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TUDOR REVOLUTION? ROYAL CONTROL OF THE ANGLO-SCOTTISH BORDER, 1483-1530

Claire Etty

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CONTENTS

ABBREVIATIONS	iv-v
INTRODUCTION: THE BORDER TRADITION	1
ONE: THE BORDER DEFENCE ADMINISTRATION	
<i>To 1483</i>	5
<i>Changes to the border command structure</i>	6
<i>Information</i>	23
<i>The council of the north</i>	29
<i>The cardinal and the border</i>	49
<i>Conclusion</i>	57
TWO: THE FINANCIAL ADMINISTRATION	
<i>To 1483</i>	59
<i>The warden</i>	60
<i>The Berwick administration</i>	66
<i>The Carlisle administration</i>	72
<i>Other financial institutions</i>	
i) The abbots of St Mary's, York, receivers of the king's monies	78
ii) The northern treasurers of war	83
<i>Wolsey's control of finance</i>	93
<i>Conclusion</i>	96
THREE: THE ADMINISTRATION OF JUSTICE	
<i>The fifteenth century</i>	105

<i>The Tudor 'taming'</i>	
i) Assize and gaol delivery	109
ii) Commissions of the peace	110
iii) The sheriff	122
iv) Complicity and maintenance	127
v) The surnames	131
<i>Conclusion</i>	145
FOUR: THE CLERGY	153
<i>The bishop of Durham</i>	154
<i>The bishop of Carlisle</i>	166
<i>The minor clergy</i>	170
<i>The council of the north</i>	181
<i>Conclusion</i>	183
FIVE: FEUD, RIVALRY AND DIVISION	
<i>The fifteenth century</i>	187
<i>Divide and rule</i>	
i) The west march	188
ii) The east and middle marches	219
<i>The 'stranger' warden</i>	232
<i>Conclusion</i>	242
CONCLUSION: THE TUDOR ACHIEVEMENT?	244
APPENDIX	
i) <i>Wardens and lieutenants of the Anglo-Scottish marches</i>	266

ii) <i>Other officers</i>	268
iii) <i>The northern financial administration</i>	270
BIBLIOGRAPHY	271

ABBREVIATIONS

- Cal. Inq. Hen. VII*** *Calendar of Inquisitions Post Mortem and other analogous documents preserved in the Public Record Office: Henry VII* (3 vols, London, 1898).
- Cal. Inq. PM*** *Calendarum Inquisitionum Post Mortem* (4 vols, London 1806-28).
- CCR*** *Calendar of Close Rolls preserved in the Public Record Office: Henry VII, 1485-1509* (2 vols, London, 1955-63).
- CFR*** *Calendar of Fine Rolls Preserved in the Public Record Office* (21 vols, London, 1911-62).
- CPR*** *Calendar of Patent Rolls*, various editions.
- Foedera*** *Foedera Conventiones, Literae, et cuiuscunque Generis Acta Publica, inter Reges Angliae, et alios Imperatores, Reges, Pontifices Principes, vel Communitates*, ed. T. Rymer (London, 1738).
- HMS 433*** *British Library Harleian Manuscript 433* (4 vols, London, 1979-83) ed. R. Horrox and P. Hammond.
- LP*** *Letters and Papers, Foreign and Domestic of the Reign of Henry VIII* (21 vols, London, 1862-1932).
- RP*** *Rotuli Parliamentorum*, ed. J. Strachey *et al* (6 vols, London, 1767-77).

RS *Rotuli Scotiae in Turri Londonensi et in Domo Capitulari
Westmonasteriensi asservati* (2 vols., London, 1819).

State Papers *State Papers during the reign of King Henry VIII* (7 vols, London,
1830-).

NB. All manuscript references are to the National Archives: Public Record Office unless otherwise stated. Unidentified place-names are italicised, and quotations have been put into modern English.

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INTRODUCTION: THE BORDER TRADITION

‘The country south of the Trent was the normal setting of government action.’¹

In 1966, Mervyn James complained that the ‘traditional historiographical response’ of Tudor historians to the border counties was to ignore them.² In 1995, much the same attitude prevailed, according to Steven Ellis.³ This was, and is, part of a wider problem. Debate on Tudor government has only recently begun to be conducted beyond the lines laid down by Geoffrey Elton in the 1960s. Tudor historians, ‘standing on the shoulders of a giant’,⁴ have tended to concentrate their attentions on Westminster, and thus Tudor regional history lacks the established tradition that exists for the fifteenth century.

Nevertheless, border historiography has developed its own archetypal themes. In 1921, Rachel Reid posed the ‘problem of the north’: how could the Crown advance its direct rule of a district so far away from Westminster and at the same time establish an adequate defence for a border some 110 miles long, when it lacked a standing army? In establishing the system of indentured wardens of the marches, Reid considered that Richard II had failed to fulfil the first imperative. He had aided and abetted the growth of overmighty subjects who ‘used their position...simply to further their own interests’.⁵

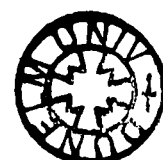
¹ G.R. Elton, *Policy and Police: the Enforcement of the Reformation in the Age of Thomas Cromwell* (Cambridge, 1972), p. viii.

² *Ibid.*

³ S.G. Ellis, *Tudor Frontiers and Noble Power: The Making of the British State* (Oxford, 1995), pp. 8-9.

⁴ C. Coleman ‘Professor Elton’s “Revolution”’, in C. Coleman and D. Starkey (eds), *Revolution Reassessed, Revisions in the History of Tudor Government and Administration* (Oxford, 1986), p. 11.

⁵ R.R. Reid, *The King’s Council* (London, 1921), p. 20.



They became a ‘standing menace to the peace of the land’, until the Tudor monarchy ‘at last wrested...power from them’.⁶

Thus, in the 1960s, James began with this established historical convention: that the Tudors’ principal goal was to undermine the influence of its overmighty subjects. He concluded that the prime motivating factor of the Tudor Crown’s border policy was to challenge Percy predominance. He duly wove a tale of an ‘implacable’ persecution of the family by the Tudor Crown, beginning with Henry VII’s contrivance to murder the fourth earl in 1489; taking in the deliberate exclusion of the fifth earl from the traditional family office of warden of the east and middle marches; and ending with the sixth earl, a poor dupe hounded into abandoning the Percy patrimony to the insatiable Henry VIII.⁷

The question of the Crown’s relationship with the Percy family has loomed large in discussion of Tudor border policy ever since, and the fifth and sixth earls in particular have become exemplars of Henry’s relationship with the northern nobility. The ‘implacability’ of the royal persecution has, however, been considerably revised – there is no real evidence that Henry VII conspired to murder the fourth earl, and Richard Hoyle has convincingly demonstrated that the author of the Percy disinheritance in 1536 was the sixth earl himself.⁸ M.L. Bush, who focussed mainly on border policy post-Pilgrimage of Grace, denied that the Tudor government was hostile to ruling either through the northern nobility in general, or the Percies in particular. Quite the reverse, in fact. After the death of the fourth earl, Bush argued, the policies of Henry VII and Henry VIII consisted of simply substituting one noble for another as circumstance dictated, marking time until

⁶ Reid, *King’s Council*, p. 21.

⁷ M.E. James, *A Tudor Magnate and the Tudor State: Henry Fifth Earl of Northumberland* (York, 1966), pp. 3-4, 14.

⁸ See R. Hoyle, ‘Henry Percy, Sixth Earl of Northumberland and the Fall of the House of Percy’, in G.W. Bernard (ed.), *The Tudor Nobility* (Manchester, 1992).

‘dependable magnates’ emerged, with the ‘proven ability and means’ to exercise the office. The fifth earl of Northumberland was excluded from the east and middle marches because of his personal defects. He was simply ‘too incapable and froward’ to be trusted, or perhaps he refused the office.⁹ After the earl’s death freed up his estranged son, Henry VIII heaved a sigh of relief and reinstated the Percies. As a corollary to this argument, Bush and others have pointed to the employment of the Dacres of Gilsland on the west march for over forty years. The marriage of Thomas, Lord Dacre to the Greystoke heiress in 1487 made him a considerable landholder for almost the whole of this period. This, it is argued, hardly suggests a policy of exclusion of the northern nobility from border office.¹⁰

But the ‘rising sun’ of recent studies has not chased away the ‘autumnal mist’ of conviction that the Tudors regarded the political power of the northern nobility with suspicion.¹¹ Steven Ellis, whose comparison between the early Tudor rule of Ireland and of the Anglo-Scottish border remains the only in-depth study of the border counties for this period, does not differ greatly from Reid in his conclusions about the Tudor Crown’s ends and – to some extent – its means. Through the reduction of noble power and the extension of royal government, Henry VII and his son hoped to promote peace and good rule, English ‘civility’, and dynastic security in the far north.¹² Ellis, however, differs

⁹ M.L. Bush, ‘The Problem of the Far North: A Study of the Crisis of 1537 and its Consequences’, *Northern History* 6 (1971), pp. 41-2.

¹⁰ Although Hoyle and James assert that the sixth earl was only appointed because of a crisis of law and order in the far north. Hoyle, ‘Henry Percy, Sixth Earl of Northumberland’, p. 182; James, *A Tudor Magnate*, pp. 12-13. Bush may be reading back from the situation after 1536, with which his article principally deals, when the king did indeed have little choice but to declare that he need not be dependent on lords. Bush, ‘The Problem of the Far North’, p. 44.

¹¹ As Hoyle points out with regards to the career of sixth earl of Northumberland. Hoyle, ‘Henry Percy, Sixth Earl of Northumberland’, p. 180.

¹² S. Ellis ‘Civilising Northumberland: Representations of Englishness in the Tudor State’ *Journal of Historical Society* 12 (1999), p. 121.

from Reid in his assessment of the effectiveness of Tudor policy. In most parts of the Tudor state, the provinces came to be governed through the gentry; with whom the Crown forged new relationships. Essentially the same policies were applied to the frontier regions – but with rather less success. Ellis paints a convincing portrait of a region in which law and order were undermined by the Tudor reduction of noble power, providing more material for the re-evaluation of the role of bastard feudalism in the justice system.¹³

A common element of almost all modern studies of the border region is their focus on the noble players in the drama. For this period, James and Hoyle deal with the fifth and sixth earls of Northumberland and the first earl of Cumberland. Ellis has concentrated primarily on the ways in which noble wardens adapted themselves and their estates to deal with a new form of wardenship, taking the Dacre family as a model.¹⁴ But the years 1483-1530 saw the end of the century-old form of government of the marches which had relied heavily upon the resources and local influence of great magnates. The Tudor Crown had, perforce, to create a new administrative structure. The nobility would inevitably continue to play a part in this; and an understanding of their roles and the Crown's attitude towards them, both as individuals and as a class, is crucial to any study of royal policy and its effects. However, the management of the border was no longer solely in the hands of its noble wardens. A systematic examination of the institutions created and adapted by the early Tudors to govern the marches may yield a clearer, more detailed picture of royal policy in the far north, and how it differed from that pursued in the rest of the country.

¹³ Ellis, *Tudor Frontiers*, p. 56.

¹⁴ *Ibid.* See also S.G. Ellis, 'A Border Baron and the Tudor State: The Rise and Fall of Lord Dacre of the North', *Historical Journal*, 35 (1992).

ONE: THE BORDER DEFENCE ADMINISTRATION

To 1483

For much of the fourteenth century, the wardenship of the marches was exercised by a commission, comprising northern bishops and members of the border nobility and gentry, some of whom might also be retained individually as keepers of the principal border fortresses, or on an *ad hoc* basis to raise a specified number of soldiers. However, a variety of factors, not all of them military, prompted a sudden evolution of the command structure between 1384 and 1388. Richard II had attempted to reduce the influence of northern magnates, principally the first earl of Northumberland, and to impose a more direct control over the marches, through his appointment of his uncle, John of Gaunt, as lieutenant of the north. This proved a failure, because Gaunt lacked the lands and connections to rule the marches effectively. Instead, in March 1386, Richard retained John Neville, Lord of Raby as sole warden of the east march, and commander of all forces against the Scots. For the first time, the wardenship became an indentured office; the subject of a contract entered into between the king and a single magnate.¹⁵ The following year, in April 1387, ten months after a truce had been sealed with the Scots, the office underwent a further development. Instead of receiving distinct sums for his fee and to pay soldiers, Neville was to be paid a single, fixed sum: £1000 *per annum*, to be raised to 4000 marks in wartime.¹⁶ The principle of payment in gross had been established. Neville's personal influence was restricted to Durham and Yorkshire, but large, regular payments from the Crown would allow him to build up a substantial body of retainers,

¹⁵ R.L. Storey, 'The Wardens of the Marches of England towards Scotland, 1377-1489', *English Historical Review* 72 (1957), p. 599.

¹⁶ *Ibid.*, p. 600.

through whom he might rule the east march. The introduction of a stranger into the border command had failed (not for the last time), but Richard had found another instrument with which to counter Percy influence.

It was not Richard's fault that Neville died just over a year after this appointment. His death, coupled with increasingly tense relations with the Scots and the desperate need of the Appellant government to attract support among their peers, added the final refinements to the office of warden. On 19 June 1388, Henry 'Hotspur' Percy, son of the earl of Northumberland, replaced Neville as warden of the east march, and Berwick. The defence of the marches and maintenance of the truce with Scotland were placed solely in his hands. The rates were raised to £3000 *per annum* in times of peace or truce with the Scots and £12,000 in times of war. Hotspur's indenture was for three years.¹⁷ The principles embodied in it – a single warden, appointed for several years at a time, solely responsible for the defence of (or maintenance of truce within) his march, and entrusted annually with a fixed sum to be expended at his discretion without account – were to provide the model for border defence for a century.

Changes to the border command structure

The potential dangers of this system were, however, to be spelled out in no uncertain terms. During the turbulence of the fifteenth century, wardens of the marches played leading roles in four out of six *coups d'état*; three of which (in 1461, 1470 and 1483) were successful. Royal policy towards the marches in the late fifteenth and early sixteenth centuries owed this much to the lessons of the Wars of the Roses: one of its principal goals would be to exert greater royal control over the office of warden. Such a

¹⁷ *Ibid.*

policy was instituted by Richard III, himself warden-turned-kingmaker *extraordinaire*. Instead of appointing a new warden of the west march, he retained the office, expended royal revenues on maintaining his own household in Carlisle, and in most cases, simply continued to employ the officers whom he had employed before his usurpation. Humphrey, Lord Dacre continued to act as Richard's lieutenant of Carlisle and was later appointed to the same office for the west march,¹⁸ and Sir Christopher Moresby continued as steward of Penrith.¹⁹ New appointments included William Musgrave, who appears to have been exercising the office of constable of Carlisle castle by September 1484,²⁰ and Nicholas Ridley, who was commander of Bewcastle by 1485.²¹

Henry VII lacked the connections of his predecessor on the border, although he inherited both his lands and policies. Henry adopted the same tactic on the west march as had Richard: he appointed himself warden and for his lieutenant he chose Thomas, Lord Dacre, whose father had performed the same office for Richard.²² The degree of Crown control over lieutenants, in comparison to their predecessor wardens, is evident from the terms of their indentures. Henry VII did not retain Dacre to maintain a force to defend the march. Instead, he was paid a salary, of only £133 6s 8d *per annum*,²³ and any expenses incurred during his term of office would be reimbursed by the king.²⁴ Henry also followed Richard III's example, divorcing from the lieutenant's command offices which had traditionally been held by the warden. Christopher Moresby retained the stewardship

¹⁸ *HMS 433*, II, 136.

¹⁹ *Ibid.*, I, 185; *CPR 1476-1485*, p. 453; R. Horrox, *Richard III: A Study of Service* (Cambridge, 1989), p. 51.

²⁰ *HMS 433*, II, 162. See below, ch. 2, pp. 74-5.

²¹ SP 1/141, fos 248-51.

²² *RP*, VI, 204-5; Storey, 'Wardens of the Marches', p. 608.

²³ E 101/72/3, fo. 1062.

²⁴ *RP*, VI, 204-5; Storey, 'Wardens of the Marches', p. 608.

of Penrith;²⁵ Richard Salked was granted both the constablership of Carlisle castle and the lieutenancy of the city;²⁶ and John Musgrave was appointed commander of Bewcastle.²⁷

Henry's desire for Crown control was expressed more directly by the imposition of a Westminster official upon his commanders of the west march during periods of emergency. On 24 May 1491, Sir Henry Wyatt, once imprisoned for his resistance to Richard III and now a member of Henry's privy council,²⁸ was appointed supervisor of the defences of Carlisle, one of the 'chief keys and fortresses to the defence of this our realm'.²⁹ Wyatt was entrusted with £1000 to hire soldiers and munitions from the prior of Durham, for the defence of Berwick and Carlisle. The terms of his commission empowered him to require whatever was necessary from Carlisle's citizens to safeguard the city; and he was granted 100 marks for the repair of the city walls and gates, normally the responsibility of the mayor. Although he was not empowered to make any changes to the garrison of the castle, Wyatt clearly took over command of its defences from Salked, since at Michaelmas 1491 the latter was paid only 'for the custody of the city without the castle of Carlisle'.³⁰ In May 1494, Henry sent Wyatt back to Carlisle. The new appointment lasted only until 30 April 1495,³¹ but a letter written by Wyatt to the king on 4 June 1496 suggests that he was still playing an important role on the west march over a

²⁵ *Materials for a History of the Reign of Henry VII*, ed. W. Campbell, Rolls Series, 60 (2 vols, London, 1873-77), I, 224.

²⁶ *Materials*, ed. Campbell, I, 156.

²⁷ Ellis, *Tudor Frontiers; Materials*, ed. Campbell, I, p. 429.

²⁸ *Oxford Dictionary of National Biography* (under Thomas Wyatt), <http://www.oxforddnb.com/view/article/30111/30103?docPos=4>.

²⁹ CRO, Ca2/105.

³⁰ E 403/2558, fo. 31.

³¹ H.R.T. Summerson, *Medieval Carlisle: The City and the Borders from the Late Eleventh to the Mid-Sixteenth Century* (2 vols, Kendal, 1993), II, 472.

year later.³² The letter requested an additional retinue for the safeguard of Carlisle and the defence of the country. Wyatt informed Henry that the revenues of those manors assigned in 1495 for the maintenance of Carlisle castle and its garrison had been appropriated by others. Consequently Salkeld ‘has no aids, he finds his own and all’. Although Salkeld had clearly regained command of the castle, the request for additional reinforcements and revenues came from Wyatt, rather than Carlisle’s commander, or the king’s lieutenant.

Both Richard III and Henry VII were initially more cautious in their approach to the strategically more significant east and middle marches. In May 1483, Richard reappointed the earl of Northumberland as warden. However, by contrast to the long-term contracts of the 1440s and 1450s, or even the more modest terms offered by Edward IV, the earl’s appointment was for just one year.³³ Its renewal, on 24 July 1484, was for only five months, expiring on 8 December 1484, after which date there is no evidence that Richard made any further appointment.³⁴ In the light of a truce and prospective marriage treaty with the Scots, like Richard II before him, Richard III may have been toying with the notion of dispensing with the services of the Percy family.³⁵

Henry’s triumph at Bosworth did not initially herald any improvement in the earl’s circumstances. He was confined to the Tower, and George Stanley, Lord Strange, son of the new king’s father-in-law, was appointed warden of the east and middle marches.³⁶ However, the Stanley family estates lay mainly in Lancashire and the Hundred of Derby, and continuing reports of disturbances in the north made it clear that Lord

³² A. Conway, *Henry VII’s Relations with Scotland and Ireland, 1485-98* (Cambridge, 1932), App. XLV, pp. 236-9. Wyatt’s comments below are all taken from this letter.

³³ In Edward V’s reign. *HMS 433*, II, 12.

³⁴ *RS*, II, 463-4; A. Grant, ‘Richard III and Scotland’, in A.J. Pollard (ed.), *The North of England in the Reign of Richard III* (Stroud, 1996), p. 144.

³⁵ This point is developed further below, pp. 29-37.

³⁶ *CPR 1485-94*, pp. 39-40.

Strange lacked the ability to control the marches. By 6 December 1486, the east and middle marches had once more been entrusted to the earl of Northumberland,³⁷ and his appointment was renewed the following April. However, like Richard III, Henry retained the services of his warden only for a year at a time.³⁸ In February 1488, Henry initiated on the east march the policy of division of office which he had already adopted in the west: Berwick, the principal fortress of the east and middle marches, was removed from the warden's command.³⁹ A new lieutenant of Berwick was appointed, who answered directly to the Crown.⁴⁰ The origins of William Tyler, Henry's choice as commander of Berwick, are uncertain, but there is no evidence that he had any northern connections. A rebel against Richard III by 15 May 1484,⁴¹ and subsequently one of Henry's companions in exile on the Continent,⁴² Tyler was one of the close circle of former allies upon which the new king's early administration was heavily reliant.

From the beginning, this new royal presence was intended to be a significant factor in the east march command. In November 1487, £1833 6s 8d *per annum* was assigned to Berwick's upkeep from the issues and profits of the king's northern manors.⁴³ From this, a permanent garrison of 230 soldiers was to be maintained. In addition, Henry spent almost £90 *per annum* on retaining fourteen gentlemen of Northumberland to resist Scottish invasion. The fact that they were placed under the command of his new lieutenant of Berwick, rather than his warden, illustrates the extent to which Tyler had

³⁷ *RS*, II, 471.

³⁸ *RS*, II, 484-5.

³⁹ The garrison was appointed by letters under the privy Seal dated 23 Feb 4 Hen VII. SC 6/HENVII/1380

⁴⁰ *RS*, II, 483; *Letters of Richard Fox*, ed. P.S. and H.M. Allen (Oxford, 1929), p. 137.

⁴¹ *HMS 433*, II, 223.

⁴² The fact that he received his knighthood at Henry's hands on 7 August 1485, shortly after his landing in England, suggests that he had been with Henry in exile. *RS*, II, 483; J.C. Wedgwood and A.D. Holt (eds), *History of Parliament 1439-1509* (2 vols, London, 1936), I, 888-9.

⁴³ *RS*, II, 482-483.

replaced the earl as the king's principal representative in the east march.⁴⁴ The identities of gentlemen upon whom the Crown chose to bestow these fees reinforce the point. At least eight of them, Sir Thomas Grey of Wark, Heton and Chillingham, Sir Thomas Grey of Horton, Sir Robert Manners, Thomas Hagerston, John Swinburne, Henry Swinhoe, and Ralph Hebburn, had been retainers of the earl of Northumberland, almost certainly in his capacity as warden.⁴⁵ If they were still in receipt of fees from the earl, royal service would now take priority.

It is unlikely that Henry connived at Northumberland's murder in 1489.⁴⁶ But whatever the king's sentiments on this occasion, the incident prompted a further development in the policy of direct control from Westminster. From 1489, 'no man indented for the keeping of the borders for the time of war'.⁴⁷ Instead, Henry appointed his son, the infant Prince Arthur, as titular warden of the east and middle marches, with Thomas Howard, Earl of Surrey as his deputy, and *de facto* commander there.⁴⁸ Like Tyler, Surrey had no connections in the region, and was wholly dependent for status within it on the resources of his royal office. However, Henry had made major changes in his arrangements for border defence. He cut the annual payments to the border by a third: Surrey was paid a fee of £1000 *per annum*,⁴⁹ hardly a sufficient sum for an outsider to create an affinity in Northumberland, particularly since he had to maintain his own household. The fourteen gentlemen retainers continued to serve Tyler, and even Surrey's

⁴⁴ SC 6/HENVII/1380.

⁴⁵ A.J. Pollard, *North-Eastern England During the Wars of the Roses: Lay Society, War and Politics 1450-1500* (Oxford, 1990), p. 387.

⁴⁶ See M.A. Hicks 'Dynastic Change and Northern Society: The Career of the Fourth Earl of Northumberland, 1470-89, *Northern History* 14 (1978), p. 78. For a discussion of this, see R. Robson, *The English Highland Clans: Tudor Responses to a Medieval Problem* (Edinburgh, 1989), p. 64; M.E James, 'The Murder at Cocklodge', *Durham University Journal* 57 (1964-5), pp. 80-7.

⁴⁷ *Letters of Richard Fox*, ed. Allen and Allen, p. 137.

⁴⁸ *CPR 1485-94*, p. 314.

⁴⁹ *CPR 1494-1509*, p. 32; *Letters of Richard Fox*, ed. Allen and Allen, p. 137.

deputy, John Heron, received his fee direct from the exchequer.⁵⁰ From now on, as on the west march, the Crown would make provision for border defence as and when it deemed necessary. Henry's decision to base Surrey and his administration at the royal castle of Sheriff Hutton reflected the new truth; the east and middle marches was now firmly under the management of the Crown.⁵¹

Henry's policy towards the border was consistently motivated by a desire to exercise a more direct control from Westminster. This was partly expressed through the short-term measure of appointing trusted royal councillors to key posts at strategic points, and partly through longer-term changes in the nature of the office of warden. However, once Henry had secured a truce with the Scots, his priorities shifted. A less interventionist attitude on the part of the Crown manifested itself in both the east and west marches. From 1504, the command of the principal fortress of the east march was reunited with the wardenship, when Thomas, Lord Darcy, captain of Berwick, was appointed warden.⁵² Similarly, from January 1502, Carlisle was in the hands of Thomas, Lord Dacre, lieutenant of the west march.⁵³ Once the border was removed from the list of his most pressing concerns, Henry required the services of his star administrators elsewhere. The earl of Surrey gave up his office of lieutenant of the east and middle marches in 1498; there is no evidence for Wyatt's presence on the west march after June 1496; and Tyler had been replaced at Berwick by July 1497.⁵⁴

⁵⁰ E 403/2558, fo. 38.

⁵¹ Surrey was appointed steward of lordship of Sheriff Hutton and constable of the castle in 1489 (*CPR 1485-94*, p. 213).

⁵² His commission is dated September 1505 (*CPR 1494-1509*, p. 442), but Exchequer records state that he was being paid as warden from the previous September (E 403/2558, fo. 119). For Berwick see *RS*, II, 531.

⁵³ C 255/8/8, fo. 47.

⁵⁴ *RS*, II, 531.

From 1499, the king's younger son, Henry, Duke of York, replaced his brother as figurehead warden of the east and middle marches, with the same salary as Surrey. However, the king seems to have been content to entrust command at ground level largely to minor northern lords and gentry. In December 1498, Darcy was appointed lieutenant of the east and middle marches, shortly after being made captain of Berwick.⁵⁵ The same month, Henry VII arranged for Darcy to become a Northumbrian landholder; during the lifetime of his wife Edith (widow of Ralph, Lord Neville) the couple were to enjoy possession of the minor earl of Westmorland's estates of Bywell and Bolbec.⁵⁶ By Easter 1503, Sir Richard Cholmley was the Duke of York's deputy in the east march, along with John Cartington and Edward Ratcliffe,⁵⁷ and by September 1504, Darcy had been appointed full warden of the east march.⁵⁸ Between Easter 1502 and 1504 the lieutenantship of the middle march was exercised by Thomas, Lord Dacre (whose estate of Morpeth lay there).⁵⁹ By September 1507, Ratcliffe and Roger Fenwick were acting as lieutenants of the middle march,⁶⁰ and Henry VIII confirmed Darcy's appointment as warden of the east march upon his accession.⁶¹

Henry's choice of officers indicates that he had no intention of allowing power on the east and middle marches to be monopolised by anyone other than himself. There has been some discussion of the 'preference' exhibited by both Henry and his son for

⁵⁵ E 403/2558, fo. 81. Darcy was captain of Berwick by 9 July 1497. *RS*, II, 531.

⁵⁶ *CCR 1485-1500*, no. 1192.

⁵⁷ E 403/2558, fo. 108. Cartington held the manor of Cartington and other properties in Northumberland. Edward Ratcliffe was a younger son of the Cumbrian Ratcliffe family, but was married to Cartington's daughter and heiress.

⁵⁸ E 403/2558, fo. 119.

⁵⁹ *Ibid.*, fos 101, 116.

⁶⁰ *Ibid.*, fo. 142r.

⁶¹ *LP*, I (new edn), 94.

members of the gentry and minor noble classes over great magnates as border officers.⁶² Less explored, and possibly more significant, is the appointment of ‘strangers’ to command of the marches, a trend which seems to have become a definite policy under Henry VIII. Darcy does not appear to have attempted to use his wife’s estates as the base for a retinue within Northumberland.⁶³ The estates of his successor, Dacre, were largely based in Cumberland. His Morpeth estate, worth £180 *per annum*, gave Dacre a base in the middle march,⁶⁴ but he was a complete stranger to the east march, command of both of which he added to his wardenship of the west march from 1511-1522, and recovered, between 1523-1525. His attempt to strengthen his foothold in the middle march, through the wardship of the idiot Henry Fenwick, was frustrated by the Crown.⁶⁵ Lord Roos, Thomas Grey, Marquis of Dorset, and Thomas Howard, Earl of Surrey, successively Dacre’s replacements on the east and middle marches between 1522 and 1523, were also strangers to Northumberland.⁶⁶

The Crown’s intervention in the administration of Berwick during this period provides further evidence for a desire for increased royal control. Darcy clearly enjoyed the right to appoint both his own deputy and the major offices within the command,

⁶² Ellis, *Tudor Frontiers*, pp. 48-9.

⁶³ Ellis, *Tudor Frontiers*, p. 150. By 1526, only £17 7s *per annum* out of receipts of £105 17s 6d from Bywell was being expended on fees. This included only three named Northumberland gentleman: John Swinburne, who was retained as bailiff and receiver; and Richard Lilburn and John Hall, who received extraordinary fees of 40s apiece (SP 1/39, fos. 187-90). It is possible that Darcy retained more heavily from the estates during his tenure of office as warden (1504-1511). However, the Treaty of Ayton ensured that, unlike his successor, Darcy would never be called upon to mount raids against the Scots. The fulfilment of the office in peacetime did not really require the warden to have a personal retinue. It is significant that, once peace with Scotland had deteriorated, Darcy demanded more money if he were to continue to exercise it (BL, Cotton MS Caligula B.II, fos 200-202).

⁶⁴ Ellis, *Tudor Frontiers*, p. 88.

⁶⁵ SP 1/7, fo. 105. Cf. Ellis’ assertion that Dacre ‘made no effort to build up his affinity in Northumberland’ (Ellis, *Tudor Frontiers*, p. 169).

⁶⁶ *LP*, III, 2363.

which he was accustomed to distribute amongst his kinsmen.⁶⁷ In March 1514, Henry VIII made it very clear that such nepotism was no longer acceptable, ordering Darcy to remove his son from the post, and stipulating the appointment of Sir Ralph Eure. The obvious indignation of Darcy, who had held the post since 1498, suggests that this constituted a new degree of interference from Westminster.⁶⁸ When Ughtred was appointed to Berwick in June 1515, he was granted nomination of the marshal, porter, master of the ordnance and comptroller.⁶⁹ However, Henry seems to have been equally ill-disposed towards Ughtred's exercise of his rights. By 1521, the captain was being denied the appointment and dismissal of the principal officers of his command.⁷⁰ His authority was further undercut. Darcy's indenture had specified that he should be permitted to remove any members of the garrison and appoint replacements at his discretion.⁷¹ In 1521, Ughtred complained to Wolsey that many soldiers had acquired patents from the Crown to hold two or three offices at the same time, potentially a 'great danger' to Berwick. Another grievance was that the Crown had given leave of absence to many members of the garrison – who were taking full advantage of it.⁷² Either Ughtred had been granted fewer powers than his predecessor, or he was simply not being permitted to exercise them.

The monopoly of the west march command enjoyed by Thomas, Lord Dacre, for over 40 years, from 1486 to 1525, suggests that the Tudor Crown adopted a generally more relaxed approach to control of the strategically secondary march. Dacre was a

⁶⁷ BL, Caligula B.VII, fos 226-7.

⁶⁸ BL, Caligula B.VI, fos 84-5; BL, Caligula B.II, fos 339-341.

⁶⁹ *LP*, II, 549.

⁷⁰ BL, Caligula B.III, fo. 226.

⁷¹ C 54/379, fo. 6d.

⁷² BL, Caligula B.III, fo. 226.

considerable landowner in the north-west. His border baronies of Gilsland, Liddel, Levington and Burgh by Sands played a key role in the defence of the west march. From these, Dacre was able to raise four or five thousand men at any time, at little additional cost to himself (or the Crown).⁷³ However, Henry VII deliberately obstructed Dacre's possession of his wife's inheritance, which may suggest that he wished to retain an element of personal control over his lieutenant. Elizabeth Greystoke was heir-general to the lands of the barony of Greystoke. Dacre abducted and married her in 1487. In 1488, the heiress's lands were seized by the king, and in July 1499 John Greystoke, heir-male to the lordship, was granted the keeping of all the lands of the late Ralph Greystoke 'during the minority of Elizabeth', who was, at this time, 26 years old.⁷⁴ Henry did not permit Dacre and his wife licence of entry to the lands until 1507; and it was to be another two years before Elizabeth was finally permitted to proceed to proof of age for her estates in Northumberland.⁷⁵ Meanwhile, in July 1508, Dacre's own manors of Burgh by Sands, Gilsland, and others, were in the hands of Crown assignees, held to the use of Dacre, and pigeonholed for the repayment of a huge debt of £1133 6s 8d to the Crown.⁷⁶ This, Dacre claimed, was originally a recognizance of 3000 marks, which had been converted into a debt by Richard Empson and Edmund Dudley 'against all right'.⁷⁷ Given that by 1516, Dacre had only managed to repay £200 of the total sum, Henry VII had clearly anticipated that this measure would keep his warden of the west and middle marches under the royal thumb for the foreseeable future.⁷⁸

⁷³ Ellis, *Tudor Frontiers*, p. 152.

⁷⁴ *CPR 1485-94*, pp. 285-6; *CPR 1494-1509*, p. 177.

⁷⁵ *Ibid.*, p. 506.

⁷⁶ Summerson, *Medieval Carlisle*, II, 468; Ellis, *Tudor Frontiers*, pp. 86-7.

⁷⁷ *LP*, I, 131.

⁷⁸ *Ibid.*, I, 2555.

The divergence in the Crown's attitude towards the two commands became more evident with the accession of Henry VIII and the resumption of hostilities with Scotland which followed shortly thereafter. Although the terms of Dacre's appointment as warden of the east and middle marches authorised him to call upon all its inhabitants for military service, the order to recruit usually came from central government, and the warden's subsequent propositions were always sent upon approval to Westminster. In April 1514, Dacre's inquiries regarding garrisons to be laid within the east and middle marches were made at the Crown's instigation – and he duly submitted a proposal with the diligence requested.⁷⁹ In spring 1517, in the light of the impending expiry of the truce with Scotland, it was on Wolsey's orders that Dacre drew up plans for the defence of the marches, and these were also submitted to the cardinal for approval.⁸⁰ On 17 March 1521, Dacre forwarded to Wolsey his plans for the stationing of 300 men along the border, made in the light of the expiry of the truce on 9 April.⁸¹ On 24 January 1522, once the king had decided not to prolong the truce, Dacre once again put forward his ideas.⁸² However, these were to undergo significant alterations before he was permitted to put them into practice. The king rejected Dacre's proposal that garrisons be laid along the whole border with Scotland, so that all the marchers might have 'something whereby they might better be encouraged to do annoyances to the Scots', ruling instead that the garrisons should all be placed on the east and middle marches, 'near together each one to help [the] other'.⁸³

⁷⁹ BL, Caligula B.III, fo. 26.

⁸⁰ SP 49/1, fos 90-1.

⁸¹ BL, Caligula B.I, fos 15-16.

⁸² BL, Caligula B.VI, fos 542-3.

⁸³ BL, Caligula B.I, fos 9-10.

In winter 1523, Dacre was not only reappointed warden, but replaced Thomas Magnus, Archdeacon of the East Riding, as the king's treasurer of wars. It was to be his task not only to pay the garrisons, but to view, muster, appoint and discharge them.⁸⁴ The combined offices seem to have afforded Dacre somewhat more independence. Having straightaway dismissed 500 footmen, he advised Wolsey what portion of the remainder of the garrison ought to be discharged. On 27 December 1523, although he had not yet received the go-ahead from the cardinal, Dacre dismissed the men. He excused himself on the grounds that he had insufficient funds to keep them, and that he had received retrospective permission.⁸⁵ Also on his own authority, Dacre ordered his lieutenants Sir William Bulmer and Sir William Eure to lay a watch of 50 men on the east march and 20 on the middle march, in place of the footmen he had discharged, independently undertaking to guarantee payment of their wages.⁸⁶ By the end of January 1524, Dacre was desperate for more money.⁸⁷ When this was not forthcoming, he was forced to discharge the watchmen and all the other Northumberland men in his lieutenants' retinues, although he undertook to pay those from outside the county from his own purse if necessary. These orders were given in the cardinal's name, but there is no evidence that Wolsey had approved any such measures.⁸⁸

The consequences of this display of independence were visited upon Dacre's head when the earl of Lennox raided the east march later that month, burning Ford and meeting with little in the way of resistance. Dacre wrote post-haste to Wolsey that it was

⁸⁴ SP 49/1, fos 137-78; BL, Caligula B.VI, fo. 314.

⁸⁵ BL, Add. MS 24,965, fos 236-8v.

⁸⁶ *Ibid.*, fos 200, 200v.

⁸⁷ SP 1/30, fos 85-6.

⁸⁸ BL, Add. MS 24,965, fo. 221.

‘right necessary’ that the borders be speedily furnished with garrisons for defence.⁸⁹ By mid-March, the warden had received a blistering response. The king was ‘not contented’ with Dacre’s unauthorised reduction of the garrisons to such small numbers, and especially objected to the discharge of horsemen. Dacre protested that he had discharged no ‘southern’ horsemen but only ‘countrymen’, to whose dismissal, he claimed, Wolsey had agreed, in a letter dated 24 December 1523.⁹⁰ Dacre took no more such chances. On 17 April 1524, he wrote asking the cardinal whether those who had continued in garrison for that year should have money for their coats or only those who had recently entered.⁹¹ The warden had learned his lesson. From henceforth, he would consult Westminster on every detail of the expenditure of Crown money.

On the west march, however, Henry VIII gave Thomas, Lord Dacre, and later, his son, a comparatively free hand. In 1516, Dacre was released from the hold which Henry VII had exerted over him, when the debts and recognisances made to the Crown were cancelled as part of the new king’s popularity bid.⁹² By contrast to the hawklike scrutiny to which his arrangements for the east and middle march were subjected, Dacre made far less reference to the Crown regarding his arrangements for the defence of the west march. In October 1513, Dacre mentioned to Henry, as an aside, that on his departure from Carlisle, Flodden-bound, he left unnamed kinsmen and friends with garrisons of an unspecified strength within the city and in unnamed other places.⁹³ On 14 December 1521, in laying out his plans for the safeguard of the border, Dacre stated that he would leave his son and brother in command ‘with such persons about them as shall keep that in

⁸⁹ *Ibid.*, fo. 222.

⁹⁰ *Ibid.*, fos 236-8v.

⁹¹ BL, Caligula B.III, fos 15-16.

⁹² *LP*, I, 2555.

⁹³ BL, Caligula B.VI, fos 47-8.

safeguard'.⁹⁴ There was no reference as to how many and who these should be: clearly the Crown did not require to know. Similarly, later in the 1520s, when the Crown deemed necessary Dacre's permanent presence in Northumberland, in order to ensure his diligent performance of an increasingly thankless task, the west march command was delegated largely to his brothers and son, Sir Christopher, Sir Phillip, and Sir William Dacre.⁹⁵ Their reports were addressed to Dacre, not to Westminster. Henry's tolerance of this arrangement is in marked contrast to the attitude he adopted towards Darcy's nepotism at Berwick.

Untrammelled possession of his family estates, as well as his wife's inheritance, meant that Dacre was able to run the march in a similar fashion to his predecessors, utilising his own private resources. In order to ensure sufficient and reliable border service, he redesigned his estate management policies, introducing tenant right. On the Dacre estates, rents remained fixed at comparatively low levels, but as a corollary, Gilsland tenants, for example, were obliged to maintain arms and harness, and in some cases to keep a horse or nag able to bear a man 20 miles into Scotland and back again. All were expected to answer the summons of the bailiff to 'rise and go readily to fray and following' as far as was required, and to take their turn at night watches.⁹⁶ Lord William practised similar policies, ordering that vacant tenancies should be preferred to 'a person being a good archer and able for the serving of the king's highness, and rather to him for less gressum than to another being no archer'.⁹⁷ As a result of this, in Gilsland alone,

⁹⁴ *Ibid.*, fos 238-40.

⁹⁵ BL, Add. MS 24,965, fos 152-3, 258v-60.

⁹⁶ Although the first surviving reference to these terms is from 1584, Ellis argues that they were probably imposed during Thomas, Lord Dacre's stint in the west march command. *Tudor Frontiers*, pp. 97-8.

⁹⁷ *Ibid.*, pp. 99-100.

Dacre had at his command 434 horsemen and nagmen and 196 footmen; and from his estates as a whole he could raise up to 5000 men.⁹⁸

On the east and middle marches, however, the Crown appointed wardens without personal resources. In Northumberland, Henry paid the piper, and he expected not only to call the tune, but to receive regular reports from his employees. By contrast, the Crown's principal concern on the west march appears to have been to spend as little as possible. From Easter 1512, Dacre no longer even received his salary from the exchequer. Instead, he was assigned the customs of Carlisle (20 marks) in addition to £120 from the issues and profits of Cumberland.⁹⁹ In 1517, Dacre was to provide funds for building of a new tower on the west march in the king's lordship of Arthuret.¹⁰⁰ Even at the height of conflict with the Scots, the west march received little from the Crown by the way of financial contribution to its defence. During the 1520s campaign against Scotland, Henry stationed his garrisons solely along the eastern border.¹⁰¹ Ellis' assertion that Henry VIII exercised relatively little control over the border until 1525, and that 'the rule of the marches continued to be entrusted to Dacre...with minimal supervision', holds true for the west, if not for the east and middle marches.¹⁰²

In 1525, with the disgrace, dismissal and, ultimately, death of Lord Dacre, Henry's bastard son was appointed warden-general of the marches. The choice of his deputies on the east and middle marches followed the pattern of the past fifteen years. The earl of Westmorland, appointed to the east and middle marches, had 'no

⁹⁸ *Original Letters, Illustrative of English History*, ed. H. Ellis (3rd series London, 1846), pp. 214-18.

⁹⁹ E 403/2558, fos 182, 189, 216, 228v, 253v, 264, 272v, 286v, 296v, 306v, 317, 331, 345, 355v, 362, 372, 379. This is from a list of writs under the great seal and under the privy seal authorising payments between 1485 and 1521. However, there is no indication that Dacre was paid in any other way during his last four years in office.

¹⁰⁰ BL, Caligula B.II, fo 347.

¹⁰¹ BL, Caligula B.I, fos 9-10.

¹⁰² Ellis, *Tudor Frontiers*, pp. 148, 261.

place...within the said country of Northumberland, nor no land in my own hands', except the small town of Cambois in Bedlington.¹⁰³ The Neville family's only estates in the county, the manors of Bolbec and Bywell in southern Northumberland, were in the hands of the earl's mother until 1529.¹⁰⁴ Westmorland was therefore unlikely to prove an alternative focus for loyalty to the Crown within the county. Sir William Eure, who succeeded the earl to the office of vice-warden of the middle march in 1526, and was also appointed keeper of Tynedale and Redesdale, was another 'stranger' to the county, being principally a Yorkshire and Durham landowner.¹⁰⁵ Sir Christopher Dacre, Westmorland's replacement in the east march, was as much an outsider there as his brother had been.

The creation of the duke's council does, however, appear to have marked something of a turning-point in the Crown's attitude towards the west march. The king's refusal to grant the command to Dacre's son, who was not comprehended in the charges levelled against his father, suggests that Henry had grown wary of the family's influence, perhaps because of the negative reports he had received about the way in which it was wielded.¹⁰⁶ The king's choice of deputy-warden suggests a new desire to increase royal control over the west march command. Henry, eleventh Lord Clifford, a childhood companion already in receipt of considerable gifts from the king, was created earl of Cumberland to fit him for this new dignity.¹⁰⁷ He exercised little personal influence on the west border.¹⁰⁸ Most of the Clifford military fees were given within striking distance

¹⁰³ BL, Caligula B.VI, fos 510-511.

¹⁰⁴ *CCR 1485-1500*, no. 1192.

¹⁰⁵ *LP*, IV, 1289

¹⁰⁶ See below, ch. 3, pp. 124-5, 131-4.

¹⁰⁷ Most notably the estates of Bawtry in Nottinghamshire and Kimberworth in Yorkshire (*LP*, I, 1043).

¹⁰⁸ A list drawn up in 1537 for the defence of Carlisle suggests that the earl's military contingent was drawn exclusively from Craven and Westmorland (*LP*, XII, 1092). Summerson states that the Clifford family commanded a 'significant' following in Cumberland (Summerson, *Medieval Carlisle*, II, 482). However, his reference is James' list of the Clifford family's tenants, which includes only one family with estates in

of Skipton, Appleby, Brougham or Brough, and the earl had ‘neither lands nor men of [his] own of any reputation near the border than within sixteen miles at the next’.¹⁰⁹ The king was forced to recognise the full strength of the Dacre connection in Cumberland in fairly short order. The earl of Cumberland was utterly unable to exercise his office in the face of William, Lord Dacre’s opposition. At the end of 1527, just two years after his father’s dismissal, Dacre was appointed warden of the west march. His unremitting harassment of the Carlisle administration finally received its due reward with his acquisition of the command on 6 August 1529.¹¹⁰

Information

The poor survival rate for correspondence between Westminster and the marches before 1513 makes it difficult to determine exactly how much interest the Crown took in the day-to-day management of the border at this time. One surviving letter, written by Henry Wyatt in June 1496, includes a report on the performance of the king’s officers on the west march. Wyatt judged Salkeld to be ‘not so able...as he hath been’, and reported that John Musgrave, captain of Bewcastle, had done no ‘service...that hath [not] far more hurt your grace’, and did more harm daily. Musgrave, Wyatt informed the king, directed his forces against the inhabitants of Teviotdale, who ‘dwell[t] peacably without harm’, instead of the king’s real enemies, placing Bewcastle in jeopardy, and he strongly suggested that Henry should ‘touch him with the keeping’. Wyatt also commented on the dereliction of duty of Henry, tenth Lord Clifford, hereditary sheriff of Westmorland, who

Cumberland: the Musgraves of Edenhall, who also held Hartley, Langton, Marton and Soulby of the barony of Westmorland. Even with this family, the first earl did not enjoy a particularly close relationship. James, *Society, Politics and Culture*, pp. 154-7.

¹⁰⁹ BL, Caligula B.VII, fo. 60.

¹¹⁰ See below, ch. 5, pp. 211-17, for a full examination of this.

‘was in *Cro*, not whence he should be when we have need’ and was ‘led and guided by simple and indiscreet persons, to his great hurt’.¹¹¹ However, it is impossible to gauge from the letter how frequently Wyatt was expected to make reports, and indeed whether this one was solicited by the Crown. The period of Thomas, Lord Darcy’s command of the east march (1498-1511) coincides with the period of peace achieved by Henry VII, and during his term in office only one letter to Westminster survives (in draft form), a report on disloyal rumours and Darcy’s own position, rather than on border affairs.¹¹² Dacre’s complaint, in December 1512, that his request for the repair of fortresses of the east march the previous February had been ignored, suggests the lack of correspondence is due not simply to non-survival, but reflects a real lack of interest on the part of central government. The writer’s assertion that the marches were in good order after a twelvemonth in office is suggestive that no more than an annual report was expected of the warden.¹¹³

In 1513, however, the ebb of European politics focused government attention upon the rule of the border once more.¹¹⁴ The Auld Alliance had been renewed on 16 March 1512, and on 9 June, shortly before the king left on his expedition to France, Dacre’s plea for the repair of the east march fortifications was finally heeded. From this point, the volume of correspondence increases significantly. In the wake of Flodden, the king seems to have been in regular contact with his warden from Tournai. Rather than leaving incursions into Scotland to Dacre’s discretion, the king commanded him to make raids into the west and middle marches of Scotland ‘with all celerity and diligence’, and,

¹¹¹ Conway, *Relations*, App. XLV, pp. 236-9.

¹¹² *LP*, I (new edn), 157.

¹¹³ BL, Caligula B.III, fo. 28-30..

¹¹⁴ J.D. Mackie, *The Earlier Tudors, 1485-1558* (Oxford, 1952), pp. 275-9.

unusually, provided 1000 marks to fund them. A third raid, into the Scottish east march, was to be made with the aid and assistance of a contingent from the bishopric of Durham, for which Dacre was to receive a further 1000 marks. Similarly, Henry issued orders concerning the delivery to Newcastle of the ordnance captured at Flodden, and an injunction that under no circumstances were Scottish gentlemen prisoners to be ransomed until he made known his pleasure in the matter.¹¹⁵ Dacre's comment, on 31 October 1514, that he had received no letters from the king's council since 12 August, suggests that a two-and-a-half month hiatus was now unusual.¹¹⁶

There was also a clear expectation that, for his part, the warden would make regular reports both on his own activities and those of the Scots. In May 1514, Dacre was condemned for his negligence in this respect. He protested weakly that he was merely attempting to save the king money, by refraining from employing the posts in 'sending up writing...as of trifles and flying tales of no certainty'. However, in his own defence he felt it necessary to list the exact extent of the damage done by Scottish raids on the east march. He assured the king that, due to his own endeavours, the Scots had achieved so little on the west and middle marches that the houses, fallow land and pasture land were as 'fully plenished to the very border in as large mean as ever they were the days of my life'. Less than twenty houses had been burned, and along the 50 mile 'dry border' from Bellness to Hangingstane 'every person of horseback or foot may ride and loiter at their pleasure'. He pointed out defensively that the west and middle marches were 'meetly good bounds in length for such a man as me to govern, rule and keep in safety during this war time, without any charges of the king's grace'. With regard to his own activities, he

¹¹⁵ BL, Caligula, B.VI, fos 47-8.

¹¹⁶ LP, I, 5541

boasted that the theft of a single cow by the Scots had been visited on their heads a hundredfold; for every sheep they took his men had stolen 200; and six times as many towns and houses had been destroyed in the west and middle marches of Scotland 'than is done to us'. He then gave full details of the raids he had made there.¹¹⁷

In 1522, with the renewal of hostilities with Scotland, Dacre was again expected to give full accounts of his raids. On 22 May, John Kite, Bishop of Carlisle, the new royal agent in the marches, received a letter from Dacre, reporting on what the warden had done in the marches since 12 May. This included a description of a raid made on Scotland on the nineteenth and a list of the 'names and order' of the 2000 men who had attended him.¹¹⁸ However, this was clearly insufficient. In June 1522, Wolsey reprimanded Dacre, 'marvelling that this long time I have received no manner letters from you touching such exploits and enterprises as were lately done on the borders, whereof no man hath so assured knowledge as you'. The last letter which he had received from Dacre was dated 22 March, which suggests how frequently the warden was now expected to communicate with central government.¹¹⁹ Wolsey warned him to be 'more diligent', and rebuked him for leaving all the burden of communication with Westminster to Kite.¹²⁰ Dacre seems to have taken this to heart. On 3 September, the earl of Shrewsbury, the new lieutenant of the north, arrived in York.¹²¹ Although the earl had received instructions to 'certify the king of all occurrences from time to time', nine days after his arrival Dacre was still apologizing to Wolsey for not having written 'according

¹¹⁷ BL, Caligula B.II, fos 200-202.

¹¹⁸ SP 1/24, fos 152-3.

¹¹⁹ LP, III, 2122. Dacre wrote to Wolsey on 8 May (LP, III, 2237), but Wolsey had clearly not received this (BL, Caligula B.VI, fo. 314).

¹²⁰ *Ibid.*

¹²¹ SP 49/1, fos 140-143.

to my duty'.¹²² The earl of Surrey, appointed lieutenant of the north and warden of the east and middle marches in 1523, made full, personal reports on the raids he made. On 23 April, he wrote to Wolsey, with a detailed explanation of why the raid which he had intended to perform in four days' time would have to be put off.¹²³ On 21 May 1523, he excused himself for not having informed Wolsey what had been done 'at this last journey' on the grounds that he had already written to the king at length about it.¹²⁴ In Surrey's absence at Westminster, Dacre, his deputy, sent him full details of a raid undertaken on 10 June.¹²⁵ On 26 June, Dacre wrote to Wolsey, including details of all the raids which had been undertaken since the earl came to the border.¹²⁶ On 15 June, he sent the plan of a 'journey' he intended to undertake on the twenty-ninth of that month, including a copy of the letter he had sent to the men who were to serve him as Surrey's deputy, and a list of all their names.¹²⁷ Surrey was also concerned to keep in constant touch with Westminster. On 24 September, from the army's camp at Jedburgh, he wrote a long description of his raid and destruction of the town and surrounding area.¹²⁸ On 8 October 1523, he complained about the sloth of the posts: Wolsey's letters to Newcastle, and his own to London ought to be conveyed within 48 hours, and he requested Wolsey to order that, in future, this must be the case.¹²⁹

Dacre was also required regularly to muster the soldiers of the garrisons stationed along the eastern border with Scotland in 1523 and 1524, and to report on their numbers

¹²² BL, Caligula B.II, fos 104, 326-8.

