south Tynedale and of Redesdale were able to organise themselves independently to buy off the Scots in the manner of Durham and other liberties from Allerdale to Ripon, most of which had suffered less disruption and were in a better state to levy common purses.<sup>52</sup> Similarly it was in Tynedale around 1370 that the 'community' took charge of its own affairs by petitioning Edward III to uphold its right to its own court, as if to illustrate that it was the absence of active lordship that reinforced 'the recognition of franchises as customary rights inhering in the communities of tenants'.<sup>53</sup> Nor, as regards early fifteenth-century Redesdale, must we forget the determination of its tenants (or some of them) to prevent intrusions by the king's sheriff in prejudice of their customs, and even to claim

<sup>49</sup> A. J. Pollard, *The Worlds of Richard III* (Stroud, 2001), p. 61.

<sup>50</sup> N. Denholm-Young, *Seignorial Administration in England* (London, 1937), pp. 100–1.

<sup>51</sup> Carpenter, *Locality and Polity*, p. 318.

<sup>52</sup> Cf. C. McNamee, *The Wars of the Bruces* (East Linton, 1997), pp. 133–9.

<sup>53</sup> A. Harding, *Medieval Law and the Foundations of the State* (Oxford, 2002), p. 220, where this example from Tynedale is noted.

an enhanced autonomy as members of a territory where the king's writ did not run. In this respect, the liberty of Redesdale was as influential a basis of collective identification and aspiration as were liberties such as Ely, Ewyas Lacy, Osgoldcross and Stamford, where royal writs and officials might also be subject to violent treatment.<sup>54</sup>

For all the necessary qualifications, what evidence of this nature brings back into view is the important place occupied by liberties in the governmental and political organisation of the medieval English 'state'. It was a role they continued to play until the age of 'Tudor centralisation', and even then old values and habits died hard. Despite their formal disenfranchisement in 1495, the inhabitants of north Tynedale were said in 1550 to be 'always claiming and using the old privileges of that country'; Redesdale's freeholders could assert as late as 1620 that they were not liable to forfeiture for any felony committed within its borders.<sup>55</sup> So, to summarise, how might we explain the survival of such power-structures over the *longue durée*, let alone the resonance they could still have for local society in the early modern era? Tynedale provides some instructive pointers, notwithstanding the exceptional difficulties it faced after 1286. Simply put, its prerogatives were seen to be important and valuable; they might likewise receive broad-based support and endorsement. Thus even after Tynedale had become one of the 'counters on the chess-board of English politics',<sup>56</sup> its absentee lords could appreciate and champion its privileges, as when John Darcy asserted his 'palatine' rights in 1331. And none other than the English queen herself resisted fiscal and other threats to Tynedale's autonomy. In turn its residents, however mixed their experiences of English lordship, had good grounds for prizing the liberty as an essentially tax-free zone and perhaps as a safe-haven from royal justice. Also, as in about 1370, even landholders in Tynedale whose concerns and mindsets were primarily focused elsewhere could have a vested interest in preserving the liberty's jurisdictional powers. Moreover, however much 'county society' criticised the liberty for its perceived failures to uphold good order, that society still had regard for Tynedale's freedoms, just as similar complaints about Hexhamshire and Redesdale took their privileges for granted.

<sup>54</sup> *Select Cases in the Court of King's Bench under Edward I*, ed. G. O. Sayles (Selden Society, 1936-9), i, no. 18; *Calendar of Ancient Correspondence concerning Wales*, ed. J. G. Edwards (Cardiff, 1935), p. 38; R. C. Palmer, *The County Courts of Medieval England, 1150-1350* (Princeton, 1982), pp. 265-7.

<sup>55</sup> S. J. Watts, *From Border to Middle Shire: Northumberland, 1586-1625* (Leicester, 1975), pp. 24-5.

<sup>56</sup> A phrase taken from Davies, *Age of Conquest*, p. 403.

And not least the liberty's enduring significance was guaranteed by the crown's fundamental concern to observe and defend Tynedale's customary rights and independence. Nor was this, as Helen Cam argued, simply a matter of military expediency.<sup>57</sup> Even Edward I insisted in 1293, prior to the outbreak of the Scottish wars, that while the liberty was in his hands it 'should remain in the same state as before', and he went on specifically to allow its bailiff discretion in applying law and customs, albeit 'nothing without precedent'.<sup>58</sup> Such policies were similar to the consideration Edward I showed to Durham. Thus, though he could describe Bishop Bek as 'his minister', in another context he instructed his officers not to violate Durham's rights and depicted himself as St Cuthbert's minister.<sup>59</sup> On this perspective, kingship and local privilege were not intrinsically opposed. Rather, liberties were power-structures whose traditions and roles both the crown and its subjects set store by. It was this that led Edward III to safeguard Tynedale's judicial privileges; while his servants could also feel obliged to support its rights, and those of Durham and Hexhamshire, 'because they cannot enter these liberties since the king's writ does not run there'.<sup>60</sup> Thus did the conventions of governance and the needs of society rest on something other than the cumulative growth of crown institutions. Or, as Susan Reynolds has expressed it, 'government consisted of layers of authority, and loyalties were attracted to each layer accordingly'.<sup>61</sup>

It must be emphasised that to extrapolate freely from the experiences of the north-eastern liberties would be rash, partly because of their specific structures, habitats and histories, and partly because of the need for further comparative study. In the North-East as elsewhere, there can in any case be no question of supposing that every liberty became or remained a dynamic institutional or communal focus; that loyalties and identities were necessarily less complex within liberties than outside them; or that their tenants were unaffected by external opportunities, ties and pressures. But the king's shire, even in lowland England, was only one framework where custom, rights and 'community' might periodically interact; nor was it the only local polity where people's identities and political culture might be influenced by distinctive structures of jurisdiction and authority. It was Rees Davies's familiarity with the liberties of the March of Wales that informed

<sup>57</sup> H. M. Cam, *Liberties and Communities in Medieval England*, new edn (London, 1963), p. 210.

<sup>58</sup> *NER*, no. 287.

<sup>59</sup> *Bek Recs*, pp. 92–3; Fraser, 'Edward I', p. 338.

<sup>60</sup> E 179/158/7, m. 7d (1336).

<sup>61</sup> S. Reynolds, *Kingdoms and Communities in Western Europe, 900–1300*, 2nd edn (Oxford, 1997), p. 331.



his warnings about the distortions that arise from assuming that the 'state' was inevitably and everywhere the 'universal datum'. We would not go so far as to suggest that Durham, Hexhamshire and Tynedale, and still less Redesdale and Tynemouthshire, can be categorised as 'virtual "states"'.<sup>62</sup> But their experiences provide an important part of the context in which the history of liberties must be set; they may also serve to encourage a fuller appreciation of the prominent roles played by liberties in the medieval English order.

<sup>62</sup> Davies, 'Medieval state', pp. 294, 296.

# Index

Places inside the liberties studied in this book are located by liberty; other places are located by modern, pre-1975 county. The following abbreviations are used: C = Cumberland; D = Durham 'between Tyne and Tees'; H = Hexhamshire; N = Northumberland; R = Redesdale; T = Tynedale; Te = Tynemouthshire; W = Westmorland; Y = Yorkshire. Place-names such as Little Swinburne, South Shields, etc., are normally indexed under the prefix. Subject entries will mostly be found arranged under the names of liberties and their owners.

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