¹²³ *Ibid.*, fo. 160.

¹²⁴ SP 49/2.

¹²⁵ BL, Add. MS 24,965, fos 152-3.

¹²⁶ *Ibid.*, fos 158-161.

¹²⁷ *Ibid.*, fo. 33.

¹²⁸ LP, III, 3360.

¹²⁹ BL, Caligula B.VI, fos 368-9.

to central government, which office he performed faithfully.¹³⁰ His efficiency was probably due in part to the fact that the activities of the garrisons were monitored from Westminster, and when they were found to be in default, Dacre was blamed.¹³¹ On Dacre's reappointment as warden that winter, Wolsey instructed him to see that the garrisons now under his command should not only defend them but make 'excourses' against the Scots.¹³² In spring 1524, after the 'hollow time of winter', Dacre promised that he would 'put the lieutenants and the said garrisons in quick occupation, as well in my own presence as other times and to other exploits'.¹³³ When, by the following April, the cardinal felt that Dacre had failed to live up to this promise, the warden received a sharp reprimand. The Scots were committing 'attempts daily in England...the like which has not been seen since the war began', and the borders had deteriorated considerably since Surrey's departure. Once again, Dacre's only defence was to list 'these attempts that are so greatly spoken of' in detail. He claimed that 'a small convenient sum' would amend all the damage done at the raid on Ford. The only occurrence since then had been a raid of 100 Scots on Wooler, 'the uttermost town of this realm'. Five or six houses were set alight, in response to which the inhabitants of the town and others adjoining set upon the Scots 'and took a dozen prisoners and won as many geldings'. 'Where the Scots did one pennyworth of hurt', concluded Dacre triumphantly, 'they had 20 pennyworth of scathe ere they entered Scotland ground that night'.¹³⁴ On 25 April, the warden sent an

¹³⁰ *LP*, IV, 3683, BL, Add. MS 24,965, fos 207v-8v, 236-8v.

¹³¹ *Ibid.*, fos 207v-8v.

¹³² BL, Add. MS 24,965, fo. 11

¹³³ *Ibid.*, fos 236-8v.

¹³⁴ *Ibid.*, fos 261-2v.

extremely full account of the raid conducted by the garrisons appointed to his command.¹³⁵

On 4 September 1524, a truce with Scotland was sealed, and with the disbanding of the garrisons, correspondence with the Crown became less concerned with military matters.¹³⁶ With the creation of the duke of Richmond's council there was less direct correspondence between the Crown and its officers on the marches, although they were still required to submit regular reports on the state of the marches under their command; breaches of truce committed on both sides; and the progress of days of march and warden courts. Magnus, as principal spokesman for the duke's council, duly condensed these for Wolsey's benefit.¹³⁷

The council of the north

The king's council in the north parts originated not as an administrative innovation of the Tudors, but rather because Richard III refused to relinquish his position as 'lord of the north'.¹³⁸ Initially, the northern counties were to be governed through Prince Edward's household at Middleham, which was to provide a focus for the connection built up by Richard prior to his usurpation. However, this was thwarted by the child's death on 9 April 1484.¹³⁹ Richard's grief did not prevent him from quickly coming up with an alternative solution, laid out in a surviving document which can probably be dated to 24

¹³⁵ *Ibid.*, fos 258v-260.

¹³⁶ R.G. Eaves, *Henry VIII's Scottish Policy, 1513-1524* (London, 1971), p. 42. The border garrisons were paid up to September (E 101/58/7).

¹³⁷ BL, Caligula B.II, fo. 114; *LP* IV, 1808-9; BL, Caligula B.II, fos 150-2, 123; SP 49, fo. 464; *LP*, IV, 3404; BL, Caligula B.III, fo. 174.

¹³⁸ Few of the records of this institution, in its various incarnations, survive for this period. Surviving references to its judicial activities are usually to be found in Yorkshire; they are not relevant to the government of the marches, and have been discussed elsewhere. This work will therefore confine itself to discussion of the council's work only insofar as it extended into the marches.

¹³⁹ Pollard, *North-Eastern England*, p. 355.

July 1484.¹⁴⁰ For the king's surety, a second royal council was created in the north parts, in a new royal household based at the duchy of York lordship of Sandal, to be funded from the revenues of the king's Yorkshire and Durham estates.¹⁴¹ It was to be headed by the king's nephew, John de la Pole, Earl of Lincoln, a stranger to the north, whose personal resources lay principally in East Anglia. Richard's choice emphasises the point: the council of the north was intended to facilitate his direct control there. He would not allow it to become the buttress for any northern magnate's potential rivalry for dominance.

But what constituted the 'north'? At first sight there is little to connect the northern council with the border defence administration. Reid suggests that Richard had decided 'to divide the government of the north ...giving the rule of the marches to a warden-general and that of Yorkshire to his own council'.¹⁴² While it has since been pointed out that the earl of Northumberland's promotion to 'warden-general' was merely titular and involved no extension of his authority beyond the east and middle marches, most historians have been happy to accept the second part of Reid's statement. In fact, Reid herself provides evidence to suggest that the council of the north was intended to enjoy some military authority on the west march even in its embryo form. She notes that in May 1484, Prince Edward and the earl of Lincoln headed the commissions of array to resist the Scots for Cumberland and Westmorland, as well as for the three Yorkshire

¹⁴⁰ The undated articles 'ordained and established to be used and executed by...the lords of his council in the north parts' were probably drawn up at the same time as the ordinances for the maintenance of the royal household established at Sandal, dated 24 July 1484 (*HMS 433*, III, pp. 107-8, 114-16). As Pollard succinctly puts it: 'for household, read council'. Pollard, *North-Eastern England*, p. 356.

¹⁴¹ *HMS 433*, III, 114-16.

¹⁴² Reid, *King's Council*, p. 60.

Ridings.¹⁴³ The name of Sir Richard Ratcliffe, leading light of the council of the north, also appears on all five commissions.¹⁴⁴ Anthony Pollard has identified eight other probable members of the council through royal grants made to them of annuities of 100 marks or more (fees ‘appropriate’ for a royal councillor). Although the majority of these grants are undated, the grant of £80 *per annum* to Lord Neville was made when the king was at Nottingham on 25 March 1484, and this, presumably, provides a rough date for the creation of the council of the north in its original form.¹⁴⁵ The councillors identified by Pollard were all minor lords and substantial gentry from Yorkshire or Durham, and all received their fees from royal estates in those two counties.¹⁴⁶ However, a similar case can be made for the appointment of at least two members of Richard’s affinity in the west march. Four days before Neville’s grant, an annuity of 100 marks was also made to Humphrey, Lord Dacre, from the issues of the county of Cumberland.¹⁴⁷ The timing suggests that Dacre, whose name follows those of the prince and Lincoln on the May 1483 commissions of array for Cumberland and Westmorland, had also been made a member of the council of the north. Pollard suggests that Thomas Gower and Sir John Conyers, Richard’s stewards and the ‘linchpins’ of his connections at Sheriff Hutton, and Middleham and Richmond respectively, would have been key players on the northern

¹⁴³ *CPR 1476-85*, pp. 397, 400. The dating is somewhat confusing, as the composition of the commission must have been decided upon before the prince’s death on 9 April. Reid notes that there was no commission for Northumberland, which she takes as evidence of Richard’s decision not to ‘meddle’ in the earl’s sphere. The earl’s indenture already gave him the right to array all men between the ages of sixteen and 60 in the county in defence of the realm against the Scots. However, Edward IV, who is certainly not credited with any inclination to undermine his wardens’ authority, did issue commissions of array for Northumberland. When commissions of array were issued for service in France, on 8 December 1484, the county was again excluded, though the earl’s indenture did not authorise him to array its inhabitants under these circumstances (*CPR 1476-85*, pp. 488-92). Richard’s motivation in both cases is unclear.

¹⁴⁴ In the Westmorland commission he appears as sheriff. Reid, *King’s Council*, p. 59

¹⁴⁵ *HMS 433*, I, 169; *CPR 1476-85*, p. 428.

¹⁴⁶ They were Sir John Conyers; Sir Thomas Gower; Ralph, Lord Greystoke; Richard Lord FitzHugh; Ralph Lord Neville; Sir James Strangeways; Sir Thomas Markenfield; and Sir Edmund Hastings. Pollard, *North-Eastern England*, pp. 355, 357.

¹⁴⁷ *CPR 1476-85*, p. 388; Pollard, *North-Eastern England*, p. 355.

council.¹⁴⁸ As lieutenant of Carlisle, Dacre headed the household which Richard continued to maintain there as king,¹⁴⁹ and thus his inclusion would have made sense. An argument can also be made for the appointment of another member of the west march contingent to the council of the north. Sir Christopher Moresby was confirmed in the office of steward of Penrith on 17 May 1484, an office which he had been exercising for Richard since 1472.¹⁵⁰ The stewardship of Gamblesby and Queenshames was added, for a total fee of 100s, and a £35 annuity from Penrith topped this up to £40 – the fee paid to John Dawney, treasurer of the household at Sandal, one of the few men for whose membership of the council there exists direct evidence.¹⁵¹ Also, like Dacre, Moresby was included on both the Cumberland and Westmorland commissions of array.¹⁵² Like Gower and Conyers, he was the steward of an ex-Neville lordship, in which capacity he had previously served Richard as duke of Gloucester. If the west march was indeed included in the remit of the council of the north, it seems likely that Moresby served on it.

The next evidence for the council's activities in the border counties is enshrined in the articles of the peace treaty negotiated with the Scots at Nottingham in September 1484. A panel of nineteen named conservators was appointed to arrest and prosecute all those guilty of breaches of march law.¹⁵³ Alexander Grant sees this as a new mechanism for governing the north of England; the creation of a 'council for the marches' as an adjunct to the council of the north. In support of this argument, Grant points out that the list of conservators was headed by the earl of Lincoln.¹⁵⁴ In fact, in addition to Lincoln,

¹⁴⁸ Pollard, *North-Eastern England*, p. 373.

¹⁴⁹ See below, ch. 2, pp. 74-5.

¹⁵⁰ *HMS*, 433, I, 185; *CPR 1476-85*, p. 453; Horrox, *Study in Service*, p. 51.

¹⁵¹ *HMS* 433, I, 276.

¹⁵² *CPR 1476-85*, pp. 399-401.

¹⁵³ *Foedera*, XII, 246-7.

¹⁵⁴ Grant, 'Richard III and Scotland', pp. 142-3.

five of the nineteen conservators are on Pollard's list of members of the council of the north: Ralph, Lord Greystoke; Richard, Lord Fitzhugh; Sir Richard Ratcliffe; Sir John Conyers; and Sir Edmund Hastings – to which can be added the names of Dacre and Moresby, who almost certainly also sat on the council. The inclusion of so many members of the council on the list of conservators may indicate that, rather than creating a new council in the north, Richard had merely committed the task of preserving peace on the border to the existing one.

So, was the council of the north intended to take over the prosecution of march law completely? According to Cynthia Neville, the Nottingham treaty marked 'a significant development in the wardens' office'; the removal from it of responsibility for the arrest and prosecution of those guilty of breaches in march law, as distinct from its military duties.¹⁵⁵ But if the west march was well represented on the list of conservators, only one man (other than Greystoke) held any land on the east and middle marches – and that was the warden himself. Under these circumstances, Northumberland would surely have continued to dominate the prosecution of march law there. However, it is clear from both the treaty itself, and the indenture which named those who were to attend march days that autumn and winter, that most conservators were not expected to deal with breaches of march law on a day-to-day basis. Not one conservator was appointed to attend the march days of 18 and 21 October for the east and middle marches, and of those commissioned to attend the west march meeting of 14 October, although Salkeld and Musgrave were both conservators, their fellow, Nicholas Ridley, was not. These men were presumably the lieutenants assigned to act on the conservators' behalf, whose

¹⁵⁵ C.J. Neville, *Violence, Custom and Law: The Anglo-Scottish Border Lands in the Later Middle Ages* (Edinburgh, 1998), p. 163.

appointment was provided for in the treaty.¹⁵⁶ The indenture also provided for a meeting of ‘great commissioners’ for all three marches in December, all of whom were conservators. Their principal purpose was to depute certain persons to ensure that the bounds of Berwick were maintained in accordance with the indentures of the truce. Clearly, then, the majority of the conservators were expected to play a purely supervisory and administrative part (many of them had duties elsewhere which would prohibit any more active role). The daily round of peacetime cross-border business, the arrest and prosecution of border criminals and the arrangement of redress for breaches of the truce at march days, was to be undertaken by the border gentry.¹⁵⁷

In theory, then, the treaty removed the prosecution of border law from the office of warden. But did it do so in practice? Dacre and Northumberland were both conservators, and their names headed the lists of the ‘great commissioners’ appointed to attend the December meetings for the marches under their command, suggesting that they were expected to play a leading role in the supervision and selection of the lieutenants who were to represent them. In accordance with this, of six potential lieutenants appointed to hold the march days for the east and middle marches, Sir Henry Percy was the earl’s brother; John Cartington his seneschal,¹⁵⁸ Robert Collingwood his retainer,¹⁵⁹ and Alexander Lee held the offices of chamberlain, customer and supervisor of works at Berwick, which was under his command.¹⁶⁰ Wardens’ indentures (including the earl’s own) authorised them to appoint a deputy to hold sessions in their stead; and the composition of the commission suggests Northumberland had at least a casting vote in

¹⁵⁶ *Foedera*, XII, 237.

¹⁵⁷ Neville, *Violence, Custom and Law*, p. 163.

¹⁵⁸ *Percy Bailiffs’ Rolls of the Fifteenth Century*, ed. J.C. Hodgson, Surtees Society 134 (1921), pp. 93, 119.

¹⁵⁹ M.A. Hicks, *False, Fleeting, Perjured Clarence* (Gloucester, 1993), pp. 214-17.

¹⁶⁰ *HMS 433*, I, 272.

the selection of lieutenants. Similarly, on 5 September, before the indentures were drawn up, Dacre was appointed lieutenant-general of the west march, and granted full powers to arrange all necessary meetings between himself and the Scottish king; to give letters of safeconduct to Scottish commissioners; and to nominate their English counterparts.¹⁶¹

Whether in accordance with Dacre's nominations or no, the lieutenants appointed to the meeting of 14 October were, however, all royal servants. Salkeld, Dacre's fellow-conservator, was sheriff of Cumberland,¹⁶² and an esquire of the body in receipt of a fee of £20 *per annum* from Penrith, granted on 27 March 1484;¹⁶³ Musgrave, also a conservator, was acting as constable of Carlisle, and was granted a £20 annuity three days after the treaty was signed;¹⁶⁴ and Nicholas Ridley was, or was soon to be, constable of Bewcastle.¹⁶⁵ On 2 December 1484, Dacre presided over another meeting appointed for the west march, along with Salkeld, Musgrave and John Crackenthorpe, Richard's receiver in Cumberland.¹⁶⁶ As Richard had retained the wardenship of the west march for himself, it is perhaps unsurprising that the lieutenants should all be royal servants. However, many of the lieutenants appointed on the east and middle marches also had ties to the Crown. Percy, Northumberland's brother, was the controller of Richard's household; Cartington was in receipt of a royal wardship worth at least £35 *per annum*;¹⁶⁷ Lee was Richard's household chaplain and councillor;¹⁶⁸ and Ridley's connections with Richard have already been noted. A similar admixture of loyalties is visible in the east

¹⁶¹ *CPR 1476-85*, p. 485.

¹⁶² *CFR 1471-85*, no. 797.

¹⁶³ *Foedera*, XII, 246; *CPR 1476-85*, p. 424; *HMS 433*, I, 170.

¹⁶⁴ *Ibid.*, II, 162.

¹⁶⁵ SP 1/141, fos 248-51.

¹⁶⁶ *HMS 433*, II, 28.

¹⁶⁷ The wardship of John Thornton, son of Sir Roger Thornton. This was the value of the lands, but Cartington was, in addition, granted his marriage. *HMS 433*, III, 113; *Cal. Inq. PM*, IV, 415; *Cal. Inq. Hen. VII*, II, 412.

¹⁶⁸ *HMS 433*, II, 145.

and middle march commission for 2 December. Percy was again joined by Cartington and Robert Collingwood, to whose number was added John Lilburn and Sir Thomas Grey of Horton, both retainers of the earl.¹⁶⁹ However, Grey was also the king's constable of Norham castle, a position he had held since May 1484,¹⁷⁰ and, just three days before the commission was appointed, Richard had granted him a fee of £10 from Newcastle.¹⁷¹

The treaty, then, effectively placed a panel of watchdogs alongside the wardens whose 'overmightiness' had caused Richard and James III so much concern (whether because of its deleterious effect on the maintenance of truces, as its articles stated, or for other reasons). Richard had established a direct relationship between the Crown and the lieutenants who would (in practice) conduct much of the day-to-day business of upholding march law. The following year saw a rather more radical development of this policy. Secure in the possession of a three-year truce, Richard began to unveil his real plans for the government of the marches. On 30 January, a commission was appointed for a meeting with the Scots for the observance of the treaty and rectification of matters in prejudice of its articles – composed of Ratcliffe, Ridley and Cartington. The fact that this was a general commission, not issued for a specified march, underlines the lack of any wardenial presence on it. On 18 April 1485, James III issued letters of safeconduct to Ratcliffe; Thomas Metcalfe, chancellor of the duchy of Lancaster; Ridley; Salkeld; and Sir William Claxton. The fact that these letters were valid for two years suggests that the Crown had, at least for the immediate future, selected the men whose task it would be to ensure 'the firm and sure observance of the truce and reformation of attempts made'. The

¹⁶⁹ *Percy Bailiffs' Rolls*, p. 81; Pollard, *North-Eastern England*, pp. 358-9.

¹⁷⁰ Pollard, *North-Eastern England*, p. 360. The office was in Richard's hands as part of the temporalities of the bishopric of Durham: see below, ch. 4, p. 156.

¹⁷¹ *CPR 1476-85*, p. 535.

west, east and middle marches were to be represented by Salkeld and Ridley, both esquires of the body and military officers; Sir William Claxton represented Durham. Metcalfe, a trusted royal councillor not otherwise involved in the truce-keeping process, probably represented the third tier of management called for by the treaty, which specified the appointment of royal councillors on both sides to check on the performance of the truce conservators and their lieutenants.¹⁷² And at the head of the commission was not Northumberland, not Dacre, but Ratcliffe – leading light of the council of the north.

Rachel Reid kindly observed that ‘whatever his faults, Richard III had found out how royal authority could be established in the north. It remained only for the Tudors to enter into the fruits of his labour and win the laurels he had shown them how to gain’.¹⁷³ In fact, Henry VII seems to have done little by way of exploiting this particular legacy, at any rate with regards to the border. The murder of the fourth earl of Northumberland in 1489 seems to have prompted the revival of a royal council in the north under Surrey, as deputy-warden of the east and middle marches. On his departure, Thomas Savage, Archbishop of York, took over the presidency of the council;¹⁷⁴ and after his death it seems to have run by his domestic chaplains, Thomas Magnus and Thomas Dalby, possibly under the auspices of Henry VII’s mother, Margaret Beaufort.¹⁷⁵ However, by 1508, it was referred to as ‘the council of Yorkshire’, and the few surviving indications of its activities before this date also place its sphere of influence firmly in that county. The

¹⁷² *Foedera*, XII, 240.

¹⁷³ Reid, *King’s Council*, p. 70.

¹⁷⁴ *ODNB* (under Thomas Savage), <http://www.oxforddnb.com/view/article/24727?docPos=43>.

¹⁷⁵ For Magnus and Dalby’s leading roles see Dean and Chapter Muniments, Durham, Register Parva IV, 171v-172. My thanks to Dr Steve Gunn for alerting me to this reference. A memorandum to Darcy’s draft petition to the king against the duke of Richmond’s council, drawn up in June 1529, reminds Henry VIII of ‘the like commission that my lady the king’s grandam had’, through which his subjects ‘sustained great losses, hindrances, charges and vexations...and no gains commonly by any such commissioners, but the clerks which for their proper lucre doth upon every light surmise make out processes’ (*LP*, XII, 186 (38)).

sole possible indication of the council's continued presence on the border is the inclusion of Archbishop Savage on the commission of the peace for Northumberland of 15 March 1506 (to which he would probably have been appointed anyway), and of Magnus and Dalby on the following commission, issued 11 November 1507. The Tudors would not enter fully into their inheritance until the reign of Henry VII's son.

On 4 September 1524, a truce with Scotland put an end to a 'murmuring time' during which the English 'lay always in await of untruth' (and laid out a considerable stock of it themselves), interspersed with periods of outright war.¹⁷⁶ Soon afterwards, Dacre's dismissal deprived the entire border region of a warden. The surviving correspondence for his final years in office betrays growing central government frustration and an unswerving belief that the havoc wreaked on the border by thieves and outlaws might be easily prevented, if the warden could only be brought to bestir himself. Ultimately, Dacre was committed to the Fleet prison for the 'bearing of thieves and his treasons and negligence in punishment of them and also his familiar and conversant bearing with them, knowing them to have committed felony'.¹⁷⁷ The problem, the Crown was convinced, lay in controlling the warden, and the truce had (at least temporarily) reduced its dependency on the fighting-strength of local magnates. The stage was set for the re-entry of the council of the north into the government of the border.

Whether as God's punishment for marriage to his brother's widow or no, unlike his usurping predecessor, Henry had not yet acquired that most desirable of blessings: a male heir. Princess Mary was already resident at Ludlow, where, it was hoped, her presence provided a focus for loyalty to the Crown in Wales and the Marches. Instead,

¹⁷⁶ Eaves, *Henry VIII and James V*, p. 42. The border garrisons were paid up to September (E 101/58/7).

¹⁷⁷ BL, Lansdowne MS, I, fo. 105.

the household set up at Sheriff Hutton on 12 June 1525, and the former Neville lands in Yorkshire assigned to support it, were conferred upon Henry's illegitimate son, who was raised from obscurity by his creation as earl of Nottingham, and duke of Richmond and Somerset.¹⁷⁸ The revival of the Richmond title (suitably elevated) was perhaps designed to appeal to regional links which had also been exploited by the child's paternal grandfather.¹⁷⁹ This council's position vis-à-vis the border counties was far less ambiguous than that of its predecessor. On 22 July 1525, Richmond was created warden-general of all three marches,¹⁸⁰ to which he added the offices of captain of Berwick and keeper of the city and castle of Carlisle.¹⁸¹

Reid asserts that, in contrast to the earl of Lincoln's nominal headship of Richard III's northern council, its successor was 'really what it professed to be: the duke's council'.¹⁸² If so, the heavy military responsibilities placed on the shoulders of this seven-year-old were obviously intended to be discharged by this council. At first sight, however, it appears to have enjoyed little independent power in this respect. Richmond's appointment as keeper of Carlisle specified his right to appoint subordinate officers,¹⁸³ but he does not appear to have enjoyed this power with regards to any of his other posts. At the end of 1525, the duke's council had to write to Wolsey for official authorisation for the earls of Westmorland and Cumberland to take up their position as Richmond's deputies in the east and middle marches and the west march respectively. In March 1527, Sir William Bulmer the younger, son of one of the council members, had to go to

¹⁷⁸ *LP*, IV, 1399.

¹⁷⁹ As Pollard points out, Henry VII was also earl of Richmond, a fact which he exploited in order to gain the acceptance of the elite of north-eastern England. Pollard, *North-Eastern England*, pp. 384.

¹⁸⁰ *LP*, IV, 1510.

¹⁸¹ *Ibid.*, IV, 2441, 1431.

¹⁸² Reid, *King's Council*, p. 106.

¹⁸³ *LP*, IV, 1431.

Westminster to make suit for the office of marshal of Berwick.¹⁸⁴ When Westmorland applied to the duke's council for authority to hire and fire the officers of Berwick, and for the farm of the tithes in Bamburghshire (customarily assigned to the captain of Berwick for the victualling of the garrison), his pleas were duly relayed to Wolsey.¹⁸⁵ Similarly, Cumberland's request for the grant of some of the offices previously held by Dacre as keeper of Carlisle was also forwarded to the cardinal.¹⁸⁶ The duke's subordinates were not slow to appreciate the situation, and soon began to bypass the council and go straight to Westminster. Cumberland sent his brother to the king to request the stewardship of Penrith; the offices of steward, master forester and receiver-general of Inglewood forest; the stewardship and bailiwick of the socage adjoining Carlisle; and a commission for the delivery of Carlisle castle.¹⁸⁷ Thomas, Lord Dacre, refused to hand over either Carlisle or Penrith on the council's say-so, until it was reinforced by an order from the king.¹⁸⁸ And Westmorland did not again trouble the duke's council; his next request, for authority to appoint the lieutenants and officers of Bamburgh, Dunstanburgh, Tynedale and Redesdale, would be addressed to Wolsey.¹⁸⁹ Even the bailiwick of Tynedale and lieutenanship of Redesdale, whose inhabitants had been blamed for the disorder prevailing in the marches for the last few years, were not granted to the duke.¹⁹⁰ Robert, Lord Ogle, who was probably granted the lieutenanship of Redesdale in autumn 1525,¹⁹¹ and Sir William Heron, who resigned his post as bailiff of Tynedale at the same time

¹⁸⁴ SP 1/41, fos 113-14.

¹⁸⁵ BL, Caligula B.III, fo. 226; SP 1/40, fos 96-7.

¹⁸⁶ LP, IV, 1727.

¹⁸⁷ BL, Caligula B.VII, fo. 60.

¹⁸⁸ SP 1/36, fos 154-5.

¹⁸⁹ BL, Caligula B. VI, fos 510-11.

¹⁹⁰ On 22 November 1525, the council recommended the appointment of a bailiff of Tynedale 'under the king's highness' (BL, Caligula B.VII, fos 73-74).

¹⁹¹ LP, IV, 1727. This is implied by his inclusion among the members of the border command summoned to Westminster in January 1526 (BL, Caligula B.II, fos 150-2).

(although he may have been induced to take it up again), held their offices directly under the king.¹⁹²

Although the duke's council appears to have had no authority to assign offices and fees, central government clearly regarded its director, Magnus, as the head of the border administration. On Magnus' departure from Scotland in 1526, Sir Christopher Dacre, lieutenant of the east march, was directed to meet with the archdeacon 'to common and speak of diverse matters'. And when almost the entire border command, including Westmorland, Cumberland, Ogle, Heron, Eure, Sir Thomas Tempest, and Sir Christopher Dacre, were ordered to appear before Wolsey, it was Magnus' convenience which was to be consulted in fixing a date for the meeting.¹⁹³ The council also exercised a close supervisory authority over the day-to-day government of the marches. On 19 June 1525, only a few days after the creation of the duke's council, Magnus was writing with some authority to Eure, as lieutenant of the middle march, rebuking him for his actions attempted against Tynedale, on the grounds that 'if war should chance this time to be between England and Scotland it is not good that Tynedale should be enemies to the border of England'. Besides which, Magnus reprimanded, Eure's 'secret raid' had not been conducted with much secrecy, 'for the same was openly bruited and spoken here four days before anything was attempted, so that therefore the said thieves had sufficient warning to shift and to purvey for themselves'.¹⁹⁴ On 15 December, Magnus offered the earl of Westmorland his 'poor advice' on the desirability of meeting with the border inhabitants 'for knowledge of his and their minds together for the better ordering of this

¹⁹² BL, Caligula B.III, fos 45-6. Heron's reinstatement is suggested by his inclusion among those summoned to Westminster in January 1526. BL, Caligula B.II, fos 150-2.

¹⁹³ *Ibid.*, fos 150-2.

¹⁹⁴ *Ibid.*, fo. 114.

country'. He gently intimated that those gentlemen were unlikely to journey so far as Raby, and that the earl's presence 'might for a season be had and seen in Northumberland'. The earl, clearly recognising the director's authority, took the hint, and, as Magnus reported, made a tour of Morpeth, Hexham and other places, 'devising ways by counsel for maintaining of the country, which doth, and I trust will do, much good'.¹⁹⁵ Shortly thereafter, the earl sent a copy of an indenture he had made with the inhabitants of the east and middle marches, providing for a watch to be kept on the border.¹⁹⁶ The earl of Cumberland also reported to Magnus on the state of the marches under his command, although he seems to have required rather less guidance on how to do his job.¹⁹⁷ In emergencies the duke's council could also step beyond its supervisory role. On 20 January 1526, in response to a gathering of Scottish rebels in Westmorland's absence, Magnus personally called the officers of Berwick together and issued orders to all the men of the east and middle marches to be ready at an hour's warning.¹⁹⁸ And in August 1527, the council 'caused watches and espials to be laid throughout the county' and charged 'all the most expert men' to be ready to resist the depredations of the Lises and their band of outlaws.¹⁹⁹

Despite the fact that command of Tynedale and Redesdale was granted elsewhere, the duke's council also exercised a supervisory authority over the liberties from its creation. If Heron was indeed reappointed to Tynedale, he does not appear to have prosecuted his duties very assiduously. Until August 1526, such government as the liberty received appears to have come from the duke's council, although it would seem

¹⁹⁵ *Ibid.*, fo. 125.

¹⁹⁶ SP 1/40, fos 96-7.

¹⁹⁷ SP 49, fo. 445.

¹⁹⁸ BL, Caligula B.II, fos 150-2.

¹⁹⁹ *LP*, IV, 3383. For the activities of the Lises, see below, ch. 3, pp. 139-40.

that the council was by no means keen to make this a permanent arrangement, given its recommendation in 1525 that punishment of repentant offenders should be ‘respited’, and its pleas for the speedy appointment to Tynedale of a ‘good and quick officer...under the king’.²⁰⁰ Pledges taken from the chief surnames of the liberty were kept at the duke’s household,²⁰¹ and in March 1526, Magnus proposed plans to the cardinal under which Tynedale and Redesdale ‘might be reduced and brought to good order, without such continual charge as for the same hath been put to the king’s highness’.²⁰² By 17 August 1526, Eure, already a member of the duke’s council, had been appointed to both liberties, and the council continued to play an important part in the government of Tynedale.²⁰³ Although a scheme was afoot to remove the burden of the maintenance of pledges from the duke’s household, Eure continued to ‘common and devise’ with the council’s director with regards to the reformation of Tyndale,²⁰⁴ and the council retained responsibility for the repression of offenders from the two liberties until the marches were removed from its remit.²⁰⁵

As in 1484, the council’s creation coincided with a truce with the Scots. The principal business of the borders would thus be dealt with at march days and warden courts. The appointment of vicewardens suggests that the peacetime functions of a warden were not originally included in the council’s remit. But almost immediately, Magnus, as the council’s director, found himself performing most of the warden’s duties on the east and middle marches. On 19 June 1525, Eure, lieutenant in the middle march,

²⁰⁰ BL, Caligula B.VII, fos 73-4.

²⁰¹ BL, Caligula B.III, fos. 45-6.

²⁰² BL, Caligula B.II, fos 119-20.

²⁰³ By 17 August 1526. BL, Caligula B. III, fos 45-6.

²⁰⁴ *Ibid.*, fos 45-6.

²⁰⁵ *LP*, IV, 3610.

sent details of the crimes committed there by the Scots to Magnus at Rothbury (where he was conducting negotiation for a peace treaty), and it was Magnus who decided which matters on each side required redress. He advised Eure of the earl of Angus' intention to keep the appointed march day, and admonished him to 'see to all causes upon your party, that no default be found at the day of meeting'.²⁰⁶ Similarly, Cumberland reported to Magnus the failure of Lord Maxwell, warden of the Scottish west march, to name a march day;²⁰⁷ and when, in December 1525, Angus and his lieutenants did not attend the day appointed by the Scottish council for the east march, it was to Magnus that Sir William Bulmer, junior, captain of Norham, addressed his complaints.²⁰⁸ The archdeacon duly passed on Bulmer's reports of 'heinous attempts' committed by the Scots and transmitted back the earl of Angus' excuses.²⁰⁹ Magnus was also careful to send detailed reports of these matters to Wolsey. Others on the Scottish side clearly also recognised Magnus' importance in cross-border affairs: in January 1526, Dan Carr of Cessford, head of one of the principal Teviotdale surnames, told Magnus that he would 'be content for him and all his' to make redress before him and Westmorland, a sentiment in which the other surnames of the liberty concurred.²¹⁰

This may simply have been because, since he was on the spot, Magnus was best placed to arrange matters with the Scots. However, with regards to the east and middle marches at any rate, his responsibilities did not cease upon his return from Scotland. It was Magnus whom the Scottish council was to inform of the chosen date for a march day, and the 'order' for redress to be taken at it. When the date chosen, 20 March, was

²⁰⁶ *Ibid.*, fo. 114.

²⁰⁷ *Ibid.*, fos. 150-2.

²⁰⁸ *LP*, IV, 1808.

²⁰⁹ *Ibid.*, IV, 1809; *BL*, Caligula B.II, fo.125.

²¹⁰ *Ibid.*, fos 150-2.

'overshot', the earl of Angus gave his 'feigned reasons' to Magnus; and, once again, the director faithfully reported the whole matter in detail to Wolsey. Magnus clearly did not have the authority to make decisions on all such matters; when the Scottish council expressed its willingness to exact redress from Teviotdale which the liberty was too poor to provide, Magnus had to refer the matter to Wolsey. However, he was able to offer authoritative advice: since the injured parties among the English borderers preferred to let matters lie, rather than have further trouble stirred up by attempts to exact redress, it might be as well to settle for the arrest of the principal offenders.²¹¹ On 20 March, informing Wolsey of his intention to come south, Magnus stated that he would leave Westmorland and Eure to attend to the matter of redress in his absence, underlining where this responsibility customarily lay.²¹²

However, unlike Richard III, Henry VIII does not originally appear to have intended to commit the functions of wardenship to his northern council. Westmorland's list of 'things requisite to be had' in order to perform his office, complained of Wolsey's most unreasonable expectation that he would 'ride to every common meeting of the Scots'. This, the earl explained, was 'marvellous chargeable' to him, because not just his own dignity (which he 'held in little regard'), but also that of Wolsey and the king, demanded that he be accompanied by a great retinue on such occasions. Attendance at days of truce, he suggested, might be left to his lieutenants (who might, presumably, go more humbly attended without outraging the king's honour).²¹³ Wolsey's response (if any) does not survive, but the earl seems subsequently to have abandoned not only his attendance at march days, but any responsibility relating to their appointment. In August

²¹¹ *Ibid.*, fos 119-20.

²¹² *LP*, IV, 2035.

²¹³ *BL*, Caligula B.VI, fos 510-11.

1526, upon the earl's replacement by Sir Christopher on the east march, and Eure in the middle march, Magnus claimed that, up until then, no 'order' had been taken for the east and middle marches 'by any of the wardens or lieutenants on either side'. His claim that despite this 'the borders both of England and Scotland, touching the east and middle marches, kept never better rule than yet they do' was less than subtle self-praise, for who else but Magnus had achieved this? His expressed hope that 'now vicewardens, lieutenants and other officers be deputed and ordered, much better rule and order shall be had and kept upon the said border', pointedly disregards Westmorland's brief tenure of office – perhaps little more than the earl himself had done.²¹⁴

The idea that the day-to-day business of the warden's command did not originally form part of the remit of the duke's council is supported by the reduction of Magnus' role upon the removal of Westmorland. Eure and Sir Christopher seem to have regarded the duties of their office with less aversion; appointing days of truce and the redress to be made there, and even attending themselves (the question of the size of their retinue does not appear to have arisen). Nor is there any reference to a commission to hold warden courts among the various papers of which the council acknowledged receipt in August 1525.²¹⁵ In fact, no provision appears to have been made for them at all, since it was not until August 1526, when his tenure of office was a year old, that Cumberland received such a commission.²¹⁶ Both Cumberland and Westmorland may have been happy to acquiesce in this oversight; the one was experiencing considerable trouble in establishing himself in his command, while the other exhibited a consistent lack of interest in doing so. Cumberland's commission was accompanied by a royal command to exercise it

²¹⁴ BL, Caligula B.III, fos 45-6.

²¹⁵ State Papers, IV, 392.

²¹⁶ BL, Caligula B.III, fos 45-6.

(which the earl duly did on 13 September), adding weight to the suggestion that this office had been previously neglected.²¹⁷ At the same time, Eure, recently appointed vice-warden of the middle march, was given a similar commission for both the east and middle marches.²¹⁸

Thus, from August 1526 the duke's deputies took on a somewhat more proactive role, relieving his council of some of their responsibilities. However, they continued to make full and regular reports to the council,²¹⁹ which Magnus summarised for Wolsey.²²⁰ The authority which the duke's council exercised in the marches was highlighted once again in the crisis in border relations which occurred in summer and autumn 1527. Escaped prisoners Sir William and Sir Humphrey Lisle were allegedly received in Scotland, contrary to the articles of the truce, and, accompanied by a band of thieves (among whom Angus' retainers, the Armstrongs, were prominent), robbed and spoiled Northumberland at will. Sir Christopher feared that the borders would 'break' from lack of redress for their activities and the Scottish wardens' refusal to attend days of truce. The council sent its protests in the duke's name to James V and Angus, protesting at the Lisles' reception, and requesting that the Scottish wardens be commanded instantly to arrange days of truce.²²¹ On 7 September, the council wrote to Cumberland and Eure, urging them to make hasty arrangements with their Scottish counterparts to do so. It also issued instructions to Cumberland regarding the offences committed by the men of Liddesdale, for which earl Bothwell should be called upon to provide redress; which

²¹⁷ *Ibid.*

²¹⁸ BL, Caligula B.III, fos 45-6.

²¹⁹ BL, Caligula B.II, fo. 123 for the east march; BL, Caligula B.VI, fos 484-6 and *LP*, IV, 2885 for the middle march.

²²⁰ BL, Caligula B.III, fo. 303; *LP*, IV, 2885; BL, Caligula B.II, fo. 123.

²²¹ *State Papers*, IV, 476.

offences Lord Maxwell was commissioned to make redress for; and where the meeting should take place.²²² When, despite ‘pleasant answers’ from the Scots, no redress was forthcoming ‘but answers of delays’, all the English border command could do was effect defensive measures. In August 1527, Magnus and Cumberland had agreed upon a scheme for apprehending Sir William Lisle. Cumberland had captured one of the headsmen of the Armstrong clan, and Lisle, while doubtless aware that the whole country of Northumberland was ‘highly charged for his taking’, would be less wary of his reception in the west march.²²³ It also ordered Eure, as vicewarden of the middle marches, to stake out Felton, a lordship of Sir William Lisle’s ‘whereunto he and his said son most often do resort and have their most succour and relief’. The council ordained that he should be attended by 30 soldiers from Berwick, along with 30 men of his own, and that each man should be paid at the rate of fourpence a day for two months, without authorisation from Westminster. In defence of this unusual step, the council hastened to add that the money would be paid out of Richmond’s coffers ‘until such time as the king’s most gracious pleasure and yours shall be known in that behalf’.²²⁴ Lisle was also known to have resorted to Newton, one of his estates on the border of Durham, and so the council arranged that Wolsey’s officers, led by Westmorland, should keep ‘good watch and espial, as well for his apprehending as for resisting of his malice, if he shall presume to attempt any hurt in that country’.²²⁵

The council was making a brave effort to deal with the situation, but it was rewarded with little success. Clifford’s scheme clearly failed, perhaps because the council

²²² *LP*, IV, 3404.

²²³ *State Papers*, IV, 474.

²²⁴ *Ibid.*, IV, 480.

²²⁵ *SP* 1/44, fos 117-18.

had been over-optimistic about the eagerness of the inhabitants of the middle march to make life uncomfortable for Lisle. On 16 October, the council complained that they would ‘neither arise, assemble, nor stir,’ for its defence. Eure refused to obey the council’s orders, unless reinforced by a direct command from Wolsey or the king.²²⁶ In November 1527, in the light of the increasing disorder and Eure’s complete inability to deal with it, the council once again stepped into the breach and performed the function of a warden, itself holding a warden court at Newcastle, in conjunction with the quarter session of the justices of the peace.²²⁷ But it was all to no avail. The council wrote to Wolsey, bewailing its ‘perplexity’, at a loss to know what was to be done; and in December 1527, two years after its creation, the council’s responsibility for the marches was abruptly terminated with the appointment of traditional border magnates Henry Percy, sixth Earl of Northumberland, and William, Lord Dacre, to the wardenships of the east and middle, and the west march, in the duke’s stead.

The cardinal and the border

If Wolsey’s control of border affairs can be taken as a measure of his influence at the centre of government, the considerable volume of border letters and papers which survives from 1513 onwards provides a consistent source from which to track his rise. In September 1511, Wolsey had to request Richard Fox, once bishop of Durham, now translated to Winchester, to use his influence to repress the new king’s appetite for war with Scotland.²²⁸ However, by 7 August the following year, the almoner seems to have had his finger well and truly in the pie. Wolsey alone was privy to the news sent to the

²²⁶ *LP*, IV, 3552.

²²⁷ *Ibid.*, IV, 3610.

²²⁸ *LP*, I (new edn), 880.

king from Berwick regarding a prospective Scots invasion of the borders.²²⁹ In 1513, Thomas Ruthall, bishop of Durham and the king's secretary, and at that time a royal agent on the border, thanked Wolsey for his 'directions taken for the defence of the realm against Scotland'.²³⁰ From this point, the bishop's reports were almost always addressed to Wolsey. Perhaps more significant, however, was the fact that lay border officials increasingly followed suit, directing their reports, complaints, and requests to the cardinal. In October 1514, it was with Wolsey, now a cardinal, and a growing power on the king's council, that Dacre raised his concerns about the lack of communication from Henry or his council.²³¹ In June 1515, Dacre thanked Wolsey, now chancellor, for the 'expedition' of his proposals to take the east and middle marches in hand in view of the proposed peace with Scotland.²³² However, he continued to address his correspondence to the king's council or to Henry himself,²³³ and it was not until 1516 that he began to report to Wolsey as a matter of course.²³⁴ Other members of the border command were rather quicker to catch on. By January 1514, Darcy was happy to entrust his adverse reports on Dacre's performance as warden to 'Mr Almoner'.²³⁵ His successor, Sir Anthony Ughtred, appointed in June 1515, seems to have corresponded exclusively with Wolsey from the beginning. Information and instructions were transmitted to the captain through Wolsey. In response, his reports on the additional crews taken into Berwick were

²²⁹ BL, Caligula B.VII, fos 226-7.

²³⁰ *LP*, I, 4388.

²³¹ *Ibid.*, I, 5541.

²³² *Ibid.*, II, 597.

²³³ E.g. *Ibid.*, II, 705, 779, 783, 788, 885, 1044, 1387, 1671, 1759, 2273.

²³⁴ *Ibid.*, II, 2620.

²³⁵ *Ibid.*, I, 4652.

addressed to the cardinal, as were his reports on Scottish intelligence.²³⁶ Ughtred asked Wolsey for instructions as to how to ‘order myself for the defence and safeguard of my charge and the discharge of my indenture’, and promised to act at all times in accordance with his pleasure and command.²³⁷

On 21 January 1524, Wolsey was consecrated bishop of Durham. He had been in possession of the temporalities of the see since the previous April. Wolsey now had his own powerbase on the border, and although he was never to visit it, he was able to exert an increased influence over the marches through his Durham staff. A letter written by the cardinal to the earl of Surrey in autumn 1523 referred to the ‘diligent service and assistance’ which Surrey had received from Wolsey’s chancellor, Sir William Eure, and his other servants, Sir William Bulmer and Sir Thomas Tempest. Wolsey put off certain matters which he had intended to commit to the latter, so that he might remain with the earl ‘till this business passed’.²³⁸ The creation of the duke’s council in 1525 may be seen as the height of Wolsey’s influence in the far north. His sign manual authorised the appointment of the duke’s principal officers, and the list reads like a roll-call of the cardinal’s lackeys. The council was headed by chancellor Brian Higdon, Archdeacon of York,²³⁹ and included surveyor Thomas Dalby, Archdeacon of Richmond, and treasurer, receiver-general and later director Thomas Magnus, Archdeacon of the East Riding, both of whom already had some experience of the work of the council in Yorkshire. Other appointments included Dr William Tate, prebendary of Botevant in York, and William

²³⁶ A ‘crew’ appears to refer to additional soldiers taken on by the captain in the face of a threat from Scotland, according to his indenture, for whose wages Westminster would subsequently make provision, as opposed to the members of the permanent garrison, who were paid from the receipts of Berwick.

²³⁷ SP 49/1, fo. 129, BL, Caligula B.I, fo. 162.

²³⁸ BL, Caligula B.III, fos 51-2.

²³⁹ LP, IV, 3203.

Frankleyn, archdeacon and chancellor of Durham.²⁴⁰ Sir William Bulmer, steward of the duke's household, was also Wolsey's captain of Norham;²⁴¹ Sir William Eure, lieutenant of the middle march, was escheator of the bishopric of Durham;²⁴² and the controller of the duke's household, sergeant-at-law Sir Thomas Tempest, acted in addition as controller and seneschal of Durham, and Wolsey's steward of the liberty of Northallertonshire.²⁴³ Shortly before he joined the council as vice-warden of the east march, Sir Christopher Dacre was also co-opted to Wolsey's staff, being appointed escheator of Norhamshire and Islandshire on 17 May 1526.²⁴⁴

In a letter written on 26 December 1527, shortly after his arrival in the north, the sixth earl of Northumberland referred to the members of the duke's council as Wolsey's appointees.²⁴⁵ The truth of this remark is borne out by Higdon's primacy, for until the council's institution, Higdon appears to have played very little part in royal administration outside the city of York. The duke of Richmond was also taught to believe that he owed his sudden ascent to Wolsey's 'means', which would imply that the whole scheme was Wolsey's idea from the start.²⁴⁶ The control exercised by Wolsey over what was, after all, a branch of the king's council, demonstrates exactly how much power the cardinal was able to wield at this, the high point of his career. Nor were those outside Wolsey's charmed circle encouraged to offer their counsel. Upon the duke's first taking up residence 'all the noblemen and other worshipful gentlemen of the north country daily resorted to his lordship in great number', but by February 1526 they had ceased to do so;

²⁴⁰ 'Biographical Memoir of Henry Fitzroy Duke of Richmond', ed. F.G. Nichols, *Camden Miscellany III*, Camden Society, old series, 61 (1854), pp. 22-26, pp. 22-26.

²⁴¹ BL, Add. MS, 24,965, fo. 86.

²⁴² J. Raine, *The History and Antiquities of North Durham* (London, 1852), p. 49.

²⁴³ BL, Add. MS, 24,965, fo. 86.

²⁴⁴ Raine, *North Durham*, p. 49.

²⁴⁵ SP 1/45, fos 246-7.

²⁴⁶ *LP*, IV, 2011.

presumably they had given up hope of exerting any influence over the council.²⁴⁷ This exclusion may in part account for their dislike of it.²⁴⁸

Even with the restriction of the council's jurisdiction to Yorkshire, and the appointment of the sixth earl of Northumberland as warden, Wolsey retained some considerable personal influence on the east and middle marches. The earl had been brought up in Wolsey's household, and the cardinal's influence over him is evident from his promise never to write to anyone at court without sending Wolsey a copy of the letter.²⁴⁹ In addition, the earl's council was appointed by Wolsey, and included Robert Bowes, Frankeleyn, Tempest, and Eure, who retained the lieutenancy of the middle march.²⁵⁰ Bowes and Tempest were so integral to the earl's rule that he wished them to accompany him to Westminster, when he went to report to the king.²⁵¹ When Sir William Ellercar, captain of Wark-on-Tweed, brought Mark Carr to the castle, accompanied by other Scotsmen, 'to the parlous example of all the country', the earl wrote to Wolsey to request instructions on how to deal with him.²⁵²

The conviction with which the border officials regarded Wolsey's power at court is made most evident by the fact that, from an early stage, their pleas and petitions were addressed to him. In 1515, Sir Anthony Ughtred addressed his pleas for the repair and refortification of Berwick to the cardinal, and, in the face of a central government dictum that there was no imminent danger from the Scots, expected that Wolsey would quickly be able to procure wages for the crew which he had hired.²⁵³ In 1516, it was Wolsey to

²⁴⁷ 'Henry Fitzroy', ed. Nichols, p. xxxiv.

²⁴⁸ See below, ch. 4, pp. 153-4.

²⁴⁹ *LP*, IV, 5497.

²⁵⁰ SP 1/45, fos 246-7; SP 1/236, fo. 20; *LP*, IV, 3796.

²⁵¹ *Ibid.*, IV, 4747.

²⁵² *Ibid.*, IV, 4830.

²⁵³ *Ibid.*, II, 851.

whom Dacre sent his nominations for the appointment of the sheriff of Northumberland. A week later he wrote begging Wolsey to remember his arrangement with the king for nominating the sheriff.²⁵⁴ On 21 June 1517, Dacre asked Wolsey for an office for Sir Thomas Musgrave.²⁵⁵ In 1521, Ughtred requested Wolsey to instruct the prior of Saint Oswald's to hand over the tithes of Bamburgh to the captain, 'which always have been accustomedly had for the victualling of the said castle of Berwick'.²⁵⁶ In October 1528, it was Wolsey to whom Thomas Langton, marshal of Berwick, addressed his complaint that Ughtred, now vice-captain of Berwick, refused to admit him, or any more than twelve of his retinue to the town, on the grounds that his patent allowed him to put in and dismiss soldiers at his pleasure. Never, he complained, had a marshal been so treated since the town was in English hands. He also complained of the way in which George Lawson, receiver and treasurer, master of ordnance, letter and setter of the king's revenues, customer and controller, bridgemaster, master carpenter and master mason, at Berwick discharged his many offices.²⁵⁷ Wolsey also proved that he could be an effective advocate if he chose. In October 1518, Dacre expressed his gratitude to Wolsey for having moved the king to bestow the stewardship of Penrith on his brother, Sir Christopher.²⁵⁸ The cardinal was instrumental in the appointment of the earl of Shrewsbury as lieutenant of the north,²⁵⁹ and in 1523, according to his own account, obtained the offices of lieutenant and deputy of the middle march for Sir William Eure.²⁶⁰

A run of correspondence affords interesting insights into the way in which policy

²⁵⁴ *Ibid.*, II, 2460, 2481.

²⁵⁵ SP 1/17, fos 147-8.

²⁵⁶ BL, Caligula, B.III, fo. 226.

²⁵⁷ SP 1/50, fos 232-3.

²⁵⁸ BL, Caligula B.II, fo. 347; SP 1/17, fos 147-8.

²⁵⁹ *LP*, III, 1462.

²⁶⁰ *Ibid.*, III, 2877.

decisions were reached at Westminster. By August 1515, Wolsey was dealing with all correspondence from Berwick, although Dacre was still addressing his reports to the king.²⁶¹ Ughtred confided in Wolsey his growing fears that the duke of Albany was mustering in order to attack Berwick. This was a view which Dacre did not share,²⁶² as he made clear in his report to the king's council of about the same date, in which he included copies of the correspondence between himself and Ughtred, and concluded that 'there is no peril at this season'.²⁶³ Dacre received a letter from Henry, dated 19 August, enclosing Ughtred's letter, and expressing concern that Dacre had not reported more closely on Albany's movements.²⁶⁴ On the same day, Wolsey wrote to Ughtred that the king and council had deemed that no 'imminent danger' threatened Berwick, and therefore the king saw no need for any 'preparations nor commotion of people to resist his enemies in those parts'. This little episode suggests that, by the summer of 1515, with regards to the defence of the border at any rate, the formulation of government policy had become a joint effort between the king and his chief minister.²⁶⁵

Wolsey's role in this is further elucidated in a letter from Sir Thomas More, dated 14 September 1522. The 'man for all seasons', royal secretary and Wolsey's 'humble orator and daily bounden bedman', sent the cardinal a detailed description of the contents of a letter from the earl of Shrewsbury, lieutenant of the north and commander of the king's army against the Scots, which the king had received the previous day. More also described the king's reception of, and response to it. The fact that More excused himself

²⁶¹ BL, Caligula B.II, fo. 370.

²⁶² LP II, 819.

²⁶³ SP 49/1, fos 40-49. By 25 August he had already sent copies of the correspondence to the council (BL, Caligula B.II, fo. 197) and this presumably comprises the news which, on 22 August, Dacre stated he had sent 'at tedious length' to the council (SP 1/11, fo. 64).

²⁶⁴ BL, Caligula B.II, fo. 197.

²⁶⁵ This episode is outlined in greater detail below, ch. 5, pp. 222-6.

for not having made a copy to send to Wolsey, on the grounds of Henry's haste to have the letter delivered, suggests that this was the customary procedure. Even when Wolsey was absent from the king's side, he had access to his correspondence. However, Henry was quite capable of taking independent decisions, and if there was a partnership, he was most definitely the senior partner.²⁶⁶ The correspondence of the earl of Surrey, appointed Shrewsbury's successor the following year, paints a similar picture. The earl addressed his reports principally to Henry, but clearly recognized Wolsey's part in the direction of the campaign. On 21 May 1523, Surrey explained that he had not sent the cardinal a report on his latest raid on Scotland because he had already 'at length advertised the king's grace of the same'.²⁶⁷ When deploring the delay in answering his letters, the earl attributed this partly to the fact that 'the king's highness and your grace be now so far asunder'.²⁶⁸ Surrey, an active and important member of the king's council, clearly considered it unnecessary to duplicate information on the grounds that what Henry knew, Wolsey would soon be informed of, and that strategical decisions would usually be reached through a process of consultation between the two. This process is further elucidated by the survival of a couple of Surrey's letters, with marginal comments added by Wolsey, perhaps intended for Henry.²⁶⁹ Wolsey's take on the matter can be traced in the king's subsequent response to Surrey. The earl had urged both Wolsey and the king that Dacre should be appointed warden in his place.²⁷⁰ Wolsey's marginal note comments

²⁶⁶ BL, Caligula B.I, fos. 320-321. Cf Elton's opinion that 'Henry relied on others not only for the day-to-day conduct of affairs, but also for any general or specific ideas in approaching action', G.R. Elton, *Henry VIII: An Essay in Revision* (London, 1962), p. 17. Guy concurs that 'only in the broadest respects was [Henry] taking independent decisions whilst Wolsey's career was at its height'. J.A. Guy, *Tudor England* (Oxford, 1988), p. 87.

²⁶⁷ SP 49/2.

²⁶⁸ BL, Caligula B.VI, fos 368-9.

²⁶⁹ SP 49/2.

²⁷⁰ *Ibid*; BL, Caligula B.I, fo. 324.

that there was 'none so meet as lord Dacre, both for experience and for power.'²⁷¹ Henry's reply duly considered that 'our right trusty councillor the lord Dacre' was 'most meet and able' to exercise the office.²⁷²

Conclusion

Tudor management of the far north has been the subject of some considerable debate. The use of 'outsiders' and members of the gentry classes has been attributed to a deliberate Tudor policy of increasing royal authority and reducing the power of great magnates.²⁷³ More recently, this theory has been challenged. The fourth earl of Northumberland did hold the wardenship of the east and middle marches. It has been argued that the exclusion of the fifth earl from that office was due to some personal defect, and that the appointments of successive earls of Surrey, minor Northumberland gentry, and of Darcy, Dacre, Thomas Manners, Lord Roos, Thomas Grey, Marquis of Dorset, and Sir William Eure, were makeshifts, as unsatisfactory to the Crown then as to historians now. They were to be dispensed with as soon as the death of the fifth earl made the appointment of his son practicable.²⁷⁴ There is some support for this view in the fact that the Crown had considered appointing Lord Percy warden as early as 1523, and his appointment, when it did come, was made only seven months after his father's death.²⁷⁵ Similarly, by 1483, the Nevilles were finished as a force on the west march, and their lands belonged to the Crown. Richard III and the Tudors had no choice but to look

²⁷¹ SP 49/2.

²⁷² BL, Caligula B.I, fo. 324.

²⁷³ E.g. Reid, *King's Council*, pp. 92-3; Ellis, *Tudor Frontiers*, pp. 48-9; James, *A Tudor Magnate*, p. 3; J.M.W. Bean, *The Estates of the Percy Family, 1416-1537* (London, 1958), p. 151.

²⁷⁴ E.g. Bush, 'The Problem of the Far North', pp. 42-43; P. Gwyn, *The King's Cardinal: The Rise and Fall of Thomas Wolsey* (London, 1990), pp. 212-37.

²⁷⁵ LP, III, 2536; H. Miller, *Henry VIII and the English Nobility* (Oxford, 1986), p. 191.

elsewhere for a warden. Thomas, Lord Dacre, was employed as lieutenant by the Tudor Crown for nineteen years, and then as warden for the following twenty. His personal resources enabled him to exercise the office in much the same way as his predecessors – with less and less interference from the Crown. From 1527, Dacre's son exercised the office in the same fashion as his father. Even that interloper vice-warden, the earl of Cumberland, was possessed of considerable personal influence in the west march county of Westmorland.²⁷⁶ Any argument for a new 'Tudor' policy towards the border before 1530, based solely on the appointments of individuals, is on shaky ground.

However, a survey of the development of the office of warden from 1483, independent of the persons appointed to it, provides far stronger evidence for increasing attempts to exercise of Crown control. That this should tend to concentrate on the larger and strategically more important east and middle marches is hardly surprising. Direct royal appointment to offices such as the captaincy of Berwick reduced the warden's dominance in the marches, and provided the Crown with alternative sources of information on border affairs and warden's own activities. The removal of royal funds from the hands of the warden significantly enhanced Crown control over the marches. Plans for the defence of the east and middle marches were always submitted to central government in advance – for the simple reason that the warden had to request the release of funds for their implementation. The appointment to the wardenship of individuals with no personal power in the region might be due to the dictates of necessity. The deliberate reduction of the power of the office itself can only be attributed to those of policy.

²⁷⁶ See below, pp. 195-7.

TWO: THE FINANCIAL ADMINISTRATION

To 1483

Money is power. In 1386, Richard II appointed John Neville of Raby to the wardenship of the east march, and Berwick, in order to limit the powers of the first earl of Northumberland in the region.²⁷⁷ Since his chosen warden lacked the lands and connections in the county to make him an effective counter-force within it, the king attached to Neville's office an annual payment of £1000 in times of peace or truce with the Scots, to be increased to 4000 marks if war with the Scots were to flare up. Thus the principle of fixed gross payments was originally established in order to enhance Crown control in the marches. In 1388, Richard's strategy was turned against him, when the Lords Appellant appointed Hotspur in Neville's stead, at the inflated rate of £3000 *per annum* during peacetime and £12,000 during wartime.²⁷⁸ It was principally the Appellants' desperate need to attract support amongst their peers that motivated the arrangement.²⁷⁹ But when Richard escaped from their toils, a similar need to secure magnate support (and the desire to promote his favourites) led to the establishment of the system of indentured wardens.²⁸⁰ The system, born of short-term political necessities, was nurtured by financial expediency. After Henry IV's betrayal at the hands of his Percy wardens, his attempt to maintain a permanent body of soldiers on both marches, paid

²⁷⁷ This covered the area later to become the east and middle marches.

²⁷⁸ Storey, 'Wardens of the Marches', p. 600.

²⁷⁹ A. Tuck, *Crown and Nobility: 1272-1461. Political Conflict in Late Medieval England* (Oxford, 1986), p. 194.

²⁸⁰ Storey, 'Wardens of the Marches', p. 600.

directly from Westminster, was a financial disaster.²⁸¹ In 1411, the Prince of Wales' council reverted to the system of payment in gross, which enabled the warden to retain men to do military service as and when required, and was thus considerably cheaper.²⁸² Even so, the subsequent difficulty suffered by Henry, his son, and his grandson, in meeting even this reduced payment, effectively secured the wardenship to those noble families which had the local resources to supplement the Crown's deficiencies in this respect: the Percies and the Nevilles.²⁸³

The warden

The policies adopted by Richard III and his Tudor successors towards the border were underpinned by financial planning which owed not a little to the lessons of the Wars of the Roses. The symbiosis of personal authority and royal funds, which had become so fundamental to the office of warden, was ended. Richard III retained the wardenship of the west march, appointing Humphrey, Lord Dacre, his lieutenant. In comparison to the annual payments of £1000 and £800 which had been made to Richard himself,²⁸⁴ Dacre and Ratcliffe received a salary of only £200 *per annum*.²⁸⁵ In 1486, the indenture between Thomas, Lord Dacre, and Henry VII further illustrated the distinction between the

²⁸¹ See, *inter alia*, S. Chrimes, 'Some Letters of John of Lancaster as Warden of the East Marches towards Scotland', *Speculum* 14 (1939), pp. 20, 25; A. Steel, *The Receipt of the Exchequer 1377-1485* (Cambridge, 1954), p. 93.

²⁸² Storey, 'Wardens of the Marches', p. 604.

²⁸³ By May 1414, John of Lancaster was owed arrears amounting to £13,099 9s 6d. G.L. Harriss, 'Financial Policy', in *idem* (ed.), *Henry V: The Practice of Kingship* (Oxford, 1985), pp. 162-4. By the end of Henry V's reign, after six years' service as warden of the east and middle marches, Henry Percy, second earl of Northumberland, was owed £6567 7s 2½d (*PPC*, III, 44). In twelve years of office under Henry VI, Northumberland suffered £19,836 in bad tallies; Richard Neville, his counterpart on the west march, received a further £5000; and John, Lord Greystoke, suffered £1612 in his capacity as keeper of Roxburgh. Steel, *Receipts of the Exchequer*, pp. 189-90. Between 1440 and 1459, Henry Percy, Lord Poyning (third earl of Northumberland from 1453) amassed arrears amounting to £16,985 5s 7¼d. Storey, 'Wardens of the Marches', p. 606.

²⁸⁴ E 101/715950.

²⁸⁵ *HMS* 433, II, 136.

position of lieutenant and that of his predecessor warden. Dacre was paid £133 6s 8d *per annum*, even less than his father had received. In addition, he was entrusted with £20 to pay four commissioners to accompany him to march days with the Scots.²⁸⁶ This drastic reduction is due to the fact that the new payment was merely a salary. The funds necessary to pay for the defence of the marches were not to be entrusted to lieutenants. Such expenses would be reimbursed by the king if and when they occurred. In 1493, the commissioners' payments were also removed from Dacre's control, and from thenceforth they were to be paid from the exchequer.²⁸⁷ In addition, various key commands which had come within the warden's remit were removed from the lieutenant's control. Richard Salkeld, captain of Carlisle, and Sir John Musgrave, captain of Bewcastle, received their respective fees of £200 and £100 from the exchequer.²⁸⁸ Christopher Moresby retained the stewardship of Penrith, and continued to receive his annual fee of £40 from the issues of the manors of Gamblesby and Queenshames, which belonged to the lordship.²⁸⁹ Even this fee was not under Dacre's control, for Salkeld was the receiver-general of the lordships of Penrith and Inglewood.²⁹⁰ The removal of responsibility for the fees of the king's servants from the border to Westminster underlined the source of their authority, and to whom their loyalties were due: a lesson Henry VII may well have felt it necessary to stress in one of his predecessor's strongholds.

On 10 May 1483, as protector, Richard, Duke of Gloucester, confirmed the fourth earl of Northumberland's appointment as warden-general of the east and middle marches 'during the space and time of a whole year', after which it was renewed for five months,

²⁸⁶ Summerson, *Medieval Carlisle*, II, 465.

²⁸⁷ E 403/2558, fo. 39v.

²⁸⁸ E 404/80, fo. 267; E 36/125, fo. 275.

²⁸⁹ *CPR 1485-94*, p. 91.

²⁹⁰ *Ibid.*, p. 230.

expiring on 8 December 1484.²⁹¹ On 1 April 1486, Henry VII reinstated the earl, who was to have £3000 *per annum* for the defence of the east and middle marches and Berwick.²⁹² However, within two years, Henry was following a policy similar to that adopted on the west march. The earl's appointment was renewed in 1487, but the command of Berwick was removed from his charge that November. The fees of the new captain of the town and castle, Sir William Tyler, and of the garrison assigned to his command, would be paid out of royal rents assigned for the purpose, over which the warden had no control.²⁹³ In addition, the captain's indenture specified that whenever the Scots assembled towards Berwick, he should recruit a garrison of 250 men and, if necessary, another 250 within fourteen days. These men would be paid by the king. Determining the circumstances which constituted a threat to Berwick was left to the discretion of the captain.²⁹⁴ At the same time, Henry entered into a direct retainer with fourteen Northumberland gentlemen. Sir Thomas Grey of Wark, Heton and Chillingham, Sir Thomas Grey of Horton, Sir Robert Manners, John Swinburne, Henry Swinhoe, Ralph Hebburn, Thomas Haggerston, Thomas Forster, Roland Currell, George Muschance, Robert Ord, William Swinhoe, Thomas Manners, and Ralph Hilton (some of whom were also retainers of the earl of Northumberland), were now receiving royal fees ranging from £2 to 50 marks. They served Tyler, not the warden, and their fees were taken from the monies assigned to Berwick.²⁹⁵ A significant element of the east and

²⁹¹ HMS, 433, III, 12.

²⁹² RS, II, 471.

²⁹³ RS, II, 482-3.

²⁹⁴ C 54/379, fo. 6v.

²⁹⁵ SC 6/HENVII/1380; SC 6/HENVII/1381; DL 29/651/10528; DL 29/651/10528; DL 29/651/10529. There is no surviving account after 1494-5 until 1508-9, by which point the payments had ceased.

middle march command had been removed from the control of the warden, even before Northumberland's murder in 1489.²⁹⁶

The earl's death ushered in further developments of the same policy. The earl of Surrey was appointed lieutenant of the north, and deputy of the east and middle marches.²⁹⁷ The wages of the deputies appointed to serve under Surrey and his successors on the east and middle marches were paid directly from the exchequer, along with the fees allowed for four deputies and four servants for each march under their command.²⁹⁸ When Dacre took on the wardenship of the east march, because Darcy refused to continue in his office 'but upon unreasonable sums of money by him desired', Henry continued his father's policy. Dacre's lieutenants received their salary, of £114 13 s 6d between them, from the exchequer; and in April 1514, 'in consideration of their great expenses in the king's affairs on the marches', they received an additional grant of the fee farms and rents of towns and lordships within Northumberland, amounting to almost £300.²⁹⁹ Dacre and Darcy's promotion from lieutenant to warden in 1504 made little difference to their own financial position.³⁰⁰ The day-to-day defence of the border was dependent, as it had always been, on the service of the marcher lords and gentry and their tenants. From 1489 until 1527, when the sixth earl of Northumberland was appointed to the wardenship of the east and middle marches, the Crown made no financial provision

²⁹⁶ Pollard suggests that these fees did not start until 1491 (Pollard, *North-Eastern England*, p. 387). However, Richard Cholmley's first account as receiver of Berwick (2-5 Henry VIII, SC 6/HENVII/1380) records that this money was paid as from Michaelmas 1487. The timing is significant, as it strengthens the argument that Henry's move to take control of the east and middle marches was motivated by policy, rather than the accident of Northumberland's death in 1489.

²⁹⁷ *CPR 1485-94*, p. 314.

²⁹⁸ Robert Multon, John Heron, Sir Richard Cholmley, John Cartington, Edward Ratcliffe and Thomas Dacre (as lieutenant of the middle march). E 403/2558, fos 17, 21, 38, 41, 55, 56v, 62, 69, 101, 116, 108.

²⁹⁹ *LP*, 1, 5010; *BL*, Caligula B.II, fos. 200-2.

³⁰⁰ *CPR 1494-1509*, p. 442.

for its wardens to retain these men.³⁰¹

Until 1525, the exchequer was responsible for the payment of those officers who received their fees directly from Westminster. The far north can provide little evidence for the rehabilitation of the exchequer which is currently in vogue among its historians. At the beginning of his reign, Henry VIII had to order the exchequer to pay ‘diverse sums of money’ to Dacre for accumulated arrears in his fee – a familiar tale.³⁰² On 22 November 1525, the duke of Richmond’s council complained that the payment of the duke’s fee as warden of the east and middle marches, ‘heretofore at the king’s receipt at Westminster, hath oftentimes been long delayed, and so it is like to be hereafter in time to come. Wherefore it might stand with your pleasure that the king our sovereign lord’s warrant dormant might be directed unto the treasurer, for the time being, of our said sovereign lord’s most honorable chamber, for the yearly payment’.³⁰³ This plea was clearly heard. In 1526, the abbot of St Mary’s was instructed to pay the duke’s fee for that year out of the king’s money in his keeping.³⁰⁴ On his appointment in 1527, the sixth earl of Northumberland, the duke’s successor, initially received his yearly fee of £1000 from the abbot, and subsequently it was paid from the chamber.³⁰⁵ The fact that the annual fees of wardens, deputies and lieutenants were paid from the exchequer until this late date reflects a lack of urgency on the part of the Crown: these payments no longer funded the defence of the marches. As the king’s son, Wolsey’s godson, and titular head of a council designed by the cardinal, the duke stood a better chance of having his voice

³⁰¹ BL, Caligula B.III, fos 65-7.

³⁰² E 404/2558, fo. 144.

³⁰³ BL, Caligula B.VII, fos 73-4.

³⁰⁴ E 101/518/49.

³⁰⁵ The abbot made payments to the earl on 12 December 1527, and 20 December 1528 (E 101/518/44). For subsequent payments, see E 101/420/11, fos 44, 65, 115, 119, 135, 154.

heard. The duke's fee also played a more important role in the finance of northern administration. For the first time since 1489, the warden of the east and middle marches was responsible for paying his own deputies. Sir Christopher Dacre and Sir William Eure received their fees from the duke.³⁰⁶

The rents assigned for the maintenance of Richmond's household were paid straight into his coffers.³⁰⁷ However, the creation of a warden with a source of funding independent from Westminster did not herald a loss of control for the Crown on the marches. It was Wolsey to whom the earl of Cumberland, newly appointed vice-warden of the west march, sent to ascertain whence his fee should be paid.³⁰⁸ Similarly, the earl of Westmorland applied to Wolsey, rather than to the council, for money for fees to retain the gentlemen of Northumberland, and for a larger fee for himself.³⁰⁹ The council evidently had no discretion to set rates of pay, or give fees on the marches under its command. Monies paid out by the duke's treasurer, Magnus, appear to have been strictly regulated. The council could not obtain money without a warrant from Westminster.³¹⁰ The duke's cofferer was clearly expected to account to the king,³¹¹ and the receivers of the lands whose revenues were now assigned to the duke continued to account to an auditor at Westminster.³¹² The duke's council played a limited role in financing the defence of the border, and this was closely controlled by the Crown.

³⁰⁶ SP 1/39, fos 104, 111-4; SP 1/40, fos 208-9.

³⁰⁷ SC 6/HENVIII/4208; SC 6/HENVIII/4209; SC 6/HENVIII/4210; SC 6/HENVIII/4211; SC 6/HENVIII/4212.

³⁰⁸ SP 1/36, fos 154-5.

³⁰⁹ BL, Caligula B.VI, fos 510-11.

³¹⁰ E.g. BL, Caligula B.II, fo. 125; SP 1/36, fo. 195; SP 1/38, fo. 14; SP 1/40, fos 59, 208-9.

³¹¹ SP 1/39, fos 17-18.

³¹² SC 6/HENVIII/4208; SC 6/HENVIII/4209; SC 6/HENVIII/4210; SC 6/HENVIII/4211; SC 6/HENVIII/4212.

The Berwick administration

The other independently funded royal institution in the north, the garrison of Berwick, appears to have been run along similar lines. From November 1487, £1833 6s 8d *per annum* was assigned from the issues and profits of the king's northern manors for the upkeep of Berwick. This money would now bypass Westminster altogether.³¹³ However, this did not mean that the Crown relinquished control over it. From the beginning, the most important office in Berwick's new financial administration, that of receiver-general of the monies assigned to the garrison, was separated from the military command. The office was entrusted to another man, who accounted directly to the exchequer, or later to auditors chosen by the king. Of the men who held the office, Richard Cholmeley had been a member of Margaret Beaufort's household; Christopher Clapham was a gentleman usher of the king's chamber;³¹⁴ and William Pawne was chief clerk of the Avery in the king's household.³¹⁵ The other incumbents, William Lee and George Lawson, had both held previous positions in the northern financial administration.³¹⁶ For a two-year period between 12 June 1503 and 22 June 1505, Darcy did indeed hold the office in conjunction with his captaincy of Berwick, but this seems to have been an interim measure. After he had been appointed to the wardenship of the east march, Darcy was replaced as receiver-general by Clapham.

Surviving receiver-generals' accounts for the period show that this office included responsibility not only for the receipt of the monies assigned to Berwick, but also for the

³¹³ *RS*, II, 482-3.

³¹⁴ *CPR 1494-1509*, p. 418.

³¹⁵ *LP*, I, 1845.

³¹⁶ Lee had acted as Cholmeley's receiver in Middleham from 1508-9. DL 29/649/10505; DL 29/649/10507. In addition to acting as Pawne's deputy, Lawson had also held a number of posts in Berwick, including that of treasurer from 22 May 1517. *LP*, II, 3273.

payment of the officers, soldiers and others of the garrison maintained there.³¹⁷ The Northumberland gentlemen retained to assist Tyler received their fees not through the captain but from the receiver of Berwick.³¹⁸ The crucial importance of the receiver's role is emphasised in a letter written to the king by several members of the council of Berwick on 15 July 1513. They complained that since Pawne had been employed overseas, 20 workmen who had been employed on the repair of the city walls could not be paid for their labour over the twelve months since his departure, and had now left work.³¹⁹ The way in which the receiver was to carry out his duties is clearly spelled out in a surviving indenture of 28 October 1511 between Henry and his new receiver-general. The garrison's wages were due on 14 February and 16 August. The receiver was expected to make a full account before an auditor assigned by the king in March, and before Easter he was expected to pay the king all sums of money remaining after the payment of the soldiers as reported by the auditor. Each year, the sum of £428 19s 5d was to be retained by the receiver for the payment of the following February's wages.³²⁰

From 1489, the Berwick garrison represented the principal source of Crown expenditure on the border. Clearly it was important that this office should be strictly monitored. Accordingly, in 1491, Cholmeley was transferred to the supervision of the king's chamber. He rendered his first two accounts as chamberlain of Berwick and receiver of the northern lands assigned to it (from Michaelmas 1487 to Michaelmas 1489, and Michaelmas 1489 to Michaelmas 1491) to the exchequer, but subsequent accounts were made before the king's new surveyors of land revenue, although Cholmeley was not

³¹⁷ SC 6/HENVII/1380; SC 6/HENVII/1381; DL 29/651/10529; E 36/254; SC 6/HENVIII/2801; SC 6/HENVIII/2802; SC 6/HENVIII/2803; SC 6/HENVIII/4207.

³¹⁸ SC 6/HENVII/1380; SC 6/HENVII/1381; DL 2965/1105/28; DL 2965/1105/28; DL 2965/1105/29.

³¹⁹ *LP*, I (new edn), 2096.

³²⁰ C 54/379, fo. 6v.

receive a final exoneration from Exchequer processes until 1496.³²¹ Initially, the degree of control exercised over Berwick, some 300 miles distant from Westminster, seems to have been somewhat lax. Cholmeley did not produce his first account until he had been some two years in the office, and his second, contrary to the terms of the indenture, also accounted for two years at a time.³²² His account for Michaelmas 1491 to Michaelmas 1492 shows arrears of £593 9s 1d, which the exchequer barons duly entered onto his account for the following year, suggesting that Cholmeley had obtained a writ of exoneration for this particular account.³²³ In the next surviving account, for 1494-5, the total owed by Cholmeley is simply left blank.³²⁴ It was not until 28 March 1501 that a chamber memorandum somewhat belatedly noted that Cholmeley should be required to 'answer yearly for the surplus of the revenues assigned for Berwick and for diverse other forfeits and casualties'.³²⁵ None of Cholmeley's accounts survive beyond 1495, but by the time of his dismissal in 1503, the £593 9s 1d owed in 1493 had increased to £1000. For nearly ten years, the chamber seems to have done nothing about Cholmeley's debts except to prevent the exchequer from chasing them up.³²⁶

However, from this point considerably more attention would be paid to monitoring the performance of Berwick's accountants. On 22 August 1502, Cholmeley

³²¹ SC 6/HENVII/1380; SC 6/HENVII/1381; B.P. Wolfe, 'Henry VII's Land Revenues and Chamber Finance', *English Historical Review* 79 (1964), p. 242.

³²² Unfortunately, none of Cholmeley's accounts after 1495 survive, making it difficult to judge his performance as receiver from this source.

³²³ DL 29/651/10528; Wolfe, 'Henry VII's Land Revenues and Chamber Finance', pp. 241-2.

³²⁴ DL 29/651/10529.

³²⁵ E 101/415/3, fo. 293.

³²⁶ Such negligence in the early stages of the chamber's history may not have been an isolated case. 250 other obligations and recognisances for various substantial sums, amounting to £20,000, were entered onto the chamber's books in 1504-5 (Wolfe, 'Henry VII's Land Revenues and Chamber Finance', pp. 245-6). This may provide some support for J.D. Alsop's view that the two systems were underpinned by common approaches, common techniques, and common problems. J.D. Alsop, 'The Structure of Early Tudor Finance, c. 1509-1558', in C. Coleman and D. Starkey (ed.), *Revolution Reassessed, Revisions in the History of Tudor Government and Administration* (Oxford, 1986), p. 142.

was bound in the considerable sum of 2000 marks to find sufficient sureties to make his account satisfactorily before 15 February 1503, on pain of losing his position. By 29 September, he had already been deprived of the receivership of the northern estates assigned to support Berwick.³²⁷ Darcy's appointment to the post in June 1503 suggests that Cholmeley had failed to account satisfactorily.³²⁸ The fact that Cholmeley had been called upon to enter into the bond only six days after the soldiers' wages were due to be paid at Berwick suggests long-term problems with paying them on time.³²⁹ This is substantiated by the fact that as late as 1 October 1505, Cholmeley, along with two men who had acted as his deputy receivers, William Lee and Roger Bell, were under three obligations for arrears for the receipt of Berwick, amounting to £136 16s 5d. Cholmeley was also bound, along with Sir John Hotham, John Witham and Christopher Vincent, in a further two obligations to pay £50 on 11 November 1506, and another £50 the following year in part payment of arrears of receipt of £563 11s 8d owed by Michael Wharton, another of Cholmeley's deputy-receivers.³³⁰

It is clear from the surviving chamber records that, from this point, the accounts of Berwick were to be more strictly monitored. During Darcy's two years in that office, the arrears he owed as receiver for Berwick each year would be carefully noted in the chamber's books of receipt.³³¹ The chamber memoranda of 1 October 1505 record that Darcy still owed £117 to William Pawne, a debt which he had promised to pay the previous August. On 7 July 1507, Darcy, along with Sir Nicholas Vaux, Thomas Parr and Henry Milbourne, was made to enter into an obligation to pay £131 7s 3d the following

³²⁷ SC 6/HENVII/1017, SC 6/HENVII/1017.

³²⁸ *CPR 1494-1509*, p. 312.

³²⁹ C 54/376, fo. 39. My thanks to Dr Sean Cunningham for this reference.

³³⁰ E 36/214, fo. 448.

³³¹ E 101/415/16, fo. 27; E 36/214.

April and £131 7s 3d in June, for a parcel of debts which included ‘the monies due to William Pawne’s matters at Berwick’.³³² In 1511, when William Lee died halfway through his third year as receiver, bonds of £3000 were found for the security of the money left in his care: £428 19s 5d from the king by the hands of Christopher Clapham, and the monies received from the lordships assigned to Berwick for that and the preceding year, in total £727 12s 9d.³³³ This ‘debt’ would be carefully recorded in the receivers’ accounts for at least the next twenty-six years. The receiver would also be required to enter into recognizances and produce sureties for the performance of his office. Upon William Pawne’s appointment in 1511, Thomas Lord Dacre entered into a recognizance of £100 and Francis Cheyne into one of £40 for the receiver’s efficient performance of his duties.³³⁴

Matters do appear to have improved, and Cholmeley’s successors did not experience the same degree of financial trouble, but the system, which depended on the successful collection of rents, did not always function effectively. At one point during his term as captain of Berwick under Henry VIII, over £230 had to be paid to Darcy from Westminster ‘aforehand’ for the wages of 40 persons in his retinue. This was an expense customarily met by the receiver from the revenues in his charge, and which Pawne was expected to pay back ‘upon the quarterly payment of the wages of the foresaid 40’.³³⁵ In 1523, an advance of £428 19s 5d had to be made to William Pawne and George Lawson

³³² E 36/214, fos 458, 224.

³³³ E 36/254.

³³⁴ C 54/379, fo. 6v.

³³⁵ E 101/57/4.

in order to meet the soldiers' first payment for that year, because insufficient funds remained from the revenues of the previous year.³³⁶

Monies that the receivers paid out and could not account for satisfactorily to the auditors would be charged to their debit. In a memorandum in the treasurer of the chamber's book of payments for 1499 to 1502, Henry VII noted that Richard Cholmeley must pay forty marks yearly or £10 for 'certain over allowances that he had set in his book of accounts which requireth none exercise, as it appears in the roll of account whereof the king has a copy'.³³⁷ Later receivers would face the same problem. The receiver's indenture stated that he should pay forty marks annually to the marshal and master porter of Berwick, for the purchase of 'stuff' for repairs to be made to the town and castle. The marshal and porter were expected to make a separate account before the auditor of Berwick for their expenditure of the money each year.³³⁸ The receiver's account for 1515-16 shows that 'for causes and considerations which were not shown to the king's council or auditors at the time', William Pawne had instead paid the money directly to Darcy, as captain of Berwick. Pawne was not exonerated for this action until 1525.³³⁹ A similar objection was made that Pawne and his colleague, Lawson, had paid the same sum to Darcy's successor, Anthony Ughtred, between 1521 and 1523. The question was settled only when the captain made a personal arrangement with the king, securing the payment to himself, on the understanding that he would account in person

³³⁶ SC 6/HENVIII/2803.

³³⁷ E 101/415/3, fo. 280v.

³³⁸ C 54/379, fo. 6v.

³³⁹ SC 6/HENVIII/2804.

before the council and auditors at Westminster for his expenditure for the two years concerned.³⁴⁰

The other officer who handled substantial amounts of money within the Berwick administration was the treasurer. This office was originally held by the captain of Berwick, but on 22 May 1517, shortly before he was made receiver-general with Pawne, George Lawson took over the office.³⁴¹ Its principal duty was to pay the wages of the soldiers and others belonging to the captain's retinue. From 1 March 1516, the treasurer was also responsible for the payment of the fifty gunners of the new retinue appointed to Berwick in 1511.³⁴² It was specified that the wages were to be paid not more than sixteen days after the treasurer had taken the money from the receiver, and an indenture, providing for the expenditure of every penny, was made between the two upon the captain's receipt of it.³⁴³ Berwick's military administration had lost all control over its finances.

The Carlisle administration

The financial administration of Carlisle, the principal fortress on the west march, came under the Crown's control some three years earlier than Berwick, under Richard III. When he decided to keep the wardenship of the west march in his own hands, Richard did not leave Carlisle unprovided for. Humphrey, Lord Dacre, was appointed lieutenant of Carlisle at a salary of £200 *per annum*,³⁴⁴ and Richard made further provision for the maintenance of the household which he had kept there as warden. Originally, he appears

³⁴⁰ *Ibid.*

³⁴¹ *LP*, II, 3273.

³⁴² E 101/57/15; E 101/57/24.

³⁴³ E 101/57/13.

³⁴⁴ *HMS 433*, II, 136.

to have intended that it should be financed wholly from the issues of Cumberland. On 10 October 1483, John Crackenthorpe, receiver of the revenues of the royal lands in that county, was ordered to pay 500 marks to Humphrey Metcalfe 'for the expenses of our household at our castle of Carlisle'.³⁴⁵ However, due to the steadily accumulating number of fees and annuities granted from these lands, the following year witnessed some difficulties in providing for Carlisle. A warrant of 24 September 1484, addressed to William Wardel, auditor of the lands of the minor Lord Latimer, allowed William Musgrave £33 10s to recompense him for payments made to ten soldiers at Carlisle for six months, and £40 for other expenses incurred there.³⁴⁶ Such piecemeal *ad hoc* solutions were clearly unsatisfactory, and Richard soon made a more permanent arrangement. A direction of 23 January 1485 to Sir Richard Claybere, the king's receiver of Westmorland, and Nicholas Walker, receiver of the lands of Thomas Parr in Kendal,³⁴⁷ refers to a payment made for the 'expenses of our household in Carlisle', to 'our servant' John Clapham,³⁴⁸ escheator of Cumberland since 6 November 1485.³⁴⁹ An undated letter instructed Richard Ratcliffe (sheriff of Westmorland, and thus responsible for the royal issues of the county), not only to pay to Clapham a further £103 5s received from Claybere, but to ensure that both Claybere and Walker 'pay unto the said John as well the revenues of their receipts now in their hands as that hereafter shall come to their

³⁴⁵ *HMS 433*, II, 28. Metcalfe had been occupying the offices of customer and clerk of the watch in Carlisle since 29 September 1483. *HMS 433*, II, 162.

³⁴⁶ *Ibid.*

³⁴⁷ In the king's hands because of Parr's minority.

³⁴⁸ *HMS 433*, II, 191-2.

³⁴⁹ *CFR 1471-85*, no. 801.

hands'.³⁵⁰ The same instructions were given to the receivers and sheriff of Cumberland.³⁵¹

In retaining the west march command, Richard fundamentally altered the way in which it was financed. No lump sum was handed over to Humphrey Dacre as his lieutenant. Instead, Richard kept the household he had maintained as warden; and, as at Sandal, all the warrants directed to supply it clearly stated that this was the *king's* household, not his lieutenant's. Its expenses were to be met directly out of royal revenues in the west march, and it is possible that in Clapham, Richard was creating a receiver for Carlisle in a similar way that Henry VII was to do for Berwick. Given that the difficulties in meeting the household's expenses began in Easter 1484, it seems likely that the payment authorised in October was intended to cover the household's expenses until then. If this was the case, Richard anticipated expending some 1000 marks a year on his household at Carlisle,³⁵² which would suggest that he intended to run the west march through this household, probably in much the same fashion as he had done before 1483. This would have been comparatively economical for the Crown, as the rate of payment set by Edward for Richard himself in 1480 was £800 *per annum*, rising to £1000 in wartime.³⁵³ The new arrangement constituted an even greater saving if Dacre's salary was intended to be taken from this sum. It is notable that the only surviving references for a separate provision for Dacre's payment are from Easter and Michaelmas 1484, the

³⁵⁰ *HMS 433*, II, 120-121.

³⁵¹ *Ibid.*, II, 123.

³⁵² This was also the sum assigned to Sir William Parr, appointed lieutenant of the castle and city of Carlisle in 1470 to maintain its garrison. S.E. James, 'Sir William Parr of Kendal: Part I, 1434-1471', *Transactions of the Cumberland and Westmorland Antiquarian and Archeological Society*, 93 (1993), p. 109.

³⁵³ This was Richard's last indenture as warden of the west march before Edward IV's grant to him of the franchise of royal rights in Cumberland in 1483. Storey, 'Wardens of the Marches', p. 608.

period in which Richard experienced difficulties in providing for the household at Carlisle.³⁵⁴

It is interesting that the brunt of the expenses at Carlisle castle should have been borne by Musgrave, rather than Dacre. It is possible that Musgrave, as receiver of Lord Latimer's lands, was merely performing the same function as Crackenthorpe – paying out monies in his charge as and when commanded by the king. The warrant to Wardel also recompensed Musgrave a further five marks, which he had paid to one Archibald Armstrong, and twenty marks for Nicholas Musgrave's retainer for that year.³⁵⁵ However, £40 of the payment was recorded as being allowed for Musgrave's own costs at Carlisle, which suggests that he held office there. Possibly Dacre had only been appointed lieutenant of the city, while the office of constable of the castle was being exercised by Musgrave.

Carlisle does not appear to have constituted the same priority for Henry VII. Control of the garrison was handed over to its constable, the newly appointed Richard Salkeld, at a greatly reduced cost to the Crown. Salkeld, who also occupied the office of lieutenant of the city, was expected to maintain twenty horsemen out of his £200 salary.³⁵⁶ However, it is possible to trace the developing policy which Henry adopted towards the marches as a whole, in his treatment of the administration of Carlisle. Apart from the soldiers retained from his wage, the captain of Carlisle was, like the warden, dependent on *ad hoc* payments from Westminster, as and when deemed necessary by the king. Shortly after the battle of Stirling (1488), in which James III was killed by a faction opposed to alliance with England, Henry spent 40 marks on the defences of Carlisle, and

³⁵⁴ *HMS* 433, II, 136.

³⁵⁵ *Ibid.*, II, 162.

³⁵⁶ E 404/89, fo. 267.

stationed two gunners there from August to October.³⁵⁷ In May 1491, he assigned £100 for the repair of the city walls and gates, which was handed over, not to Salkeld, but to Sir Henry Wyatt, a trusted member of Henry's administration sent north to take over the captaincy of the city, while Salkeld retained the lieutenancy of the castle.³⁵⁸ The following year the exchequer was directed to pay 100 marks for the victualling and furnishing of Carlisle, and in this case, the warrant was made out to Salkeld.³⁵⁹ In Michaelmas 1493, another payment of £50 to Wyatt for repairs at Carlisle was recorded.³⁶⁰ Wyatt was clearly back at Carlisle, although this time he does not seem to have been given an official position.³⁶¹ The following year, another £40 was paid to Wyatt for works at the castle, which was considered to be 'greatly decayed for lack of reparation'.³⁶²

It was perhaps these necessities, created by the climate of hostility with the Scots, which precipitated the Act of Parliament of 1495, assigning the revenues of Penrith, and other royal properties in Cumberland, to the Carlisle garrison.³⁶³ However, no administration parallel to that of Berwick was set up at Carlisle for the handling of these revenues, nor was an independent receiver appointed. Salkeld acted as receiver of the issues of the lordships assigned to support the garrison, while continuing as captain of that same garrison. In the absence of supervision from the Crown, Salkeld seems to have been unable to exercise his office effectually. The following June, Wyatt informed Henry that the revenues assigned for 'your charges of Carlisle' had been 'taken of other men'

³⁵⁷ 11 June 1488 (E 405/76, fo. 4v).

³⁵⁸ In Michaelmas 1491, Salkeld was paid only £73 8s 8d, 'for the custody of the castle without the city of Carlisle' (E 403/2558, fo. 31).

³⁵⁹ *Ibid.*, fo. 33.

³⁶⁰ *Ibid.*, fo. 43v.

³⁶¹ Salkeld continued to be paid for custody of both castle and city. E 403/2558, fos 39v, 46.

³⁶² Summerson, *Medieval Carlisle*, II, 472; E 404/81.

³⁶³ *RP*, VI, 496-7.

and 'will not now be had', and consequently Salkeld 'hath no aids; he finds his own and all'.³⁶⁴

In 1501, Dacre was entrusted with 'the keeping of Carlisle', for which privilege he paid £200 *per annum*. A year later, he acquired control of the revenues of the lands set aside for its keeping. From these, Dacre was to provide garrisons for Carlisle and Bewcastle, and this arrangement was to become the customary means of provision for the north-western garrisons.³⁶⁵ Summerson suggests that, as a result of the truce and forthcoming peace with Scotland, Henry relinquished his interest in the control of the borders and was thus happier to allow his lieutenant the power, as well as the name, of warden.³⁶⁶ However, handing over the captaincy of Carlisle and control of the wages of its garrison to his newly promoted warden did not mean that the king relaxed his oversight of their management. A memorandum of a recognizance, dated 29 January 1502, contains details of an indenture undertaken by Dacre for the keeping of Carlisle, which demonstrates the close hold which the king retained over monies expended there. It specified that Dacre would be expected to render annual account to the king, or his auditors, for the wages and fees he paid to the soldiers and guards. In addition, he must account for all instruments of war and other contents of the castle upon taking up office. If he failed to do so, not only did Dacre stand to forfeit a 2000 mark bond, but five other men, Sir Roger Bellingham of Burnside, Thomas Parr of Kendall, Edward Musgrave of Hartley, Thomas Layborne of Conswick (Westmorland), and William Hansard of

³⁶⁴ Conway, *Relations*, p. 237.

³⁶⁵ Summerson, *Medieval Carlisle*, II, 473; E 101/72/7/1167.

³⁶⁶ Summerson, *Medieval Carlisle*, II, 474.

Comcache (Cumberland) were also bound to pay 1000 marks.³⁶⁷ This was in addition to the 8000 mark recognizance offered by Dacre to guarantee the keeping of Carlisle, and repair of the town walls and the castle.³⁶⁸ Another indication that the king had by no means relaxed his control over his warden was that the exchequer now became responsible for the payment of Dacre's fee as warden. The change provided an additional element of control for the Crown, since this had previously been paid from the issues of Cumberland, which were now under Dacre's command.³⁶⁹

Other financial institutions

Henry VII's policies towards the nobility and gentry as a class revealed his faith in the efficacy of financial control. This is illustrated by his removal of the control of border funds from the hands of his wardens, a move which was clearly designed to remove such power from their hands. The implications of this decision were to have a fundamental effect on the administration of the marches. Handling the (often vast) funds needed to keep the borders clearly required a sophisticated apparatus, presumably supplied previously from within the warden's own household. If control of this money was to be returned to the Crown, a royal substitute would have to be developed.

(i) The abbots of St Mary's, York: Receivers of the king's monies

In the Easter term of 1489, the king addressed a writ of privy seal to the exchequer for

³⁶⁷ C 255/8/8, fo. 47. My thanks again to Dr Sean Cunningham for alerting me to this reference, and its significance.

³⁶⁸ E 101/415/3, fo. 293.

³⁶⁹ E 403/2558, fo. 114.

‘various sums of money’ to be entrusted to William Sever, Abbot of St Mary’s.³⁷⁰ The timing of these payments suggests that they may have been intended for use in the suppression of the Yorkshire tax rebellion of 1489, in which the fourth earl of Northumberland was killed.³⁷¹ Further evidence for the administration of royal funds within the north emerges with the collapse of Anglo-Scottish relations, and the need to fund an army against the Scots. The record of payments ‘for the king’s wars’ listed in the issue books for Henry VII’s chamber are frustratingly reticent about details. They note that the money was sent ‘north’, or to Berwick, Durham or Newcastle, but not to whom.³⁷² Such information as survives must be gleaned from the memoranda or lists of debts at the end of the accounts. As the chamber system grew in importance, these become correspondingly more informative. By Easter term 1497, Sever, now also bishop of Carlisle, was certainly authorised to employ the king’s money on his affairs in the north. He made payments to the earl of Surrey as the king’s lieutenant in the north, and settled other royal ‘debts’, incurred there.³⁷³

Henry VII employed several other churchmen in a similar capacity. In May 1491, he entrusted £1000 to the prior of Durham, to be expended for the defence of Berwick and Carlisle,³⁷⁴ and the chamber accounts for 1497-9 record that the prior had still to account for 340 marks of the king’s money.³⁷⁵ Richard Fox, Bishop of Durham, expended

³⁷⁰ E 403/2558, fo. 17.

³⁷¹ The abbot was certainly involved in the suppression of the rebellion. On 10 April 1489, along with the earl, the mayor and several other members of the Yorkshire peace commissions, he was appointed to enquire into trespasses, insurrections, riots, embraceries, and maintenances in the city of York. *CPR 1494-1509*, p. 283.

³⁷² E.g. E 101/414/6, fos 57, 63v, 71v, 78v.

³⁷³ E 101/414/16, fo. 119v; E 101/414/6, fo. 135.

³⁷⁴ E 405/78, fo. 1v.

³⁷⁵ E 101/414/16, fo. 117.

at least £900 on the king's behalf during the campaign against Scotland.³⁷⁶ In October 1499, Cholmely, as receiver-general and treasurer for Berwick, was directed to make the repayments of the considerable arrears he had accumulated there to Roger Laybourne, Sever's successor as bishop of Carlisle, and a surveyor of royal land revenues.³⁷⁷ Although there are no surviving records of their expenditure, the chamber memoranda show that all these men were required to account for the sums of money received and expended for the king, and were held responsible for any arrears.³⁷⁸

These somewhat scattered references suggest the beginnings of a distinct northern financial administration, the growth of which can be traced more easily in the reign of Henry VIII. The abbey of St Mary's was the richest monastery in the north of England, a considerable landholder in Yorkshire and other northern counties; it was therefore possessed of both an administration accustomed to handling large sums of money, and a secure treasury. After Sever relinquished the office of abbot, the abbey continued to act as the king's 'bank' in the north until shortly before its dissolution in 1536. Sever left nearly £8000 of the king's money in its treasury.³⁷⁹ £12,000 was paid to his successor Edmund Thorneton in September 1512,³⁸⁰ and by February 1517, a total of £21,980 of royal monies had passed through the new abbot's hands.³⁸¹ A complete set of accounts survive for 1513 to 1529, detailing the receipts and expenditures of successive abbots as 'receivers of the king's monies for expenditure in the north parts'.³⁸² The abbots were obliged to enter into recognizances for monies in their charge, and were required to travel

³⁷⁶ E 101/415/3, fo. 128.

³⁷⁷ Wolfe, 'Henry VII's Land Revenues and Chamber Finance', p. 244.

³⁷⁸ E 101/415/3, fos 242, 242v.

³⁷⁹ C 66 1/111, fo. 25.

³⁸⁰ E 36/215, fo. 202.

³⁸¹ C66 1/111, fo. 25.

³⁸² E 101/57/4; E 101/58/7; E 101/518/44; E 101/518/49.

to London to make their accounts before auditors chosen by the king.³⁸³ Edmund Whalley's account for 1529 is annotated with additional comments in Latin in another hand. These testify to the abbot's production of the various warrants and indentures to which his account refers for authority to make payments. They also note acknowledgement by the recipients of various payments which the abbot had declared.³⁸⁴ Clearly, the abbots' accounts were very closely monitored at Westminster. Their awareness of this is reflected in the complaint of the captain of Berwick, in January 1522, that the new abbot would not continue his regular payment of £114 16d on the authority of the warrant of his predecessor, but required a new warrant from the king.³⁸⁵

The abbot's accounts for 1513 to 1517 show that a considerable number of payments were made to William Pawne, receiver of Berwick. Reference is made to payments made for the wages of crews recruited at Berwick; of workmen from Norham, hired to make repairs at Berwick and Wark; and for corn purchased for the Berwick garrison. In addition, a warrant dormant was issued to the abbot to the receiver for the quarterly wages of 50 gunners of the new retinue at Berwick.³⁸⁶ This was to become the standard source of the gunners' wages; in 1522 Ughtred referred to it as a practice which had been in place 'of long times'.³⁸⁷ On one occasion, the abbot also paid Darcy's retinue for William Pawne, out of monies which Pawne himself had handed over to the abbot.³⁸⁸

The far northern counties were normally excused taxation on the grounds of the part they played in defending the realm against the Scots. However, Yorkshire was not

³⁸³ E.g. E 36/215, fo. 602, 655; E 36/216, fo. 338.

³⁸⁴ E 101/518/44.

³⁸⁵ SP 49/1, fo. 129.

³⁸⁶ E 101/58/7.

³⁸⁷ SP 49/1, fo. 129.

³⁸⁸ E 101/57/4.

exempt, and another of the duties which Sever performed for the king was the receipt of Yorkshire tax money. The tenth from the province of York granted by Convocation in 1495 was handed over to the abbot.³⁸⁹ In the account of chamber payments under 1 April 1497, it is noted that the exchequer had not delivered accounts of arrears of 'diverse aids and fifteenths'. Sever was charged personally to account for these to the king, and kept a roll of names of those persons involved.³⁹⁰ Some of this money never reached Westminster, but was employed by Sever on the king's behalf in the north. In Easter 1497, the chamber accounts note that £540 of the money collected by the collectors of the first fifteenth and tenth granted in the city of York, and the first fifteenth granted in the East Riding, had been expended by Sever 'in the north parts by the mandate of the king'.³⁹¹ The following Easter, £111 19s 6d of the second fifteenth, collected from Kingston upon Hull and received by the bishop, was utilised by him 'for the king's wars against Scotland'.³⁹² The accounts of Edmund Thorneton and his successor Edmund Whalley for the period 1514-26 show that monies collected from the province of York for three clerical tenths were similarly paid to the abbots.³⁹³ Whalley's account shows that he was also responsible for receiving the loan money extracted from the clergy, supposedly raised for the war with France in 1522 and 1523, and the first and second subsidies granted in 1523 from both the laity and clergy of that county. His declaration for 1526 to 1528 shows his receipt of the last three payments of this subsidy.³⁹⁴

All of this money was expended on the 'king's business' on the Anglo-Scottish

³⁸⁹ E 403/2558, fo. 66v.

³⁹⁰ E 101/414/16, fo. 134v.

³⁹¹ E 403/2558, fo. 69v.

³⁹² *Ibid.*, fo. 84v.

³⁹³ E 101/57/4; E 101/58/7.

³⁹⁴ *Ibid.*; E 101/518/49.

border. The principal function of the royal treasuries set up in the north was thus to administer the funding of the defence of the northern border. It was logical that monies levied from the inhabitants of Yorkshire for wars with Scotland should be retained there. Both the earl of Surrey and the earl of Shrewsbury were dependent on Yorkshire tax money to fund their campaigns.³⁹⁵ However, at no time did any of the abbots make payments on any other authority but a specific warrant or letter from Westminster. For regular, routine payments, made during peacetime, this worked. Warrants dormant were issued to the abbot, for example, to pay the wages of the gunners at Berwick, and the abbot made payments towards building projects at Wark, Berwick and other royal strongholds at various times.³⁹⁶ However, during periods of hostility with Scotland, it was often necessary to pay the wages and conduct monies of soldiers mustered from different counties, arriving at different times and often serving for different periods. Such complex arrangements required authorisation on the spot.

(ii) The northern treasurers of war

Henry VII dealt with the bulk of the administration of the funds for his Scottish campaign by appointing a member of his own household, Sir Robert Lytton, keeper of the wardrobe, to go with the army in the capacity of treasurer of war. The clerical subsidy of £9000, granted to sustain the war against Scotland, was to be paid not to the king's lieutenant, the earl of Surrey, but to this treasurer.³⁹⁷ During times of war, lieutenants of the north signed bills which were to constitute sufficient authority for the disbursement of funds for the payment of soldiers, workmen and victuallers, but the money was then paid

³⁹⁵ BL, Caligula B II, fo. 104; BL, Add. MS 24,965, fos 178-9.

³⁹⁶ E 101/57/4; E 101/58/7; E 101/518/49; E 101/518/44.

³⁹⁷ E 403/2558, fo. 17.

directly to the men in question by the treasurer.³⁹⁸ The system was much the same as that which had been used by English kings going to war for the last 200 years. Lytton accounted at the chamber and was clearly liable for the monies given into his charge. Sums for which he had not accounted were duly noted in the chamber records, and he entered into recognizances for their payment. When he ‘struck out tallies’ for money which was never actually borrowed, this was also noted.³⁹⁹ A similar scheme was adopted for Henry VIII’s campaign against the Scots in 1513. Edward Bensted, a gentleman usher of the king’s chamber, and Sir Phillip Tylney, were successively appointed treasurers of wars to the king’s army, to perform the same office. Although they were described as treasurers ‘under’ Surrey, who was once again acting as the king’s lieutenant, the earl did not handle royal monies. The treasurers were held to account for its expenditure at Westminster.⁴⁰⁰

However, there are hints that this system was not working efficiently. The memoranda in Henry VII’s chamber records suggest that considerable sums remained unaccounted for years after the army’s discharge. £1600 paid to William Pawne on 1 October 1519, for the provisioning of the king’s army in the war against Scotland, had not been accounted for by the end of the reign, and it was noted in the chamber memoranda that Pawne must deliver ‘obligations and other writings for the remainder of the debt with the days of payment’.⁴⁰¹ Many ‘lords and honourable personages’ were later to complain that in the campaign of 1513-14 ‘they were not well entertained nor

³⁹⁸ E 36/1, fos 103-15; E 101/56/27; SP 1/26, fos 29-32; E 36/254; SP 1/27, fos 78-9; SP 1/27, fos 104-15; SP 1/28, fos 116-17.

³⁹⁹ E 101/414/16, fo. 128; E 101/415/3, fo. 276v.

⁴⁰⁰ E 36/1, fos 103-15; E 101/56/27.

⁴⁰¹ E 36/214, fo. 615.

used...both for want of money and victuals... and that puts all men in great doubt'.⁴⁰²

In 1522, Henry launched his 'Great Enterprise' against France, the Scots refused to remove the duke of Albany from power at Henry's insistence, and the Auld Alliance was revived. Elton refers to the employment of the abbot, 'for years, as paymaster for the northern garrisons', but that is not strictly accurate.⁴⁰³ Henry's decision to maintain garrisons in the major castles along the border on a long-term basis would necessitate a further development in the financial administration of the marches. Large sums of money would be required on a fairly regular basis to provision the strongholds and pay the men – and someone would be required to administer this *in situ*. Henry's father had already largely removed control of Berwick's finances from the hands of its military personnel, and his son seems to have been no more eager to entrust the men he had chosen to command the marches with control of their funding. If war with Scotland were no longer to be dealt with simply by paying the warden a larger sum of money, a substitute would have to be found. An organization which could deal with the administration of the necessary funds in the north itself was essential.

John Kite, Bishop of Armagh, had already enjoyed a career in royal service. He was appointed as sub-dean of the chapel royal in 1510, and as bishop of Armagh, he had acted as ambassador to Charles I of Castile (later Emperor Charles V) in 1518.⁴⁰⁴ His appointment to the see of Carlisle in 1521, while the 'Great Enterprise' was in the planning stages, may have been deliberately intended to locate him in the north, so that he could take up the position of treasurer on a more permanent basis than his

⁴⁰² BL, Caligula B.II, fo. 104.

⁴⁰³ G.R. Elton, *The Tudor Revolution in Government: Administrative Changes in the Reign of Henry VIII* (Cambridge, 1959), p. 44.

⁴⁰⁴ ODNB (under John Kite), <http://www.oxforddnb.co./view/article/15693?docPos=3>.

predecessors.⁴⁰⁵ Despite Kite's brief tenure of the office, the choice of his successors confirm this. After the stopgap appointment of Lord Dacre as treasurer of the king's wars, Thomas Magnus was appointed to the office, from which he was not formally released until 1527.⁴⁰⁶ For this period the abbots' accounts show regular payments of large sums of money to the king's treasurers in the north.⁴⁰⁷ During an interlude in which Magnus was required to render account at Westminster and then commissioned to go to Scotland, Dacre again stepped into the breach to pay the garrisons.⁴⁰⁸ In September 1532, when new garrisons were mustered in the light of renewed Anglo-Scottish tension, George Lawson was appointed Magnus' successor.⁴⁰⁹ Both Magnus and Lawson had acquired a good deal of previous experience within border administration. Magnus had been working within it since 1513, and Lawson was treasurer and receiver-general of Berwick, and had worked closely with both Dacre and Magnus during their occupation of the office.⁴¹⁰

Kite's appointment heralded a new dimension to the office occupied by Lytton, Bensted and Tylney. The duties of the new office were spelled out both in the instructions given to Kite, and in a letter written to Lord Dacre when he took over. The treasurer was expected to 'view and muster' the garrisons before paying them.⁴¹¹ Dacre was also instructed to 'cause the said captains and garrisons so to occupy themselves against the Scots that the enemies may feel annoyance by the king's wars' and to ensure that they 'lie

⁴⁰⁵ *LP*, II, 1757. Dacre was being asked to draw up plans for resisting possible Scottish invasions as early as 17 March 1521 (BL, Caligula B I, fos 15-16).

⁴⁰⁶ *LP*, IV, 3213. This was during Lord Roos' brief tenure of the wardenship of the east and middle marches.

⁴⁰⁷ E 101/58/7; E 101/518/49; E 101/518/44.

⁴⁰⁸ BL, Add. MS 24, 965, fos 196v-197.

⁴⁰⁹ *LP*, V, 1670.

⁴¹⁰ For Magnus' career, see below, ch. 4, pp. 171-81.

⁴¹¹ SP 49/1, fos 137-78; BL, Caligula, B.VI, fo. 314.

not still there spending the king's wage in vain'.⁴¹² Correspondence between Westminster and Kite, Dacre, Magnus and Lawson, along with the letters of the king's other officers during this period, illustrate the more proactive role taken on by the northern treasurers. When Dacre realized how many of the men of the border garrisons had departed for home, he countermanded Surrey's orders to pay the garrisons for a month, and paid them for only fourteen days.⁴¹³ Similarly, on mustering the garrisons before their discharge, Dacre was able to inform Wolsey how many of them 'lacked'.⁴¹⁴ On one occasion Sir William Ellercar threatened to withhold the farm he owed the king for Newbiggin, until he received his requested payment of a fortnight's wages due to himself and twenty of his 100 men.⁴¹⁵ Dacre informed him that £10 2s which he had received above his allowance as captain of Wark last year would in future be withheld, because he had left before his time was expired.⁴¹⁶ Furthermore, since neither he nor the twenty men had lain in the appointed place one night out of the fortnight, Dacre intended to distrain on him for the £10 2s, and retain their wages as a check.⁴¹⁷ This was the sort of thing which could only be managed by a treasurer on the spot, who was informed of all matters.

The treasurer could also keep a check on the Berwick administration. In March 1514, in response to Darcy's request that 30 gunners be sent to Berwick, the king retorted that 'we be credibly informed that in the complete furniture of the ordinary of soldiers...there is great default, inasmuch as...the number of gunners, which should be fifty, be not complete, but as we hear there be not six good gunners there...for other

⁴¹² *Ibid.*

⁴¹³ BL, Add. MS 24,965, fo. 157v.

⁴¹⁴ *LP*, III, 3638.

⁴¹⁵ *Ibid.*, III, 3669.

⁴¹⁶ In fact, when the duke of Albany, 'with the power of Scotland, came forwards towards the marches', Ellercar and his crew of 100 men left Wark 'waste', and Dacre was forced to appoint Grey in his place. BL, Caligula B.II, fo. 326-8; E 36/254.

⁴¹⁷ *LP*, III, 3673.

soldiers, which be no gunners, be put in the lieu and place of them, for lucre of wage. And if that number had been furnished, you should not need to have sent for so many to us at this time'.⁴¹⁸ Darcy admitted the charge, but stated that good gunners could not be had in Northumberland. He protested that for the eighteen years he had been captain 'there has never one soldier's room void longer than another able man might be gotten to furnish up the same'.⁴¹⁹ This was clearly a recurring problem. Darcy's successor, Sir Anthony Ughtred, was required to make up a muster book of the names of the 50 gunners before the abbot would produce the money for their wages.⁴²⁰ In 1522, Kite refused to hand over the money earmarked for this purpose because, the bishop claimed, neither he nor anyone else had been able to locate the gunners.⁴²¹ Two months later, the bishop reported that, although the abbot of St Mary's was obliged to pay them quarterly on the king's behalf, 'I can not say nor no man for me be certified as we ought to be of the said crew, but all with fraud and deceit'.⁴²² In 1523 Dacre reported that, once again, 'those that be no gunners...be in gunners wages'. Furthermore, 'the king is charged with double charge of two masters of the ordnance in Berwick which in my opinion were good to be looked upon'.⁴²³

The treasurers were the more able to check the captain of Berwick because they were frequently responsible for paying the extraordinary expenses of the town's defences. In April 1522, Ughtred claimed he had been promised that 'in the coming down of my lord of Carlisle...your grace had given him in commandment to see me content and paid

⁴¹⁸ BL, Caligula B.VI, fos 84-5.

⁴¹⁹ BL, Caligula B.II, fos 339-41.

⁴²⁰ E 101/57/16; E 101/57/24; E 101/57/18; E 101/57/20.

⁴²¹ SP 1/24, fos 152-3.

⁴²² BL, Caligula B.I, fos 39-40.

⁴²³ BL, Caligula B.I, fo. 1.

of all such money as I have laid forth'.⁴²⁴ However, the bishop would not refund him for a crew taken upon news of the approach of the duke of Albany, nor for 300 horsemen he later retained under Sir William Eure and William Ellercar, all of whom were paid by Ughtred out of his own pocket.⁴²⁵ Kite flatly accused the captain of inventing the news in order to obtain money, and in consequence, refused to make further payments of any kind to him.⁴²⁶ Ughtred's claim for money for repairs at Berwick, which, he claimed, 'the king's highness...hath sent down...to provide for the same', was ignored, and 'not one penny bestowed'. He prophesied darkly that 'the repairs are like to come very short for the surety of this town'.⁴²⁷ Residence was essential for the effectual performance of this office, as can be seen by the bishop's release from the post when the demands of his diocese required his presence on the other side of the Pennines.⁴²⁸

A resident treasurer could also keep a check on the expenditure of the king's money by other royal officers on the marches. The master of ordnance, and victuallers to the army, made separate accounts at Westminster. The correspondence of the northern treasurers outlines some of the problems which distance could create in the verification of such accounts. On 27 December, Dacre advised that the account of Richard Candishe, master of ordnance, should be audited 'here where the works are done and they may be seen', and Candishe checked, rather than in the south where 'can no man check him; whereby he may make his book as he will'. Dacre accused William Pawne, who was responsible for victualling the king's army, of having 'sold at all times his beer and bread at a marvellous great price'. Again, Dacre considered that his account should be taken

⁴²⁴ BL, Caligula B.VI, fo. 329.

⁴²⁵ *Ibid.*

⁴²⁶ SP 1/24, fos 152-3.

⁴²⁷ BL, Caligula B.VI, fo. 329.

⁴²⁸ BL, Caligula B.III, fo. 19.

‘here, where all things are passed his hands’. Dacre suggested that Wolsey should send up a ‘substantial clerk’ who, with George Lawson and himself, might ‘take the [account] as well of the said Candishe as of Master Pawne for the king’s victuals’.⁴²⁹

However, the movement of the administration north by no means heralded a loss of central control over it. A strict leash was kept on the treasurers, and their ability to make payments at their own discretion was limited. A rate of wages to be given to the 500 men appointed to the king’s garrisons in 1522 was set by the king at Westminster, and reissued to Dacre, on his appointment as treasurer in Kite’s stead.⁴³⁰ Although Dacre was authorised to work out a scheme of rewards to be paid to the ‘gentlemen of the marches able to do service’ with the garrisons, he had to clear it with Wolsey. In addition, a clerk was deputed from Westminster ‘to be attendant upon the said Lord Dacre...for...making up his books of payments from time to time to the said garrisons’;⁴³¹ and Kite and Dacre were instructed to advertise Wolsey of ‘such order and direction as ye shall take in the premises’.⁴³² Magnus wrote regular reports on his expenditure. Several accounts survive for his period as treasurer; and at the end of the earl of Surrey’s campaign of 1523, Wolsey summoned him to London to account for what he had spent. Lawson would not pay the garrisons’ wages in the absence of orders from Westminster for the payment of anything other than conduct money. During his first appointment, Dacre was warden of the west march, and the second coincided with his second term as warden of all three marches. However, there is no indication that he enjoyed any more independence than the other treasurers. Dacre regularly reported to

⁴²⁹ BL, Caligula B.I, fo. 1.

⁴³⁰ SP 49/1, fos 137-78; BL, Caligula B.VI, fo. 314.

⁴³¹ BL, Caligula B.III, fo. 19.

⁴³² *Ibid.*; BL, Caligula B.VI, fo. 314.

Wolsey, and continually consulted the cardinal when questions arose over payments, such as whether those in garrison for the past year should have allowance for coats, or the vexed question of whether the lieutenants of the east and middle marches, Sir William Bulmer and Sir William Eure, should be allowed wages for captains.⁴³³ And, as he protested when rebuked, he discharged men only on the cardinal's say-so.⁴³⁴

The affair of Richard Candishe emphasises the fact that ultimate control over payments made in the north lay at Westminster. When Dacre attempted to discharge five horsemen who waited upon Candishe as captain of 100 gunners at Berwick, the latter made 'plain answer' that, unless wages were provided for the men, he refused to remain in the town.⁴³⁵ Over the next year, Dacre had to make several appeals to Wolsey to settle the matter, and in September 1524, the duke of Norfolk, who had originally appointed the men, was commissioned to look into the case. By this time, it included an additional grievance: in the absence of a warrant from the duke or Wolsey, Dacre refused to pay Candishe wages for himself and his crew of 100 gunners for a period of time which they had spent in London. In Norfolk's opinion, Dacre's actions were motivated by a desire to spite Candishe, rather than to profit the king.⁴³⁶ The account which Richard Candishe made on 26 March 1527 shows that he was ultimately paid in full, according to his demands.⁴³⁷

Both the abbots and Henry's treasurers were clearly expected to keep strict accounts of the expenditure of the king's money, which they must ultimately justify before the king or his representative. They were frequently required to come down to

⁴³³ BL, Caligula B.III, fos 15-16.

⁴³⁴ LP, IV, 220.

⁴³⁵ BL, Caligula B.I, fo. 1.

⁴³⁶ SP 1/32, fos 94-5.

⁴³⁷ SP 1/41, fos 115-20.

London to make their declarations. The king's treasurers were thorough because they knew they would be held to account for every penny of the king's money which they paid out. No less than Robert Lytton, or the treasurers who went north with the earl of Surrey's army in 1513-14, the new officers were under control from Westminster.

The slow functioning of the exchequer system meant that it was unsuitable for the *ad hoc* payment of often very large sums of money which would be needed in the north, and by their very nature, were likely to be needed urgently. Henry VII dealt with this problem by paying large sums of money to Lytton, as treasurer of war, from the king's chamber, which was subsequently reimbursed by the exchequer.⁴³⁸ It was the chamber that dealt with the complex problems of Lytton's accountability.⁴³⁹ By 1514, the chamber was responsible for most major payments made on the king's behalf, and the Scottish wars proved no exception to this. By Henry VIII's reign, all monies directed to abbot and treasurers alike were paid by the treasurer of the chamber. Bensted and Tylney accounted not to the exchequer, but respectively to the king himself, and to Sir Robert Southwell, who was specially appointed to perform that office.⁴⁴⁰ Similarly, the abbots and northern treasurers accounted to men such as John Heron, treasurer of the chamber; Sir Edward Belknapp, the king's chief butler; and Sir John Daunce and Sir John Hales, the king's general surveyors.⁴⁴¹ The abbot was bound under indenture to Heron to repay the king's monies in his charge, and this, too, was recorded in the chamber accounts.⁴⁴²

From 1512, the man most regularly in charge of the transportation of the money sent

⁴³⁸ E 101/414/11.

⁴³⁹ E 101/414/16, fo. 128; E101/415/2, fo. 276.

⁴⁴⁰ E 36/1, fos 103-15; E 101/56/27.

⁴⁴¹ E 101/57/4; E 101/58/7; E 101/58/7.

⁴⁴² E 36/215, fos 602, 655; E 36/216, fo. 338.

north was John Jenyns, Heron's servant.⁴⁴³ In September 1522, he acted as a second treasurer in the north, paying out of the sums entrusted to him the conduct money of men who had come to join the earl of Shrewsbury's army. He handed over £3000 to the abbot, but retained £4748 10s 8d, suggesting that he would have been expected to undertake further such responsibility, had the campaign not proved abortive.⁴⁴⁴ Essentially, the abbots and treasurers were chamber officials, and the creation of separate treasuries in the north a further extension of the king's chamber into the border region.

Wolsey's control of finance

While Elton has conducted a thorough investigation into Thomas Cromwell's control over royal finances, he provides little more than a passing reference to the 'free control and authority' personally exercised over the various royal financial institutions by Wolsey; and a comprehensive examination of this has yet to be attempted.⁴⁴⁵ However, the records of the northern financial administrations do provide some insight into the degree of control which Wolsey exerted over the nation's finances. The first indication that Wolsey had any special authority over border funding is contained in Edmund Thorneton's account for 1514 to 1517, in which he records a payment of £40 to Magnus, made on the authority of a letter from Wolsey dated 25 November 1516.⁴⁴⁶ His successor's account records the payment of £200 to Kite, in accordance with Wolsey's warrant, dated 8 March 1523.⁴⁴⁷ From 1523 onwards, the majority of the warrants directed to Magnus and the abbot came from Wolsey, personally. In November, the

⁴⁴³ E.g. E 101/57/4, SP 1/6 fos 236-9, E 101/58/7. For Jenyns as the treasurer's servant see *LP*, III, 389

⁴⁴⁴ SP 1/26, fos 29-32.

⁴⁴⁵ Elton, *Tudor Revolution in Government*, p. 44.

⁴⁴⁶ E 101/57/4.

⁴⁴⁷ E 101/58/7.

following year, the duke of Norfolk refused to pay Richard Candishe any wages without Wolsey's order. Several other of Wolsey's warrants, or references to them, survive, and the abbot was still making payments in accordance with Wolsey's instructions as late as December 1528.⁴⁴⁸

In itself, this constitutes no earth-shattering revelation – Wolsey was first authorised to order payments from external financial administrations in 1513, when he issued orders to Sir John Dance, treasurer of wars on Henry's campaign in France.⁴⁴⁹ However, the records of the northern administrations can provide a further insight into the extent of Wolsey's control over financial mechanisms at the centre. From 1516, almost all requests for funds were directed to Wolsey. Unlike Cromwell, who, as well as being royal secretary was also 'treasurer of the king's money', Wolsey never held any financial office more influential than that of the king's almoner.⁴⁵⁰ For the first part of Henry's reign, the northern records can provide no evidence that Wolsey was personally authorised to order the chamber to release funds, and applications to him for money during this period seem simply to have been acknowledgements of the cardinal's influence over the king.

Wolsey's correction of a bill signed by the king, from a payment to the hanaper to one to be made to the exchequer, is heralded by Elton as a 'remarkable instance' of his authority over the central financial mechanisms.⁴⁵¹ However, Dacre's first account as treasurer of wars, upon replacing Kite, provides a far more striking demonstration of Wolsey's authority. The king's chamber was by this time the principal royal financial

⁴⁴⁸ E 101/518/44.

⁴⁴⁹ E 101/61/31/27, E 314/28/2/47/13.

⁴⁵⁰ Elton, *Tudor Revolution in Government*, p. 155.

⁴⁵¹ *Ibid.*, p. 44.

organ, and payments from it were made predominantly on the authority of royal signet warrants.⁴⁵² But in July 1522, Dacre recorded a payment made to him by the chamber on the authority of a warrant made out by Wolsey. Edmund Peckham, acting treasurer of the chamber, handed over the considerable sum of £1000 to Dacre, on the sole authority of ‘my lord legate’s warrant, signed with his hand’.⁴⁵³ Cromwell had been able to use his offices to make payments for which royal signet warrants were made out retrospectively.⁴⁵⁴ Wolsey’s enemies were later to charge him with finding means to ‘order the signet’ at his pleasure – had he, in fact, managed to bypass it altogether?⁴⁵⁵

The reason for Wolsey’s new-found power may lie in a memorandum written in early 1522 ‘of such things as are to be done and put into execution...in readiness for defence, invasion or otherwise’. With war on the horizon on two fronts, France and Scotland, it provided that ‘in case the king’s highness shall...pass the seas in his own person’, one man should be appointed to govern the realm in his absence, and to ‘see and provide from time to time for money, and such other things as shall be necessary’ for the armies in France and on the Anglo-Scottish border.⁴⁵⁶ It seems likely that Wolsey, Henry’s right arm, chancellor and head of the council, may have been the man empowered to do so. Wolsey was still exercising this authority the following February, when Sir Henry Wyatt, treasurer of the chamber, sent £20,000 to Thomas Magnus, treasurer of wars, in accordance with a warrant issued by the cardinal.⁴⁵⁷ Over the next year, Wyatt paid several large sums of money to the abbot in accordance with warrants

⁴⁵² *Ibid.*.

⁴⁵³ E 36/254.

⁴⁵⁴ Elton, *Tudor Revolution in Government*, p. 155.

⁴⁵⁵ *LP*, IV, 5750.

⁴⁵⁶ BL, Royal MS VII, fos 29-32.

⁴⁵⁷ SP 1/27, fos 78-9.

issued by the cardinal.⁴⁵⁸ Wolsey's authority may have been facilitated by the replacement of the exchequer by the chamber as the principal organ of royal finance. This system permitted a greater flexibility in the disbursement of royal revenues and their supervision. It was, in itself, hardly a novel idea. Queen Katharine had been granted similar authority in 1514, while her husband pursued his dreams of martial glory in France; and, indeed, Henry can hardly have been the first English king to face the problem of authorising royal payments *in absentia*.⁴⁵⁹ What was novel was that, for the period during which Wolsey exercised this authority, Henry did not actually leave the country. The last evidence of monies issued to the north on the cardinal's warrant is dated 24 February 1524. It is possible that Wolsey lost this power when the truce with Scotland was sealed on 4 September.⁴⁶⁰

Conclusion

The move towards greater royal control over the finances of the border defence can be viewed as part of a longer-term trend towards more direct Crown administration of its own affairs in the provinces. This was initially motivated by financial considerations. Under Edward IV, estates acquired by the Crown in and after 1461 were not submitted to the traditional exchequer process, which delegated the task of farming them out to the sheriffs. Instead, Edward practised the estate management methods employed by their former owners; letting individual manors to tenants, or farming the lands directly and employing receivers, surveyors and auditors to manage them, all of whom reported

⁴⁵⁸ On 15 February 1523 (E 36/221), 18 August 1523 (E 101/61/31/88), 30 November 1523 (E 101/61/31/85), and 24 February 1524 (E 101/61/31/87).

⁴⁵⁹ SP 1/230, fo. 21.

⁴⁶⁰ Eaves, *Henry VIII and James V*, p. 42. The border garrisons were paid up to September (E 101/58/7)

directly to the Crown, rather than to the exchequer.⁴⁶¹ These men were instructed to ride ‘both to survey and guide the same manors and to levy the lord king’s money there’, and to conduct other business, which included making payments, and meeting wages, fees and annuities from estate revenues as the Crown directed.⁴⁶² Richard III planned to extend this system to cover all ‘foreign livelihoods’,⁴⁶³ and his memorandum for the ‘hasty levy of the king’s revenues’ and their ‘profitable estate and governance’ outlined some of its advantages. Professional men ‘learned in law’ might act as stewards of the king’s lands, rather than local lords or gentlemen who frequently mismanaged them through ignorance and dishonesty. On-the-spot auditors, able to examine accounts *in situ*, could be more efficient than exchequer barons based at Westminster.⁴⁶⁴ The new land-management system enhanced both royal income and the royal presence in the counties where these estates lay, an advantage which Henry VII soon came to appreciate. The parliament of November 1487, which also passed the act for the provision of Berwick, determined the need for the appointment of new receivers, auditors and other accountants for the king’s ‘most profit and avail’.⁴⁶⁵

Henry had taken on board the financial opportunities offered by the Yorkist system of control over royal revenues. But, even more than his predecessors, the first Tudor appreciated the wider potentialities for a control beyond the purely financial. Many of the new theories behind the management of the king’s estate revenues were applied to the financial administration of the border defence. But did they enjoy a similar success

⁴⁶¹ B.P. Wolfe, ‘The Management of English Royal Estates under the Yorkist Kings’, *English Historical Review* 82 (1956), pp. 3, 8, *passim*.

⁴⁶² Wolfe, ‘Management of English Royal Estates’, pp. 8, 10, 19.

⁴⁶³ ‘Foreign’ refers to land and franchises not historically part of the earlier jurisdiction of the county sheriffs. W.C. Richardson, *Tudor Chamber Administration, 1485-1547* (Baton Rouge, 1952), p. 54.

⁴⁶⁴ *HMS 433*, III, 118-20.

⁴⁶⁵ *RP*, VI, 394; 403.

story? The creation of a Crown-directed financial administration on the border greatly reduced the opportunities for the king's officers to profit personally at his expense; and obviously, the king's agents on the border were better placed to assess where and when funds were needed. But local sources of revenue were limited to the profits of the king's northern estates and the proceeds of Yorkshire taxation. Collection of taxes was a slow business, and estimations of totals were unreliable, particularly for the new and unpopular taxes with which Wolsey was experimenting. Over-dependence on tax money was undesirable, especially when the need was urgent, as inevitably, on a frontier, it often was. As the earl of Shrewsbury complained in 1522, even though the collectors appointed by Henry 'do great diligence for speedy levying', the subsidy voted by the spirituality and recommended to him as a source of funds was unlikely to 'come to any good sum of a long season'.⁴⁶⁶ Nevertheless, in October the following year, Wolsey dealt with the earl of Surrey's request for more money in a similar fashion. Thomas Dalby, Archdeacon of Richmond, was ordered to levy the sums which remained unpaid by the clergy from the previous year. To supplement this, the earl was to have the proceeds of the loan made from the war with France from £20 downwards, which had not yet been paid. This, Wolsey thought, would amount to ten or twelve thousand pounds, 'including what is in the hands of the abbot of St Mary's'. However, this appears to have been a somewhat over-optimistic estimation; the true total seemed unlikely to exceed £3400.⁴⁶⁷

Thus, the majority of the funds required for border defence had to come from Westminster. The monies assigned to Berwick were sufficient to maintain a peacetime garrison, but during periods of hostility with the Scots the captain was as dependent on

⁴⁶⁶ BL, Caligula B.II, fo. 104.

⁴⁶⁷ BL, Add. MS. 24,965, fos 178-9; BL, Caligula B.VI, fo. 330.

money from the south as was warden or commander. The correspondence between the king's officers in the north and Westminster illustrates how the king's financial stranglehold enhanced central control over his officers on the border. But what impact did this have on the effectiveness of the border defence system? The time it took to transport the money north was perhaps less significant than that taken up by the deliberations of a rapidly expanding bureaucracy: what money should be sent to whom, and – most importantly – where was it to come from? When the earl of Shrewsbury mustered his army of 14,000 men in 1522, the king made an initial payment of £10,000 towards their expenses. As Shrewsbury pointed out, after the conduct money of the army to York was paid, the rest would 'scarcely convey the king's army to Newcastle'. The earl warned that 'if we should set forward upon trust of the said £10,000, having none other relief of money than as yet we have knowledge of... the same by all likelihood should be wasted, and we here to be put to dishonour thereby, and in danger of our own men for want of more money'.⁴⁶⁸ Shrewsbury implied that he was unable either to advance on Scotland, or to send sufficient men to protect Dacre from the Scottish invasion on the west march, because he lacked funds to pay the men beyond Newcastle. The king was sure that 'his loving subjects would not let to advance forward a day's journey or two, being by him ascertained that their money should be paid them ere ever they should be far gone on'.⁴⁶⁹ However, his subjects, however loving, clearly did not share this view. Shrewsbury and his army never moved from York. When the duke of Albany menaced a virtually undefended and ill-fortified Carlisle, Shrewsbury hurriedly dispatched Lord Mouteagle;

⁴⁶⁸ BL, Caligula B.II, fo. 104.

⁴⁶⁹ BL, Caligula B.I, fos 320-1.

Lord Clifford and his son; and Lords Conyers and Scrope.⁴⁷⁰ They, too, ‘grudged to set forward’ unless paid in advance; and of the 20,000 men appointed, less than 16,000 arrived at Carlisle ‘and those that came forward came with worst will that ever did men’. The result of this was that, in the face of a large Scottish army (although possibly not the 80,000-strong force he claimed), Dacre was forced to sue for peace.⁴⁷¹

The earl of Surrey experienced similar problems on his campaign the following year, and by October 1523 he was sending letters begging more and more urgently for money.⁴⁷² He feared that if funds were not provided, the army would disperse for want of wages – and the duke of Albany had not yet disbanded his forces. When the time came, Surrey also experienced some difficulty in getting enough money to discharge the army. As he pointed out, ‘if they should return lacking any part of their wages, they should not only grudge and rumour against me, but I fear it should be very difficult to bring them forth again with any so good numbers’.⁴⁷³ Surrey had ultimately to pay the army from his own pocket, borrow in his own name, and give the soldiers bills signed by himself, in order to make up the payment ‘most humbly beseeching your highness to see me discharged of the same’.⁴⁷⁴

Yet raising and funding royal army must always have involved the Crown in significant expense, and this very fact alone ensured that armies on both sides were not usually maintained in the field for significant periods of time. The new policy was more surely tested during the frequent, and often extensive, periods of hostility with the Scots during which no army was maintained. Could the Tudors afford to dispense with the

⁴⁷⁰ SP 1/26, fos 7-12.

⁴⁷¹ BL, Caligula B.II, fos 326-8.

⁴⁷² LP, III, 3360; BL, Caligula B.VI, fos 368-9; BL, Caligula B.II, fos 31-2.

⁴⁷³ BL, Caligula B.VI, fos 356-7.

⁴⁷⁴ *Ibid.*, fos 354-5.

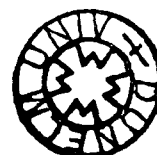
symbiotic relationship between the 'private' resources of wardens and the 'public' money needed to fund the defence of the border? The captain of Berwick had the authority to retain up to 500 men in the king's service when Berwick was under threat. However, his indenture specified that their wages would be paid retrospectively, and in the meantime the captain frequently had to cover the costs.⁴⁷⁵ Nor was money for the new border garrisons any easier to obtain. The treasurers' responsibility for 'paying and contenting' the soldiers was frequently complicated by central government's tardiness in providing the wherewithal to do so. On 27 December 1523, Dacre warned Wolsey that what remained of the £2000 allocated for the payment of the garrison would be insufficient to pay those remaining up to Candlemas. If the cardinal wanted him to retain the garrison, he must provide more money before then.⁴⁷⁶ By 9 February 1524, after writing fruitlessly for more money than the £2000 assigned (which was clearly inadequate for the purpose),⁴⁷⁷ Dacre was forced to ask Sir William Eure to discharge the watchmen on the middle march and the other Northumberland men in his retinue, until more money arrived; for all the king's money had been spent, and Dacre paid that month's wages out of his own pocket. Those who were 'no countrymen' were to be retained and Dacre guaranteed prompt payment of their wages, even if he had to pay them out of his own pocket.⁴⁷⁸ This left only 472 men at Berwick, Norham, Wark and in the middle marches. By 4 March, there was still no sign of further funds and Dacre was in dire straits. He urged that provision be made for the payment of the soldiers, who threatened to leave if

⁴⁷⁵ SP 49/1, fos 40-9; SP 49/1, fo. 129; BL, Caligula B.VI, fo. 329. See above.

⁴⁷⁶ BL, Add. MS. 24,965, fo. 221.

⁴⁷⁷ SP 1/30, fos 85-6.

⁴⁷⁸ BL, Caligula B.I, fo. 1.



their wages were not forthcoming.⁴⁷⁹ A Scottish raid prompted the augmentation of the scaled-down garrison to 1200 men. Wolsey sent another £2000.⁴⁸⁰ As Dacre urged, in view of the larger numbers, and the wages due to the last garrison, this would only be sufficient to pay the 1200 men their conduct money and one month's wages. He begged the cardinal to send more, for the men would not stay unless they were paid their wages beforehand.⁴⁸¹

Clearly, the king was still heavily dependent on the employment of rich men of status as his officers. Be they never so efficient, the treasurers could not pay out money they did not have. When the sum involved could not be covered by the warden, lieutenant, or captain in question, this could cause serious difficulties. This may have contributed to the 'cash in hand' attitude developing towards service on the border, which was constantly bemoaned by Dacre, who claimed to remember better times. Many of the Tudor wardens had few or no connections in the march under their command, and they could not count on the tenants of other men. The garrisons whose wages were paid directly from Westminster in an attempt to solve this problem may have further undermined the system of border service. Dacre often complained of the 'untowardness' of the gentlemen of the east and middle marches who expected to have wages 'for defending of themselves'.⁴⁸² On 4 March 1524, he reported to Wolsey that the inhabitants of the east march would not rise to resist the Scots without the wages they had had the previous year.⁴⁸³ The same year he complained that the tenants of the earl of Northumberland, Lord Clifford, and the marquis of Dorset, 'who are two-thirds of the

⁴⁷⁹ SP 49/2, fos 95-6.

⁴⁸⁰ LP, IV, 161.

⁴⁸¹ *Ibid.*, IV, 219.

⁴⁸² BL, Caligula B.I, fos 160-1.

⁴⁸³ SP 49/2, fos 95-6.

strength of the west border, will not rise, because last year they had wages and many of them lay in garrison. In times past, all the inhabitants were at the warden's command to serve the king; but now it is not so'. The only solution Dacre could offer was that the king should once again fund border garrisons.⁴⁸⁴ Upon his appointment as deputy-warden of the east and middle marches, the earl of Westmorland flatly stated that, since he had 'neither kinfolk nor allies there nor no lands there at this day whereby that I might entertain them to have their assistance', unless he was authorised 'at the king's charge to retain all the honest gentlemen in Northumberland with reasonable fees, as they say they have had in times past...I do think they will not be diligent and ready at my commandment'.⁴⁸⁵ The 'stranger' warden could not rely on the service of other men's tenants, royal commission or no. This new breed of warden lacked both private resources and access to royal money, with which to attract men to their service in advance of approval, or indeed, hard cash, from Westminster. The border inhabitants knew this, and rated the authority of such wardens accordingly.

So, was the Crown ignorant of the financial needs of the defence of the border? It seems unlikely. There were certainly enough reminders of them, not only from those who served there on a permanent basis, but from others sent from the south on various commissions. Upon leaving Dacre, his successor as treasurer, Magnus tried to console him by remarking that the duke of Norfolk, who had just returned south, would be unlikely to forget the pressing need for more money 'on account of his own and his servants' wages'.⁴⁸⁶ It is more likely that the Tudors were experiencing real difficulties in providing the funds required by the system they had created. Certainly, Wolsey was

⁴⁸⁴ *LP*, IV, 278.

⁴⁸⁵ *BL*, Caligula B.VI, fos 510-11.

⁴⁸⁶ *BL*, Add. MS, 24,965, fo. 119.

attempting various ingenious ways of increasing the yield from taxation in this period – and meeting with considerable resistance.⁴⁸⁷ The repeated concern of those in authority on the marches for saving the king expense suggests that this was a real issue at Westminster.⁴⁸⁸ The Crown had taken back control of the financial administration of the marches from its oft-quoted ‘overmighty’ subjects – and was now beginning to realize the cost implied. Could the peaceful relations established with Scotland in 1497 have been maintained, the new system might have worked. But the office of warden had kept its previous form for almost a century largely because kings of England simply could not afford the expenses implied in the permanent defence of a hostile border. The Tudors’ financial solution to the ‘problem of the north’ was productive of all the problems the original setup had been designed to solve.

⁴⁸⁷ Gwyn, *King's Cardinal*, pp. 177, 373-5.

⁴⁸⁸ E.g. *LP*, III, 3333, 3408, 3665; *Ibid.*, IV, 219.

THREE: THE ADMINISTRATION OF JUSTICE

The fifteenth century

During the fifteenth century, the border counties were notorious for the poverty of royal justice. In the crisis of law and order which flared up in the reign of Henry IV, the northernmost counties suffered worst, their plight reflected in an unprecedented degree of concern in Parliament.⁴⁸⁹ The northern justices were so frightened of reprisals that they were powerless to effect any change and neglected their office for fear for their lives.⁴⁹⁰ Because the king's justices of assize and gaol delivery refused to travel to a country 'so far distant from the law', the indictment of felons fell almost wholly on the shoulders of the sheriffs.⁴⁹¹ The operation of common law was virtually suspended. In 1410 and 1411, Henry promised to appoint justices of oyer and terminer, and to see to it that common law statutes were respected as well in the border counties as elsewhere. Justices of assize travelled through the northern counties in 1411, but this was to be the last time in Henry's reign.⁴⁹² Equally, if law and order ceased to be a 'serious political issue' in the reign of his son, its restoration to the border counties cannot be counted among his many achievements. In 1415, Henry V suspended assize proceedings, disrupting the routine of circuit visitations and consequently the delivery of county gaols, not only for the spring and summer months of that year, but for the rest of the reign.⁴⁹³ In the north, that most unpopular of judicial circuits, the effect appears to have been disastrous. Gaol delivery

⁴⁸⁹ *RP*, III, 624, 629-30; A.C. King, 'War, Politics and Landed Society in Northumberland, c. 1296-1408' (Unpub. PhD Thesis, University of Durham, 2001), p. 196.

⁴⁹⁰ *RP*, III, 662.

⁴⁹¹ *Ibid.*

⁴⁹² Neville, *Violence, Custom and Law*, pp. 107-8.

⁴⁹³ *RP*, IV, 147; E. Powell, *Kingship, Law and Society: Criminal Justice in the Reign of Henry V* (Oxford, 1989), p. 248.

records survive only for 1419 and 1421, by which point the commons were still bewailing the high levels of disorder in the far northern counties.⁴⁹⁴ Neville's examination of the gaol delivery records for 1439 to 1459 reveals a similar story. There were no sessions held in Northumberland in 1443, 1445, or 1456-7. Between 1449 and 1456, and in 1459, there were no sessions of gaol delivery in Cumberland. Westmorland seems to have been similarly neglected in 1449, 1450, 1453, 1455, 1456 and 1457.⁴⁹⁵ Borderers complained regularly of disorder and corruption among the king's officials.⁴⁹⁶ Few prisoners were delivered to the justices and trial juries were anyway reluctant to deliver a guilty verdict. For the period of Neville's study, of 618 cases tried, 585 defendants were acquitted. She concludes that disorder was 'endemic to the border regions'.⁴⁹⁷

In the absence of royal justice from Westminster, the border counties were dependent upon the county sheriff and justices of the peace. During the fifteenth century the shrievalties of the far northern counties had devolved into the hands of the great regional magnate families. In the latter years of Henry VI's reign, the sheriff of Northumberland was usually drawn from the ranks of the Percy clients.⁴⁹⁸ Under Edward IV, the office was granted to John Neville, warden of the east and middle marches, and newly created earl of Northumberland.⁴⁹⁹ From 1471, the shrievalty was held by John Withrington, who was retained by both Richard, Duke of Gloucester, and Henry Percy,

⁴⁹⁴ *RP*, IV, 143. Neville, *Violence, Custom and Law*, pp. 109-11. Although, as Neville states, this may perhaps be due to record loss. *Ibid.*, p. 114.

⁴⁹⁵ C.J. Neville, 'Gaol Delivery in the Border Counties 1439-1459: Some Preliminary Observations', *Northern History* 19 (1983), pp. 46-7; R.L. Storey, *The End of the House of Lancaster* (rev. 2nd edn, Stroud, 1999), p. 118.

⁴⁹⁶ *RP*, IV, 21-2, 68, 143, 291, 376-7; V, 107-8, 267, 399.

⁴⁹⁷ Storey, *End of the House of Lancaster*, p. 118; Neville, 'Gaol Delivery in the Border Counties', p. 59.

⁴⁹⁸ Pollard, *North-Eastern England*, p. 159.

⁴⁹⁹ *Ibid.*, pp. 159-60.

fourth earl of Northumberland, but in 1474, Northumberland was created sheriff for life.⁵⁰⁰ In Cumberland, the shrievalty was divided between Neville and Percy candidates between 1440 and 1449; and in 1475, it was granted to Richard for life, to be regranted in 1483 as an hereditary office. The shrievalty of Westmorland had long belonged to the Clifford family. The county benches were similarly magnate-dominated. Northumberland's bench was small and infrequently renewed, and there were normally twelve or fewer justices. Between 1455 and 1489, the bench was packed with Percy retainers, with a hiatus of ten years from 1461 to 1471, when it was dominated by the Nevilles and their allies.⁵⁰¹ In Cumberland, Neville and Percy retainers likewise dominated the commissions of the peace.⁵⁰²

The inadequate justice administration was faced with further obstacles in the form of the numerous liberties from which the king's officers were excluded. In Northumberland, Northhamshire belonged to the bishop of Durham; the liberty of Redesdale was held by the Tailboys; Tynedale was a relatively recent acquisition of the English Crown; and Hexhamshire belonged to the archbishop of York. Further south, the prior of Tynemouth held another, smaller, liberty, east of Newcastle. On the west march, the sheriff of Cumberland was excluded from the Percy honour of Cockermouth.⁵⁰³ In addition, the endemic insecurity of life on the Anglo-Scottish marches since the commencement of the Anglo-Scottish wars in 1296 had led to the development of a clan society in some parts of the border region, providing the kind of mutual protection rendered unnecessary in the lowlands centuries before. In Tynedale and Redesdale, the

⁵⁰⁰ *Ibid.*, p. 154.

⁵⁰¹ *Ibid.*, p. 163.

⁵⁰² Summerson, *Medieval Carlisle*, p. 438.

⁵⁰³ Ellis, *Tudor Frontiers*, p. 35.

practice of partible inheritance produced subdivided holdings which provided incomes insufficient to support the heirs.⁵⁰⁴ In the fifteenth century, this was exacerbated by demographic growth, in an area where natural resources were already overstretched.⁵⁰⁵ As the century wore on, a scaling-down of military activity against the Scots deprived the surnames of legitimate opportunities for profit and plunder, and they turned their skills against their neighbours, both English and Scots. In parliament of spring 1414, Henry V passed a statute against outrages in Tynedale, Redesdale and Hexham. The people of Northumberland, it stated, were daily the victims of ‘murders, treasons, homicides, robberies and other misdeeds’, committed by the inhabitants of the liberties. In Redesdale especially, the sheriff did not dare to punish felons, ‘for fear of death’. Henry’s statute promised to bring these regions more firmly under the common law.⁵⁰⁶ However, in 1421, the plaint was raised once more: the inhabitants of the far northern counties were ‘destroyed by numerous robbers and felons called intakers and outputters, dwelling in the franchises of Tynedale, Redesdale and Hexhamshire’. There was no comeback, for ‘the said liberties and franchises are exempt from shrieval jurisdiction’. The lords of the liberties should be commanded, on pain of a fine of £100, to prosecute the offenders.⁵⁰⁷

By 1445, the ‘evildoers, robbers and highwaymen dwelling in the lordships of Tynedale and Redesdale’, undeterred by statute, continued to ‘mutilate, rob and slay’ their neighbours.⁵⁰⁸ The royal justice system faced increased odds when it came to dealing with the surnames. It was designed to deal with individual offenders, but the

⁵⁰⁴ Ellis, *Tudor Frontiers*, pp. 67-8.

⁵⁰⁵ M.E. James, *Change and Continuity in the Tudor North: the Rise of Thomas First Lord Wharton* (York, 1965), p. 10; Robson, *English Highland Clans*, pp. 46-7.

⁵⁰⁶ *RP*, IV, 21.

⁵⁰⁷ *Ibid.*

⁵⁰⁸ *CPR 1446-1452*, p. 137.

surnames lived under the protection of the leader of their branch or 'grayne', and he accounted for their offences. Regulation of the behaviour of the inhabitants of frontier regions such as Tynedale and Redesdale was thus attempted through the exaction of sureties and pledges from the leader of a surname, for its collective good behaviour.⁵⁰⁹ As the commons of Northumberland complained in 1445, since the sheriff's writ did not run within the liberties, their lord (or more accurately, a keeper or bailiff appointed by him) was responsible for handing them over to justice. The system was evidently ineffectual.

The Tudor 'taming'

i) Assize and gaol delivery

As far as the peripatetic commissions of assize and gaol delivery were concerned, the succession of Henry VII to the throne of England precipitated no revolution in the administration of justice. The northern assize continued to visit the border counties only once each year; the assize justices devoted no more than a week to their tour of Newcastle, Carlisle and Appleby; and their visits were frequently curtailed because of war.⁵¹⁰ Nor do gaol delivery sessions appear to have been any more frequent. On 2 April 1528, William, Lord Dacre wrote to Wolsey, begging him to add more local inhabitants to the *quorum* of the commission of gaol delivery. As there was 'but one of the shire of the *quorum*', sessions could not go ahead, because 'such as be of *quorum* within the said commission that are not within this shire... never come in these parts but once in the year, at the general assize'.⁵¹¹ In 1524, Wolsey tacitly acknowledged the inadequacy of the

⁵⁰⁹ Ellis, *Tudor Frontiers*, pp. 63-4.

⁵¹⁰ *Ibid.*, p. 52; J.S. Cockburn, 'The Northern Assize Circuit', *Northern History* 3 (1968), p. 122; BL, Caligula B.VII, fos 29-30.

⁵¹¹ *Ibid.*

system, commanding Thomas, Lord Dacre, to impose summary justice on felons whose trial would usually have been reserved for the justices of gaol delivery, because waiting for the sessions might encourage them and other potential offenders.⁵¹² The truth of this had been demonstrated the previous year. The men who were acquitted at the Newcastle assize in August 1523, on the grounds that no one could be found to give evidence against them, may indeed have been innocent.⁵¹³ But sentence could not be carried out on offenders who could not be brought to attend in the first place.⁵¹⁴ Four thieves had escaped from Alnwick castle and eight from Newcastle before the assize was even held. There were also a considerable number of 'wilful escapes' at the Newcastle assizes of 1520 and 1521.⁵¹⁵ Nor were assize indictments particularly effectual. The Lises were indicted as rebels at the assize of August 1527, but were not apprehended until the following January.⁵¹⁶ Rob and Percival Dodd, and Joe Stoke, from Tynedale, and John Merwood of Redesdale, who were convicted of receiving outlaws at the same assize, were still at large the following February.⁵¹⁷

ii) Commissions of the peace

The power of the commission of the peace was dependent on the local strength of its members. The reign of Henry VIII saw no expansion in the numbers of the Cumberland or Northumberland commissions. The relative poverty of most of the border gentry, whose estates were valued at less than £10 a year, rendered them ineligible for service on

⁵¹² *LP*, IV, 405.

⁵¹³ *Ibid.*, III, 3240.

⁵¹⁴ *Ibid.*, III, 1920.

⁵¹⁵ *Ibid.*, III, 1920.

⁵¹⁶ *Ibid.*, IV, 3849.

⁵¹⁷ *Ibid.*, IV, 3631.

the bench.⁵¹⁸ They were also infrequently renewed. Sean Cunningham's belief that Henry's initial priority for the north-east was stability is confirmed by the composition of the commissions of the peace.⁵¹⁹ The first commission for Northumberland, appointed 20 September 1485, was headed by the fourth earl, and largely staffed by Percy retainers, much as it had been under Richard III.⁵²⁰ But over the course of the next two years, five of the nine men appointed were granted royal office, fees or annuities. Richard Neel was retained to the king's bench; Sir Ralph Graystoke was master forester of the forest of Galtres and steward of the lordship of Langton from 14 November 1486;⁵²¹ John Cartington was granted the fee farm of Newbiggin along with various other lands and rents on 3 May 1486, and a grant dated five days later assigned him a rent of £6 from Shipley in the Dunstanburgh lordship of Embleton;⁵²² and John Swinburne and Robert Manners of Etal received substantial retainers from the royal monies assigned for the upkeep of Berwick from 29 September 1487.⁵²³

The next commissions were issued on 10 June 1489, in the wake of Northumberland's murder. The composition of the commission reflects the new order created to replace the earl as warden of the east and middle marches, during a period when relations with the Scots were uncertain. Of the ten men appointed under Arthur, Prince of Wales, nine were in receipt of grants or office from the king. At the head of the list was the earl of Surrey, soon to be appointed lieutenant of the north and Prince

⁵¹⁸ Ellis, *Tudor Frontiers*, pp. 52-3.

⁵¹⁹ S. Cunningham, 'Henry VII and Rebellion in North-Eastern England, 1485-1492: Bonds of Allegiance and the Establishment of Tudor Authority', *Northern History* 32 (1996), p. 42.

⁵²⁰ *CPR 1476-1485*, pp. 568-9. For commissions of the peace for the border counties in the reign of Henry VII for Northumberland: *CPR 1485-94*, pp. 495-6 and *CPR 1495-1509*, pp. 652-3; for Cumberland: *CPR 1485-94*, p. 484 and *CPR 1495-1509*, p. 634. All future references to appointments to peace commissions in Henry VII's reign are taken from these pages.

⁵²¹ *CPR 1485-94*, p. 27.

⁵²² *Materials*, ed. Campbell, I, 422, 427.

⁵²³ £4 and 10 marks per annum respectively. SC 6/HENVII/1380.

Arthur's vice-warden. Also included were Sir William Tyler, captain of Berwick; Sir George Percy, appointed lieutenant of the east and middle marches that year, with an annuity of 100 marks;⁵²⁴ and Nicholas Ridley, who was granted the office of bailiff of Tynedale on 8 March 1491. Edward Ratcliffe was granted £25 out of the issues of lands belonging to the earl of Northumberland in Somerset and Devon;⁵²⁵ John Cartington and Thomas Grey of Wark continued to receive their retainers; and William Eure was the king's receiver of Pickering, part of the duchy of Lancaster,⁵²⁶ and would shortly be granted the office of steward of the lordship of Seymer, during the minority of Henry, fifth earl of Northumberland.⁵²⁷ This list reflects an intensified concern on the part of the government to maintain law and order in the north, in the face of three northern rebellions in four years. Henry appears to have made little use of the Northumberland gentlemen whom he retained from Berwick that year in this capacity. Only one of the fourteen, Sir Thomas Grey of Wark, Heton and Chillingham, was included; indeed, Robert Manners and John Swinburne, who had served on the previous commission, were not included on this one. This, along with the fact that four of the new members had no stake in the county other than that provided them by the king, is reflective of Henry's policy of appointing trusted servants to royal office, despite (or perhaps because of?) their lack of personal connections in the region.

The Northumberland peace commission appointed on 27 January 1502 retained a similar character. Besides the justices of assize, almost every member of the commission held a military post. John Cartington, Ralph Grey, Richard Erington, Thomas Darcy and

⁵²⁴ On 20 June 1490, as from Michaelmas 1489 (*CPR 1489-94*, p. 317).

⁵²⁵ 15 December 1489 (*CPR 1485-94*, p. 304).

⁵²⁶ 6 May 1485. R. Somerville, *History of the Duchy of Lancaster* (2 vols, London, 1953-70), I, 535.

⁵²⁷ 6 February 1490 (*CPR 1485-94*, p. 302).

Richard Cholmley were deputies of Henry Duke of York, now titular warden of the marches;⁵²⁸ Darcy was captain of Berwick;⁵²⁹ and Dacre was acting as lieutenant of the middle march.⁵³⁰ Tyler and Surrey are unlikely to have played a very active role on the commission, since they had left their respective offices as vice-warden and captain of Berwick in 1498, and their services were now being employed by the king elsewhere. When the commissions were renewed two years later, their names had been removed. With the achievement of a peace with the Scots, the commission took on a less purely military character, with the addition of Sir William Hilton, who held lands in Northumberland and Durham;⁵³¹ Sir Ralph Eure, sheriff of Northumberland; the prior of Tynemouth; and Christopher Clapham, porter of Berwick and receiver of Richmond.⁵³² The majority of its members, however, were still in royal service, a policy which Henry continued in Northumberland for the remainder of his reign. In 1506, Roger Fenwick, esquire for the king's body, constable of Newcastle upon Tyne,⁵³³ and shortly to be appointed lieutenant of the middle march;⁵³⁴ Robert Musgrave, master of the ordnance of Berwick;⁵³⁵ and Thomas Gryce, clerk of the court of the duchy of York lordship of Wakefeld, were added.⁵³⁶ The final commission for Henry's reign, issued 11 November 1507, was notable both for its few members and for its domination by the church. Three of the seven justices were clerics. Thomas Dalby, one of Henry VII's chaplains, employed extensively in royal service in Yorkshire, and Thomas Magnus, who was

⁵²⁸ Appointed 3 March 1500 (*CPR 1494-1509*, p. 200) and 29 August 1500 (*CPR 1494-1509*, p. 213).

⁵²⁹ 3 March 1500 (*CPR 1494-1509*, p. 202).

⁵³⁰ E 403/2558, fo. 101.

⁵³¹ *CPR 1494-1509*, pp. 541-2.

⁵³² *CPR 1494-1509*, p. 264; SC 6/HENVII/1021.

⁵³³ *CPR 1494-1509*, p. 456.

⁵³⁴ *CPR 1494-1509*, p. 487.

⁵³⁵ By 29 September 1508 (E 36/254).

⁵³⁶ 5 April 1501 (*CPR 1494-1509*, p. 242).

appointed archdeacon of the East Riding that year,⁵³⁷ were also the leading members of the king's council of Yorkshire, following the death of Thomas Savage, Archbishop of York in September that year.⁵³⁸ Thomas, prior of Hexham (which liberty had been in the king's hands since Savage's death) was also included.⁵³⁹ This reflects an increasing use of the clergy in the administration of the northern counties, which was to be further developed in the creation of the council of the north.⁵⁴⁰

Under Henry VIII, deteriorating relations with the Scots brought the military to the fore once more, and the peace commissions issued in November 1512 and October 1514 were again dominated by the king's border officers: the earl of Surrey, lieutenant of the north; Dacre, warden of the marches, along with his brothers, Sir Phillip and Sir Christopher and his lieutenants, Sir Edward Ratcliffe and Roger Fenwick; Thomas, Lord Darcy, captain of Berwick; and Christopher Clapham, its former receiver. Of these men, only Fenwick and Ratcliffe were Northumbrians. But for the first time for over twenty years, the commission was headed by an earl of Northumberland, whose uncle, William Percy, was also included. Once the military crisis was over, however, considerable changes were made to the commission. The Percies were now dispensable, and in 1515, they were accordingly removed. However, Henry's own officers were also taken off and, for the first time since 1489, local lords and gentry made up the majority of the commission. Possibly Henry, who would not face his northern rebellion until 1536, did not regard royal control of the county to be a matter of such urgency as his father had done. Removing the warden of the east and middle marches from the Northumberland

⁵³⁷ *CPR 1494-1509*, pp. 618, 579.

⁵³⁸ Dean and Chapter Muniments, Durham, Register Parva IV, 171v-172.

⁵³⁹ *CPR 1494-1509*, p. 652.

⁵⁴⁰ See below, ch. 4, pp. 181-3.

commission was an unusual step, possibly motivated by the accusations of negligence and manipulation of royal justice which were already dogging Dacre's career. This measure cannot have been found practicable, however, since Dacre had certainly been reinstated by 1518.⁵⁴¹

Similar patterns can be detected in the appointment of the Cumberland commission, although it is evident that considerably less royal attention was lavished upon the strategically less significant west march. Henry VII did not issue a new commission until 24 March 1487, and although Cumberland had been one of the principal foci of his predecessor's affinity, the new king made comparatively few changes to the basic make-up of its bench. Of the nine justices appointed by Henry, two had been on Richard III's last commission, and a third, Thomas Broughton, had been a member of the commission until June 1483. Three other men, Sir John Huddleston of Millom (who had been employed by Richard in Essex and Worcestershire),⁵⁴² Thomas, Lord Dacre, and William Thornburgh, replaced family members. John Pennington and Sir Richard Salkeld, another Ricardian retainer, were also added. Broughton, Huddleston and Thornburgh were included despite their involvement in Humphrey Stafford's rebellion the previous summer.⁵⁴³ Devoid of connections in the region, Henry was forced to rely mainly on his predecessor's retainers. However, the appointment of John Eglisfeld and (following Broughton's attainder in November 1488)⁵⁴⁴ Sir Henry Wentworth, further demonstrates Henry's concern to control the commission. Neither Eglisfeld nor

⁵⁴¹ The fact that Dacre was able to examine Thomas Pott of Redesdale about robberies he had committed, and to execute him on his own authority, suggests that by this time he was in the *quorum* of the Northumberland bench. Henry's instructions to 'take especial regard to the punishment of riots, felonies, and maintainers of receivers', suggests that Dacre was once more the principal justice in Northumberland. E. Charlton, *Memorials of North Tynedale and its Four Surnames* (Newcastle, 1871), pp. 36-7.

⁵⁴² *HMS*, 433, I, 135; II, 115; III, 201; I, 222.

⁵⁴³ *CPR 1485-94*, p. 132. They received pardons on 17 August (*CPR 1482-94*, p. 119).

⁵⁴⁴ *Cal. Inq. HVII*, III, 373.

Wentworth held any lands in Cumberland, but the former's service to Henry dated back to his exile in Brittany,⁵⁴⁵ and the latter was a knight of the body and constable of Knaresburgh, who had helped the earl of Surrey to quell the Yorkshire tax rebellion.⁵⁴⁶ In the realms of justice, no less than in those of border defence, Dacre was to be denied the influence enjoyed by his predecessor wardens.

However, in the west march, the achievement of a truce with the Scots in 1497 was to herald a relaxation of royal control over the county bench, as it had done over the military administration. Several Dacre followers were added to the Cumberland bench in this period. In 1499, Dacre's kinsman, Thomas Curwen of Workington, received a commission. His close connection with the warden is suggested by his involvement in the Dacre-led riot against the abbot of Holme in 1487.⁵⁴⁷ The two new additions to the Cumberland bench in February 1503 also had links with the family. Thomas Beverley was the warden's servant, and Henry Denton's family had Dacre connections.⁵⁴⁸ Henry VIII's first peace commission, issued in November 1509, also included John Hutton of Thwyate, Huttonroof, and Woodhall, and Hugh Hutton of Middlescough and Hutton John. The Huttons are listed by Mervyn James as Dacre connections, whose service the third lord probably acquired along with his wife, Elizabeth Greystoke.⁵⁴⁹ In 1521, Geoffrey Lancaster, whom Dacre retained as legal counsel, was also added to the

⁵⁴⁵ He is described as the king's servant in a grant made on the day of Bosworth. On 22 August 1485, he was granted the office of bailiff of lordship of Skirpenbeck and the Sheriff Hutton lordship of Elvington in Yorkshire (*CPR 1485-94*, p. 24). On 10 October 1485, he was appointed gaoler and porter of the castle of York, and bailiff of Roos and Rise in Holderness (*CPR 1485-94* p. 66).

⁵⁴⁶ Wedgwood and Holt (eds), *History of Parliament*, II, p. 934.

⁵⁴⁷ Ellis, *Tudor Frontiers*, p. 103; STAC 2 26/11.

⁵⁴⁸ *LP*, I, 1297, 3170; *Ibid.*, II, 63; M.E. James, *Society, Politics and Culture: Studies in Early Modern England* (Cambridge: Cambridge University Press, 1986), p. 142.

⁵⁴⁹ Huttonroof and Hutton John were held from the barony of Greystoke. James, *Society, Politics and Culture*, p. 142.

commission.⁵⁵⁰ And in April 1524, he was joined by William Lancaster of Sockbridge, son of Dacre's steward in Westmorland.⁵⁵¹

The powers conferred upon the duke of Richmond's council in 1525 suggest that one of its main tasks would be the reformation of justice within the northern counties, and in fact, one of its first acts was to take precautionary recognizances from all the northern gentry and nobility.⁵⁵² Its members were given a commission of *oyer et terminer*, empowering them to hear all criminal cases.⁵⁵³ Every member of the council was included on the commissions of the peace for Cumberland, Westmorland and Northumberland, issued 11 August 1525.⁵⁵⁴ Indeed, there seems to have been a real need for reform, particularly in the latter county. The Northumberland bench seems to have been rather inactive; by August 1525, petitions were being entered for quarter sessions to be held regularly in the county each year.⁵⁵⁵ Matters were not much better in Cumberland, where the commissions issued in 1520 included only four men, other than the justices of assize, who could realistically be expected to sit: Sir Christopher Dacre, Sir Thomas Curwen, Hugh Hutton and William Beauley.⁵⁵⁶ On 12 April 1521, Dacre reported that there had been no *custos rotulorum* in Cumberland since the previous occupant had died a year ago.⁵⁵⁷ However, there was to be no new commission until April 1524, and this did little to address the issue, for while two men, Geoffrey and William Lancaster, were added, Hugh Hutton was removed.⁵⁵⁸

⁵⁵⁰ Ellis, *Tudor Frontiers*, p. 104.

⁵⁵¹ *Ibid.*, p. 104.

⁵⁵² *LP*, IV, 5749, 5815.

⁵⁵³ *Ibid.*, IV, 1596.

⁵⁵⁴ *Ibid.*, IV, 1610.

⁵⁵⁵ *Ibid.*, III, 3286.

⁵⁵⁶ *Ibid.*, I, 1081.

⁵⁵⁷ *Ibid.*, III, 1225.

⁵⁵⁸ *Ibid.* (new edn), I, 297.

The renewal of the benches in 1525 seems to have done little to improve matters. On 27 August 1526, Magnus wrote to Wolsey that there were so few justices in Northumberland that quarter sessions had not been kept for a long time there.⁵⁵⁹ The Crown had not been insensitive to the needs of the local justice. As well as the members of the duke's council, the commission issued in 1525 had included Robert, Lord Ogle; William Hilton; Sir William Heron of Ford; Sir William Ellercar; Sir Edward Ratcliffe; Sir John Heron of Chipchase; Sir Edward Grey of Chillingham; Thomas Horsley; George Swinburne of Nafferton; Lionel Grey; Robert Claveryng; Robert Collingwood of Eslington; Thomas Strangways; and Christopher Mitford. Magnus' complaint does not speak very highly for the enthusiasm exhibited by these gentlemen for their task. The Northumberland worthies were no keener to perform their duties as justices under the aegis of the duke's council than they had been before its advent.⁵⁶⁰ The council was unable to answer the plea for the reintroduction of quarter sessions, although it does at least appear to have ensured that sessions were at held twice a year in Northumberland.⁵⁶¹

The Cumberland commission was also enlarged in 1525. The addition of the members of the duke's council can hardly have constituted a great improvement, since they never attended a session at Carlisle.⁵⁶² The other men appointed included Henry Clifford, Earl of Cumberland, Sir William Hilton, and Sir John Lowther; and on 30 January 1526, a commission was issued to Cumberland, Hilton, Sir Christopher Dacre

⁵⁵⁹ *Ibid.*, IV, 2435.

⁵⁶⁰ *Ibid.*, IV, 3425.

⁵⁶¹ Sessions were held in spring and November 1527 and in April and November 1528. *LP*, IV, 2801, 3610, 4042, 3610.

⁵⁶² Magnus wrote regular reports on the activities of the council, and although there are references to its attendance at the Newcastle assize, there is no mention of him, or the other councillors, travelling to Carlisle.

and Geoffrey Lancaster, to enquire into riots perpetrated by Dacre tenants.⁵⁶³ However, two months later, Sir Christopher was to complain that there were no justices of the peace within the county but himself and Geoffrey Lancaster, and that no sessions of the peace could be held until this was remedied.⁵⁶⁴ He requested that a commission be sent to Sir John Ratcliffe of Derwentwater, Sir John Lowther and Thomas Beverley, 'whereby the king's grace may be served and justice ministered as unto his laws appertains'. Dacre was apparently unaware that Lowther had already been sent a commission.⁵⁶⁵ In 1528, a special commission was addressed to Sir Thomas Clifford, Sir John Lowther, Geoffrey Lancaster, and Sir Christopher but, from the account given by Lancaster and Dacre of the following November quarter sessions, it is clear that they were still the only active justices within the county.⁵⁶⁶

The justices of the far north also experienced the same difficulties as did the assize in obtaining verdicts of local juries. In July 1524, Thomas Charleton of *Caryteth*, Tynedale, was acquitted of charges brought against him at a session before the justices of the peace.⁵⁶⁷ Presumption of his innocence is rather undermined by his activities the following March, as one of the principal captains of a band of over 400 thieves hailing from Tynedale, Bewcastledale and Gilsland.⁵⁶⁸ Similar problems seem to have prevailed in Cumberland. On 4 March 1528, a special session of the peace was held to enquire into the matter of the escape of Richie Graham from Carlisle castle. Due to the 'great labour'

⁵⁶³ KB 9/501/1, fo. 6.

⁵⁶⁴ *LP*, IV, 2052. The letter is dated 26 March, and in the *Letters and Papers* it is dated to 1524. However, the reference to 'my late lord Dacre deceased' places it after 24 October 1525, when Dacre died of a fall from his horse (*Clifford Letters of the Sixteenth Century*, ed. A.G. Dickens, Surtees Society 172 (1962), p. 99).

⁵⁶⁵ SP 1/37, fos 250-1.

⁵⁶⁶ SP 1/50, fos 202-7.

⁵⁶⁷ *LP*, IV, 482.

⁵⁶⁸ SP 1/34, fos 113-14.

exerted over part of the jury, only one of the four men implicated was found guilty.⁵⁶⁹ This case illustrates the importance of maintaining an adequate number of justices of the *quorum*, before whom cases could be heard without a jury.⁵⁷⁰ Sir Christopher and Magnus complained about the neglect of the *quorum* within Cumberland and Northumberland respectively. By March 1526, there was in fact only one member of the *quorum* who could act for Cumberland: Geoffrey Lancaster, who was, in addition, acting in this capacity in Westmorland, and as *custos rotulorum*. Five months later, Magnus suggested that sessions in Northumberland had ground completely to a halt, partly due to this lack of *quorum* members. Potential candidates were put forward: in Cumberland, Sir John Lowther and Thomas Beverley;⁵⁷¹ in Northumberland, Sir Christopher himself, Christopher Mitford, and Cuthbert Ratcliffe, the sheriff.⁵⁷²

The importance of the *quorum* was again underlined by the fate of a special commission appointed to enquire into riots instigated by William, Lord Dacre in 1528. Geoffrey Lancaster was still the sole occupant of the *quorum* in Cumberland, despite Sir Christopher's pleas. Thus the session could not be held in Lancaster's absence, and it was a simple matter for Dacre to 'disappoint' it, by keeping Lancaster at Naworth on the day appointed.⁵⁷³ A second attempt to try the case, at the county quarter sessions held on 6 October 1528, further emphasises the point. Predictably, given that the defendant was the most important landholder in the county, warden of the west march and a JP himself, the jury demonstrated considerable reluctance to deliver a verdict. The panel sat all day until

⁵⁶⁹ BL, Caligula B.VII, fos 220-222v; SP 1/47, fos 183-4. A full account of this is given in ch. 5, pp. 213-16 – it seems unlikely that Graham's escape could have been contrived by one man alone.

⁵⁷⁰ *The Tudor Constitution: Documents and Commentary* (Cambridge, 1960), ed. G.R. Elton, p. 471.

⁵⁷¹ SP 1/37, fos 250-1.

⁵⁷² LP, IV, 2435. Interestingly, Sir Christopher implied that the office of sheriff disabled him from acting in the *quorum* (SP 1/37, fos 250-1); presumably this would also have ruled out Ratcliffe.

⁵⁷³ LP, IV, 4790; SP 1/50, fos 223-4.

eight o'clock, refused to give a verdict, and dispersed without licence – in most cases failing to return the following day. Those who remained had still not reached a verdict by midday, at which point Sir Christopher, claiming the pressing calls of Wolsey's business, departed, leaving Geoffrey Lancaster to finally receive the verdict.⁵⁷⁴ The copies of the indictments forwarded to the Council were sent on to Wolsey, because it considered itself 'insufficient' to order and determine the matter. Just four of those indicted had been committed to ward. The council had sent for 'divers others of the head and principal movers, stirrers and procurers of the said riots to be punished accordingly to their demerits', but there was little likelihood that the council would succeed where the sheriff and JPs had failed.⁵⁷⁵

One of the justices' most important tasks was the taking of sureties or pledges from offenders for their future good behaviour. However, this measure was only adequate so long as such pledges could be enforced. Cases such as that of John Heron, who incited his son Anthony, and Sir Roger Grey of Horton, to murder Alan Elder of Warkworth, despite having been bound to keep the peace after a previous quarrel with the man, indicate little expectation that this would be the case.⁵⁷⁶ When Sir Humphrey Lisle attacked the prior of Brinkburn in 1514, Dacre was perfectly aware that Lisle, who had disobeyed him before, would not attend him; nor were his fellow justices Sir Edward Ratcliffe and John Bednel able to make Sir Humphrey appear before them, much less take surety from him against future attacks. The inability of the justices to deal with Sir Humphrey is evident from the fact that Dacre could not let the prior leave, for fear he would be murdered. In August 1514, Dacre reported the whole matter to the council. His

⁵⁷⁴ SP 1/50, fos 202-7.

⁵⁷⁵ SP 1/50, fos 223-4.

⁵⁷⁶ LP, III, 1920.

suggestion that, unless the Crown chose to take special action in the matter, it should be allowed to rest, is a further admission of the justices' impotence.⁵⁷⁷ The sole action taken by the Crown was to appoint Sir Humphrey to the county peace commission the following March. In 1521, Sir William Lisle, father of the new JP for Northumberland, illegally occupied the tithe corns of Acton, which belonged to the canons of Brinkburn, for two years, against their will and without paying rent. When one of the canons, Richard Lighton, attempted to resist Sir Humphrey, he was murdered, evidently with no fear of reprisals.⁵⁷⁸

iii) The sheriff

A lack of Crown interest in the prosecution of justice in the border counties is also suggested by the frequent periods during which the office of sheriff was unoccupied, especially during peace with Scotland. In 1498 and from 1500 to 1501, Northumberland had no sheriff.⁵⁷⁹ Sir Christopher Dacre was selected as sheriff of Northumberland in November 1520,⁵⁸⁰ but there seems to have been no appointment the following year, for Dacre's letter of 23 April 1521 complained that sheriffs had been appointed neither for Northumberland nor for Cumberland.⁵⁸¹ By 21 December, the situation remained unaddressed, causing 'thieves and misguided men to be of evil demeanour because there was no punishment'.⁵⁸² There seems to have been no new appointment, in either county, until 2 February 1522.⁵⁸³ Nor was the practice of granting control of the shrievalty to

⁵⁷⁷ *LP*, I, 3170.

⁵⁷⁸ *Ibid.*, III, 1920.

⁵⁷⁹ *CFR*, *Hen. VII*, nos 800, 809.

⁵⁸⁰ *LP*, III, 1042.

⁵⁸¹ *Ibid.*, III, 1255.

⁵⁸² *BL*, *Caligula B.II*, fo. 262.

⁵⁸³ *LP*, III, 2020.

local magnates discontinued under the Tudors. On 12 February 1488, Henry VII appointed the fourth earl of Northumberland sheriff of his comital county during pleasure.⁵⁸⁴ From 1506, the office was farmed by Nicholas Ridley of Willimoteswick in Redesdale, one of the more lawless members of the border gentry, for 100 marks, later £100, a year;⁵⁸⁵ but in 1515, Dacre was granted the right to nominate the sheriff, a privilege he enjoyed until 1522.⁵⁸⁶ As Wolsey unequivocally acknowledged, this meant that the officer in question would be ‘much governed’ by the warden.⁵⁸⁷ Dacre also seems to have regained control over the office during his short-lived second term as warden of the east and middle marches. In Cumberland, in line with the pattern of appointments of JPs, Henry VII’s grip on the office slackened. From 1497 to 1505, Dacre was granted the farm of the office of sheriff.⁵⁸⁸ Henry also restored the Cliffords to their hereditary occupation of the shrievalty of Westmorland at the beginning of his reign, although the tenth lord Clifford certainly demonstrated little ability or enthusiasm for the office.⁵⁸⁹ An inquisition dated 8 May 1504 paints an unedifying picture of the way in which Clifford’s deputies dispensed their duties. During his period as undersheriff (1487-1504), Sir Roger Bellingham of Burnanside used his position to enrich himself considerably. James Godmond was killed fighting on the wrong side at Stoke (1487), upon which Bellingham entered his lands, the issues and profits of which he was still enjoying some seventeen years later. William Kechyn, taken for felony on 8 September 1499, was allowed to escape before he was even brought to court – it is implied that he had cut a deal with

⁵⁸⁴ *CPR 1485-94*, p. 201.

⁵⁸⁵ Ellis, *Tudor Frontiers*, pp. 53-4.

⁵⁸⁶ BL, Caligula, B.VI, fo. 209. On the sheriff’s roll of 7 November 1515, the three nominees, Robert Colingwood, William Swinburne and Robert Clavinging, have been crossed out and Nicholas Harrington inserted in their place by Wolsey (*LP*, II, 1120).

⁵⁸⁷ *Ibid.*, II, 2460, 2481.

⁵⁸⁸ *CPR 1495-1509*, p. 502.

⁵⁸⁹ Conway, *Relations*, App. XLV, pp. 236-9.

Bellingham. On 5 February 1502, Bellingham seized the goods of William Warrener, a felon who had fled the country. When Warrener returned, Bellingham allowed him to go publicly about his business without let or hindrance – and kept them.⁵⁹⁰

The uses to which the sheriff's office could be put were also to be illustrated in Northumberland. In 1511, Thomas Grey, heir of Ralph Grey of Wark and Chillingham, and the ward of Thomas Ruthall, bishop of Durham, died. Shortly afterwards, his erstwhile guardian wrote to Wolsey, complaining of the injuries suffered by himself and Grey's rightful heirs, through want of impartial administration of justice on the part of Thomas, Lord Dacre. Upon the child's death, Dacre allowed no-one to consult the evidence concerning lands which, Ruthall claimed, belonged to Thomas' sisters, and the warden had offered large sums of money for the interest of their husbands. Dacre claimed that these lands should descend to Edward Grey, one of the heirs male, with whom he was bargaining for their reversion. His brother, Sir Phillip, claimed that he had evidence to defeat any claims that the property had been entailed elsewhere. Ruthall appealed to Wolsey to prevent any injury being done to the sisters until the evidence was brought into the hands of responsible persons, and strictly examined. He suggested that the question should be tried at the assizes to be held at Newcastle that August, and that Edward Grey, who had taken his claim on the lands to court, should be prevented from meddling with their revenues.⁵⁹¹ Seven years later, nothing appears to have been done. In June 1518, Frankeleyn, Ruthall's chancellor, wrote to him, urging that the justices of the peace for Northumberland should make Dacre and his brothers Phillip and Sir Christopher deliver all such evidence that they possessed concerning Grey's lands, including that relating to

⁵⁹⁰ *CFR Hen. VII*, no. 822.

⁵⁹¹ *LP*, I, 1924.

heirs general. Edward Grey confessed that Dacre had 'by crafty means' caused him to be bound in the sum of £500 'to release all such lands as the said Lord Dacre could possess him of'.⁵⁹² However, by October, the case had been referred to Dacre and the sheriff of Northumberland, to which position Dacre's servant, Christopher Thirkeld, was appointed eight days later. Wolsey persuaded Ruthall to be 'good lord' to Dacre, the cardinal's client, 'upon consideration and agreement had of that thing that shall be found his right'.⁵⁹³

The sheriff's legitimate duties do not appear to have been exercised in such an effectual fashion. On 26 November 1498, a precept was addressed to the sheriff of Northumberland to arrest various members of the Hedley, Rede, Charleton and Robson clans, in the event of their failing to submit themselves to Thomas Darcy, lieutenant of the east and middle marches. If they were not taken within eight days, all persons of the said surname were to be arrested by the sheriff as the king's outlaws, traitors and banished men.⁵⁹⁴ The proclamation of Bishop Richard Fox's 'Monition Against the Notorious Thieves of Tynedale and Redesdale' two months later, suggests that the sheriff had met with little success. The 'infamous and blatant robbers of Tynedale and Redesdale' still freely shifted their 'plunder of cattle and moveables back into the highlands by night or day', and boasted openly 'in taverns and public places' of their crimes.⁵⁹⁵ On 17 August 1513, Dacre complained that Gawain Ogle had been permitted to escape by the sheriff, Edward Ratcliffe.⁵⁹⁶ In 1526, Sir William Ellercar sent his servants to Sir William Lisle's lordship of Felton to execute a replevyn, which he had

⁵⁹² SP 1/16, fos 313-14.

⁵⁹³ SP 1/17, fos 147-8.

⁵⁹⁴ *CPR 1494-1509*, p. 160.

⁵⁹⁵ Charlton, *Memorials of North Tyndale*, p. 28.

⁵⁹⁶ *LP*, I, 4403.

awarded against Lisle for unlawful distraint. Lisle, determined that ‘neither the king nor any other his officers...should meddle within his said lordship’, retaliated by riotously entering Ellercar’s lands, accompanied by 100 men, and seizing 40 head of cattle.⁵⁹⁷ In response to the sheriff’s ‘good and gentle’ remonstrations, Lisle asserted, ‘in a great fume’, that ‘there is neither king nor his officers that shall take any distress upon my ground, or have ado within the liberties at Felton, but I shall take another for it, if I be as strong as he, and can be able to make my party stand’.⁵⁹⁸

Between 1515 and 1522, the shrievalty of Northumberland was held by Dacre’s servants, successively: Nicholas Harrington, a tenant of Dacre’s estate of Burgh-by-Sands;⁵⁹⁹ Richard Thirkeld, Dacre’s servant;⁶⁰⁰ Phillip Dacre, his younger brother;⁶⁰¹ Christopher Thirkeld, also in Dacre’s service;⁶⁰² George Skelton, who was to die in the service of Dacre’s son;⁶⁰³ and Sir Christopher Dacre, another brother.⁶⁰⁴ On 2 February 1522, Sir William Ellercar was appointed to the office, but by 23 April 1523, the office was once more in Phillip Dacre’s hands,⁶⁰⁵ and he was still exercising it by 21 December that year.⁶⁰⁶ With the exception of Ellercar, appointed during the brief hiatus in Dacre’s tenure of the wardenship of the east and middle marches, these were all men whose lands and connections lay in the west march, which can hardly have made them more effective than him in enforcing justice in Northumberland. The gentlemen of that county clearly espoused this verdict, for in 1523 they petitioned the king that, ‘for the ministering of

⁵⁹⁷ BL, Caligula B.III, fos 45-6.

⁵⁹⁸ *LP*, IV, 2370.

⁵⁹⁹ *Ibid.*, II, 1120; *Cal. Inq. HVII*, II, no. 44.

⁶⁰⁰ *LP*, II, 2533; BL, Add. MS 24,965, fo. 86.

⁶⁰¹ *LP*, II, 3783.

⁶⁰² *Ibid.*, II, 4562; III, 3639.

⁶⁰³ *Ibid.*, III, 500.

⁶⁰⁴ *Ibid.*, III, 1042.

⁶⁰⁵ BL, Caligula B.II, fo. 160.

⁶⁰⁶ BL, Add. MS 24,965, fo. 206. Ellercar was reappointed 10 November 1524 (*LP*, IV, 819).

justice within his grace's county of Northumberland', all the sheriffs of Northumberland should receive pardons for their accounts, and 'substantial men' appointed in their places.⁶⁰⁷ A similar fate attended Thomas Clifford's brief period in office as sheriff of Cumberland, during his brother's ill-starred appointment as vice-warden of the west march. On 16 December 1525, Clifford's servants were set upon and nearly murdered, when they tried to prevent the riotous assembly of Dacre tenants in Carlisle.⁶⁰⁸ By the following March, Sir Christopher had replaced Clifford as sheriff; either he relinquished the office in disgust, or his inefficacy was such that even the Crown could not ignore it.⁶⁰⁹

iv) Complicity and maintenance

The task of those responsible for enforcing justice was made harder by the fact that almost all the gentlemen of Northumberland were guilty of maintaining thieves and murderers.⁶¹⁰ The foremost men of the region were accused of protecting and hiding the thieves from justice 'for the benefit of partaking of their robberies'.⁶¹¹ After the murder of Canon Lighton, Sir Humphrey Lisle was hidden in Northumberland, 'in secret places';⁶¹² and in 1524, Sir Nicholas Ridley set one Henrison, a thief, at liberty, ignoring Dacre's command that the man should be delivered to him, as justice of the peace for Northumberland. When Dacre's servant arrested Henrison, Sir Nicholas sent his son to

⁶⁰⁷ The petitioners were Sir William Eure, John Withrington, Cuthbert Ratcliffe, John Horseley and Lionel Grey. *LP*, III, 3286.

⁶⁰⁸ KB 9/501/1 fo. 6.

⁶⁰⁹ *LP* IV, 1795. The *Letters and Papers* suggests that Dacre was appointed sheriff of Cumberland in November 1525. However, this indictment names Clifford as sheriff on 16 December (KB 9/501/1, fo. 6). Dacre was certainly sheriff by 26 April 1526 (SP 1/37, fos 250-1).

⁶¹⁰ *LP*, III, 3240.

⁶¹¹ Charlton, *Memorials of North Tyndale*, p. 28.

⁶¹² *LP*, III, 1920.

sue for his pardon.⁶¹³ Ridley was also responsible for aiding his brother, William, to escape to Scotland.⁶¹⁴ On 11 June 1523, Wolsey ordered Dacre to keep Nicholas in ward until he had forced him to assist in William's apprehension, but this Dacre was clearly unable to do.⁶¹⁵ On 20 May 1524, Sir Ralph Fenwick was ignominiously ejected from Tynedale during an attempt to arrest William, and he was still at large on 30 March the following year.⁶¹⁶ In 1523, in a memorandum of the misdemeanours of the gentlemen of Northumberland, Sir William Lisle was accused of having arrested, and then subsequently released, John and Ralph Hall, Redesdale men. John Hall had still not been brought to trial the following September.⁶¹⁷ In 1524, Lisle ignored Dacre's demand that he hand over the Storeys of Redesdale, whom he was keeping at Alnwick.⁶¹⁸ Hodge Fenwick of Attercop apparently entertained William Aynesley, a Scot, eight days out of every month; and Thomas Langton of Langley took certain Tynedale men stealing, and let them go.⁶¹⁹ In July 1525, Sir William Eure summed up the situation: the gentlemen of Northumberland would rather have the favour of the thieves than arrest them.⁶²⁰

Royal officers were clearly unable to address this problem. In 1523, Eure felt that the only measure which could achieve the reformation of justice upon the east and middle marches was to bring all those guilty of maintenance before the king's council. However, correspondence with Westminster yields little evidence that the Crown was prepared to offer such direct support to the men it had appointed to maintain order in the far north. Dacre's letter regarding the Lisles' ill-treatment of the prior of Brinkburn demonstrates

⁶¹³ *Ibid.*, IV, 346.

⁶¹⁴ *Ibid.*, IV 405.

⁶¹⁵ *Ibid.*

⁶¹⁶ SP 1/34, fos 113-14.

⁶¹⁷ *LP*, IV, 463.

⁶¹⁸ *LP*, IV, 329.

⁶¹⁹ BL, Add. MS 24,965, fo. 169.

⁶²⁰ SP 1/35, fos 60-1.

that he was dubious about his chances of receiving support from the king and council.⁶²¹ A bill of names of those maintaining criminals sent up by Dacre to Wolsey in 1518 was evidently ignored.⁶²² In June 1522, the bishop of Carlisle reported that Cumberland, Northumberland and Hexham 'goeth, and shall more, to waste', not because of the activities of the Scots, but due to the theft and extortion of English thieves.⁶²³ As lieutenant-general of the north from July 1522, the earl of Shrewsbury was instructed to administer impartial justice and to repress and punish riots, to command all persons breaking the peace to appear before him, and to take bail for their good conduct.⁶²⁴ However Shrewsbury's lieutenancy was essentially a short-term military post and there is no evidence that he attempted to deal with the problem. By 15 August 1523, central government had clearly woken up to the problems of law and order in the far north, and Shrewsbury's replacement, the earl of Surrey, was commanded to execute 'extreme justice', although his suggestion that this should be deferred 'for a season' was accepted.⁶²⁵ Surrey was ordered to remain in the north to bring into good condition a country which, he reported, had been nearly ruined by continual murders and thefts.⁶²⁶ However, when Dacre requested Wolsey in 1524 to have the king write 'sharply' to Sir Nicholas Ridley for the apprehension of his kinsman William, he received the cool response that it was not fitting that the king should write to such a malefactor.⁶²⁷ Royal justice in the counties could be flouted with impunity, and there was little fear of an apparently indifferent central government 300 miles away. It was little wonder that the

⁶²¹ *LP* (new edn), I, 3170.

⁶²² *Ibid.*, II, 4676.

⁶²³ BL, Caligula B.I, fos 39-40.

⁶²⁴ SP 49/1, fos 140-3.

⁶²⁵ *LP*, III, 3241.

⁶²⁶ *Ibid.*, III, 3240.

⁶²⁷ *Ibid.*, IV, 405.

whole country regarded talk of administering justice there as an insubstantial threat, designed only to frighten them.⁶²⁸

The situation was more serious when royal officers themselves maintained criminals, and exhibited their good lordship by allowing their activities to go unchecked. The Crown clearly expected Dacre, as warden, to reprise the additional role of his predecessors in maintaining law and order within the counties under his command. However, Dacre was himself one of the principal offenders. In 1511, Ruthall complained that Dacre was maintaining two thieves at Carlisle castle, Gerald Twedall and Gerald Newby, who had committed felony in his bishopric.⁶²⁹ Similarly, in September 1523, two of Dacre's tenants, arrested for theft by the earl of Surrey's men, were rescued by their kinsmen. It was subsequently rumoured that 'they should never have been taken away if my lord Dacre had not been content therewith', and that he had previously suffered 'the taking of others from his men and slaying them and also breaking of his castle without revenging the same'.⁶³⁰ Similarly, when the earl of Cumberland was appointed to the west march, Dacre's son frustrated his efforts to proceed against his tenants. When Thomas Clifford, the earl's lieutenant of Carlisle, was sent to arrest Anthony Armstrong, one of the young Lord Dacre's tenants, Dacre's bailiff of Askerton resisted him. Robert Tweddale of Orchard House, Gilsland, indicted for march treason, was also kept among Dacre's tenants there.⁶³¹

⁶²⁸ *Ibid*, III, 3240.

⁶²⁹ *Ibid*, I, 1924.

⁶³⁰ BL, Add. MS 24,695, fo. 41.

⁶³¹ SP 1/48, fos 238-41.

v) The surnames

It was, however, the third Lord Dacre's association with the inhabitants of the liberties of Tynedale and Redesdale that roused the ire of Northumbrians and inhabitants of Durham to fever pitch, and ultimately brought about his downfall. His association with Redesdale probably dated from his appointment as lieutenant of the middle march in 1502, when Sir George Tailboys, lord of the liberty, gave him custody of it, along with Harbottle castle.⁶³² From the beginning of Dacre's first term of office as warden of the east and middle marches, the bishop of Durham was complaining about the injuries done to his tenants by those who lived under Dacre's rule, and appealing to central government to enjoin him to bring all offenders to the next assize.⁶³³ The first indication of a real problem with the enforcement of law and order in the far north in Henry VIII's reign comes in a letter by William Frankeleyn, chancellor of Durham, to his master. Frankeleyn had clearly been reporting the spoils and robberies committed by the men of Tynedale and Redesdale for some time. The bishop now instructed him to hold a session of the peace, at which bills relating to depredations committed within the bishopric since the first year of Henry's reign might be presented. Frankeleyn claimed that three or four hundred people would attend to make 'exclamations' of Dacre and Ralph Fenwick, keeper of Tynedale, presumably for maintaining the authors of the 'despoils'. Frankeleyn advised Ruthall to get the king to appoint a commission, headed by Lords Darcy and Conyers, to enquire into the affair. This clearly bore fruit. On 25 November, Henry

⁶³² Ellis, *Tudor Frontiers*, p. 149.

⁶³³ *LP*, I, 1924.

himself wrote to Dacre, desiring to be informed of the truth of certain alleged riots in Northumberland and unlawful assemblies in Tynedale and Redesdale.⁶³⁴

In the same year, ten of the principal thieves of Redesdale escaped from the custody of Dacre's servants, and he had to defend himself against charges that he had looked the other way.⁶³⁵ In June 1522, the bishop of Carlisle reported that that 'there is more theft, more extortion by English thieves than there is by all the Scots of Scotland. There is no man which is not in a hold strong that hath or may have any cattle or movable in surety through the bishopric and...all Northumberland likewise'. If their victims either resisted the thieves or reported them, the justice system could not prevent reprisals.⁶³⁶ The complaints which the Northumbrian gentry made against Dacre dwelt especially on his failure to control the surnames of Tynedale, Redesdale, Bewcastledale and Gilsland.⁶³⁷ In March 1524, Dacre was accused of exercising 'favour, partiality or remiss dealing' towards certain offenders who preyed on the open markets and towns of Hexham and other places.⁶³⁸ He was warned that any 'remiss demeanour' and 'colourable delays' in the future punishment of malefactors would be laid to his charge.⁶³⁹ That November, Frankeleyn reported that since the departure of the Duke of Norfolk (and Dacre's re-appointment as warden of the east and middle marches), the inhabitants of the bishopric of Durham were 'daily oppressed' by the activities of the inhabitants of Tynedale, Redesdale, Gilsland and Bewcastledale, which included robbery, house-breaking and the kidnapping of Englishmen, who were subsequently taken into

⁶³⁴ SP 1/17, fos 223-4.

⁶³⁵ *Ibid.*

⁶³⁶ BL, Caligula B.I, fos 39-40.

⁶³⁷ Ellis, *Tudor Frontiers*, p. 162.

⁶³⁸ BL, Add. MS 24,965, fos 236-8v.

⁶³⁹ BL, Caligula B.III, fos 38-41.

Scotland.⁶⁴⁰

Dacre's final dismissal from the office of warden of the east and middle marches does not appear to have affected his relationship with the surnames. On 1 April 1525, a raid was made on Ingoe and Kirkheaton in Northumberland by a band of 400 thieves from Tynedale, Bewcastledale and Gilsland, accompanied by outlaws and Scotsmen, who 'overran the country to within eight miles of Newcastle'. Frankeleyn claimed that the thieves were 'much more riotous than ever they were before', because they were encouraged by a rumour, spread by Dacre's friends, that he was to be given 'the whole governance of the country'. As a result of this, Hexhamshire, and Weardale and other countries of the bishopric adjoining to the highlands, 'be every hour in danger utterly to be destroyed'. The chancellor concluded forebodingly that 'within brief time, if they be suffered, [they] shall so increase that hard it will be to repress them'.⁶⁴¹ At the end of the month Frankeleyn and Anthony Fitzherbert, justice of assize for the northern counties, complained that the same band continued to harass the inhabitants of Durham on a regular basis. The thieves' wives and servants were able to frequent the markets of Carlisle, Penrith and Hexham without hindrance. This could not happen, he contested, unless the rulers favoured them.⁶⁴² The thieves themselves admitted that 'they durst not make such enterprise without support', and the writers concluded that this was prompted by 'sinister policy', aimed at convincing the king that order could not be restored unless Dacre were reappointed to his office.

Frankeleyn included further evidence of Dacre's connections with the Tynedale thieves. Edward Todd, priest, testified that in his presence and that of his colleague John

⁶⁴⁰ SP/1 32, fo. 205.

⁶⁴¹ BL, Caligula B.III, fo. 159

⁶⁴² SP 1/34, fos 113-14.

Alde, Hector Charleton, ‘one of the most principal captains...of all the felonies and murders lately done by Tynedale men within the shire of Northumberland’, claimed that all his actions since Dacre went to London were committed at his master’s pleasure and commandment. Hector boasted that he, his brother Gerard, and other Tynedale felons, kept company together, ‘to espy bowrdes that he may cause the lord Dacre laugh when he comes home’.⁶⁴³ Frankeleyn chimed in with the by-now familiar refrain that the king’s subjects and Wolsey’s would be ‘utterly undone’ unless some provision was made. He advised that a letter should be sent in Dacre’s name to his brother, Sir Christopher, commanding him to take certain captains known to Dacre, for fear of the king’s displeasure. Dacre should be prevented from speaking to any of his countrymen or servants until this was accomplished.⁶⁴⁴ Sir William Eure provided similar evidence to this effect. On 26 July 1525, he sent a copy of the confession of Edward Charleton to Wolsey, in which Charleton stated that Dacre ordered his brother to warn John Bell of Bowesbank, John Bell of Clowes Geyll, and Hob and Peter Tweddell, ‘to shift themselves, for they were so complained of with the gentlemen of the bishopric of deceit and s[poil]...that he might not bear them’. The outlaw John Charleton was confident that Sir Christopher would give a similar warning before he raided them. Charleton also claimed that one Long Sym Armstrong had openly boasted that Sir William Eure and Sir Ralph Fenwick and their garrison at Tynedale should have ‘other thing to think of...for there should no man bear rule there but the lord Dacre and his, as long as he and his live’.⁶⁴⁵

⁶⁴³ SP 1/35, fo. 22.

⁶⁴⁴ SP 1/34, fos 113-14.

⁶⁴⁵ BL, Caligula B.II, fo. 276.

Central government quite clearly put the blame for the surnames' activities at Dacre's door. Wolsey and Surrey were agreed that if Dacre wanted to, he could 'in one day attach more of the thieves...than another man can do in ten'.⁶⁴⁶ In Dacre's second term of office as warden-general, Wolsey attributed his failure to reimpose law and order to perversity and unwillingness to do so.⁶⁴⁷ Ultimately, Dacre was committed to the Fleet prison for 'the bearing of thieves, and his treasons and negligence in punishment of them, and also his familiar and conversant bearing with them, knowing them to have committed felony'. He was required to enter into a recognizance of 5000 marks for recompense to be made by him to all persons who suffered 'damage or prejudice' during his administration of justice.⁶⁴⁸ Wolsey's letter of 1518 makes it clear that the warden was held responsible for the execution of justice 'in these parts under your governance'.⁶⁴⁹ Though the nature of the wardenship had changed, the dual role enjoined upon the warden by his commission of the peace had not. This is clearly reflected in Wolsey's direct comparison between Dacre's failure to punish and repress offenders, and the achievements of previous wardens: the duke of Gloucester and the earls of Warwick, Salisbury and Northumberland. When Dacre was unfavourably compared to Richard III, his stock was evidently pretty low.

In defence of his failure to enforce law and order, Dacre protested the distance he lived from Tynedale, and his lack of property near it.⁶⁵⁰ The same objection might have been applied more widely to the whole of the east and middle marches. Dacre's lack of

⁶⁴⁶ *LP*, III, 3384.

⁶⁴⁷ SP 1/30, fos 334-5; Gunn, *Early Tudor Government*, p. 63.

⁶⁴⁸ *LP*, IV, 3022.

⁶⁴⁹ BL, Caligula, IV, fo. 209.

⁶⁵⁰ SP 1/30, fos 334-5.

connections in Northumberland made him both unpopular and ineffectual as warden.⁶⁵¹ During both of his terms of office he was slandered by the lords and gentlemen of Northumberland,⁶⁵² they were backward in attending him,⁶⁵³ and his orders were disobeyed.⁶⁵⁴ Due to this intransigence, Dacre was often wholly dependent on the services of the men of Tynedale and Redesdale for the defence of the east and middle marches. In order to retain his allies and conduct the defence of the border, Dacre was forced to turn a blind eye to some of their less laudatory activities.⁶⁵⁵

Nor was the problem entirely of Dacre's making. Methods of dealing with the surnames had not changed since the fifteenth century. Royal officers still dealt with headsmen, and pledges were taken from each branch for the good behaviour of all its members. The inadequacy of this system is most thoroughly revealed in the correspondence of the 1520s. On 16 April 1523, the marquis of Dorset, Surrey's deputy-warden of the east and middle marches, wrote that the keeper of Tyndale, Ralph Fenwick, had taken ten men from Tynedale as sureties for their good behaviour.⁶⁵⁶ However, when Fenwick attempted to arrest the felonious William Ridley in November,⁶⁵⁷ William Charleton of Bellingham, accompanied by 200 men 'retained, bound and bodily sworn upon a book to him to always take his part', attacked Fenwick and chased him out of Tynedale.⁶⁵⁸ As Dacre complained, Surrey made no attempt to exact retribution for this,

⁶⁵¹ BL, Caligula B.II, fo. 300; SP 1/24, fos 152-3; BL, Add. MS 24,965, fos 236-8v.

⁶⁵² SP 1/5, fo. 69; BL, Caligula B.VI, fos 45-6; BL, Add. MS 24,965, fo. 239.

⁶⁵³ LP, I, 4556; III, 3544; BL, Add. MS 24,965, fos 258v-60.

⁶⁵⁴ LP, I, 4482; IV, 726.

⁶⁵⁵ SP 1/34, fos 113-14; BL, Caligula B III, fo. 159; SP 1/35, fo. 22; BL, Caligula B.II, fo. 276; Ellis, *Tudor Frontiers*, pp. 161-2.

⁶⁵⁶ LP, III, 2963.

⁶⁵⁷ The first reference to this is in the earl of Surrey's letter of 29 November 1523 (*Ibid.*, III, 3579).

⁶⁵⁸ *Ibid.*, IV, 346.

only 'taking abstinence with them touching their good demeanour and bearing'.⁶⁵⁹ By 20 May, Dacre had taken pledges of all the surnames of Tynedale except the Robson clan.⁶⁶⁰ The pledges included William Charleton, Thomas Charleton of *Caryteth* and his brother Hugo. Dacre had recently arrested Roger and Thomas Charleton and arraigned them at the Newcastle assize, since they had forfeited bonds entered into the previous August for themselves and 60 of their followers. Although some were executed, once again Roger and Thomas found sureties for most of them to keep the peace.⁶⁶¹ Roger was subsequently executed, along with William Charleton, but Thomas was acquitted, despite Wolsey's instructions.⁶⁶² The following year, he was at large again, at the head of a band of thieves from Tynedale and Redesdale, who, together with their fellows from Gilsland and Bewcastle, were committing mayhem.⁶⁶³ One of his fellows was William Ridley, whose attempted arrest had sparked off the whole situation at the end of 1523. The fact that he was still at large suggests that the surnames had, predictably, failed to perform the undertaking into which they had entered the previous May, to banish or deliver named offenders to the king's officers, and to assist them to execute justice in Tynedale.⁶⁶⁴

On 27 April 1525, Frankeleyn informed Wolsey that the rebels of Redesdale, having received a warning from Sir William Ellercar and Sir John Heron, were now prepared to make amends for their crimes on security of their lives and those of their pledges. However, Tynedale, under the leadership of Hector and Gerard Charleton refused to submit. By 6 May, Sir William Bulmer and Sir William Eure were maintaining

⁶⁵⁹ *Ibid.*, IV, 279.

⁶⁶⁰ BL, Add. MS 24,965, fo. 268v; *LP*, III, 3598; IV, 346.

⁶⁶¹ *Ibid.*, IV, 346.

⁶⁶² *Ibid.*, IV, 405, 482.

⁶⁶³ SP/1 32, fo. 205.

⁶⁶⁴ *LP*, III, 3958.

a garrison of 200 mounted archers on the border of Tynedale. Sir Ralph Fenwick and 100 men were stationed at Tasset Hall, 50 men were posted at Chipchase and another 50 at Hesleyside, making excursions against them every fortnight.⁶⁶⁵ On 26 July, Eure reported that the rebels of Tynedale, too, began 'to be weary of their troubles and make offers, their lives saved, to submit them to the king's pleasure'.⁶⁶⁶ Their offers were accepted, and in October, Frankeleyn reported that the rebels were now 'very penitent', and were sworn to the 'keeping of good rule hereafter, and ordering of themselves like good subjects, according to the king's laws'.⁶⁶⁷ Pledges were once again taken from the greatest offenders 'so that if any of the surnames for which they stand bound withdraw from justice, the pledge may be immediately executed, and another of the same surname taken in his place'. At the recommendation of the duke's council, Henry graciously agreed to 'respite for a time the extremity of such execution' as (it was optimistically stated) 'his highness all times...may take of them'. The council confidently predicted that 'this his deferring and sparing of execution of his justice, together with taking of pledges of them from time to time...shall be the only stay, means and policy of a general reformation of them forever'. Apparently, their own 'request and desire, above all other', was the appointment of a 'good and quick officer' to rule over them, 'that will not spare to bring them into justice when they offend at any time'. This, they promised, would provide the 'means and remedy to keep them in good order from henceforth'.⁶⁶⁸ In May 1526, Sir William Eure, lately appointed keeper of Tyndale reported that 'verily...the late misguided persons of Tyndale and Redesdale are now kept ...in such fear and dread' that

⁶⁶⁵ *LP*, IV, 1289; *SP* 1/34 fos. 205-6.

⁶⁶⁶ *BL*, Caligula B.II, fo. 274.

⁶⁶⁷ *BL*, Caligula B.VII, fos 73-4.

⁶⁶⁸ *Ibid.*

they were ‘obedient and willing to be ruled by the king’s laws’, and there were few complaints made of them by any of the king’s subjects – with only the exception of William Charleton, his brother John Charleton, and the Dodd brothers, Archibald and Matthew.⁶⁶⁹

However, both Eure and the surnames appear to have been over-optimistic about their ability to reform themselves. At least one of the pledges taken by the council at Pontefract escaped.⁶⁷⁰ That December, it was necessary to make special provision for the arrest of outlaws.⁶⁷¹ In June 1527, the problem took a new twist when Sir William Lisle and his son, Sir Humphrey (whose connections with the surnames of Redesdale had already attracted the Crown’s attention), broke out of Newcastle gaol and fled to Scotland, together with the Scottish and English thieves they freed.⁶⁷² As Magnus feared, the two men organized the thieves of both countries into a company, which inflicted even more damage than before. By 12 August, Sir William Lisle had proclaimed himself captain of all thieves, both of Scotland and England;⁶⁷³ and he and his company had stolen 40 horses, and taken a fiery vengeance on the town of Humshaugh, which belonged to Sir William Ellercar,⁶⁷⁴ the principal author of Lisle’s imprisonment.⁶⁷⁵ The Lisles and their adherents were still at large in September, creating disorder and burning Wardon.⁶⁷⁶ Their group now included Ogles, Fenwicks, Shaftos, Charletons, Dodds and Wilkinsons.⁶⁷⁷ A month later they were still committing outrages in Northumberland and

⁶⁶⁹ BL, Caligula B.VI, fos 484-6.

⁶⁷⁰ LP, IV 3795.

⁶⁷¹ *Ibid.*, IV, 1690; SP 1/40, fo. 59.

⁶⁷² *Ibid.*, IV, 3230.

⁶⁷³ *Ibid.*, IV, 3344.

⁶⁷⁴ *Ibid.*, IV, 3344, 3370.

⁶⁷⁵ *Ibid.*, IV, 2370, 2450.

⁶⁷⁶ *Ibid.*, IV, 3404.

⁶⁷⁷ *Ibid.*, IV, 3421.

their success was encouraging others to emulate their activities.⁶⁷⁸ Sir William Lisle and others of his band were indicted for treason and proclaimed traitors on the marches. The country was forbidden to assist them, and ordered to be ready to rise and repress them. Yet the outlaws, numbering nearly 100, continued to rob, spoil and take captives in Northumberland, and the duke's council could get little information on the offenders.⁶⁷⁹ The sheer impotence of the council and its deputies is starkly reflected in the correspondence of Sir William Eure, who, as sheriff of the county, vice-warden of the middle marches, and keeper of Tynedale and Redesdale, was primarily responsible for bringing the Lisles and their followers to justice. His letter to Wolsey of 27 October breathes frustration and defeat: while he lay at Harbottle, the outlaws came down the Tyne sixteen miles away, and he was unable to guard both places at once. Eure prophesied the destruction of the 'head' of Northumberland and the water of the Tyne by Christmas, and admitted that he was unable to rule Tynedale or defend the country in its present disorder.⁶⁸⁰ In November, Wolsey received an anxious letter from the council, forlornly admitting that it did not know what was to be done.⁶⁸¹

On 2 December 1527, Henry Percy, sixth earl of Northumberland, was appointed warden of the east and middle marches and bailiff of the rebellious Tynedale.⁶⁸² A memorandum in Magnus' hand instructed the earl that it would be impossible to keep the marches in good order until any individual from Tynedale and Redesdale might be brought immediately to answer to the king's laws – a task in which Northumberland's

⁶⁷⁸ SP 1/44, fos 117-8.

⁶⁷⁹ *LP*, IV, 3610.

⁶⁸⁰ *Ibid.*, IV, 3521; S. Cott, 'The Wardenship of Thomas, Lord Dacre, 1485-1525' (Unpub. MA Thesis, University of Manchester, 1971), App. XXIX, 2.

⁶⁸¹ Cott, 'Wardenship of Thomas, Lord Dacre', App. XXIX, 2.

⁶⁸² *LP*, IV, 3628; SP 1/45, fos 101-7.

predecessors had so signally failed.⁶⁸³ The ‘old customs or pretended privileges’ which had previously been an impediment to this were no longer to be tolerated.⁶⁸⁴ However, there was little that was new in the way in which the warden went about his task. On 11 and 15 January 1528, 500 inhabitants of Tynedale and 400 men from Redesdale submitted themselves to the new warden on their knees. He took eight pledges from the former and ten from the latter. The surnames agreed to be ‘of good behaviour’ to the king’s subjects; to appear whenever called upon to answer for past offences and to be ready to answer any future complaint; to apprehend any rebel, Scot or thief who entered their countries; to aid the Warden’s deputies, or any of the king’s subjects who were pursuing robbers through their countries; and to deliver suitable pledges. If any future offender failed to appear to answer for their crimes, the headsman of his surname would be required to deliver him to the warden. If this were not done, the pledge for the clan concerned would be ‘justified’,⁶⁸⁵ and the headsman must deliver another in his place.⁶⁸⁶ Considerable concessions: but they had been made – and broken – before. These conditions were no more or less than those which the earl’s predecessors had imposed – or rather, failed to impose. The new warden’s plan to keep the surnames in order differed not one whit from theirs.

However, the Lises’ surrender shortly afterwards probably did owe something to the earl’s extraction of pledges for good behaviour from the surnames who had harboured them.⁶⁸⁷ On 20 January 1528, shortly after their submission, William Charleton and other

⁶⁸³ SP 1/45, fos 101-7.

⁶⁸⁴ *Ibid.*

⁶⁸⁵ I.e. executed.

⁶⁸⁶ *LP*, IV, 3816.

⁶⁸⁷ William, Lord Dacre suggested that Sir William Lisle and his adherents had only submitted to the king because they had been turned out of Scotland. However, Nicholas Lisle confessed at his death that they were supported by Angus, Bothwell, and Maxwell. *Ibid.*, IV, 3914, 3816.

Tynedale men assisted the earl's tenant Thomas Eryngton to capture another William Charleton, described as the head rebel of all the outlaws, and Harry Noble, who had kidnapped the parson of Muggleswick.⁶⁸⁸ But clearly, not all the inhabitants of Tynedale and Redesdale regarded promises made to the earl as any more binding than those made to the duke's council. By 2 April 1528, the behaviour of the surnames was such that Northumberland executed six of the Tynedale pledges given in January, upon which, on 1 April, Tynedale men came 'in great number' to Newcastle, and once again submitted themselves to the king's gracious mercy and pardon.⁶⁸⁹ On 21 April, Northumberland adopted similar measures with regards to Redesdale, executing five of the pledges given in January, with similar results.⁶⁹⁰ The inhabitants of Tynedale and Redesdale continued to give pledges for their good behaviour,⁶⁹¹ but for the time, at any rate, it seemed as though the earl had, indeed, managed to 'get across that in this instance the government meant business'.⁶⁹² By April 1528, four months after the earl's appointment, Thomas Magnus' statement that 'the country is now in reasonable good order' seems to have owed less to wild optimism than the numerous similar claims which had been made over the past ten years.

The earl's success in controlling the surnames was partly due to the long-standing connections which the Percy family enjoyed with several of the surnames, especially the Charletons, the most important clan in Tynedale. The manor of Charlton, the ancestral seat of the chief grayne of the Charleton clan, belonged to the earl, and Charleton of

⁶⁸⁸ *Ibid.*, IV, 3849.

⁶⁸⁹ *Ibid.*, IV, 4133.

⁶⁹⁰ *Ibid.*, IV, 4203.

⁶⁹¹ *Ibid.*, V, 727; IX, 371.

⁶⁹² Gwyn, *King's Cardinal*, p. 232.

Hesleyside and Charlton was a Percy vassal.⁶⁹³ When Tynedale was committed to Sir Ralph Fenwick's care, Edward Charleton of Hesleyside, the new headsman of the clan, was appointed under-bailiff at a fee of 66s 8d, and William Charleton of Lee Hall exercised the same office at 40s.⁶⁹⁴ Perhaps more importantly, the earl of Northumberland had the connections and resources, both material and personnel, necessary to enforce law and order. The Percies owned estates worth £1600 in Cumberland and Northumberland, and had 5000 tenants in the marches.⁶⁹⁵ His tenants and servants would co-operate in the earl's prosecution of justice, as they had not for his predecessors. Before Northumberland's appointment, the outlaws 'daily remained' at Sir William Lisle's lordship of Felton,⁶⁹⁶ and Sir William Eure was reluctant to follow the orders of the council of the north to raid there, because he did not trust the gentlemen of Northumberland to back him up.⁶⁹⁷ In January 1528, the earl's servant, Roger Lassels, raided the town and was able to apprehend John Pringle, at whose house the Lisles and their spies were received; Alex Crawhawe, their chief counsellor; and others who supported them.⁶⁹⁸ In addition to Charleton and Noble, Northumberland's servant Eryngton arrested Archibald Dodd and Roger Armstrong who had robbed inhabitants of the bishopric of Durham. Charleton and Noble were slain, and Dodd and Armstrong condemned at a warden court six days later, and hanged in chains at Newcastle and Alnwick respectively. On 6 February, Nicholas Lisle, described as one of the most heinous rebels in this country, was taken and executed at a warden court held by

⁶⁹³ In 1396-7 the first earl intervened to procure pardons for Henry Dodd of Thornyburn, Robert his brother, and Robert Hedley of Redesdale. Robson, *English Highland Clans*, p. 57.

⁶⁹⁴ BL, Caligula B.III, fos 65-7.

⁶⁹⁵ Storey, 'Wardens of the Marches', pp. 609-13; Ellis, *Tudor Frontiers*, pp. 52-3.

⁶⁹⁶ *LP*, IV, 3631.

⁶⁹⁷ Cott, 'Wardenship of Thomas, Lord Dacre', App. XXIX, 2.

⁶⁹⁸ *LP*, IV, 3795.

Northumberland the next Saturday.⁶⁹⁹ On 22 February, Rob Dodd *alias* Lowshorne, one of the king's rebels, was slain by the earl's officers in Tynedale, in resisting arrest.⁷⁰⁰ Under the earl's authority, Eure also appears to have been considerably more effectual, arresting Nicholas Lisle, one of the principal outlaws, and the four men from Tynedale and Redesdale convicted by the Newcastle assize in August for receiving outlaws.⁷⁰¹ By 1530, the results of the earl's appointment, compared with what had gone before, certainly suggested that royal authority could not be exercised in the region without the help of an official with considerable personal strength on the border itself.

The moral of the story is clear – but the story does not end in 1530. In fact, the earl's appointment provided no fairy-tale ending to the problem of Tynedale and Redesdale. On 8 January 1532, Robert Lord Ogle, Sir John Withrington and Sir Roger Gray, the earl's deputies, held a warden court to redress enormities committed by the men of Tynedale. Twice between 1532 and 1537, the commons of Northumberland were driven to armed risings, swearing that they would burn all Redesdale and Tynedale, whose inhabitants had 'spoiled them so sore that many are weary of their lives'.⁷⁰² Nor was the task of taming of the surnames aided by the squabbles over authority which dogged the earl's rule. On 15 January, his deputies, Ogle, Grey and Withrington informed Northumberland that his brothers, Sir Thomas and Sir Ingram Percy, resenting the authority committed to the earl's deputies, had determined to take over their offices. Sir Thomas and Sir Ingram had held a meeting at Rothbury at which they bound over the inhabitants of both liberties to their service. The surnames consequently refused to give

⁶⁹⁹ *Ibid.*, IV, 3914.

⁷⁰⁰ *Ibid.*, IV, 3967.

⁷⁰¹ *Ibid.*, IV, 3631. *Letters and Papers* dates Eure's letter to 1527, but the references to the taking of 'Rob' Dodd *alias* Lowshorne date it to after 22 February 1528 (*Ibid.*, IV, 3967).

⁷⁰² *Ibid.*, XII, 351.

pledges to Ogle and the others until they could show proof of their authority, and their 'final answer' was that they were at the command of Sir Thomas and Sir Ingram. Ogle and the others begged that, in order to prevent a 'disturbance', they might have confirmation of their authority from the king.⁷⁰³ In 1536, the Percies and their associates gathered the gentry of Northumberland together on the pretext of proceeding against the surnames, and then attempted to enlist their support in the Pilgrimage of Grace. However, they held back from punishing the Tynedale and Redesdale malefactors. In order to court their support for the rebellion, Sir Thomas Percy received the most noted offenders of Tynedale, with whom he was on excellent terms.

Conclusion

What exactly was 'new' about the Tudor approach to local government in the march counties? Henry VIII, at any rate, clearly expected that the warden would continue to play his dual role, dominating the county bench and frequently the sheriff. In October 1524, Wolsey calmly acknowledged that, if the charges made by the gentlemen of Northumberland against Thomas, Lord Dacre, were heard locally, the complainants would 'dread to show the truth of their grief' and might be suborned.⁷⁰⁴ Military necessity continued to take precedence over the demands of justice. Even if the king had been willing, Dacre was opposed to the assembly of a power to punish Sir Humphrey and his son during the time of war, since this would encourage the Scots.⁷⁰⁵ In December 1526, the duke of Richmond's council petitioned for the release of those gentlemen of

⁷⁰³ *Ibid.*, V, 727.

⁷⁰⁴ BL, Caligula B.I, fos 334-6.

⁷⁰⁵ *LP, I (new edn)*, 3170.

Northumberland who were in prison, so that they might serve the king on the border.⁷⁰⁶

The earl of Northumberland asked that the Lises be spared, on the grounds that they had many allies and friends on the borders upon whose service his life might someday depend.⁷⁰⁷ The practice of taking pledges for the behaviour of the surnames continued.

One change which was made in this period, however, was Henry VII's abolition of Tynedale's liberty status in 1495, when it was annexed to the county of Northumberland by statute. This made little difference, however, for Tynedale men consistently caused more trouble than the inhabitants of Redesdale, which the Crown did not acquire until the 1540s. Tudor statute in this respect proved something of a dead letter. By 1550, warrants and precepts were still executed by the keepers of Tynedale and Redesdale, sheriffs of Northumberland choosing politely to ignore this unwelcome extension of their jurisdiction.⁷⁰⁸ Even when given full powers within the liberties, the problem of the surnames was not one which the royal justice system was able to address. The surnames' activities may to some extent have been restrained by the personal strength of the Percy wardens as the king's main officers in the north.⁷⁰⁹ However, their activities in 1421, 1445 and 1532 demonstrated that they were quite capable of defying the authority of a Percy as well as anyone else. If the inhabitants of Tynedale and Redesdale were not referred to as 'surnames' until 1498, this probably has more to do with the changing attitudes of those who dubbed them thus, rather than a change in their own behaviour.⁷¹⁰ Perhaps the new terminology was due to an increased royal presence in

⁷⁰⁶ SP 1/40, fos 96-7.

⁷⁰⁷ LP, IV, 4903. James, *A Tudor Magnate*, p. 14.

⁷⁰⁸ 'Bowes' survey' in J. Hodgson, and J. Hodgson Hinde, *The History of Northumberland* (7 vols in 3 pts, Newcastle, 1820-58), III, ii, 222-4.

⁷⁰⁹ Robson, *English Highland Clans*, p. 70.

⁷¹⁰ Cf. Ellis, *Tudor Frontiers*, p. 61.

the marches: the Crown now received its information about the behaviour of the inhabitants of Tynedale and Redesdale from the reports of its southern employees, rather in parliamentary petitions from their aggrieved neighbours. In fact, the first surviving indication of trouble with the inhabitants of Tynedale and Redesdale in this period is an indenture made in March 1494. Richard Fox, soon to be bishop of Durham; Thomas, lord Dacre, lieutenant of the middle march; and Sir William Tyler, lieutenant of Berwick were dealing with accusations of arson made by John Graham, bailiff of the priory of Canonby, against members of the Charleton, Wilkinson, Robson and Dodd surnames.⁷¹¹ At this time, Henry was pushing for peace with the Scots, the existing truce had been extended for seven years from the following June, and the English king was considering a marriage alliance between his daughter and James IV. The activities of the Charletons *et al* were ill-timed, to say the least. The surnames' outbreak coincided with the long minority of the fifth earl, but it probably had more to do with the cessation of war with the Scots, which deprived them of the opportunity to harness their horsepower to paid military service, and of a lawful outlet for their reiving in Scotland.⁷¹² The problem of the surnames was, at root, an economic one. There were simply too many people living on land insufficient to support them,⁷¹³ and this was not a difficulty which could be solved by short-term political measures.

The only other administrative innovation instituted during this period was the duke of Richmond's council. From 1526, the council ensured that peace sessions were held at Newcastle at least twice a year, which does appear to have been an improvement.

⁷¹¹ *LP*, V, 411.

⁷¹² Cf. Ellis, *Tudor Frontiers*, p. 61 and R. Lomas, *A Power in the Land: The Percies* (East Linton, 1999), p. 99.

⁷¹³ Ellis, *Tudor Frontiers*, p. 64.

However, in order for the system to work, the task of the JPs could not begin and end at the sessions. When disorders were reported, justices were expected to arrest wrongdoers or to have them named by juries and then arrested. They also had the authority to arrest men on suspicion, or take sureties of them when the peace was threatened. None of these duties could be performed by a council whose members were resident at Sheriff Hutton. There is no evidence that the duke's councillors ever attended the peace sessions or assize in Cumberland or Westmorland, and thus its impact on the west march counties was probably negligible. In autumn 1527, Nicholas Rudd of Appleby ignored three warrants issued to him to appear before the duke's council, and took his case to London, in despite of Wolsey's order that he should accept its ruling. The council was reduced to the face-saving plea that Wolsey should 'order' Rudd in such a way 'that it shall not seem that the duke of Richmond's commands are disobeyed in Westmorland'.⁷¹⁴

The other change made by Henry VII and his son to the justice system in this period was in personnel. The promotion of 'strangers', whose local influence was based purely on royal office, a policy adopted by the Tudors toward the east and middle march defence administration, was usually reflected in the composition of the county bench. The main reason that JPs were required to have lands or tenements in the county to the annual value of £20 was that many of their duties were dependent on their personal influence.⁷¹⁵ Law and order was at least comparatively more effective when the Tudors reverted to the traditional practice of committing the government, as well as the defence, of the border counties to the individual rule of powerful regional magnates. There is less evidence of nefarious activity on the part of the Tynedale and Redesdale surnames during the earl of

⁷¹⁴ *LP*, IV, 3552.

⁷¹⁵ A.L. Brown, *The Governance of Late Medieval England 1272-1461* (London, 1989), p. 127.

Northumberland's term of office. Similarly, during Thomas, Lord Dacre's rule as warden of the west march, few complaints about lack of justice in the west march permeated as far as Westminster. As Pollard points out, bastard feudalism was not in itself productive of disorder. The unity produced within a district by the long-term domination of a single 'good lord' could be a force for stability within it.⁷¹⁶ The potential of magnate-as-arbitrator within the region he dominated is illustrated in a number of instances. In one case of murder, Thomas, Lord Dacre, judged that Clement Blennerhasset of Carlisle should pay an annuity of 33s 4d for life; and in another case, also at Carlisle, he made a similar award to a woman after her husband was killed. The council of the fourth earl of Northumberland would be nostalgically remembered as late as the 1590s as the very font of justice.⁷¹⁷ This was one role which the stranger warden was evidently unable to play. Dacre's impotence outside his own stamping ground is illustrated by his negative role in a murder case in Northumberland in 1523. Once the earl of Surrey had left, one party refused to abide by his decision, and Dacre had to write to him for instructions.⁷¹⁸ However, the significance of the role which magnate arbitration played in local justice is debateable. The first earl of Northumberland's dubious role in the Heton family dispute in the 1380s clearly demonstrates that great lords could, and would, unblushingly manipulate the workings of justice for favoured retainers. As Andy King remarks, the Ogle-Bertram feud over Bothal castle in 1409 could have been settled by a Percy, had one been to hand.⁷¹⁹ However, the same might have been said for the Heron-Manners

⁷¹⁶ Pollard, *North-Eastern England*, pp. 141-142, 401.

⁷¹⁷ James, 'A Tudor Magnate', p. 4.

⁷¹⁸ Ellis, *Tudor Frontiers*, pp. 58-9.

⁷¹⁹ King, 'War, Politics and Landed Society', pp. 180-5; *idem*, "'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. 156.

feud in 1428, when the earl of Northumberland, who was to hand, played no part in the resolution of the dispute, which was largely handled by the prior of Durham.⁷²⁰ But at least when a great noble headed a peace commission, and it was dominated by his retainers, it had the potential to enforce law and order.

Those who attempted to govern Northumberland in the absence of such a lord would clearly have espoused Pollard's view. Their pleas for the appointment of a resident nobleman to compel the obedience of its inhabitants were vociferous.⁷²¹ The disorder which increasingly plagued Northumberland, culminating in an almost total breakdown of law and order in the mid-1520s, makes it evident that the royal justice system in the marches was still dependent on such influence exerted on its behalf. The solution invented by the Crown in 1525 was the duke of Richmond's council. But the council's membership suggests it was created to address a different problem: the disobedience of royal officers in the north, rather than their incapacity. The worsening of the problem during the council's two-year period of authority there appears to justify Darcy's view that it was unfit to 'govern...temporal men within any shire or country'.⁷²² The council members had even less stake in Northumberland than Dacre, and they faced exactly the same problems. The failure of a council controlled by the Crown and staffed by men selected for their presumed loyalty, made it brutally clear that the problems experienced in the rule of the far north by the king's officers were due less to wilfulness than to sheer impotence.

The comparative absence of complaints about the justice system under the rule of powerful local men may, however, have had something to do with the unrivalled

⁷²⁰ R.B. Dobson, *Durham Priory, 1400-1450* (Cambridge, 1973), pp. 197-201.

⁷²¹ *LP*, III, 3286; IV, 1289.

⁷²² *Ibid.*, XII 186 (38).

dominance which they were able to exert over their respective spheres of office. There may simply have been no available channel through which to air grievances. Those criticisms of Dacre's rule of the west march which did reach the Crown originated in Durham; and with the advent of the earl of Cumberland and his brother to royal office in the county, there were plenty of local protests about William, Lord Dacre's high-handedness.⁷²³ The potential dangers of magnate domination to the pursuit of effective and impartial justice were clearly displayed in the case of the fourth lord Dacre's tenants in 1528. Geoffrey Lancaster had been retained by Dacre's father as counsel, and Sir Edward Musgrave, the sheriff, was also a Dacre follower.⁷²⁴ It is unlikely that their patron had to exercise much in the way of coercion to keep them at Naworth. Lancaster and Sir Christopher, Dacre's own brother, were the justices before whom the case was finally tried, and Musgrave was responsible for the disappearance of the errant jurors. As sheriff, it was also his business to arrest the 140 Dacre tenants who were indicted. It is perhaps hardly surprising that only four were taken.

However, the fact that the sixth earl of Northumberland was able to take rapid control of a situation which had been growing steadily worse, is testament to the advantages enjoyed by a royal officer who enjoyed personal power in the region. Far from 'taming' the far north, the Tudor tactic of appointing men reliant purely on the authority invested in them by royal office proved disastrous for the enforcement of law and order. Convinced as Henry was that his authority ought to secure from his subjects instant obedience for his chosen officers, he was forced to confront the reality that it simply did not. The task of 'taming' the far north appeared, after all, to belong to its great

⁷²³ For complaints from Durham see, for example, SP 1/34, fos 113-14. For complaints about William, Lord Dacre, see ch. 5, pp. 200-3.

⁷²⁴ Ellis, *Tudor Frontiers*, p. 104; James, *Society, Politics and Culture*, p. 100.

magnates 'such as should (after the due order of justice) govern and rule such great countries' – if only because such men were the only ones even remotely capable of doing so.⁷²⁵

⁷²⁵ Reid, *King's Council*, pp. 111-12.

FOUR: THE CLERGY

In June 1529, Thomas, Lord Darcy, was busily drafting the list of charges against Cardinal Wolsey, which he would submit to the king at the end of July.⁷²⁶ One of the articles was a petition, which mounted an uncompromising attack on the ascendancy of 'spiritual men' in the government of the north parts. This petition was to be presented to the king by several unnamed agents. They were to complain that, despite the proofs of loyalty which they had given on the battlefield against the king's enemies of France and Scotland, they had been submitted to the jurisdiction of spiritual commissioners. Now, if his lay subjects served the king well, the commissioners got all the credit, but if they, or the commissioners, erred, the consequences were visited on the heads of the same unfortunate subjects. Spiritual men were 'sore moved' against all laymen and were not meet 'to govern us, or other temporal men within any shire or country within this our realm'. According to the law, they should not judge cases of murder or felony; they could not suppress rebellions; nor, most serious of all, could they lead invasions of Scotland or defend the country against that power. In fact, the spiritual men themselves required governance, for 'there is no manner of state within this your realm that has more need of reformation'. Government should, therefore, be committed to the lay gentry and nobility of the region. The petitioners were then instructed to express concern that the king had thus unnaturally advanced the spiritual men because sinister unnamed parties had made

⁷²⁶ E.W. Ives, 'The Fall of Wolsey', in S.J. Gunn and P.G. Lindley (eds), *Cardinal Wolsey: Church, State and Art* (Cambridge, 1991), pp. 295, 297-8.

malicious insinuations against his lay subjects, which caused him to doubt their loyalty.⁷²⁷

This speech was obviously composed for representatives of the northern gentry and noble classes mentioned, to whom the government of the north and defence of the border was traditionally entrusted. Darcy was evidently confident of sufficient support among his fellows for this tirade against government by the clergy. How justified were the accusations? Had spiritual men taken over the government of the north, promoted to responsibilities beyond their capabilities?

The bishop of Durham

Despite Darcy's comments, the use of northern clergymen in the government of the region was not a new phenomenon. The northern bishops and the archbishop of York were routinely appointed to the commissions of the peace within their dioceses. The wealth of the sees of York and Durham meant that their incumbents wielded great influence within lay society, and by the fifteenth century the preferment of royal servants to the episcopates was standard practice. However, the potential of such men as local royal agents was often reduced by the absenteeism necessitated by their duties at Westminster. Alternatively, the bishoprics fell under the sway of the great northern families. Richard III's relationship with the northern church had been defined by the influence he built up over it, in the decade preceding his usurpation of the Crown. As duke of Gloucester, his connection in Durham was based on the lordship of Barnard Castle, which he had acquired by October 1474, at the expense of Bishop Laurence Booth. In 1476, Booth was replaced by William Dudley, one of Edward IV's most trusted

⁷²⁷ *LP*, XII 186, 38; Reid, *King's Council*, p. 111.

confidantes, who was probably encouraged by the king to work with his brother. This opened the door for Richard's domination of the bishopric. He was granted the forest of Weardale and the park of Stanhope during his life, and became a dominant force on the commissions of the peace. In August 1477, the bailiff of Bishop Middleton was despatched to London, 'ad certificandam domino de bona disposicione ducis Glosestrie tempore sessionum apud Dunelmensem'. Richard's dominance was secured when his powers as the king's lieutenant in the north were extended into the palatinate, at the bishop's own order.⁷²⁸

The duke's growing influence over the bishop's government is also reflected in the number and importance of his servants on the episcopal council. Thomas Metcalfe, auditor of Richard's estate at Middleham, also acted as the bishop's auditor from 1476, and was added to the commissions of array and gaol delivery. Others of Richard's retainers to be given office included Edward Gower, appointed keeper, forester and parker of Crayke castle, and Lord Scrope, who was given the offices of chief forester of Weardale and supervisor of the parks of Aukland and Evenwood. William Tunstall, Sir Roger Conyers and Sir Richard Strangeways, among others, received annuities from the bishop.⁷²⁹ The inhabitants of Durham clearly considered Gloucester to be the fount of good lordship. Gerard Salvin of Croxdale Hall offered his allegiance to the duke, in the belief that Richard was in a position to secure the arrest of Thomas Fishburn for his alleged assault on Salvin.⁷³⁰ Similarly, it was Gloucester whom John Randson

⁷²⁸ A.J. Pollard, 'St Cuthbert and the Hog: Richard III and the County Palatine of Durham, 1471-85', in R. Griffiths and J.W. Sherborne (eds), *Kings and Nobles in the Later Middle Ages: A Tribute to Charles Ross* (Gloucester, 1986), pp. 111-16.

⁷²⁹ Pollard, 'St Cuthbert and the Hog', pp. 116-7, 126.

⁷³⁰ R. Surtees, *The History and Antiquities of the County Palatine of Durham* (4 vols, London, 1816-40), IV, ii, pp. 114-5.

approached with the accusation that Sir Robert Claxton was preventing him from working his land. Gloucester summoned Claxton to appear before his council, and when he did not comply, ordered him to attend the next sessions at Durham. Claxton's subsequent deed of gift and quitclaim of a messuage and 80 acres of land in Burntoft to Randson, witnessed by two ducal retainers, Sir Roger Conyers and William Blakeston, is testament to the powers of Richard's good lordship.⁷³¹

On Dudley's death in November 1483, it became clear that, as king, Richard was not prepared to renounce this dominance over episcopal affairs. Richard's assertion that the most important duty of the bishop of Durham was the defence of the border was somewhat undermined by his choice of Dudley's replacement. John Shirwood was the king's envoy to the Holy See, whose office necessitated his permanent attendance at the Vatican.⁷³² His absence enabled Richard to take the temporalities of the see into Crown hands, where they remained until 6 August 1485. The appointment of the bishop's council and officers was now in the king's hands. Thomas Middleton, a client of the Percies, and steward of the bishopric since 1476, was replaced by Richard Danby, a royal retainer. In conjunction with him, Sir Richard Ratcliffe, Richard's constable of Barnard Castle and master forester of Teesdale, bore 'the great rule...under the king's grace' in Durham.⁷³³ Able to harness the temporalities of the bishopric of Durham for his own purposes, using his own trusted lay retainers, Richard had no need for the services of the bishop or his clergy.

Henry VII, lacking his predecessor's advantages, could not hope to imitate this

⁷³¹ 'St Cuthbert and the Hog', p. 120

⁷³² *ODNB* (under John Shirwood), <http://oxforddnb.com/view/article/25447?docPos=2>.

⁷³³ *The Register of the Guild of Corpus Christi in the City of York*, ed. R. Scaife, Surtees Society 57 (1842), p. 98; 'St Cuthbert and the Hog', p. 109.

direct control of the bishopric, and returned to more traditional methods. On the death of John Shirwood in 1494, he appointed Richard Fox the new bishop of Durham. Fox belonged to that exclusive inner circle to which Henry initially entrusted much of the business of government. He had been in the counsel, favour and aid of Richard III's 'great rebel' since the winter of 1484.⁷³⁴ He was acting as Henry's secretary from the day after Bosworth, and had probably been employed in this capacity from January 1485.⁷³⁵ By 10 November, Fox was a privy councillor, and on 24 February 1487 he was given charge of the privy seal.⁷³⁶ For a time Fox held both the signet and the privy seal in tandem, a measure of the trust which the new king placed in him. His new post was no sinecure. The incumbent of the see of Durham played a unique role in border defence. The bishop's tenants had followed the banner of St Cuthbert into war with the Scots since 1296. The bishop also controlled Norham, which, if it was not, as Polydore Vergil claimed, 'the strongest castle on the Anglo-Scottish border', certainly played an important strategic role in its defence.⁷³⁷ And Henry apparently espoused the views on the duties of a bishop of Durham which had been professed by his predecessor. In March and May 1495, Fox was included with Surrey and Tyler on the commissions of array for the east and middle marches, including the liberties of Tynedale and Redesdale.⁷³⁸ In May he was also appointed a co-deputy-warden of all three marches.⁷³⁹ He was

⁷³⁴ *Letters and Papers Illustrative of the reigns of Richard III and Henry VII*, ed. J. Gairdner (2 vols, London, 1861-3), I, 248. Cf E. Hall, *The Union of the Two Noble Families of Lancaster and York* (London, 1550), p. 405.

⁷³⁵ E. Chisholm Batten, *The Register of Richard Fox, while Bishop of Bath and Wells, with a Life of Bishop Fox* (London, 1889), pp. 6-7.

⁷³⁶ Batten, *Register of Bishop Fox*, p. 11. Hall states that this was the first time a king's secretary had been appointed to his privy council. Hall, *Union*, p. 405.

⁷³⁷ P. Vergil, *The Anglica Historia of Polydore Vergil*, ed. D. Hay, Camden Society, old series, LXXIV (1950), p. 99.

⁷³⁸ *CPR 1494-1509*, p. 32; *Foedera*, XII, 568.

⁷³⁹ *RS*, II, 522.

associated with 'my Lords of Norfolk and Winchester, Conyers, Sir William Bulmer, and others', in the retaliatory raid on Teviotdale in 1497. At a time when relations with Scotland were deteriorating, the death of John Shirwood provided Henry with a ready-made opportunity to place another of his most trusted servants on the border.

Only four letters survive from the correspondence between Fox and Darcy, but these betray a more regular correspondence. There are several references to previous communications which have not survived; Fox's letter of 10 May 1495 was to be elaborated upon 'at our next communication together', implying that the bishop met with Darcy (at this time lieutenant of the east and middle marches) on a fairly regular basis. A later letter, written in 1497, refers to another meeting, held at Tweedmouth.⁷⁴⁰ The letters also provide a glimpse of Fox's relationship with Darcy, who offered his service to the bishop, whom he later described as his 'special good lord'.⁷⁴¹ Fox also acquired posts in the east and middle march commands for his protégées. Sir Ralph Grey, appointed lieutenant of the east march on 3 March 1500,⁷⁴² had been retained by the bishop since 1499, and that year he was also appointed sheriff of Norhamshire and Islandshire.⁷⁴³ Richard Eryngton, appointed one of Henry, Duke of York's deputies on 29 August 1500,⁷⁴⁴ had been employed as Fox's steward of Norhamshire and Islandshire since January 1499.⁷⁴⁵ The Crown thus wielded an additional control over the border command through Fox's private influence over its officers. In August 1500, Darcy, now captain of Berwick, reported to Fox on Sir Ralph Grey's conduct as lieutenant of the east march.

⁷⁴⁰ *Letters of Richard III and Henry VII*, ed. Gairdner, pp. 57, 44. Darcy was paid a sum of money from the exchequer as 'warden' of the east and middle marches at Easter term 1495. E 403/2558, fo. 55v

⁷⁴¹ *Materials*, ed. Campbell, p. 283.

⁷⁴² *CPR 1494-1509*, p. 202.

⁷⁴³ *Ibid.*, p. 653.

⁷⁴⁴ *Ibid.*, p. 213.

⁷⁴⁵ Raine, *North Durham*, p. 48.

Darcy believed that the king could be 'better served' by Grey, and he trusted to Fox's 'good advertisements' to remedy the matter.⁷⁴⁶ But Fox's authority over the border command clearly extended beyond those officers over whom he had personal connections. In 1499, Darcy complained to Fox about the high-handed behaviour of Sir Richard Cholmeley, his fellow commissioner into disputes on the border, over the matter of the summons of Sir Roger Fenwick's heir before them.⁷⁴⁷ The bishop continued to play an important part in the administration of the marches until his translation to Winchester in 1502.

Nor was Fox's only value as a military administrator. From his appointment as bishop of Durham, Fox was appointed to the Northumberland peace commissions,⁷⁴⁸ and retained some of its most influential members. Sir Thomas Grey of Wark, Heton and Chillingham, on the commissions from 1489, and sheriff for the county the following year,⁷⁴⁹ was captain of Norham castle by 1491,⁷⁵⁰ and sheriff of Norham and Islandshire in 1496.⁷⁵¹ His son, Sir Ralph, and Richard Eryngton were also added to the Northumberland commissions in 1496. The bishop's ecclesiastical authority was sometimes more effective in the prosecution of justice in Northumberland than the peace commission. It was first used to combat the problem of the surnames, those 'infamous and blatant robbers of Tynedale and Redesdale', which was to plague the administration of the north under Henry's son. The men of Tynedale and Redesdale were summoned by Fox to appear before him at Durham Cathedral within six days. All clergymen were

⁷⁴⁶ *CPR 1494-1509*, p. 213; *Letters of Richard Fox*, ed. Allen and Allen, p. 22.

⁷⁴⁷ There is no evidence that Cholmeley had any connection with the bishopric before 1508, when he is listed in the receiver-general's accounts as the farmer of Norhamshire and a fishery at Tweedmouth. Dean and Chapter Muniments, Church Commission Durham Bishopric Deposit: CCB I/A1/39, 189558.

⁷⁴⁸ *CPR 1494-1509*, p. 653.

⁷⁴⁹ *CPR 1485-94*, p. 496; *CPR 1494-1509*, p. 653; *CFR Henry VII*, 339.

⁷⁵⁰ Dean and Chapter Muniments, Church Commission Durham Bishopric Deposit: CCB, I/A1/31, 189596.

⁷⁵¹ Raine, *North Durham*, p. 48.

instructed to deny the inhabitants all sacraments except the last rites, until restitution had been made.⁷⁵² This amounted to a sentence of excommunication against the inhabitants of Tynedale and Redesdale, unless they appeared at Fox's behest. That the monition met with some success is suggested by the letters testimonial later addressed by Fox to the clergy of Tynedale and Redesdale. Certain of the thieves had humbly submitted themselves to the bishop's correction and were now absolved, having agreed not to wear jacks (light armour) and galeas and salletts (helmets), or bear certain weapons, unless against the Scots or other of the king's enemies.⁷⁵³ Even the notorious surnames regarded Fox's spiritual authority with respect; as Thomas, Lord Dacre, later asserted, his threats were 'a fearful thing to them'.⁷⁵⁴

The frequency of the bishop's communications with Westminster is difficult to assess, for no correspondence between Fox and the king or council survives for this time. However, the bishop's letter to Darcy of May 1495 was written from London, and Fox expressed his regret that illness prevented him from being on hand when the lieutenant's servant went to court, 'to have helped him forward in such matters as ye had to do there about the king at this time'.⁷⁵⁵ Fox was probably a fairly regular visitor to Westminster, and was able to inform the king in person on border affairs. Certainly, Darcy appears to have regarded Fox as a channel of communication with central government. Fox also acted as the mouthpiece for the king's commands to his northern officers; he informed Darcy about the changes which the king had made to his and Cholmeley's indentures for the border disputes commission; and he relayed the king's decision to keep a master

⁷⁵² *The Register of Richard Fox, Lord Bishop of Durham, 1494-1501*, ed. M. Howden, Surtees Society 47 (1932), p. 28.

⁷⁵³ *Ibid*, pp. 110-11.

⁷⁵⁴ *LP*, IV, 10.

⁷⁵⁵ *Letters of Richard III and Henry VII*, ed. Gairdner, p. 57.

carpenter at Berwick, along with instructions as to how he and his servants were to be paid. The authority exercised on the border by this particular bishop of Durham was such that, twenty years after his translation to Winchester, his advice would still be sought on the appointment of a warden for the east and middle marches.⁷⁵⁶ The see of Durham provided Henry with the opportunity to place an extremely efficient royal agent on the east and middle marches, who could also act as a reliable informant.

As royal interest in the north waned with the conclusion of peace with the Scots, the bishop's role in royal service on the marches correspondingly declined. There is no evidence that either William Sever or Christopher Bainbridge reprised Fox's role. And from 6 June 1505, there was a new magnate presence in Durham. Thomas, Lord Darcy, lieutenant of the east march, was appointed steward of Raby, Brancepath and other lands in the bishopric belonging to the minor earl of Westmorland.⁷⁵⁷ By the appointment of Thomas Ruthall to the prince-bishopric in 1509, Darcy, now promoted to warden, was exercising a degree of influence over its affairs that would have been unthinkable under Fox. Darcy requested that Ruthall be a good lord to his cousin Sir Ralph Eure – and Eure was subsequently appointed as steward and sheriff of the bishopric. In a memorandum dated 1509 (addressed to William Frankeleyn, chancellor of Durham, but intended for the bishop), Darcy advised Ruthall on how to 'abide generally in the north'; offered his thoughts on the bishop's relationship with the mayor of Berwick; and promised to provide him an excellent captain for Norham.⁷⁵⁸ Darcy had clearly acquired considerable sway over appointments to the bishop's staff. As the king's secretary, Ruthall was largely absent from his see during the first four years of his episcopate, and it seems likely that

⁷⁵⁶ *Letters of Richard Fox*, ed. Allen and Allen, pp. 135-8.

⁷⁵⁷ *CPR 1494-1509*, p. 417.

⁷⁵⁸ *LP*, I (new edn), 290.

Darcy retained his influence during this period. The same year, Ruthall stated that he remained on good terms with Lord Lumley, with whom he was engaged in a dispute of the forestership of Weardale, only at the special request of Darcy, who had written to the bishop in his favour;⁷⁵⁹ and a regular correspondence with Darcy is suggested by the apologies the bishop made to him for the infrequency of his letters, in April 1512.⁷⁶⁰ If not, perhaps, to the same degree as in the days of the duke of Gloucester, the bishopric was once more coming under the influence of a local lord.

However, from 1512, as tensions in Anglo-Scottish relations resurfaced, royal interest in the bishopric appears to have reawakened. Ruthall was certainly in Durham by September 1513,⁷⁶¹ and the bishop had been acting as a contact at Westminster for news about border matters for at least a year before this. His relationship with Darcy's successor seems to have been quite different. Dacre, warden of the east and middle marches from December 1511, thanked the bishop for his 'kindly writings', and for news of Surrey's appointment as lieutenant of the north. He informed Ruthall of the advice he had sent to the king on how to prepare the country so that 'it should be hard to the Scots to make any enterprise within this realm'. He also explained his activities in the prosecution of justice, and it was the bishop to whom he promised to answer if the escape of Gawain Ogle was not remedied.⁷⁶² The bishop also had his own man on the east march, in the form of his constable of Norham, John Anislow, whom he desired Darcy, captain of Berwick, to keep informed of any news from Scotland.⁷⁶³ Anislow reported to

⁷⁵⁹ *Ibid.*, I (new edn), 291.

⁷⁶⁰ *Ibid.*, I (new edn), 1147.

⁷⁶¹ *Ibid.*, I (new edn), 2279.

⁷⁶² *Ibid.*, I (new edn), 1342.

⁷⁶³ *Ibid.*, I (new edn), 2111.

the bishop not only on the progress of building work at the castle, but also on the ‘good agreement at the days of truce and good peace on the borders.’⁷⁶⁴

When Ruthall took up residence in his see in 1513, he appears to have played an even more important part in communications between Westminster and the warden. Ruthall transmitted to Dacre the king’s orders on when and where to perform raids on Scotland,⁷⁶⁵ subsequently reporting back on the men and money the warden would require, and on the movement of ordnance.⁷⁶⁶ Dacre wrote to Ruthall to report on the raids he made – and to make excuses for those which he did not make.⁷⁶⁷ He was ‘averse to show his mind’ to anyone else on the subject of the disobedience of the residents of the east march.⁷⁶⁸ When rumours were spread that Dacre was making private arrangements with the chamberlain of Scotland, it was Ruthall to whom he turned for advice on how to avoid royal misconstruction of his actions.⁷⁶⁹ And the bishop was sufficiently confident of own his importance in the border defence administration to suggest the appointment of a permanent ‘captain’ in the far north after the war with Scotland was over – and to repeat that suggestion, despite Henry’s rejection of it.⁷⁷⁰

Ruthall, while in residence at Durham, and subsequently, his chancellor, William Frankeleyn, were well placed to inform Westminster of any disorder in Northumberland. In fact, in 1518, the government does appear to have acted on complaints from Frankeleyn concerning Dacre’s attempts to manipulate the inheritance of the minor Thomas Grey upon his death, and of the depredations of the inhabitants of Tynedale and

⁷⁶⁴ *Ibid.*, I (new edn), 1380.

⁷⁶⁵ *Ibid.*, I, 4522, BL, Caligula B.VI, fos 45-6.

⁷⁶⁶ BL, Caligula B.VI, fos 45-6; *LP*, I, 4460.

⁷⁶⁷ *Ibid.*, I, 4522; BL, Caligula B.III, fo. 13; *LP*, I, 4497.

⁷⁶⁸ SP 1/5, fo. 69.

⁷⁶⁹ *LP*, I, 4522.

⁷⁷⁰ BL, Caligula B.II, fo. 300; BL, Caligula B.VI, fos 45-6.

Redesdale. The draft of a letter from Wolsey to Dacre dated that year warned him that the king and council had been informed of Dacre's 'remiss dealing and colorable inventions' in matters touching the 'title and interest' of the king's wards.⁷⁷¹ At around the same time, Henry himself wrote to question Dacre about unlawful assemblies in Tynedale and Redesdale.⁷⁷² However, the authorities of the see of Durham were not used by the Crown to provide regular reports on law and order. Only two letters written from Durham to Westminster before 1523 deal with this issue, and although both address the activities of thieves from Tynedale, Redesdale and elsewhere, their concern is limited to those which affected the bishop's tenants.⁷⁷³ Ruthall's preoccupation with the manipulation of royal wards can also be attributed to concern for his own interests, for he had recently purchased the wardship of Thomas Grey.⁷⁷⁴ Ruthall and Frankeleyn were concerned with disorder and Dacre's failure to administer impartial justice only when these deficiencies affected Durham.

In April 1523, Wolsey added the bishopric of Durham to his simonaic collection of Church offices. In June 1524, it was asserted that the border was much quieter since Wolsey had been concerned in its affairs.⁷⁷⁵ The truth of this statement is dubious, but it does reflect the renewed involvement of the bishopric in the east and middle marches since Wolsey's accession. When Wolsey took over, Dacre's servant, Richard Threlkeld, had warned his master that Frankeleyn, still chancellor of Durham, Sir William Bulmer, newly appointed captain of Norham and Harbottle, and Sir Thomas Tempest, steward of

⁷⁷¹ BL, Caligula B.VI, fo. 209.

⁷⁷² *LP*, II, 4676.

⁷⁷³ SP 1/16, fos 313-4; *LP*, I, 1924.

⁷⁷⁴ *Ibid.*, I, 1924; SP 1/16, fos 313-4. For Ruthall's interest see *LP*, I (new edn), 746, 1924.

⁷⁷⁵ *Ibid.*, IV, 409.

Northallertonshire, were ‘keeping company together’.⁷⁷⁶ Wolsey’s new officers provided him with fairly regular reports on the warden’s activities, or lack thereof. It was at St Cuthbert’s fair, in Durham, that the earl of Surrey’s servants heard the rumour that Dacre had countenanced the recent prison break of two of his Gilsland tenants from Newcastle, aided by 80 of their kinsmen, whom he then suffered to go unpunished.⁷⁷⁷ The adverse ‘reports’ and ‘surmises’ made about Dacre and his government of the marches in early 1524 were probably transmitted to Wolsey by Bulmer, who was in London from January, and who delivered Wolsey’s complaints about the disorderly state of the border to Dacre upon his return in early March.⁷⁷⁸ The cardinal subsequently reprimanded Dacre for the disorderly state of the borders: open robberies were committed by daylight in Hexham and elsewhere, for which the warden was to be held accountable, and compelled to make personal recompense. Dacre was accused of displaying partiality towards certain offenders who preyed on open markets and towns. Although the source of Wolsey’s information is nowhere stated, it seems fairly clear that it originated with Frankeleyn and Bulmer; in a surviving letter written in June that year, Bulmer referred to previous reports he had made to Wolsey.⁷⁷⁹ On 30 November, Frankeleyn informed Wolsey that the raids on the bishopric perpetrated by the men of Tynedale, Redesdale, Gilsland and Bewcastledale, which had partly ceased while the duke of Norfolk was on the borders, had now recommenced. Sir William Bulmer, Sir William Eure and Sir Thomas Tempest had been deputed to go to consult Wolsey, for if something was not done, Frankeleyn

⁷⁷⁶ BL, Add. MS 24,965, fo. 86.

⁷⁷⁷ BL, Add. MS 24,965, fos 86, 41, 175-6.

⁷⁷⁸ BL, Add. MS. 24,965, fos 207v-208v, 211, 236-238v.

⁷⁷⁹ *LP*, IV, 409.

warned, the country would be ruined.⁷⁸⁰ A good part of the information on which Dacre was eventually charged with the maintenance of thieves and outlaws was probably provided by Wolsey's staff.⁷⁸¹

The bishop of Carlisle

One of the most interesting, if short-lived, examples of Henry VIII's use of bishops in royal service on the border is provided by John Kite, Bishop of Carlisle. The see of Carlisle was one of the poorest in England, with revenues valued at only £427 in 1487/8.⁷⁸² Its incumbent was not a likely prospect for royal service in the north-east. On his accession, Richard III had a ready-made supporter in the see; Richard Bell owed his election in 1478 to the exercise of the duke's influence on his behalf,⁷⁸³ and Richard had also supported his (unsuccessful) attempt to hold the priory of Durham *in commendam* with the see of Carlisle.⁷⁸⁴ Bell was one of five bishops who accompanied King Richard on his triumphant entrance into York in August 1483, and was still in attendance a week later, at the investiture of Richard's son as prince of Wales.⁷⁸⁵ However, Bell played little part in the government of the marches, and nor did his successors under Henry VII.⁷⁸⁶

However, in February 1522, when war with Scotland was again on the king's mind, John Kite, newly appointed bishop of Carlisle, and already experienced in royal

⁷⁸⁰ SP 1/32, fo. 205.

⁷⁸¹ SP 1/34, fos 113-14, BL, Caligula B.III, fo. 159.

⁷⁸² Summerson, *Medieval Carlisle*, II, 593.

⁷⁸³ R.B Dobson, 'Richard Bell, Prior of Durham (1464-78) and Bishop of Carlisle (1478-95)', *Transactions of the Cumberland and Westmorland Antiquarian and Archaeological Society*, new series, 65 (1965), p. 207.

⁷⁸⁴ Dobson, 'Richard Bell', p. 211.

⁷⁸⁵ Dobson, 'Richard Bell', p. 215.

⁷⁸⁶ William Sever's role as keeper of the king's money was attached to the abbacy of St Mary's, York, which he held *in commendam*. See above, ch. 2 pp. 78-9. Laybourne was a surveyor of the king's lands. See above, ch. 2, p 80. However, neither were anything more than king's bankers; they certainly did not play Kite's active role in the government of the border.

service, was sent north to join Dacre as his counsellor and treasurer of wars. His duties would include appointing the places where the 500 men allotted to garrisons on the border should be stationed, and evaluating the fortifications and provision of the fortresses.⁷⁸⁷ Dacre appears to have been almost indecently eager to push some of his responsibility onto other shoulders. In a letter written to Wolsey on 26 February 1522, before the arrival of the bishop, Dacre expressed his hope that Kite ‘may be joined with me in all the king’s causes, and both our minds and opinions to go one way, which on my part shall not fail’, and begged that Wolsey ‘make all the haste possible as it may stand with the king’s pleasure to send my lord of Carlisle down’. When pressed for a decision as to the men who were to serve in garrison with Sir Robert, Sir Marmaduke and Sir John Constable and Sir William Bulmer, Dacre asked Wolsey to excuse him from making any appointments until ‘the coming of my lord of Carlisle, at which time we shall both advertise you of our opinions’. A decision regarding the employment of the outlawed Scottish Homes against the duke of Albany was to be settled ‘as it shall be thought good by my lord of Carlisle and me’.⁷⁸⁸ Dacre stressed once again that all these matters required the speedy arrival of the bishop. Evidently, Kite had no need to fear that the performance of his duties would be hampered by a show of independence on the warden’s part. Dacre kept the bishop informed of his own movements and those of others: George Lawson’s accounts for 1522, as master mason of Berwick, record the payment of one John Raa, for carrying a letter to Carlisle to the bishop, informing him of the arrival of the ordnance, along with its master and Lawson himself.⁷⁸⁹ Equally, Dacre

⁷⁸⁷ SP 49/1, fos 137-178, BL, Caligula B.I, fos 9-10.

⁷⁸⁸ For Dacre’s associations with the Homes, see below, ch. 5, pp. 221-5.

⁷⁸⁹ *LP*, III 2389. For Dacre’s account of his own activities see SP 1/24, fos 152-3.

expected to receive information about the arrival of the garrisons from Kite.⁷⁹⁰ The authority which Kite enjoyed in the north-east is highlighted by the request of the burgesses of Newcastle and prior of Tynemouth that he should arbitrate their dispute.⁷⁹¹ Kite proved to be another useful contact for Wolsey in the north. He kept the cardinal informed of border affairs such as raids and the performance of the warden; and advised him when and where to direct letters of thanks, and how the king's money should be spent. In addition, Kite also made a very frank report to Wolsey on the lack of law and order on the borders.⁷⁹² He also displayed considerable knowledge of border affairs in his own diocese, and advised the king that the landowners of Cumberland and Westmorland, as well as those of Northumberland, should be commanded to reside in their lands for their defence, as this would both promote good rule and be a safeguard against sudden invasion. The value of employing a royal servant with no local loyalties on the marches and independent of the warden is demonstrated in Kite's report on Dacre's performance. In May 1522, he praised Dacre for his 'good wit and good fortune' and his management of the latest raid, but did not scruple to mention his unpopularity in Northumberland. He recommended that Dacre be sent back to the west march and that some 'some good captains' should be appointed to the east and middle marches in his stead.⁷⁹³ Kite's advice was clearly taken seriously, for by 2 September, Lord Roos had replaced Dacre as warden there.⁷⁹⁴

⁷⁹⁰ *Ibid.*, III, 2122.

⁷⁹¹ SP 1/31, fos 148-9. This letter is dated 25 June, and has been assigned by the *Letters and Papers* to 1524 (*LP*, IV, 448). However, the specific sums of money referred to within the letter match an account dated 25 June 1522 (SP 1/25, fos 2-9 and the reference to Wolsey's direction to Kite to reside in his diocese shows that the letter was written in 1522.

⁷⁹² BL, Caligula B.I, fos 39-40, SP 1/31, fos 148-9.

⁷⁹³ SP 1/24, fos 152-3.

⁷⁹⁴ BL, Caligula B.III, fo. 156.

However, Kite's tenure of his new office to be was short-lived. By May 1522, Wolsey was already ordering his return to his diocese and, despite Dacre's pleas that the bishop should be allowed to remain on the borders until after Michaelmas, Dacre took over from Kite as the new treasurer of wars in June, and was ordered to take charge of the money in his predecessor's possession.⁷⁹⁵ The brevity of Kite's appointment is interesting; the reason given for his removal, that Kite was unable to reconcile the office with his pastoral duties, appears somewhat specious, coming from a man who held archiepiscopal authority in a see he had never visited. It is quite possible that Kite himself relinquished the office. One of Wolsey's letters seems to imply that it was the bishop's own conscience which drove him to return to his diocese.⁷⁹⁶ The appointment of Dacre was clearly a stopgap solution. It lasted only until the end of the year, and his replacement was another clergyman. However, Kite's service in the north was not over with the loss of this office. In the draft of the letter in which Wolsey released him from his duties as treasurer, Kite was required to keep Wolsey and the king informed 'of such news as shall be hereafter occurrent, after your accustomed diligent manner'.⁷⁹⁷ Along with the dean of York, he was employed as an assessor of the value of lands and profits, both spiritual and temporal, for the subsidy of 1524-5.⁷⁹⁸ He was also associated with Sir William Eure in the delivery of Carlisle to the earl of Cumberland, when the latter replaced Dacre in the west march command, a task requiring no little skill and diplomacy,

⁷⁹⁵ BL, Caligula B.VI, fo. 314.

⁷⁹⁶ SP 1/31, fos 148-9. However, Kite had not previously displayed any signs of such conscientiousness. He regarded his appointment to Armagh as an 'honourable exile', and pined for court life. After 1515, he spent very little time in Ireland. Although he was more conscientious in Carlisle, he still longed to return to court. *ODNB* (under John Kite), <http://www.oxforddnb.com/view/article/15693?docPos=3>. Perhaps he simply found the office to be a thankless task.

⁷⁹⁷ BL, Caligula B.III, fo. 19.

⁷⁹⁸ SP 1/34, fos 9-10.

for Dacre and, after his death, his son and heir William, refused to hand over the city.⁷⁹⁹ In the climate of growing tension with the Scots, the Crown had clearly wanted to place another trusted royal agent in the north.⁸⁰⁰ The fact that he was recruited from the one northern bishopric not held by Wolsey is perhaps illustrative of that growing clerical influence in the north of which Darcy was to complain.

The minor clergy

Perhaps one of the most singular features of this trend was the use of clergy below episcopal rank in the government of the north. The York archdiocese supported by far the largest concentration of ecclesiastics in the north, and its cathedral chapter was probably its wealthiest ecclesiastical institution, enjoying revenues of over £2000.⁸⁰¹ The deanery of York Minster was the most valuable non-episcopal office in the English Church, and the see of York also included the exceptionally lucrative archdeaconry of Richmond, as well as several of the richest canonries in the country. By 1483, Richard had clearly established a relationship with the York administration and its 'effective leaders', residential canons William Poteman, prebend of Strensall, and archdeacon of Cleveland and the East Riding, Dean Robert Booth, Bishop Booth's kinsman (both of whom frequently acted as vicars-general during the 1470s and 1480s), and Thomas Portington, prebend of Apesthorpe, and treasurer of the minister. In 1474, Poteman rode 40 miles to consult the duke of Gloucester 'in negociis ecclesie'. In 1481, as commissary-general of the archbishop, he accepted with complaisance Richard's involvement in a purely

⁷⁹⁹ BL, Caligula B.VII, fo. 60; SP 1/37, fo. 31.

⁸⁰⁰ Gwyn, *King's Cardinal*, pp. 266, 298.

⁸⁰¹ The information in this paragraph is taken from R.B. Dobson, 'Richard III and the Church of York', in Griffiths and Sherborne (eds), *Kings and Nobles*, pp. 131-45.

ecclesiastical dispute between the abbot and the parishioners of Selby. Booth, Poteman, Portington, and another canon, John Hart, were entrusted with much of the responsibility for levying the rents assigned to Richard's projected college at York. Poteman and Booth, along with many other members of the York cathedral clergy, were also involved in Richard's plans to found a collegiate church at Middleham. Miles Metcalfe of Nappa, Gloucester's deputy as chief steward of the Duchy of Lancaster in the north parts, since March 1476,⁸⁰² was appointed steward of the cathedral chapter; and his chancellor, Thomas Barowe, became a canon of York as prebendary of Langtoft in 1478. After his accession came the crowning proof of Richard's influence over the see. The wealthy cathedral prebendry of Driffield was annexed to the office of precentor, because this comparatively poorly paid post was insufficient to support William Beverley, client of 'our most Christian prince, King Richard III'. The king's good lordship was expressed by his grant of a life exemption for Booth, Poteman, Portyngton and Hart from all tenths, fifteenths and other subsidies and aids, and the advowson of the church of Cottingham.

Thus, Richard had gained an undisputed sway over the church of York, as well as over of the see of Durham. If he wished to recruit non-episcopal clergy into royal service in the administration of the north, he had created the ideal candidates. However, although Richard clearly appreciated the potential of exploiting northern clerical resources, he does not appear to have considered using the clergy themselves in the government of the north. The York canons appear to have been employed largely on private matters such as the foundation and management of Richard's colleges. Henry VII and Henry VIII seem to have made far more use of the Yorkshire clergy in their government of the north. The career which most markedly demonstrates this is that of Thomas Magnus, chaplain to

⁸⁰² Somerville, *Duchy of Lancaster*, I, 426-7.

Archbishop Savage, and archdeacon of the East Riding by 1507.⁸⁰³ After the death of Archbishop Savage in that year, Magnus ran the council of Yorkshire in conjunction with Thomas Dalby.⁸⁰⁴ Both were included on the final Northumberland commission for the peace of Henry VII's reign, appointed on 11 November 1507.⁸⁰⁵ By 12 October 1512, the council had been abandoned, and Magnus was appointed one of Henry VIII's chaplains.⁸⁰⁶ Magnus' prominence as a royal servant in the north predates Wolsey's promotion to the archbishopric of York. It was his position in the royal household, combined with his previous experience, which offered the opportunity to rise. He shared his first task, the keeping and transport of sums of money intended for the war with Scotland (to which he was deputed in October 1512), with another royal chaplain, William Lychfield.⁸⁰⁷

However, it was not until November 1514, after Wolsey's translation, that the king sent Magnus northward on a more permanent basis 'for diverse his causes'.⁸⁰⁸ By January 1515, Magnus was associated with Dacre, Wolsey's steward of Hexham, in the management of Wolsey's interests there, keeping the new archbishop informed on these and other related matters. The speed with which the new archbishop's affairs in the north were entrusted to Magnus may suggest a prior connection with Wolsey, perhaps formed in the royal household. But Magnus had been sent north primarily on the king's causes. By the end of 1515, Dacre and Magnus were making combined reports to Henry on the defences of the border, the conduct of the captain of Berwick, and the expenditure of the

⁸⁰³ *CPR, 1494-1509*, pp. 618, 579.

⁸⁰⁴ Dean and Chapter Muniments, Durham, Register Parva IV, 171v-172.

⁸⁰⁵ *CPR 1495-1509*, pp. 653.

⁸⁰⁶ *LP*, I (new edn), 1450.

⁸⁰⁷ *Ibid.*

⁸⁰⁸ *Ibid.*, I, 3480; BL, Stowe MS, 146, fo. 132.

king's money, implying that, even at this early stage, the archdeacon was involved in the royal administration of the marches.⁸⁰⁹ One of the advantages for the Crown of a keeping a servant on the border who held no major royal office there was his mobility. By 1517, Magnus appears to have been acting as Dacre's main channel of communication with Westminster. In fact, Magnus was far more than a commentator; he counselled the warden on such matters as payments to be made, and plans for refortifications, to which he was 'as privy' as the warden himself.⁸¹⁰ Throughout his career, Magnus would act as a go-between for Westminster and the north; there are frequent references to his journeys to London, and letters delivered by him. However, his position in northern affairs, and ability to provide informed comment on them, meant that, at Westminster too, he was far more than a mere messenger-boy.

There is less evidence of Magnus' activities in the north between 1516 and 1522, probably because, with the cessation of hostilities with Scotland, northern correspondence dropped off somewhat. However, such letters as were sent south do afford occasional glimpses of him, scheming for the refortification of the west march in 1517, and involved in the financing of the rebuilding of Wark.⁸¹¹ This suggests that the archdeacon maintained his advisory role and a continued to work closely with the warden, an association which was to last until the latter's death in 1525. Nor was his influence reduced with the respective appointments of the earl of Shrewsbury and the earl of Surrey as lieutenant of the north. Magnus is first referred to as treasurer of wars in November 1523,⁸¹² but he had clearly been exercising this office since late 1522.⁸¹³ All

⁸⁰⁹ BL, Caligula B.VI, fos 126-7.

⁸¹⁰ *Ibid*; BL, Caligula B.II, fo. 347.

⁸¹¹ *Ibid*.

⁸¹² *LP*, III, 3528.

questions regarding the finance of the defences of the north were directed to Magnus from this point.⁸¹⁴ After Dacre concluded an 'abstinence' with Albany on 11 September 1522, it was Magnus to whom Wolsey issued directives as to how much money should be brought back to Westminster and how much was to be left with the abbot of St Mary's, and the financial arrangements to be adopted should the king decide to invade Scotland the following year. Magnus was also expected to advise Wolsey on how much money would be raised in those parts by the loan extracted from the clergy, 'as soon as ye goodly can'.⁸¹⁵ Surrey's assertion that he and Magnus were careful of the king's money suggests that by this stage, like Kite, Magnus had some say in its disposal.⁸¹⁶

However, Magnus' sphere of influence extended beyond the treasury. In 1522, the archdeacon was a member of the earl of Shrewsbury's council,⁸¹⁷ enjoying the same advisory role enjoined upon the bishop of Carlisle on his appointment as treasurer. The earl of Surrey reported the 'great pains' taken by the archdeacon in the king's affairs there, without whose help 'it were not possible for me to lead the infinite business I have'.⁸¹⁸ As Surrey's deputy, Dacre sought Magnus' advice over the administration of justice;⁸¹⁹ informed the archdeacon of planned raids and the disposal of garrisons;⁸²⁰ and asked his opinion on all these subjects.⁸²¹ The status which Magnus enjoyed is reflected in the note of rebuke which he permitted himself in one letter to Dacre, in which he evinced the hope that the warden had *now* sent to take musters of all the garrisons, in

⁸¹³ The last entry in the account of his predecessor, Dacre, is dated 15 October 1522 (E 36/254).

⁸¹⁴ E.g. BL, Caligula B.II, fo. 299; BL, Add. MS 24,965, fos 157, 157v, 195, 196, 71.

⁸¹⁵ BL, Caligula B.III, fo. 181. For the abstinence, see *LP*, III, 2532; for the loan, see above, p. 82.

⁸¹⁶ BL, Caligula B.VI, fo. 330.

⁸¹⁷ BL, Caligula B.II, fo. 104; BL, Caligula B.III, fo. 156.

⁸¹⁸ *Ibid.*, fos 51-2; BL, Caligula B.VI, fo. 330.

⁸¹⁹ BL, Add. MS 24,965, fos 157, 71.

⁸²⁰ *LP*, III, 3639.

⁸²¹ BL, Add. MS 24,965, fo. 119.

accordance with Magnus' previous suggestion.⁸²² Surrey apologized to Magnus, as well as to Dacre, for his failure to send news;⁸²³ and copies of the lieutenant's letters to Dacre were shown to Magnus.⁸²⁴ In fact, the archdeacon frequently seems to have been responsible for ensuring the maintenance of communications within the border command; Magnus corresponded with the master of the ordnance on Dacre's behalf,⁸²⁵ and the warden was indebted to the archdeacon for news of Scottish raids on Wark and the behaviour of the garrisons.⁸²⁶ Similarly, the captain of Berwick thanked Magnus for sending him the latest news of the plans for the refortification of Wark castle.⁸²⁷

Magnus also acted as a channel of communication between the warden and Westminster. Dacre received probably much-needed reassurance of the king's approval of his actions from the archdeacon,⁸²⁸ and in fact the warden seems to have been somewhat reliant on Magnus' advice on how to deal with the powers-that-be at Westminster. Magnus was consulted on the communications which Dacre intended to send to Wolsey, and suggested alterations,⁸²⁹ and the warden sought his advice on the best way of squeezing more money out of Wolsey.⁸³⁰ On one occasion the archdeacon sent Dacre a letter containing news of a Scottish raid, which he had pre-addressed to Wolsey, in order to save Dacre the trouble of writing it himself.⁸³¹ In December 1523, Dacre also requested Magnus' 'good word' when the latter went down to Westminster,⁸³²

⁸²² *Ibid.*, fo. 20.

⁸²³ *Ibid.*, fo. 18.

⁸²⁴ *Ibid.*, fo. 157.

⁸²⁵ *Ibid.*, fo. 157.

⁸²⁶ *Ibid.*, fos 965, 21.

⁸²⁷ BL, Caligula B.II, fo. 299.

⁸²⁸ BL, Add. MS 24,965, fo. 54.

⁸²⁹ *Ibid.*, fo. 20.

⁸³⁰ *Ibid.*, fo. 71.

⁸³¹ *Ibid.*, fo. 20.

⁸³² *Ibid.*, fo. 129.

and clearly considered that Magnus' request to Wolsey for more money would carry more weight than Dacre's own.⁸³³ This emphasizes Magnus' closeness to central government at a time when Dacre's own position was growing ever shakier. This appeal for 'good lordship' from a nobleman to an archdeacon perhaps provides some indication of the degree to which spiritual men were beginning to 'govern and rule' the north, even before the inception of the duke of Richmond's council.

The importance of Magnus' position is further emphasized by Dacre's assumption that, on the departure of the earl of Surrey, border affairs would come 'once again' into the archdeacon's hands.⁸³⁴ When the duke's council was set up, Magnus' experience of border finance made his appointment as treasurer of the chamber and receiver-general inevitable. He also retained his responsibility for the king's finances in the north, from which duty he would not be released until June 1527.⁸³⁵ The confidence which central government placed in Magnus' ability and trustworthiness is emphasized by the measure of discretion allowed to him in the disposal of the monies in the north with which he was entrusted. On 8 December 1525, Wolsey ordered the abbot of St Mary's to pay Magnus 'as much money as he should demand';⁸³⁶ and in January 1527, the cardinal sent a warrant dormant to the abbot, directing him to pay such monies to George Lawson as Magnus should direct, for the wages of the garrison at Berwick and for repairs at Wark.⁸³⁷

It is therefore somewhat surprising that Magnus' name should have been absent from the commissions of the peace for the northern counties, on which the rest of the

⁸³³ *Ibid.*, fo. 71.

⁸³⁴ *Ibid.*, fo. 78.

⁸³⁵ BL, Caligula B.II, fo. 125; *LP*, IV, 3213.

⁸³⁶ BL, Caligula B.II, fo. 125.

⁸³⁷ *LP*, IV, 2801.

council was named. As these are the only commissions which survive of those sent to the council that summer, it is impossible to discover whether Magnus was included on the others.⁸³⁸ The omission may have been due to the fact that he was engaged in negotiations with the Scots until spring 1526, and indeed Magnus' name does not appear on the letters of the council until then. However, by 31 January 1528, the duke of Richmond was referring to Magnus as the 'director' of his council,⁸³⁹ a part he had probably been playing for well over a year. On 8 February 1527, Sir Thomas Tempest and Sir William Bulmer informed Wolsey that since Magnus had arrived the previous August, they had followed his advice, as it was the king's pleasure that he should be obeyed.⁸⁴⁰ From this point Magnus assumed the direction of the council, attending assizes,⁸⁴¹ directing when and where quarter sessions should be held,⁸⁴² and putting other commissions into effect.⁸⁴³ On 27 August 1526, along with Sir William Eure, Magnus made a schedule of the names of the men who should be added to the commission of the peace for Northumberland, including Cuthbert Ratcliffe, sheriff of Northumberland, whom Magnus described as a 'good and honest gentleman',⁸⁴⁴ and Christopher Mitford, a 'learned man', who should also be added to the quorum.⁸⁴⁵ Magnus 'commoned and devised' with Sir William Eure, lieutenant of the middle march, for the reformation of Tynedale;⁸⁴⁶ and with Sir Thomas Clifford, to devise the strategy which should be put in

⁸³⁸ *LP*, IV, 1596.

⁸³⁹ *Ibid.*, IV, 3860.

⁸⁴⁰ *Ibid.*, IV, 2681. The first evidence of Magnus' presence on the council is in a letter written on 17 August 1526 (BL, Caligula B.III, fos 45-6).

⁸⁴¹ *Ibid.*; *LP*, IV, 2435; BL, Caligula B.II, fos 133-4; *LP*, IV, 2801, 3370.

⁸⁴² BL, Caligula B.III, fos 45-6.

⁸⁴³ BL, Caligula B.II, fos 133-4

⁸⁴⁴ BL, Caligula B.III, fos 45-6.

⁸⁴⁵ *LP*, IV, 2435.

⁸⁴⁶ BL, Caligula B.III, fos 45-6.

place for the capture of Sir William Lisle.⁸⁴⁷ The archdeacon's senior role is emphasized by the fact that much of the correspondence between Westminster and the north was conducted through him, rather than with the council as a whole. Magnus reported on the state of justice and law and order on the borders,⁸⁴⁸ including the Lisle affair,⁸⁴⁹ and on the 'raising' of gold locally.⁸⁵⁰ Orders from central government were frequently transmitted through Magnus, to the abbot of St Mary's,⁸⁵¹ and to the council, about matters such as William Lisle's indictment, and the payment of the earl of Westmorland, deputy-warden of the east and middle marches.⁸⁵² Even when Wolsey wrote to the council as a whole, he addressed his letter first to 'our right wellbeloved Master Magnus' before 'all other councillors with the duke of Richmond and Somerset'.⁸⁵³

Given his position, and his experience of such matters, it is hardly surprising that the council's communications with the duke's lieutenants and officers appears to have been conducted largely by Magnus, even while he was still in Scotland.⁸⁵⁴ Nor was Magnus' role merely that of a mouthpiece; such evidence of independent thought and action as was evinced by the council usually came from Magnus, who frequently advised on military policy. On 15 December 1525, Magnus offered his thoughts on the payment and discharge of the gunners maintained on the eastern border. He stated that although they had been kept on solely because the Crown could not afford to discharge them,

⁸⁴⁷ SP 49, fo. 474.

⁸⁴⁸ BL, Caligula B.III, fos 45-6; *LP*, IV, 2435; BL, Caligula B.II, fos 133-4; SP 49, fo. 464; BL, Caligula B.III, fo. 303; SP 49, fo. 478; *LP*, IV, 3230; SP 49, fo. 474.

⁸⁴⁹ BL, Caligula B.III, fos 45-6; SP 49, fo. 478; *LP*, IV, 3230; SP 49, fo. 474; *LP*, IV, 1809; SP 1/40, fos 208-9; *LP*, IV, 2885; BL, Caligula B.III, fo. 303.

⁸⁵⁰ BL, Caligula B.II, fo. 181.

⁸⁵¹ *Ibid.*, fo. 125.

⁸⁵² SP 1/39, fos 111-4; SP 1/40, fos 208-9.

⁸⁵³ *LP*, IV, 2131.

⁸⁵⁴ Magnus' communications with the border officers from Scotland, and after his return to Yorkshire, are discussed above, ch. 1, pp. 40-8.

because of the wages they were owed, 'right wise men' considered it best that they should be kept in service at Norham, Wark and other small holds in the country, until a firmer accord was reached with the Scots.⁸⁵⁵ In March 1526, he offered his opinion on how the marches might be 'ordered, ruled and defended in the only ordinary charges belonging to sundry parts of the said country'.⁸⁵⁶ Nor was Magnus afraid to issue advice which conflicted with previous commands from Westminster. In contradiction of Wolsey's orders, Magnus urged against the discharge of gunners,⁸⁵⁷ and urged the inadvisability of calling too many of the king's officers away from the north at once.⁸⁵⁸ And in 1528, he called for the king to establish garrisons along the border if he elected not to maintain the truce with Scotland.⁸⁵⁹ Magnus also advised on appointments to vacant offices in the north. Dacre's appointment as steward of Hexham and captain of Norham, with his uncle, Sir Christopher, as his deputy, would be the best and cheapest means of keeping the borders in order. When Sir William Eure wished to retain his household fee from the duke of Richmond, in addition to his fees as vice-warden and lieutenant of the middle marches, and keeper of Tynedale, it was Magnus who made the request.⁸⁶⁰ On 26 March 1527, he also recommended that Sir William Bulmer the younger be appointed marshal of Berwick, noting that he had 'some experience on the border'.⁸⁶¹

In 1527, with the replacement of the duke of Richmond as warden on the east and middle marches by the earl of Northumberland, and in the west march by William, Lord

⁸⁵⁵ *Ibid.*

⁸⁵⁶ *Ibid.*, fos 119-20.

⁸⁵⁷ *Ibid.*

⁸⁵⁸ *Ibid.*, fos 150-2.

⁸⁵⁹ *Ibid.*, fo. 100.

⁸⁶⁰ BL, Caligula B.III, fos 45-6.

⁸⁶¹ SP 1/41, fos 113-14.

Dacre, the authority of the duke's council over the border was reduced.⁸⁶² However, along with several other of its members, Magnus was appointed to Northumberland's council, and continued to play an important role in the north,⁸⁶³ the more so since the earl's instructions were 'to be strictly executed by advice of counsel'.⁸⁶⁴ In the first letter which he wrote to Wolsey after his arrival in the north, Northumberland stated that Magnus had sent him a little memorandum, which he enclosed. This was probably the 'remembrance to my lord of Northumberland' in Magnus' handwriting, which deals with the appointment of his officers and their fees and the execution of justice in Tynedale.⁸⁶⁵ Similarly, the task of smoothing the ruffled feathers between the Dacres and the earl of Cumberland, which was threatening the good rule of the west march, had been assigned to Magnus by 13 September 1526.⁸⁶⁶ Although the earl of Northumberland was appointed to settle the feud, it was Magnus who reported on it, Magnus who was expected to deal with it,⁸⁶⁷ and Magnus whose advice on its resolution ultimately prevailed.⁸⁶⁸

As a mere archdeacon, Magnus' role in the northern chain of command was unusual. However, his importance as a royal servant is perhaps even more strongly indicated by the parts he played on a more national stage. As the earl of Surrey stated, the archdeacon of the East Riding had other royal offices, which must often have required his presence elsewhere.⁸⁶⁹ In 1519, he was associated with Kite and Sir William Kingston in a commission to audit the plate and jewels in the keeping of Sir Henry Wyatt. By 23

⁸⁶² SP 49, fo. 515; *LP*, IV, 4855.

⁸⁶³ From 1528, Magnus appears once again on the north-east peace commissions. *LP*, IV, 5243, 6490, 5083, 6803.

⁸⁶⁴ SP 1/45, fos 101-7.

⁸⁶⁵ *Ibid.*.

⁸⁶⁶ BL, Caligula B.II, fos 133-4.

⁸⁶⁷ *Ibid.*.

⁸⁶⁸ SP 49, fo. 515; *LP*, IV, 5906.

⁸⁶⁹ *Ibid.*, III, 3536.

October 1520, he was a member of the king's council, and receiver-general of lands in the king's hands by reason of minorities,⁸⁷⁰ an office which he was also later to perform for the lands of the duke of Buckingham. It was not until 18 June 1527 that he was finally released from those offices.⁸⁷¹

The council of the north

If Magnus were the most important member of the minor clergy within the border administration he was by no means the only one. The duke's council was characterized by a heavy bias in its membership towards northern clergymen. The duke's almoner was Dr William Tate, prebend of Botevant in York. His chancellor, and initially head of the council was Brian Higdon,⁸⁷² Wolsey's archdeacon, dean and vicar-general of York.⁸⁷³ Unlike Magnus and Dalby, Higdon probably owed his elevation wholly to Wolsey, since he had no previous record of royal service. However, once Magnus returned to the north, Higdon played a subordinate role to the new director. Letters written to Wolsey by Higdon alone tend to deal purely with the spiritual matters concerned with his office as vicar-general.⁸⁷⁴ William Frankeleyn, archdeacon and chancellor of Durham, was also a member of the council. His career had been mainly restricted to the bishopric, but he does seem to have extended his interests in the period immediately prior to the council's creation. In November 1524, Frankeleyn complained that he was powerless to deal with the outrages committed by the thieves of Tynedale, Redesdale, Gilsland and Bewcastledale within the bishopric, because the said offenders were not resident within

⁸⁷⁰ *Ibid.*, III, 1036.

⁸⁷¹ *Ibid.*, IV, 3213.

⁸⁷² 'Henry Fitzroy', ed. Nichols, pp. 22-6.

⁸⁷³ *LP*, IV, 3203.

⁸⁷⁴ E.g. *Ibid.*, IV, 2501, 2835, 3878.

the liberty of Durham, and thus were beyond Wolsey's jurisdiction.⁸⁷⁵ The following year, Wolsey responded to this plea by appointing Frankeleyn, along with Anthony FitzHerbert, a justice of assize and gaol delivery on the northern circuit, to go into the border counties and inquire into the cause of the disturbances plaguing Northumberland and Cumberland.⁸⁷⁶

However, apart from Magnus, the most significant player was Thomas Dalby, archdeacon and dean of the chapel of Richmond, who was now appointed the duke's surveyor. Dalby had already enjoyed a career in royal service under Henry VII, perhaps rather more prestigious than Magnus'. He was included on the commission of *wallis et fossatis* for the East Riding of 14 November 1503.⁸⁷⁷ By 16 November 1507, he was one of Henry VII's chaplains, and from this point Henry used the archdeacon extensively in royal service in Yorkshire. From this point his career took off. In addition to his role on the Council of Yorkshire, Henry appointed him warden and chief justice of the forest of Galtres,⁸⁷⁸ and on 28 November, along with other royal servants such as William, Lord Conyers and Sir Ralph Bulmer, he was commissioned to enquire into concealed royal feudal rights and riots and unlawful assemblies in Yorkshire.⁸⁷⁹ In December that year, Dalby was one of those directed to conduct an inquisition *post mortem* on the lands of the late Sir Thomas Tempest in the county of York,⁸⁸⁰ and was included on another commission of enquiry into concealed lands in 1509.⁸⁸¹ When the see of Durham was temporarily in the king's hands in 1509, Dalby, along with the prior of St Cuthbert's, was

⁸⁷⁵ SP 1/32, fo. 205.

⁸⁷⁶ SP 1/34, fos 113-14.

⁸⁷⁷ CPR 1494-1509, p. 358.

⁸⁷⁸ *Ibid.*, p. 566.

⁸⁷⁹ *Ibid.*, p. 580.

⁸⁸⁰ *Ibid.*, p. 562.

⁸⁸¹ *Ibid.*, p. 618

given the authority to appoint the chancellor, sheriff, escheator and the other officers of the bishopric.⁸⁸²

Dalby was exempted from the general pardon issued by Henry VIII on his accession,⁸⁸³ and did not receive a pardon until over a year later,⁸⁸⁴ but by 29 April 1511, he was chaplain to Henry VIII, as he had been to his father.⁸⁸⁵ Like Magnus, Dalby seems to have been patronised by Wolsey. In January 1514, Darcy reported some 'traverse' in the church of York involving Dalby, serious enough for him to suggest that Wolsey ought to interfere.⁸⁸⁶ Wolsey's failure to act is implicit in the appeal of Christopher Bainbridge, Archbishop of York, to the king himself, five months later. Bainbridge referred to Dalby as his 'adversary', who was interfering in his jurisdiction, troubling his servants and withholding rents. His reproach that, despite the service he had rendered the king, his previous letters had been ignored, suggests Dalby had influential connections at court, possibly through Wolsey, who was shortly to be appointed archbishop of York in Bainbridge's stead.⁸⁸⁷ Wolsey would subsequently use his archdeacon for such delicate tasks as levying the north for the forced loan of 1522,⁸⁸⁸ and collecting the first and second parts of the subsidy granted the following year.⁸⁸⁹

Conclusion

Darcy's accusation that northern government had been monopolised by spiritual men would thus seem to have had more than a grain of truth in it. The deference he himself

⁸⁸² *Ibid.*, p. 596.

⁸⁸³ *LP*, I, 12.

⁸⁸⁴ 26 June 1510 (*Ibid.*, I, 1115).

⁸⁸⁵ *Ibid.*, I, 1637.

⁸⁸⁶ *SP* 1/7, fos 80-1.

⁸⁸⁷ *LP*, I, 5169.

⁸⁸⁸ *Ibid.*, III, 3379.

⁸⁸⁹ *Ibid.*, IV, 2972.

had paid to Richard Fox, Bishop of Durham, in the 1490s, and his anxiety to retain the good lordship of this particular clergyman, sit rather oddly with the distaste he later professed for their authority over temporal matters. However, Darcy's complaint was more specifically levelled against the council of the north, none of whose spiritual members enjoyed episcopal dignity. It was the novel elevation of the more minor dignitaries of the church which so offended against 'laudable custom'. Wolsey's appointment as legate was deliberately designed to place him in authority over the English Church; it seems likely that his appointment to the sees of York and Durham was intended to give him authority over the border region. The domination of the council of the north by his staff was simply the logical conclusion of the political situation at Westminster. Wolsey was so integral a part of central government in the 1520s that it was natural that his staff should be regarded as a source of royal service in the north, a policy which accounts at least in part for the careers of Thomas Magnus and Thomas Dalby, among others. It is significant, however, that, although many of Wolsey's clerical staff, both from Yorkshire and Durham, were appointed to the duke of Richmond's council, only Dalby and Magnus were at all prominent in royal government prior to the formation of the council; and it was Dalby and Magnus, both of whom were royal chaplains, who appear to have been largely responsible for communications with Westminster after its formation. The council may have been Wolsey's baby, but only those with proven records of royal service were allowed to play nursemaid.

Richard III's pre-existing influence over the bishopric of Durham, and his deliberate appointment of a bishop necessarily absent in Rome, allowed the last of Yorkists a direct control of the bishopric which the Tudors could not hope to parallel. In

personal control of Durham, and master of an extensive affinity in the north-east, Richard had no need to consider clerics for royal service. In contrast to the strong clerical bias of Henry VIII's council in the north, its predecessor under Richard III was wholly composed of laymen. Had he thought about it, Richard's opinion about the fitness of spiritual men to govern temporal matters would probably have been in accord with that held some fifty years later by his fellow northern magnate, Thomas Darcy. Darcy implied that Wolsey was responsible for this untoward elevation of the spirituality. However, the petition was somewhat disingenuous; the question of whether the spirituality were fit to defend the borders had been rendered academic over a year before, with the replacement of duke of Richmond as warden by the very members of the lay gentry and nobility for whom Darcy's petition called: the sixth earl of Northumberland, and William, Lord Dacre. In addition, the use of minor clerics in the government of the north predated Wolsey; Magnus and Dalby commenced their careers in royal service at about the same time as Wolsey himself. Wolsey was a part of the trend towards the promotion of the clergy in royal government; he did not initiate it. With the exception of Wolsey, the vexed question of the temporal rule of spiritual men was evidently not a burning issue outside the northern counties, for Darcy's petition against the duke of Richmond's council was not included in the charges which were ultimately brought against Wolsey.⁸⁹⁰ But there were reasons why this trend should be exaggerated in the border counties. The indentured wardenship, a system of government which had depended so wholly on just two noble families, was peculiar to the far north. The policy which aimed at its elimination, and their replacement with more malleable royal servants, was similarly peculiar. The motive attributed to the king for setting spiritual men to rule over the northern laity was distrust

⁸⁹⁰ Ives, 'The Fall of Wolsey', p. 298; *LP*, IV, 6075.

of their loyalty, and it seems likely that there was some truth in this. One of the items of Darcy's complaint against Wolsey in July 1529 was the 'unlawful' taking of recognisances from the entire gentry and nobility of the north, without any cause – one of the first acts of the duke's council.⁸⁹¹ Given the council's demonstrable lack of independence, it may be assumed that this action was taken in accordance with royal instructions. Before the Reformation, the clergy could be considered a useful source of reliable royal servants, for the king controlled most of the major sources of church patronage. The use of clergymen in the rule of the north by Henry VII, and to an even greater degree by Henry VIII, demonstrates the desire of the early Tudor Crown to exert a greater degree of royal control over its management.

⁸⁹¹ *LP*, IV, 5749, 5815.

FIVE: FEUD, RIVALRY AND DIVISION

The fifteenth century

The fifteenth century is traditionally a byword for feuding and aristocratic violence; the north of England notoriously so. Rachel Reid's picture of the Anglo-Scottish marches before the advent of the Tudors is not an edifying one. Royal support and funds bolstered the position of 'overmighty' subjects, and the Crown rendered itself powerless to prevent its wardens from using their enhanced positions to further their own interests and carry on their own feuds.⁸⁹² Reid's view, springing from her conception of the inherent evils of livery and maintenance (unless practiced by the Crown), remained essentially unchallenged in the 1960s. Robin Storey agreed that during the reign of Henry VI, 'the powerful position of the wardens of the marches was a menace to the peace of the border counties'.⁸⁹³ In 1983, Neville confirmed that the disorder 'endemic to the border regions' dated back to long before the Wars of the Roses, and ensued from their 'domination...by a few powerful men'.⁸⁹⁴ The Neville-Percy feud, which fuelled the wars, was perhaps the most infamous exemplar of the potential dangers of such domination. This rivalry, and the families' methods of prosecuting it, owed much to their respective monopolies of the wardenships of the west and east marches. Wardens could legally retain any inhabitant of their march between the ages of sixteen and 60, and were given annual lump sum payments with which to do so. Each family jealously guarded its own sphere, and fiercely resented encroachments upon it. The course of the feud has been examined in detail

⁸⁹² Reid, *King's Council*, pp. 20-1.

⁸⁹³ Storey, 'Wardens of the Marches', p. 609.

⁸⁹⁴ Neville, 'Gaul Delivery', p. 43.

elsewhere;⁸⁹⁵ suffice it to say that between 1450 and 1460, the feud between Thomas Percy, Baron Egremont (a younger son of the earl of Northumberland), and Sir Thomas Neville (a younger son of the earl of Salisbury) set one half of Cumberland against the other. ‘Great dissensions, riots and debates were moved and stirred’, and the Neville sheriff was threatened and his men beaten up. In 1453, the feud was transferred to Yorkshire, and grew apace. The protagonists recruited armed adherents to break into one another’s properties, beat up the king’s officers, and kidnapped, assaulted, and plotted to murder one another – and the government’s attempts to intervene proved futile. The policies which Richard III, Henry VII, and Henry VIII adopted towards the government of the marches were clearly successful in reducing the power of the wardens; could they thereby check aristocratic violence and feuding?

Divide and Rule

i) The west march

Under Henry VII, the rule of the west march was effectively divided among several men. Thomas, Lord Dacre, was the king’s lieutenant of the march. Sir Richard Salkeld and Sir John Musgrave were retained by the king as commanders of Carlisle and Bewcastle. Sir Christopher Moresby, who served Henry as steward of Penrith (as he had done his predecessor), held no official military post. However, the king’s ‘first commandment’ to Moresby was that he should give his ‘aid and comfort at days of march and meeting on the borders’, and ‘be privy of the matters betwixt the realms’. This commandment was

⁸⁹⁵ See, for example, P. Booth, ‘Men Behaving Badly? The West March Towards Scotland and the Neville-Percy Feud’, in L. Clarke (ed.), *The Fifteenth Century III: Authority and Subversion* (Woodbridge, 2003); R. Griffiths, ‘Local Rivalries and National Politics: The Percies, the Nevilles and the Duke of Exeter, 1452-1454’, in *King and Country: England and Wales in the Fifteenth Century* (London, 1991); Storey, *The End of the House of Lancaster*, chs 7-9.

given 'as well to him as others'.⁸⁹⁶ In addition to Musgrave, who was required to attend march days in his capacity as constable of Bewcastle,⁸⁹⁷ this probably included Salkeld, who had briefly occupied the office of 'keeper of the march' before Dacre's appointment.⁸⁹⁸ In 1487, all four were required to sign an agreement to uphold an ordinance for the governance of Carlisle.⁸⁹⁹ This kind of joint responsibility is reminiscent of the collective commissions of wardenry issued in the fourteenth century, before the great magnate families came to dominate the office.⁹⁰⁰ Dacre and Moresby were the principal members of this 'quadrumvirate', whom, the king's council considered, together constituted his 'strength' within the county of Cumberland.⁹⁰¹

Henry's purpose in having thus divided the command is revealed in a document from an inquiry into disturbances which took place in Cumberland in 1487. The king was able to turn to a royal servant independent of Dacre for information. Henry Denton, mayor and 'king's lieutenant' of Carlisle,⁹⁰² had 'diverse times assembled, caused, compelled and led the king's subjects and citizens of the said city, with trumpets blowing in form of war'. Denton's interrogation throws further light upon the preoccupations of a king who had already faced two rebellions from his predecessor's northern strongholds. The key question raised about his actions was whether he was retained by anyone other than the king.⁹⁰³ Henry clearly suspected that the lieutenant had recruited the citizens of

⁸⁹⁶ STAC 2 26/11.

⁸⁹⁷ BL, Add. MS. 24,965, fos 199v-200.

⁸⁹⁸ February 1486 (*Materials*, ed. Campbell, I, 231; RS, II, 472; Summerson, *Medieval Carlisle*, II, 467).

⁸⁹⁹ *The Royal Charters of the City of Carlisle*, ed. R.S. Ferguson (Carlisle, 1894), p. 119; Summerson, *Medieval Carlisle*, II, 469.

⁹⁰⁰ Storey, 'Wardens of the Marches', pp. 593-4.

⁹⁰¹ STAC 2 26/11.

⁹⁰² This is an unusual description of the mayor. The captain of Carlisle was usually also the king's lieutenant of the city, being paid for both offices. Although the command of castle and city would later be temporarily divided, there is no evidence in the financial records that this was the case in 1487.

⁹⁰³ STAC 2 26/11.

Carlisle to fight the private battles of a noble patron, probably Dacre himself (for the Dentons of Warnell were members of the Dacre affinity).⁹⁰⁴ The disturbances prompted Henry to dispatch two of his most important councillors to Carlisle: Richard Fox, at this time bishop of Exeter and keeper of the privy seal, and Sir Richard Edgecombe, controller of the king's household, were diverted to the city on their way back from Scotland in September 1487. The ordinances which they imposed on the citizens of Carlisle banned the re-election of a mayor on the expiry of his three-year term of office; presumably this was intended to prevent a monopoly on the loyalties of the citizens, but may have been more specifically directed against Denton. In 1498, Henry would take further steps to secure the city's loyalty, requiring all male inhabitants who had been living in the city more than a year to swear an oath to be retained by no other lord but the king.⁹⁰⁵

However, Henry's preoccupations extended beyond Carlisle. Denton was also questioned about retainers within, and 'the demeaning and guiding' of, Cumberland as a whole, and was charged to reveal the names of those whose 'injuries and extortions and wrongful ministering of the king's laws be daily used among his subjects there'.⁹⁰⁶ Sir Christopher Moresby was similarly questioned as to 'the causes of the riots and insurrections'; whether the king's laws 'be duly ministered to the king's subjects there'; whether 'oppressions and extortions be used by any person or persons within the said county'; and whether 'any matters be maintained and borne contrary to the king's laws'.⁹⁰⁷ The message was clear; Henry expected his officers to report on the behaviour

⁹⁰⁴ James, *Change and Continuity*, pp. 45-6.

⁹⁰⁵ CRO, DRC/2/64, fo. 17v.

⁹⁰⁶ STAC 2 26/11.

⁹⁰⁷ *Ibid.*

of their fellows. His condemnation of Dacre for failing to certify the king or his council, 'from time to time', of 'such riots and misbehaving of the king's subjects', backs up the point; Henry expected to be kept informed.⁹⁰⁸

However, the same document reveals that many of the problems underlying this state of affairs were the result of the system of government which Henry had himself put in place. Dacre and Moresby were at 'such traverse and variance as neither of them dared trust to be in the danger of other', and they ill-used one another 'continually...to the evil example of all the king's subjects'. As a result of this feud, Moresby refused to attend Dacre at the march days in accordance with his instructions.⁹⁰⁹ Although the problem was noted in 1487, there was no real attempt to address it. The feud between Dacre and Moresby continued to rage. Thomas, Lord Clifford, sheriff of Westmorland, was drawn into the dispute when Dacre, failing to settle a quarrel between Clifford and Moresby which arose in 1487/8,⁹¹⁰ instead lent armed support to Clifford's attacks on his adversary. In 1488, this landed all three of them in front of the king's council, who promptly committed them to the Fleet prison. On 1 December, the matter was settled by Henry himself. Dacre admitted that his part in the riots against Moresby, and both he and Clifford were fined £20.⁹¹¹

A longer-lasting problem was created by the separation of the command of Bewcastle from the wardenry. A surviving copy of the indenture made between Henry VII and Musgrave underlines the independent authority enjoyed by the constable. Within Bewcastledale, the constable exercised many of the functions which belonged to the

⁹⁰⁸ *Ibid.*

⁹⁰⁹ *Ibid.*

⁹¹⁰ CRO DRC/2/16, fo. 1v.

⁹¹¹ *Select Cases in the Council of Henry VII*, ed. C.G. Bayne, and W.H. Dunham, Selden Society 75 (1958), p. 20; Summerson, *Medieval Carlisle*, II, 469.

warden in the rest of the west march. Musgrave was required to attend all march days, so that he might answer for any breach of march law committed by anyone residing within the bounds of his office. He was personally responsible for seeing that any offenders were brought to march days, and for ensuring that they made sufficient redress for all crimes committed in Scotland. He was also expected to ensure that none of the inhabitants of Bewcastle, including the 'English Scots' who dwelt within the Lyne valley, 'commoned' with, or received, any Scotsmen who owed allegiance to the Scottish king, unless they could demonstrate a reasonable cause for this to Dacre. Musgrave was wholly accountable for the behaviour of these 'English Scots', ensuring that they 'demeaned themselves as good and true subjects'; should he fail to do so, he was expected to ensure that they made redress for 'all manner robberies, murders, injuries, hurts or attempts' committed against Englishmen.⁹¹² Musgrave was not dependent on Dacre for his wage, receiving payments for himself and, when necessary, the men he was directed to retain, direct from the exchequer. The commander of Bewcastle apparently had sufficient personal power to pursue a course of action independent of Dacre. On one occasion he invaded Scotland and burned Selkirk on his own authority; and on another he directed his forces against the 'peaceable' inhabitants of Teviotdale, rather than against the king's 'true enemies', in direct opposition to the policy advocated by other authorities on the west march.⁹¹³

After Henry signed a truce and then negotiated a lasting peace with Scotland, the border elicited less assiduous attention from the Crown. Henry's 'divide and rule' policy relaxed somewhat, and by 1502, Dacre had acquired control of Penrith, Carlisle and

⁹¹² BL, Add. MS. 24,965, fos 199v-200.

⁹¹³ Summerson, *Medieval Carlisle*, II, 468; Conway, *Relations*, App. XLV, pp. 236-9.

Bewcastle,⁹¹⁴ although still under fairly strict supervision from Westminster. However, with the advent of Henry's jingoistic son, war with Scotland focussed royal attention on the border once again. In 1515, Sir Thomas Musgrave resumed command of Bewcastle.⁹¹⁵ Dacre's attempts to displace him included a scheme for abandoning the castle altogether and rebuilding it within the king's lordship of Arthuret, dispossessing Musgrave in order to use his fee to fund the scheme, and proffering advice on how to 'induce' him to be 'glad thereunto'.⁹¹⁶ Dacre's plans came to nothing, however. Bewcastle was not abandoned and Musgrave retained his command.⁹¹⁷ There is no further indication of trouble between Musgrave and Dacre, perhaps because Dacre's responsibilities as warden of the east and middle marches meant he was forced to rely heavily upon his brother and son as deputies in the west march. However, the survival of a copy of Musgrave's indenture among the papers contained in Dacre's letterbook for the years 1523/4 may indicate that the warden had not given up hope of acquiring command of Bewcastle again.⁹¹⁸

His son certainly entertained such an ambition, and it was on his appointment to the west march in late 1527 that trouble between warden and captain resurfaced. William, Lord Dacre, was granted the reversion of the command of Bewcastle in December 1527.⁹¹⁹ However, by the following April, Musgrave had acquired permission to retain control of the lands granted with the castle which had originally been included in the

⁹¹⁴ Although Sir John Musgrave and his son, Sir Thomas, were granted the office in survivorship in 1493 (*CPR 1485-94*, p. 429), in 1502, Dacre was granted control of the revenues of the lands set aside for the garrison of Carlisle, and was instructed to provide garrisons both for Carlisle castle and Bewcastle from them (E 101/72/7/1167). Summerson thus concludes that Dacre had also acquired the command of Bewcastle by this date. Summerson, *Medieval Carlisle*, II, 473.

⁹¹⁵ *LP*, II, 1084.

⁹¹⁶ BL, Caligula B.II, fo. 347.

⁹¹⁷ BL, Add. MS 24,965, fo. 207v; SP 1/36, fos 154-5.

⁹¹⁸ BL, Add. MS. 24,965, fo. 200.

⁹¹⁹ BL, Caligula B.VII, fos 29-30; *LP*, IV, 3747.

reversion.⁹²⁰ Nor, if Dacre's account is to be believed, was Musgrave resigned to losing command of the castle, for he permitted his deputy to 'spoil' it, to steal 'all the lead upon it and within it', to break the glass windows, and to remove everything portable and destroy what was not. The castle, Dacre complained, was 'in ruin and decay, so that no man can dwell within it until it be repaired'. It may have suited Dacre's purpose to exaggerate. He used the alleged state of the castle as grounds to refuse the office except under the original terms of the reversion, 'the king's house...being so great a charge' that it would be 'great folly' to take it on with 'no manner thing either to the keeping or repairs of it'.⁹²¹ However, if this was a bluff, it fell through. By the following summer, Musgrave was still commander of Bewcastle.

But Dacre had by no means given up. On 18 July 1528, he complained to Wolsey that 'all the misguided men' from Eskdale, Wasdale, Wauchopdale, Liddesdale and a part of Teviotdale, came through Bewcastledale to raid the west and middle marches, 'and returned, for the most part, the same way again'. Musgrave's men made no attempt to prevent this. Dacre suggested tartly that, 'for the surety and defence of his charge as for the rest of both this west and middle marches', Musgrave should be ordered to occupy Bewcastle, where, of course, he had only to ask for assistance and it would be speedily provided by the warden.⁹²² The following month, Dacre had a more particular incident of this nature to resent.⁹²³ His tenant, John Bell, had been kidnapped, along with his cattle, by members of the Elwall, Nixon and Crozier surnames from Liddesdale, who had

⁹²⁰ BL, Caligula B.VII, fos 29-30.

⁹²¹ *Ibid.* Ellis notes that Dacre appears never to have secured possession of the reversion, but not the change which was made to the terms on which it was offered. Ellis, *Tudor Frontiers*, p. 203.

⁹²² BL, Caligula B.I, fos 19-20.

⁹²³ This is dated 4 August 1526 in the *Letters and Papers*, but Dacre was not appointed warden until the end of 1527. The year is more probably 1528.

entered the country through Bewcastledale. Leaving by the same route, they were pursued by Dacre's servants, who fell into an ambush laid by others of their clans. Upon surrendering their weapons, eleven of the luckless pursuers were murdered, and the remainder taken back to Scotland. Once again, Dacre complained, 'there came never one...of the said castle, neither to aid or assist my said servant, nor yet scour the field or give warning of the incoming or outgoing'.⁹²⁴ If this neglect was not the result of direct orders from their commander to disregard the warden's commands, the garrison must have been fairly confident that he would not reproach their inaction. The Crown must have been aware that Bewcastledale was a favoured route for raiding parties of Scotsmen and outlaws; it had been receiving reports to this effect from a variety of sources for a number of years. Arrangements devised to deal with the problem upon Dacre's appointment as warden had evidently broken down.⁹²⁵ Squabbling between commander and warden over Bewcastle was clearly hampering any attempt to deal with the situation, either by stopping up the raiders' access route, or even dealing with the raids on an individual basis.

The feud which had the greatest impact on the west march command in this period was that between the Dacre and Clifford families.⁹²⁶ In 1487, Thomas, Lord Dacre, abducted Elizabeth Graystoke from Henry, tenth Lord Clifford's custody.⁹²⁷ Four years later, the two were committed to the Fleet prison for riots and fined £20, 'the king only being present'.⁹²⁸ On 4 June 1496, Henry Wyatt informed the king that when Dacre had required the service of the Clifford tenants on the border, Clifford was absent. It was

⁹²⁴ BL, Caligula B.II, fo. 211.

⁹²⁵ BL, Caligula B.I, fos 19-20.

⁹²⁶ The feud is summarised by Summerson, *Medieval Carlisle*, II, 480-82.

⁹²⁷ *Ibid.*, II, 467.

⁹²⁸ *Select Cases*, ed. Bayne and Dunham, p. 58.

left to his wife, Lady Anne, who ‘rode about in Westmorland herself’, to muster a ‘good company of my Lord Clifford’s tenants’ and send them to Dacre. Wyatt complained that Clifford was ‘led and guided by simple and indiscreet persons...to his great hurt’. If he would only be ruled by his wife’s advice ‘it would be better for him’.⁹²⁹ The same problem prevailed some seventeen years later. In a letter written by Dacre to the king, dated 13 November 1513, he complained that Clifford had forbidden his tenants to attend him as warden ‘as they have been accustomed to do in times past’. This in itself was hardly unique; Dacre was experiencing similar problems with the earl of Northumberland’s tenants and officers.⁹³⁰ However, according to Dacre, Clifford ignored a royal injunction that he and his tenants must perform the service they owed the king under his appointed warden, ‘on their own charges without wages...according to the ancient custom in our antecessors’ days used’. In response, Clifford’s servants, Thomas Wharton and Henry Salkeld, were sent to ‘all and every gentleman’ living in Westmorland, to reiterate their master’s command that Dacre’s demands for their service must be resisted. The gentlemen were primed to claim that ‘they were not wont in times past to do service’, and to refuse ‘in time coming [to] serve the king or his warden...without wages.’ Dacre threatened that if Clifford did not ensure that his tenants were ready to serve their warden ‘at times behooveful and necessary, upon warning to be given by me or mine officers’, they could explain themselves before the king and his council.⁹³¹ Since one warning from the king had already apparently had little effect on Clifford other than to harden his intransigence, the efficacy of Dacre’s threat must be doubtful.

⁹²⁹ Conway, *Relations*, pp. 238-9.

⁹³⁰ *Original Letters*, ed. Ellis, p. 92.

⁹³¹ *Clifford Letters of the Sixteenth Century*, ed. Dickens, no. 26.

In fact, Dacre's recourse to Henry only worsened relations between Clifford and himself. Clifford's riposte to the royal reprimand was to instruct Wharton and Salkeld to gather all the gentleman of Westmorland together and inform them that Dacre had complained to the king, not just about himself, but all of them 'for non doing of...their duties to the warden of the marches in time of need'. If this is not an exaggeration, it suggests that Clifford was exerting his influence beyond his own tenants, in an attempt to stir up ill-feeling against Dacre throughout Westmorland. The potential damage such ill-feeling could create is suggested in the urgency of Dacre's insistence that Clifford should 'in hasty wise...assemble the same gentlemen together and declare unto them that I made no such complaint of...them as is surmised'. It was clearly important to Dacre's position to maintain good relations with the gentry of the west march county in which his personal influence was rather less strong. Dacre accused his antagonist of trying to usurp the authority which belonged to 'mine office of wardenry'.⁹³² The implication was that Lord Clifford coveted the office for himself.

Dacre's suggestion that the Cliffords had ambitions on the west march may have had some foundation. In October 1517, Dacre complained that Sir Henry Clifford, son and heir of the tenth lord, had obtained a signed bill from the king, granting him the stewardship of Penrith. This was a key office within the west march command, not least because its revenues maintained the garrison of Carlisle. The lordship also provided the warden with one of the few opportunities remaining to him to utilise royal patronage for the reward of his followers. Dacre had acquired control of the lordship in 1502, and was understandably reluctant to relinquish it. In addition, as he pointed out, since 'the room lies upon the marches...the said Sir Henry Clifford, or any other having that room by

⁹³² *Ibid.*

themselves or their deputies, must daily give their attendance for defence of the king's marches'. Clearly Dacre, having rid himself of Moresby, did not want another rival source of authority installed in this position.⁹³³ Although ultimately unsuccessful, the Cliffords' manoeuvring can hardly have improved Dacre's opinion of them, and its defeat may have caused further resentment towards Dacre on the part of both father and son. In a letter of 22 May 1522, Kite, whom Wolsey had primed to keep him informed of matters on the marches, indicated that the new Lord Clifford was as uncooperative in playing his part in defence of the march as his father had been, even in the face of renewed hostilities with the Scots.⁹³⁴ Two years later the situation had not changed. Dacre's letter of April 1524 included Clifford and his tenants among those about whom he made the same complaint.⁹³⁵

In 1525, Henry Clifford, newly created earl of Cumberland, acquired the office which Dacre had long accused him of coveting; he was appointed deputy-warden of the west march, and deputy captain of Carlisle to the duke of Richmond. As Ellis suggests, this was bound to put a further strain on Clifford relations with the disappointed Dacres.⁹³⁶ The tables having been turned, it was clearly in Cumberland's mind that the Dacre family might pose the same problems to his new office as he himself had done to them. One of the principal issues upon which the earl instructed Sir Thomas Clifford to petition the king was that Dacre, his son and his brother, Sir Christopher, and all their tenants and servants, should be commanded to be ready at Cumberland's behest 'to do the king service in as diligent manner as they have done heretofore'. He was right to be

⁹³³ SP 1/17, fos 147-8.

⁹³⁴ SP 1/24, fos 152-3.

⁹³⁵ BL, Add. MS 24,965, fos 258v-60.

⁹³⁶ Ellis, *Tudor Frontiers*, p. 147.

wary. The Lords Clifford had not caused Thomas, Lord Dacre, half so much trouble as William, Lord Dacre, was about to cause the earl. In the words of a petition directed against him, the son began 'where his father had made an end'.⁹³⁷

Another matter which concerned Cumberland was the acquisition of the office of receiver-general of all royal lands and dues within the county. The other offices he considered he would require in order to fulfil his task included the stewardship and bailiwick of the socage adjoining Carlisle, and the stewardship of Inglewood and Queenshaimes (comprising the manors of Penrith, Sowerby, Langwathby, Salkeld, Carleton and Scotby), the revenues of which were assigned for payment of the wages of the garrison 'and other necessaries'.⁹³⁸ The lands were entrusted to him in October 1525, but he may have experienced some trouble in collecting rent from existing tenants installed by Dacre.⁹³⁹ Whatever the truth of the matter, by the following March, the earl was facing accusations from Wolsey of having ejected certain farmers from their farmholds in Inglewood and Queenshaimes, 'by reason whereof they be greatly hindered and damaged, without any profit or commodity to arise to you.' Wolsey ordered that 'for avoiding further inquietation of that country, you not only suffer the rest of the tenants to enjoy their leases, but also restore them again which you have now put out'. Wolsey softened the reprimand with a promise that when the earl next came to London, the matter would be properly addressed by the king's council.⁹⁴⁰

⁹³⁷ BL, Lansdowne MS, CV, 8, fos 23-8.

⁹³⁸ SP 1/36, fos 154-5.

⁹³⁹ Summerson, *Medieval Carlisle*, II, 480.

⁹⁴⁰ *Clifford Letters of the Sixteenth Century*, ed. Dickens, no. 21.

It was, in fact, settled by the royal grant to Dacre of the stewardship of Penrith in April 1527,⁹⁴¹ and of the lands in Inglewood on his appointment as warden in late 1527. The earl of Northumberland was drafted to settle the grievances existing between the two men. A surviving copy of his arbitration award, dated 26 February 1528, exhorted them to 'set apart all grudges and be familiar',⁹⁴² and a week later Dacre wrote to Wolsey, stating that he and Cumberland had settled their differences. On 2 April, the earl of Northumberland confirmed that he had indeed achieved his mission.⁹⁴³ However, this was to prove somewhat optimistic. In June 1528, Sir Thomas Clifford reported on his brother's behalf that, tit-for-tat, Dacre was harassing tenants of the royal lands, the stewardship of which had been granted with the office of warden, solely on the grounds that they were servants of the earl, installed by him when the lands were under his control.⁹⁴⁴ A surviving petition of such a tenant from Inglewood forest, probably delivered by Clifford to the king as evidence of his brother's complaints, lists what were doubtless genuine personal grievances, but also betrays an agenda beyond the petitioner's own.⁹⁴⁵ The anonymous tenant complained that he and other poor men of the forest were being victimised by the 'misguided' men from Dacre's 'wild lands' of Gilsland. One William Lynok and his followers, he claimed, had stolen 40 of his sheep, and Lionel Watson, accompanied by followers from Gilsland, had broken into his house and stolen eight oxen. The tenant also alleged that on 8 May, Dacre's servants had, at their master's instigation, pulled down 41 closes belonging to royal tenants in the forest of Inglewood,

⁹⁴¹ *LP*, IV, 3807.

⁹⁴² *Ibid.*, IV, 3971.

⁹⁴³ *BL*, Caligula B.III fo. 146.

⁹⁴⁴ *SP* 1/59, fos 128-9.

⁹⁴⁵ The details below are taken from *BL*, Lansdowne MS, CV, 8, fos 23-28.

and destroyed their corn. This included one close belonging to the petitioner, for which, he claimed, he had the king's letters patent to occupy for seven years.

The petitioner also had numerous complaints to make about the behaviour of the new Dacre tenants and officials. Tenants put in by Dacre allowed their lord's 'misguided' men to ride and rob at their pleasure. One John Myers was named as the worst offender; he received thieves on their way home from robbing their victims' houses, 'and what goods so ever we have by night they rob it always from us and we get no mend'. Dacre had newly appointed Myers as clerk of the forest of Inglewood, who promptly took advantage of his position, unjustly amercing the king's tenants at his forest courts 'that is small trespassers or none', while taking bribes from real malefactors and permitting them to fell the king's wood. When, presumably in response to the resulting complaints from tenants whom he had helped to their farms, the earl of Cumberland sent a lawyer to sit in on Myers' court 'to see right justice ministered', the man was overwhelmed with complaints.

However, the petitioner's complaints went beyond the bounds of Inglewood forest. He informed the king that Dacre was using 4000 acres of fertile land at the Woodmouth, Harescough and *Brakyworth Path*, worth 6d per acre, for the pasture of sheep belonging to himself, his uncle Sir Christopher, and the prior of Carlisle. Not only was Dacre guilty of depriving the king of some £100 a year, but the fact that this land was uncultivated allowed 'misguided' men from Gilsland free access to commit robberies in Cumberland and Westmorland, and to return the same way to take the stolen goods to Scotland. It also facilitated the perpetration of similar 'malicious deeds' by the Scots. For example, the Scottish assailants of John Lawson of Skelton who 'struck his head from his

body upon his own bedstock', had come into Cumberland by the same route. The petitioner concluded that not only would it be of 'great wealth to the country to have this ground replenished', it might save the king the wages of 200 horsemen. However, this benevolent scheme was thwarted by Dacre, who 'keeps this ground waste by reason that he is the king's receiver...and so the misguided men that belong to the Lord Dacre have so great liberty that they undo us that is poor in the country'. Dacre was abusing his office in order to facilitate the misdeeds of his 'misguided' men, and worse, the Scots, throughout the west march.

The petitioner had further tales to tell of the Dacre family's fraudulent practices for withholding the king's rents. Eight years previously, the late Thomas, Lord Dacre, had granted 'a great part of the Broadfield' to his own tenants of the town of Blackwell, setting 'great stones for mark, which are called mere stones', so that now, he alleged, 'the king's ground lies there as their inheritance'. He concluded piously that he did not know 'what liberty the Lord Dacre had had to put the king's land so from the Crown'. The current Lord Dacre was also guilty of illicitly enclosing 1000 acres of land in Baron wood in the forest of Inglewood, and allowing Sir Christopher Dacre to enclose 100 acres at Wragmore, and to occupy up to 100 acres at the appropriately named 'Thieves head', without paying a penny. Other Dacre tenants also occupied and enclosed various lands within the forest rent-free. The petitioner offered a simple remedy; the king should give power to some nobleman who would let the king's lands there to the wealth of the country, and to the Crown's advantage rather than his own. The disinterested tenant suggested the earl of Cumberland or Sir Thomas Clifford as suitable candidates.

The petitioner also cast aspersions on Dacre's performance as warden. He

employed Robert Graham as keeper of the waters between England and Scotland. Graham had lived in Scotland, ‘took on him to be a Scot’, and had been condemned at a warden court held by the earl of Cumberland, for the murders of William Robinson of the Woodside and John Hoesham of Scalescough. Worse, Dacre had ‘given to the wolf the sheep and wether to keep’; he had kept no march days since Michaelmas, and thus his subjects had no recourse to redress from the Scots. The petitioner concluded that because Dacre called himself Wolsey’s servant, ‘right few’ dared to complain of him. Despite the fact that, naturally, ‘every man knows that my lord cardinal will do no poor man no wrong’, there were, he claimed, ‘many poor men that suffer great wrong of the Lord Dacre’.

A similar story unfolded on certain lands in Cumberland, in the north part of Nichol forest, pertaining to the lordship of Dunstanburgh, which were granted at farm to the earl on a five-year lease in May 1526.⁹⁴⁶ If he was ever able to occupy them, it could not have been for long. In a plea to Sir Thomas More, chancellor of the Duchy of Lancaster, Cumberland related how, on 13 November that year, Thomas, Lord Dacre, accompanied by the prior of Carlisle and their servants and adherents, forcibly entered Arthuret, Randalinton, Stubhill, Solport, Liddel, Solum, *Little Cristoo*, *Great Cristoo* and Easton.⁹⁴⁷ These men, claiming that they had ‘several inheritances in the same lands and tenements’, seized the issues and profits of the lands in question – and unceremoniously expelled the earl and his tenants. Cumberland begged More to make Dacre and his men ‘answer to the premises’, and to ensure that ‘such order and direction may be taken

⁹⁴⁶ DL 29/362/6036.

⁹⁴⁷ Stubhill is a lost place in Arthuret parish, Solum a lost hamlet in Solway Moss.

therein as shall accord with right and good consequence'.⁹⁴⁸

Cumberland's pleas evidently did not fall on deaf ears. He was clearly able to reinstall his tenants, since the next episode of the story deals with Dacre's treatment of them on his acquisition of the lease upon his appointment as warden. Cumberland complained that Dacre had set his 'extreme cruel and perverse mind' on getting rid of these tenants, and that he was more concerned with spiting the earl than the 'politic ruling, condition and maintenance of the king's inheritance, and of his said subjects'. Cumberland accused his rival of having, in April and May 1528, permitted the Scots and outlaws dwelling on the Debatable Ground, whose very presence was 'contrary to his charge and duty', to 'daily invade, assail and make destruction and waste of the lands between Esk and Lyne'. The principal offenders were the Armstrongs (known associates of Dacre), the Irwens and the Nixons. Cumberland claimed that Dacre had actually aided and abetted the outlaws in their dastardly schemes, deliberately removing the watchmen placed by the earl 'to the furthest parts of the said grounds...leaving the said ground open to the Scots and outlaws'. This, claimed the earl, was 'a deceitful means and policy for the destruction of the king's said subjects'. As a result of Dacre's malign machinations, most of the tenants installed by the earl had been 'murdered, robbed, or driven away and their goods stolen'. The earl included a long and detailed list of the destruction wreaked by the invaders on this royal property. Subsequently, Dacre confiscated the goods and houses they had left behind, presumably the principal aim of the exercise. According to Cumberland, as a direct result of Dacre's actions, the inhabitants had been transformed from worthy citizens 'conformable to the law marches and of as good demeanour and bearing as other the king's subjects in these parts' into 'transgressors, fugitives and

⁹⁴⁸ DL 1/20/C11.

traitors', hiding out in Scotland.⁹⁴⁹

Cumberland's allegations are supported by another document produced around the same time, which accused Dacre of having given similar 'conditions' to several Scottish surnames, including Irwens, Murrays and Grahams, contrary to the conditions of the peace taken with Scotland, and of having actually retained and received several of them at Rookcliffe. Consequently, the rebels and their English accomplices had 'done and committed many robberies and much treasons, contrary to the league and peace aforesaid'; as a result, 'the poor men adjoining to the borders have made and be billed to make redress that is above the value of 300 marks'.⁹⁵⁰ However, the earl does not appear to have been entirely blameless either. Along with the grant of the lands had gone the fishing rights on the Esk and Lyne. When these passed to Dacre, the earl's adherents continued the practice of 'hiring or taking of nets' in the waters of the Esk and Lyne without Dacre's permission.

On 26 June 1528, a royal sign manual addressed to Dacre commanded him to desist molesting those who served the earl of Cumberland, late warden of the west march, and to let them enjoy their farms until 16 October, when their leases expired.⁹⁵¹ On 9 July, Sir Thomas Clifford delivered to Dacre a letter from the king to the same effect. Dacre's response of 18 July completely denied the charges against him, but clearly indicates that he had put in some of his own tenants the moment he took over the lands. As he pointed out, this was no more than the earl had done when Dacre's father handed over the lands in question. Presumably on the assumption that this *fait accompli* invalidated the royal command, Dacre 'in most humble wise' begged the king that the

⁹⁴⁹ SP 1/48, fos 235-7.

⁹⁵⁰ SP 1/48, fos 238-41.

⁹⁵¹ LP, IV, 4419.

tenants he had installed should be permitted 'peaceably, and without interruption of my Lord of Cumberland and his deputy, to occupy their farmholds for that year'. Regarding certain meadows which appear to have provided a particular point of contention, Dacre asserted that 'there is none belonging to the demesne of Carlisle but three, whereof my Lord of Cumberland has occupied twain and I the third'.⁹⁵²

One of the principal areas of dispute was the royal demesne in Cumberland, for during Thomas, Lord Dacre's 40 years' rule over the west march, he had accrued much of the patronage associated with it. Dacre had obtained a lease of parts it in 1489, and the lease of the rest when he was granted the farm of the shrievalty of Cumberland in 1494. He and his brother Sir Christopher 'ordered and disposed of the demesnes at their pleasure', without rendering account for the lease or shrievalty. In 1498, Dacre and Sir Christopher, then sheriff of Cumberland, parcelled out the socage lands dependent on Carlisle castle among their own tenants.⁹⁵³ Having enjoyed such a long occupancy, the Dacres were less than willing to give up these lands, and they were to prove a further source of conflict. The nomination of the sheriff, or the shrievalty itself, was normally granted to the warden; a reference to Sir Thomas Clifford as sheriff on 16 December 1525, suggests that Cumberland was no exception. However, the appointment of Sir Christopher Dacre on 27 January 1526 is unlikely to have been the earl's choice, and can only be explained as a result of Clifford's poor performance of the office. The results were unhappy. Two months after his appointment, Sir Christopher reported to Wolsey that the earl had entered the lands adjoining Carlisle belonging to the shrievalty of Cumberland, and let them to his own tenants. It would be hard to carry out his duties as

⁹⁵² SP 1/59, fos 128-9.

⁹⁵³ R. Spence, 'The Backward North Modernized?', *Northern History* 20 (1984), pp. 74-5; E 126/3, fos 250, 315-6.

sheriff, he complained, unless he was allowed to have the 'letting and setting' of the lands, and unless the king could ensure that he might occupy the office 'without trouble of my lord of Cumberland'. Sir Christopher claimed that he had offered to let the earl and Clifford have and occupy all the lands for their own use during his year as sheriff 'with love and favours', to which they apparently responded that 'they would not have or occupy themselves for their own use saving the meadows, and they will maintain such farmers as they had let the lands unto'.⁹⁵⁴ On 7 October, Cumberland begged the duke of Richmond's council, for the sake of 'due execution of justice and the common weal of the country', to write to Wolsey to procure the shrievalty for his brother for the following year.⁹⁵⁵ On 13 September, Magnus reported regretfully that even intimations that Cumberland's favour towards Sir Christopher 'touching a farmhold in those parts' would be received 'thankfully' by the cardinal, had had no effect.⁹⁵⁶ The Dacres seem to have regained control of these lands, perhaps when Dacre was appointed warden. By 18 July 1528, they had been let to Dacre tenants once more, and the problem took a new twist; the king granted the lands to Cumberland at his request once again, 'on a wrong surmise'. Dacre requested that the king should inform him of his decision on this matter before the harvest 'for the sake of the present tenants'.⁹⁵⁷

The saga continued. Wolsey was appointed by the king to settle matters between the two that Michaelmas Term, but the case was postponed due to an outbreak of sweating sickness. On 28 September, Cumberland claimed that, so great was his fear that

⁹⁵⁴ SP 1/37, fos 250-1. *Letters and Papers* includes this under 1524, but the letter refers to Sir Thomas Clifford as Cumberland's deputy at Carlisle, where he was not installed until late 1525, and to Sir Christopher himself as sheriff of Cumberland, to which office he was not appointed until 27 January 1526. J. Wilson (ed.), *Victoria County History of the County of Cumberland* (London, 1968), p. 316.

⁹⁵⁵ BL, Caligula B.III, fo. 174.

⁹⁵⁶ BL, Caligula B.II, fos 133-4.

⁹⁵⁷ SP 1/59, fos 128-9.

the tenants he had put in himself would be ill-treated by Dacre, he dared not wait until the next term, and begged the king to command the warden to desist. According to Cumberland, Dacre continued to harass these tenants, sending bailiffs accompanied by as many as 400 men to cut down their corn. He imprisoned some of them in his castle of Naworth, refusing to explain his authority for this action. The earl claimed that it was only his regard for his own and his brother's honour that restrained him from engaging in conflict with Dacre's men, in the defence of his erstwhile tenants. He reported the 'diverse and sundry heinous riots, unlawful assemblies, wrongful imprisonments and other misdemeanours...committed and done by the officers, servants, and tenants of the Lord Dacre' to the duke of Richmond, who sent letters commanding Dacre in the king's name to desist. Dacre ignored them. A warrant addressed to the sheriff, Sir Edward Musgrave, appointed the justices of the peace, Sir Thomas Clifford, Sir Christopher Dacre, Sir John Lowther, and Geoffrey Lancaster, to hold a session to look into the matter. The fate of this session has already been recorded.⁹⁵⁸ Cumberland ended his letter by begging Wolsey not to give credit to evil reports against him.⁹⁵⁹

The duke's council responded to Cumberland's accusations by ordering the justices of the peace to appoint another session at which they must all be present, including the sheriff, and to empanel and prepare 'such substantial and indifferent inquests of the said county whereby the truth in that behalf might be perfectly and manifestly found and known'.⁹⁶⁰ On 10 October, indictments were found against Thomas Dacre of Naworth (probably William Lord Dacre's illegitimate son) and 101 others, for a riot against Sir Thomas Clifford on 21 July 1528, in which they broke into Swift

⁹⁵⁸ See above, ch. 3, pp. 120-1.

⁹⁵⁹ *LP*, IV, 4790.

⁹⁶⁰ *SP* 1/50, fos 223-4.

meadow, which was held by Clifford, and attacked eleven of his servants. William Threlkeld, steward of Dacre's manor of Burgh-by-Sands, along with 23 others, was indicted for a riot at the same place on 7 September, in which they assaulted Gerard and Thomas Howe, sons of Richard Howe of Carlisle, one of Clifford's servants, and carried Thomas off to Naworth. On 24 August, their father was also taken prisoner, during a riot started by Richard Sewell of Blakell, and thirteen others at 'le Gathers' in Butchergatefield in Carlisle. Both riots are plainly stated to have been instigated by Dacre himself.⁹⁶¹ The duke's council pleaded that 'a good stay and order may be taken between the said earl and Lord Dacre...for surely the displeasure and grudge between them greatly disquiets and troubles the inhabitants of those parts'. If the king did not intervene it would be impossible 'to compass and bring them to any accord or agreement.'⁹⁶²

There can, in fact, have been few lands or offices connected with the wardenship which did not prove a source of contention between the two men. Another example is provided by the stewardship of the abbey of Holme. Upon his appointment as vice-warden, in accordance with the king's wishes, this office was granted to Cumberland; perhaps in response to his plea to Wolsey to ensure the service of the abbey tenants.⁹⁶³ When Dacre succeeded to the command, the stewardship was granted to him in his turn, of which the earl did not receive notice until Christmas Eve 1527. The following morning, Dacre's servant, Christopher Lee, and his father, steward of Dacre's barony of Burgh, accompanied by adherents 'arrayed in harness in manner of war', arrived at the abbey. The anniversary of Christ's birth saw the summary eviction of Clifford's steward, Thomas Dalton, along with 'all his stuff, lying and being in the said chamber'. Whether

⁹⁶¹ SP 1/50, fos 202-7.

⁹⁶² SP 1/50, fos 223-4.

⁹⁶³ SP 1/36, fos 154-5.

Dacre was motivated simply by a desire to throw his weight around, or a suspicion that the earl might, left to himself, drag his feet over giving up the office, a display of such precipitate and unnecessary force indicates the depths of dislike and distrust in which each now held the other. One account of the affair states that Dacre's men were aided by the abbot's servants, indicating both that there were grounds for the earl's initial mistrust of him, and, once again, how far the Dacre family's private influence extended within Cumberland. On his appointment as warden, Cumberland had also been granted leases at Kirkland (Cumberland) and Boldon (Westmorland), by the prior of Carlisle and the abbot of St Mary's respectively. Sir Christopher Dacre's servant, Robert Jackson, entered Kirkland and broke into the houses where the corn was stored, carrying it away to Dacre's castle at Kirkoswald, while Thomas Yared, bailiff of Dacre's manor of Drybeck, did the same at Boldon, each accompanied by 30 followers. The new warden apparently felt that any grants made to Cumberland at the time of his appointment should also be made over to him as part of his office, although in this case he 'had no lease but at will'. Dacre adherents entered several other offices and leases obtained by Cumberland at the same time 'with like force and riot...and gathered and occupied the same at their pleasure'.⁹⁶⁴

However, the theatre in which the principal dramas of the dispute were played out was Carlisle, command of which was to be the cause of 'great business' between the Dacres and Cliffords.⁹⁶⁵ Sir Thomas Clifford was present at the meeting between the king's commissioners and Thomas, Lord Dacre, on 8 October 1525, and witnessed his refusal to hand over Carlisle castle. By 14 November, his son was, in his turn, refusing to

⁹⁶⁴ SP 1/48, fos 238-41.

⁹⁶⁵ SP 1/50, fos 197-8.

hand over either Carlisle or Penrith, which had been granted to the earl the previous month.⁹⁶⁶ Cumberland had managed to install his lieutenant, Thomas Clifford, in the city of Carlisle before the end of 1525.⁹⁶⁷ However, on 16 December, William, Lord Dacre, instigated 200 of his tenants, mostly from Burgh-by-Sands, to attack Clifford retainers within the city; they set on Thomas Threlkeld, Roland Featherstonehaugh, Richard Green, John Perkin and other servants of Sir Thomas Clifford, allegedly with murderous intent.⁹⁶⁸ The castle of Carlisle was not delivered to Cumberland until 16 January the following year; and even then the earl's troubles were not over, for the mayor and Dacre's council still refused to hand over the keys to the inner gates of the city.⁹⁶⁹ In December 1526, the duke's council wrote to Wolsey, enclosing a letter from the earl of Cumberland concerning riots lately committed in Carlisle. The council had summoned the offenders to appear before them, but its success in dealing with the matter was clearly limited.⁹⁷⁰ By late 1527, Dacre's campaign of aggressive resistance was seriously hampering the earl's ability to function as warden. Cumberland sent Sir Thomas Clifford to Carlisle to arrest one Anthony Armstrong, a tenant of Dacre's, described as 'rebel and fugitive into the realm of Scotland', and indicted of certain march treasons and felonies at a warden court held by the earl at Carlisle on 3 November 1527.⁹⁷¹ A group of 60 Dacre tenants, led by Thomas Wilson, bailiff of his manor of Askerton, 'did make affray in shouting and pursuing the said Thomas Clifford and soldiers, to the intent that they

⁹⁶⁶ *LP*, IV, 1500.

⁹⁶⁷ Summerson, *Medieval Carlisle*, II, 480.

⁹⁶⁸ KB 9/501/1, fo. 6.

⁹⁶⁹ SP 1/37, fo. 31.

⁹⁷⁰ *LP*, IV, 2729.

⁹⁷¹ A warden court was held 14 September 1527 (BL, Caligula, B.III, fo. 174), but since the document in question refers to the court having been held in November 'last past', and also refers to the appointment of Dacre as warden, it is clearly referring to 3 November 1527. If this dating is correct, and Cumberland did indeed feel the need to hold another court just two months after the last, this is an indication that the number of march treasons had indeed risen to serious levels.

should not take the said Armstrong'. They subsequently supported him in further unlawful acts, which included robberies and felonies carried out in the company of several Scotsmen. Another of Dacre's tenants, one Robert Tweddale of Orchardhouse in Gilsland, who was indicted of march treason at the same court, was also maintained among Dacre's tenants, who had also aided a third, Edward Wygon, in his flight to Scotland.⁹⁷² One John Hunt, surgeon and servant to the earl, was captured at Cotegill by sixteen of Dacre's servants led by Lancelot Lancaster, steward of his lands in Westmorland. Hunt was taken to a house in Talentyre in Cumberland, and imprisoned and ill-treated there for three days, 'to the most parlous example that hath been seen in that country'.⁹⁷³

The earl of Northumberland's attempt to put an end to this 'grudge warfare' in spring 1528, included an agreement between the protagonists that Dacre would pay 100 marks to the earl before the following Easter, in satisfaction of several claims; for his part the earl undertook not to pursue any further processes against Dacre's tenants for past acts of riot and trespass.⁹⁷⁴ However, control of Carlisle would continue to prove a point of contention. When Dacre was appointed warden of the west march at the end of 1527, command of the garrison was left in the earl's hands. This was to have a seriously deleterious effect on the prosecution of march law.⁹⁷⁵ On 2 April 1528, Dacre wrote, fuming, to the king that Richie Graham, indicted for march treason at a warden court held on 28 March, had the following day escaped from Carlisle castle, where he had been

⁹⁷² SP 1/48, fos 238-41.

⁹⁷³ *Ibid.*

⁹⁷⁴ *LP*, IV, 3971.

⁹⁷⁵ BL, Caligula B.VII, fos 29-30; SP 1/47, fos 183-4.

confined as the prisoner of Sir Edward Musgrave, sheriff of Cumberland.⁹⁷⁶ The previous February, Graham, headsmen of his clan, had warned Sandy Armstrong, his Scottish kinsman-by-marriage, that Dacre planned to raid the Debatable Ground to burn the Armstrongs' houses, which had been constructed there in contravention of the truce.⁹⁷⁷ Dacre had planned to have Graham hanged, drawn and quartered for this 'detestable offence'.⁹⁷⁸ The warden sent several copies of the testimonies of various witnesses to this affair, 'one of the most open and shameful matters that hath been seen in these parts'. The longest statement, that of Robert Parker, the sheriff's gaoler, outright accuses Christopher Lowther, constable of the castle, of arranging Graham's escape. According to Parker, even before Graham's trial, Lowther showed an unusual degree of interest in the prisoner, insisting that the keys to the room in which he was confined be entrusted to James Porter, the castle gaoler, even in the face of the sheriff's command to hand the prisoner over. Parker's statement that the constable 'struck at him with a dagger', and threatened to 'stick him' when he tried to retrieve the keys, is corroborated by Thomas Wright, son of one of the soldiers' servants, who also confirmed Parker's story that Lowther allowed Graham to 'go loose' within the prison.⁹⁷⁹

On Saturday 28 March, the day of Graham's appearance at the warden court, he was handed over to Parker who put him 'fast ironed' in the sheriff's prison within the castle. However, after the court was held, Graham was returned to the castle, within which he was permitted to 'go loose' by the orders of the undersheriff, Sir William Musgrave, and was only confined at night, when the keys were returned to Porter. The

⁹⁷⁶ BL, Caligula B.VII, fos 29-30.

⁹⁷⁷ *Ibid.*, fos 220-222v.

⁹⁷⁸ *Ibid.*, fos 29-30.

⁹⁷⁹ *Ibid.*, fos 220-222v.

following morning, Parker continued, Graham's brother John came to the castle and was engaged in private conversation with him for over an hour. Porter then returned both keys and prisoner to Parker – he dared not keep him any longer, because Lowther had given orders that he should not remain within the castle prison. The convicted traitor thus spent the remainder of the day once more at large within the castle, supervised by Parker. The final chapter of Parker's story was that, following some private speech with Wright, Graham expressed a desire to go down to the gate, and was duly accompanied there by Parker and Wright. Lo and behold, 'when they came to the gate which was the inner gate it was standing plain open and both sides unbarred'! Graham escaped through the gate, hotly pursued – according to Parker – only by himself. Robert Bristow, steward of the household, along with John Perkin and James Routledge, servants to Sir Thomas Clifford, apparently stood idly by while Graham ran through the outer court to the postern, also conveniently open, to a prearranged rendezvous with a man and a spare horse. Parker claimed that he 'could get no company within the castle to ride with him' in pursuit of Graham. His accusations against Lowther were further supported by Wright, who stated that on the day in question Lowther instructed John Robson, keeper of the keys of the postern, to suffer it to stand open, 'that men might go forth at their pleasure when they have dined', as, in fact, occurred. Wright also alleged that Christopher Lowther 'walked up and down in the outer court of the castle' until dinnertime, to ensure his instructions were carried out.⁹⁸⁰

Dacre's direful prognostications that 'more harm is like to ensue upon it' were proved correct, for by the following week Graham's father, seven brothers and 30 of their

⁹⁸⁰ *Ibid.*, fos 220-222v.

men had joined him in Scotland, where they were maintained by Lord Maxwell.⁹⁸¹ He warned the king that ‘great pursuit’ would be made to him and Wolsey for a pardon for the escape, and begged the king not to grant any such pardon until he had been fully advised of the matter.⁹⁸² On 4 March, Dacre held a session of the peace to enquire into the matter. A copy of the bill presented to the jury by Dacre and the other justices, and the verdict which was eventually reached, have both survived. The original bill implicated Musgrave, Lowther, Robson and Parker of being accomplices in Graham’s escape. However the inquest, which was held at Carlisle, would only find against Parker.⁹⁸³ On writing to the king, Dacre put this down to ‘great labour as was made to a part of them’, and sent a book ‘containing the effect of all the whole matter’ to Wolsey ‘in case the said inquest would deny any part of the matters contained in them’.⁹⁸⁴

Clearly, the surviving evidence has limitations. It is notable that Dacre either did not take, or did not include in his letter to the king, statements from any of the Carlisle garrison save for John Robson, who was asked only to confirm that he was the keeper of the keys to the postern. There is no record that he was questioned on the crucial question of whether Lowther ordered him to leave the postern open. The bulk of the evidence comes from the two men most directly implicated in Graham’s escape: Parker and Wright. However, Parker implied that he had been set up as the fall guy to take responsibility for an escape planned by Lowther, to which the rest of the garrison had also clearly been instructed to turn a blind eye.⁹⁸⁵ If his story is to be believed at all, such orders must have originated from Sir Thomas Clifford, his brother’s lieutenant in

⁹⁸¹ *Ibid.*, fos 29-30; SP 1/47, fos 183-4.

⁹⁸² BL, Caligula B.VII, fos 29-30.

⁹⁸³ *Ibid.*, fos 220-222v.

⁹⁸⁴ SP 1/47, fos 183-4.

⁹⁸⁵ BL, Caligula B.VII, fos 220-222v.

Carlisle, and the pair of them made no secret of their dislike for the usurping and aggressive Dacre. The earl exhibited a similar lack of co-operation that summer, when he refused to hand over Dandy Armstrong and Dick Irwen, ‘common truce breakers’ and ‘arrant thieves of Scotland’, who were being held at Carlisle castle. Armstrong had been there since late March.⁹⁸⁶ Dacre complained that this stay of their punishment encouraged other malefactors. Since Cumberland had taken Irwen, his brother and friends had abducted Geoffrey Middleton, Dacre’s kinsman, on his return from a pilgrimage to St Ninian’s, and were even now keeping him as a hostage for Irwen’s release.⁹⁸⁷

By this time, the lack of co-operation between warden and captain was having a wider effect on the efficient operation of the west march command. In August, some of Dacre’s servants were attacked ‘in following of their lawful trod’ in pursuit of Scottish raiders. The servant maintained by Dacre at Carlisle to ‘warn and bring forth the country to any affray or skirmish’ was ignored by the soldiers of the castle, ‘to the great discomposing of the country’.⁹⁸⁸ And there was worse to come. In the summer and autumn of 1528, Dacre instigated his tenants within the city to break into lands held by the earl of Cumberland in Carlisle, and attack and kidnap his servants.⁹⁸⁹ Royal agents were clear and urgent in their reports to central government. In October that year, Higdon, Magnus and Bowes confessed their incapacity to deal with the ‘displeasure and grudge’ between Dacre and Clifford.⁹⁹⁰ The same month Magnus put into words what must have been obvious to anyone familiar with the situation on the west march; the division of office created ‘grudges and displeasures’, which set the whole region ‘the

⁹⁸⁶ *Ibid.*, fos 220-222v.

⁹⁸⁷ BL, Caligula B.I, fos 19-20.

⁹⁸⁸ BL, Caligula B.II, fo. 211.

⁹⁸⁹ SP 1/50, fos 202-7.

⁹⁹⁰ SP 1/50, fos 223-4.

more further from good rule'. He urged Wolsey to put an end to them by uniting the offices of warden and captain in the hands of one man.⁹⁹¹ However, it was nearly a year before Dacre was granted Carlisle on 6 August 1529, and it would not finally be delivered to him until 22 September.⁹⁹²

These events do not testify to a resounding success for Tudor royal policy on the border, at least on the west march. The correspondence from which these stories are derived testifies to the fact that the king had access to an embarrassment of riches when it came to sources of information, his various officers tumbling over themselves in their unholy glee to rat on one other. However, the application of 'divide and rule' also appears to have resulted in a rather depressingly repetitive sequence of squabbles over royal offices and lands, involving evictions, affrays, murders, obstruction of justice and collusion with the Scots. This behaviour on the part of their royally appointed leaders must have set an edifying example to the inhabitants of the county; one which, if Magnus is to be believed, they were already beginning to emulate.⁹⁹³

This period of west march history also provides a rare glimpse into the workings of the relationship between Henry VIII and Wolsey. On several occasions there appear to have been two conflicting policies at work. The history of Sir Henry Clifford's bid for the stewardship of Penrith is illustrative of this. Henry made the grant and was only persuaded to abandon it by Wolsey, who moved him to bestow the office upon Sir Christopher Dacre instead.⁹⁹⁴ In 1527, Dacre acquired his original patent for Bewcastle through Wolsey's auspices, and its terms were 'according as your grace was minded at

⁹⁹¹ Summerson, *Medieval Carlisle*, II, 481.

⁹⁹² *LP*, IV, 5906, 5952.

⁹⁹³ *SP* 1/50, fos 197-8.

⁹⁹⁴ *SP* 1/17, fos 147-8.

my departure'. Wolsey's staff at Durham had previously suggested to him that the most efficient way of dealing with the troubles was to allow the warden 'the whole rule' within Bewcastledale, and he had clearly heeded this advice.⁹⁹⁵ The cardinal's instructions to Dacre of 2 April 1528, to take command of the castle but 'meddle with no profit belonging it but only with the bounds about it' make his policy appear somewhat fickle.⁹⁹⁶ However, taken in conjunction with Sir Thomas Clifford's confidence in the success of his petition to Henry for a life grant of the command of Carlisle that March, it begins to make sense.⁹⁹⁷ The Dacres, both father and son, were Wolsey's servants, which others seem to have regarded as to a large degree responsible for their acquisition of power on the west march.⁹⁹⁸ Henry's reluctance to appoint Dacre warden was partly motivated by distrust of the extent of the Dacre connection, which may have had some justification when it came to his links with the surnames. It was the very lack of such a connection which both made Cumberland a desirable candidate for the office – and inevitably caused him to fail in it. Henry was not prepared to give Dacre command of Bewcastle,⁹⁹⁹ and so the office was offered on terms which made it untenable.¹⁰⁰⁰ He clearly still entertained hopes that he might limit his new warden's power, and, it seems,

⁹⁹⁵ *LP*, IV, 1289.

⁹⁹⁶ BL, Caligula B.VII, fos 29-30.

⁹⁹⁷ 'Letters of the Cliffords, Lords Clifford and Earls of Cumberland, c. 1500-1565', ed. R.W. Hoyle, *Camden Miscellany XXXI*, Camden 4th series, 44 (1992), no. 31.

⁹⁹⁸ John Skelton's poem 'Why Come Ye Nat to Courte' (November 1522), remarked of Thomas, Lord Dacre that 'While the red hat doth endure/He maketh himself cock sure' (J. Skelton, *The Complete English Poems*, ed. J. Scattergood (Harmondsworth, 1983), p. 286). The inhabitants of Inglewood forest clearly entertained the same notion about his son.

⁹⁹⁹ As Summerson suggests. Summerson, *Medieval Carlisle*, II, 481.

¹⁰⁰⁰ This would tend to undermine Ellis' assertion that Sir William Musgrave's feud with Dacre did not begin with a quarrel over Bewcastle, and James' theory remains plausible. Ellis, *Tudor Frontiers*, p. 203; James, *Society, Politics and Culture*, p. 100.

was not so willing to accept his first minister's advice as he had been in 1517. After Wolsey's fall, the office would be granted to Sir William Musgrave.¹⁰⁰¹

ii) The east and middle marches

In 1487, Henry VII separated the captaincy of Berwick from the wardenship of the east and middle marches. From thenceforth, the captain would be answerable not to the warden, but directly to the king. The offices were briefly reunited in 1504, when Thomas Darcy, captain of Berwick was also appointed warden of the east march.¹⁰⁰² However, in October 1511, when the command passed to Thomas, Lord Dacre, Henry VIII left Berwick in Darcy's hands. Certainly Darcy's experience of command in the east and middle marches was too valuable to be disposed of altogether.¹⁰⁰³ It may be that Henry hoped Darcy's thirteen years of knowledge and familiarity of the command could provide a useful resource for the new warden. Certainly, the division of office created an additional royal servant, and source of information on the marches independent of their warden. By the following summer, as war with Scotland approached, Darcy was being used by Henry in that capacity, providing a separate source of intelligence on the Scottish king's 'special musters'.¹⁰⁰⁴

However, by that time, the tension between the captain and the new warden was also becoming apparent. Darcy was already comparing Dacre's own intelligence network

¹⁰⁰¹ *Ibid.*

¹⁰⁰² *RS*, II, 532; *CPR 1494-1509*, p. 442. They were briefly reunited in 1498, upon Darcy's appointment as lieutenant of the east and middle marches (*RS*, II, p. 532). However, by Michaelmas 1500, Darcy was referred to as 'late' lieutenant of the east and middle marches (E 403/2558, fo. 89). He never received a fee for the middle march after this, and was not paid for the east march until his appointment as warden in 1505 (E 403/2558, fo. 119).

¹⁰⁰³ He was dismissed because he 'would not be warden of the east and middle marches but upon unreasonable sums of money by him desired' (BL, Caligula B.II, fos 200-2)

¹⁰⁰⁴ Caligula B. VII, fos 226-7.

unfavourably with his own, and criticizing the warden for his lack of reaction to the Scottish threat.¹⁰⁰⁵ War with Scotland seems to have done nothing to improve their relationship. In January 1514, Darcy boasted that the warden and his lieutenants 'with their whole power' had not 'done so much nor yet ridden so far' as the Berwick garrison. In fact, he went on to inform Wolsey, due to Dacre's failure to provide for their defence, 30 towns in the east marches had been driven to the treasonable act of 'pattishing',¹⁰⁰⁶ with the Scottish warden, and thus refused to fight the Scots. 'No true or wise man' could approve the manner in which Dacre was performing his office, and his negligence in this respect would ultimately cost the king more 'than three reasonable crews lying upon the marches'.¹⁰⁰⁷ That March, Darcy claimed that, in his short term as his deputy, his son George had done more 'slaying of the Scots, taking of prisoners and prizes, and burning and destroying their countries' with the 'poor ordnance' of Berwick, than had been achieved on all three marches under Dacre's control. His assertion that 'if any do say contrary to this, your grace may soon come to the plainness and truth of all their acts' was an additional, if somewhat vague, slur on Dacre.¹⁰⁰⁸

Whether or not Henry had originally intended to create a watchdog over his warden, he certainly took Darcy's information seriously. That May, Dacre was forced to defend himself against charges made by the king's council that since his appointment to the east and middle marches 'the Scots have and daily doth destroy the king's borders and subjects, without any great hurt is done again unto them'. Darcy's intimation that the warden did not operate an efficient espionage network in Scotland was also echoed in the

¹⁰⁰⁵ *Ibid.*

¹⁰⁰⁶ Making separate individual peace terms.

¹⁰⁰⁷ SP 1/7, fos 80-1.

¹⁰⁰⁸ BL, Caligula B.II, fos 339-41.

council's criticisms. Dacre protested that there was such 'brittleness, mutability and unstableness in the council of Scotland, that truly no man can or may trust them or their saying and devises'. His counter-condemnation of those who had 'daily encumbered' Wolsey and the king 'in sending up writing by post as of trifles and flying tales of no certainty' was presumably a counter-shot at the captain of Berwick.¹⁰⁰⁹

During his occupancy of the west march in the years of peace of the latter part of Henry VII's reign, Dacre had built up relationships with Scottish lords which allowed him not only to remain informed of Scottish policy, but even to exert some influence over it. His main contact in the aftermath of Flodden was Alexander, Lord Home, chamberlain of Scotland and warden general of the Scottish marches.¹⁰¹⁰ The information thus obtained was extremely useful to Henry. Yet such close contact left Dacre open to accusations of treasonable activities, a suspicion which was to dog his career as warden. In a letter of 7 August 1512, Darcy informed the king and council of the 'loving and familiar meetings' which 'have been seen...betwixt your warden and the warden of Scotland'.¹⁰¹¹ Dacre had duly to refute accusations of 'familiarity' from Westminster, protesting on 17 May 1514 against the charge that 'diverse meeting has been betwixt me and the chamberlain of which I have not advertised the king's grace',¹⁰¹² and begging the bishop of Durham for advice on how to prevent misconstruction of his actions in future.¹⁰¹³

In 1515, on the appointment of Darcy's successor, Sir Anthony Ughtred, the king and council had commanded Dacre that warden and captain should work closely together.

¹⁰⁰⁹ BL, Caligula B.II, fos 200-2 .

¹⁰¹⁰ Ellis, *Tudor Frontiers*, pp. 155-7.

¹⁰¹¹ BL, Caligula B.VII, fos 226-7.

¹⁰¹² Caligula B. II, fos 200-2.

¹⁰¹³ *LP*, I, 4522.

Both the country and the Scots should witness that they ‘drew in tenderness’, and each should be ‘familiar with others counselling’, in order that they might be better able to serve the king. This command may have been issued in the light of the previous divisions between Darcy and Dacre, but it would take more than an order from Westminster to solve the problem. A series of letters written by Dacre and Ughtred in August 1515 demonstrates the lack of trust and co-operation between the two. In that year, Scotland was comprehended in England’s truce with France. In order to drive out the duke of Albany, Dacre was ordered to secretly foment disorder within Scotland, and quickly recruited Home, the earl of Angus, and the laird of Fernihurst. Home soon began to garrison border castles against Albany, with the aid of troops and gunpowder secretly supplied by Dacre.¹⁰¹⁴ Following an attempt by Home and Angus, instigated by Dacre, to seize the young James V and carry him off to England, Albany raised a force against them.¹⁰¹⁵ Ughtred’s communications with Dacre demonstrate his growing fears that this was simply a cover story for the mustering of an army, with which the duke intended to attack Berwick.¹⁰¹⁶ On 13 August, Dacre warned Ughtred not to take on an extra crew at Berwick, on the sixteenth, informed him that the duke of Albany had forborne his gathering, and on the eighteenth, that Albany had dispersed all the horses, and therefore there could be no danger of another assembly for at least three weeks.¹⁰¹⁷

These communications survive because the warden sent copies of them to the council in defence of his own conduct, dissociating himself from Ughtred’s subsequent actions. In the preamble which Dacre attached to the letters, he claimed that it had been

¹⁰¹⁴ Ellis, *Tudor Frontiers*, p. 158.

¹⁰¹⁵ Eaves, *Anglo-Scottish Relations*, p. 123.

¹⁰¹⁶ BL, Caligula B.II, fo. 197.

¹⁰¹⁷ *Ibid.*

agreed between the two parties that Ughtred ‘should take in no soldiers upon hasty credence without surety and perfect knowledge, notwithstanding that he had authority so to do’. Instead, Dacre offered to send him 200 men, at an hours’ warning, to remain at Berwick at Ughtred’s discretion. 100 of these men were to be taken from Wolsey’s liberty of Hexhamshire, of which Dacre was steward, and the other 100 from his own lordship of Morpeth. While Ughtred was happy to accept the Hexham men, he refused to take on those who hailed from Morpeth, preferring to raise the other 100 himself, which perhaps reflects the captain’s jealousy for the autonomy of his position. Dacre then repeated his warning to ‘beware of calling in soldiers upon hastiness and then put them out within a day or two’, because he feared that ‘if sudden necessity happen, as God defend, ye shall not be so well served hereafter’.¹⁰¹⁸

However, in contravention of Dacre’s advice, Ughtred took on an additional crew of 236 men for eleven days. He defended this decision, criticizing Dacre for having failed to advertise the king of the siege, or the craft of the Scots, arguing that neither Dacre nor he could ‘know the inward thoughts and secret purpose of the Scots, being and coming so near the borders and marches as they do’. Enclosing one of Dacre’s letters to support his claims, he criticized the arrangements made by the warden for the protection of Berwick, asserting that ‘if the Scots had suddenly come to this town to have laid siege thereto and not men prepared for it afore’ it would have been difficult to raise the men, ‘unless...of your tenants and in other places further off, which should then have come too late, for surely the Scots would have been between this town and them’.¹⁰¹⁹ The captain went on to request that the king should pay the wages of the men he hired, despite Wolsey’s

¹⁰¹⁸ *Ibid.*

¹⁰¹⁹ BL, Caligula B.II, fo. 370.

previous statement that central government had deemed that danger was not imminent.¹⁰²⁰ The issue was not only one of authority. Dacre had claimed that Ughtred's espionage network in Scotland was 'of small effect', and that the captain had recruited the men on the basis of 'foolish' fears rather than well-founded information.¹⁰²¹ It was of the utmost importance for Ughtred to dispute this, for a very good reason; the king's payment of the wages owed to extra crew recruited in this way was conditional upon the captain having performed 'his due devoir in espial making' beforehand.¹⁰²²

In addition, Ughtred's distrust of Lord Home, who played an important part in Dacre's strategy, reflected on the judgment, perhaps even the loyalty, of the English warden. On 10 August, Dacre wrote to Ughtred, assuring him that 'the chamberlain...is as fast to perform the king's pleasure...as can be thought and devised', and would never be the ally of the duke of Albany. The next day, Ughtred requested Dacre to 'write to the lord chamberlain to trust to me...to be his friend to the best of my power'. However, two days later, having heard that Albany had taken Fast castle, one of the border fortresses held by Home, just seven miles from Berwick, Ughtred again expressed his fear that Home was deceiving Dacre. In his estimation, the castle should have been impregnable, and he suspected that Home had deliberately allowed the duke to occupy it. The following day, Dacre reassured him that the chamberlain was 'driving of very force and necessity to be true to our master, besides such other promises...as he made to me for the same, wherein you may trust', and that the castle was lost 'against his will, by treason of them that he gave credence to'. However, Ughtred did not confine himself to confiding his fears in the warden, but also informed Wolsey of his suspicions of the 'falsehood,

¹⁰²⁰ *Ibid.*

¹⁰²¹ SP 49/1, fos 40-9; BL, Caligula B.II, fo. 197.

¹⁰²² C 54/379, fo. 6v.

craft and colour used betwixt the duke and chamberlain'.¹⁰²³ On 17 August, apparently reassured by Dacre, Ughtred offered to write to the cardinal, contradicting these allegations. However, the captain's next letter to Wolsey, written a week later, hardly constitutes an admission of error. He repeated his suspicions of Home's having 'suffered a woman, with three or four persons to betray and deceive him' over Fast castle, 'his chief strength in his own hands...now given...to the duke of Albany'.¹⁰²⁴

The job description of the captain of Berwick clearly still included acting as a source of independent information. On 19 August, an anxious Henry wrote to Dacre, enclosing Ughtred's letter to Wolsey, clearly concerned that Dacre had not communicated this information to him. Dacre's letter makes it clear that although, he claimed, he had always kept Ughtred informed of the 'plainness of my inward mind' in accordance with the king's instructions, he had not been acquainted with the contents of the captain's correspondence with Wolsey. He thanked Henry for the copy of the letter, 'by the which I may well perceive his imaginations and sayings touching the duke of Albany'. He dismissed Ughtred's concerns about the intentions of Home and the duke as 'of no substance', suggesting that they were due to over-reliance on the counsel of William Langton, marshal of Berwick, and others within the town, who were concerned only with 'their own singular lucre and advantage, coveting your treasure at unnecessary times to be wasted and employed after their accustomed manner'.¹⁰²⁵

Two months later, captain and warden appear to have reached a rather better understanding. Dacre and Magnus had provided Ughtred with £40 or more, 'for payment of the crew that suddenly was taken in at the first bruiting of this business upon the

¹⁰²³ BL, Caligula B.II, fo. 197.

¹⁰²⁴ *Ibid.*, fo. 370.

¹⁰²⁵ *Ibid.*, fo. 197.

border', and although the Scots had lately assembled in 'great number' within six miles of Berwick, Dacre boasted that 'such foresight has been had between us and the captain...that as yet your grace hath not...been put to any cost or charge'. Dacre added that Ughtred had 'put himself to the more cost and pain for the saving of your money, and therein hath deserved thanks of your highness'.¹⁰²⁶ On 21 June, Ughtred was providing Dacre with the 'good company and counsel...at all times in the king's causes upon the east borders'; and he and Dacre were apparently working together amicably on the project to rebuild Wark castle.¹⁰²⁷

However, this better understanding seems to have failed under the strain of preparations for war with Scotland. In January 1522, Dacre submitted his proposals for posting garrisons on the marches, suggesting that out of 320 men to be stationed along the east march, 220 should be ready at three hours' warning to go to Berwick 'when need shall require'.¹⁰²⁸ It seems, however, that Ughtred had not been consulted, or even informed, about these proposals. On 21 January, Dacre wrote to the captain that the Scottish lords and gentlemen who had been at Dunbar with the duke of Albany were 'scaled and departed from him'. He assured Ughtred that Berwick was in no danger, and 'for the saving of the king's purse', advised him that the new crew lately taken into Berwick should be discharged by that evening, 'advice' which was in practice converted into an order, when Dacre added that he had already informed Wolsey that such would be the case.¹⁰²⁹ This prompted Ughtred to write to the cardinal on 19 February 1522, propounding his view of the situation. For the security of Berwick, it was necessary that a

¹⁰²⁶ BL, Caligula B.VI, fos 126-7.

¹⁰²⁷ BL, Caligula B.II, fo. 347.

¹⁰²⁸ BL, Caligula B.VI, fos 542-3.

¹⁰²⁹ BL, Caligula B.VI, fo. 324v.

crew of 200 men were permanently maintained there, until the duke's 'malicious mind were further known'. The men could be raised from the king's lands under Lord Darcy's stewardship. The question of how they should be paid, Ughtred left to the cardinal.¹⁰³⁰ The issue would resurface a few months later, when Dacre's contrary report regarding the movements of the duke of Albany prompted the treasurer of wars to refuse to pay Ughtred for a crew taken on in May 1522.¹⁰³¹

One of Ughtred's complaints was that 'the warden of the marches has the king's secret mind and pleasure', and deliberately ensured that he, the captain of Berwick, was 'not made privy to the king's writing'.¹⁰³² In fact, Ughtred's influence appears to have waned at some point during the summer of 1522, for although he had been included in the council of the bishop of Carlisle in March, he was not listed as a member of the earl of Shrewsbury's council a few months later.¹⁰³³ Shrewsbury's campaign provided a further forum for the dispute between warden and captain, and the inevitable resulting complaints about one another which each addressed to his superiors.¹⁰³⁴ In the wake of the campaign's ignominious conclusion, Dacre complained to Wolsey that Ughtred would not permit him to take the ordnance kept at Berwick and earmarked for the campaign, out of the town, despite the fact that Dacre 'showed unto him the article in the king's instructions containing his highness' pleasure against the same'. As a result, had Shrewsbury's army required 'such ordnance as is in Berwick that was appointed for the field, he would have been deceived'. Dacre kept the captain's written refusal, in order to

¹⁰³⁰ BL, Caligula B.I, fo. 162.

¹⁰³¹ SP 1/24, fos 152-3.

¹⁰³² BL, Caligula B.I, fo 162.

¹⁰³³ SP 49/1, fos 137-78; SP 49/1, fos 140-3.

¹⁰³⁴ For a description of the campaign, see G.W. Bernard, *The Power of the Early Tudor Nobility: A Study of the Fourth and Fifth Earls of Shrewsbury* (Brighton, 1985), pp. 164ff.

produce it as evidence of his misconduct.¹⁰³⁵ A month later, on 12 October, Ughtred wrote to the earl of Shrewsbury that the platform and ‘mounds’ which Dacre had commanded him to construct could already have been in place, had the war treasurer been as anxious as the earl for the security of Berwick. As a result of his lack of interest, however, it could not now be done before his return.¹⁰³⁶ In fact, dissension between warden and captain would continue until Dacre’s death in 1525, and the reuniting of the two offices. On 27 December 1523, Dacre complained of Ughtred’s negligence in having departed the borders, with the result that his retinue did nothing against the Scots: ‘I think it should become [him] to take pain as well as I’. He requested that the king command the captain to ‘return to the borders and to remain upon them’,¹⁰³⁷ but Ughtred was still absent by 8 February 1524.¹⁰³⁸

Nor were tensions between the warden and Berwick limited to his relationship with the captain. Other members of the Berwick command appear to have quarrelled with Dacre and resisted his authority. Dacre claimed that when he brought the corpse of James IV to Berwick, he was ‘ill treated’ by William Langton, the marshal.¹⁰³⁹ There are further sour references to this man in Dacre’s later correspondence. On 10 March 1514, Dacre wrote that he had sent ‘certain of my most trusty and discreet servants to pass into Northumberland with all diligence’, in accordance with instructions from the council that the Scottish ordnance taken at Flodden should be transported from Berwick to Newcastle. However, the council of Berwick and Darcy’s son, who was acting as his deputy, ‘gave plain answer’ that they would not ‘suffer the same ordnance be carried over the bridge of

¹⁰³⁵ BL, Caligula B.II, fos 326-8.

¹⁰³⁶ *LP*, III, 2609.

¹⁰³⁷ BL, Caligula B.I, fo. 1.

¹⁰³⁸ BL, Add. MS. 24,965, fo. 220.

¹⁰³⁹ BL, Caligula B.II, fos 200-2.

Berwick' at the warden's behest, but required 'firm commandment' from the king.¹⁰⁴⁰ Ten days later, Darcy neatly excused them; Dacre had requested that the ordnance be delivered to Belford at a time when the Scots were engaged in raids. If he had sent the ordnance, the Scots would certainly have taken it. 'Such charges', he stated, 'are not possible for the garrison of that your town to meddle with nor none other person but the warden of your east marches or his power'.¹⁰⁴¹ Darcy had contrived to excuse his council from blame and at the same time imply Dacre's own negligence in failing to ensure the safety of the ordnance.

Darcy had relinquished the wardenship most unwillingly, and there was bound to be an element of tension between him and his successor.¹⁰⁴² Henry may in fact have regarded the animosity between the two as useful, in that Darcy's jealousy would prompt him to report even the slightest misdemeanour on the part of the usurper. However, relations between warden and captain remained poor even after Darcy's replacement, suggesting that the problem was not personal but institutional, inherent to the structure of the military command. The principal fortress of his command had been removed from the warden, and one theme of conflict prevailed throughout the course of the dissension between Berwick and the warden: the independence of the one versus the authority of the other. As on the west march, such conflict affected the functioning of the border command. The warden was refused access to ordnance held to Berwick without (or even with) express permission from the king. The maintenance of an additional espionage network, while useful, must have lost a considerable element of its potential value

¹⁰⁴⁰ BL, Caligula B.VI, fos 54-5.

¹⁰⁴¹ Caligula B. II, fos 339-41.

¹⁰⁴² Darcy was later to complain of 'how colourably and wrongfully [Wolsey] voided me from the office...of warden of the marches' (*LP*, IV, 5749).

through the refusal of the principals to communicate with one another, in despite of royal instructions. Instead, news was sent 250 miles south to Westminster, in an attempt to blame the other party for not having provided it. Both warden and captain were aware that the king had other sources of information which he could use to check on their actions. Before he agreed to take on the wardenship of the east march in December 1511, Dacre obtained the promise of the king's council that 'if any surmises were made on me to the king's grace...no credence should be taken thereat until I had made mine answer unto your lordships'.¹⁰⁴³ On 20 March 1514, Darcy stated that his 'chief treasure' was that 'your highness will give no hasty credence in no cause against me, for...he liveth not that service your grace well, truly and roundly, but he shall be with some persons maligned at'.¹⁰⁴⁴

After the earl of Northumberland's death in 1489, the castles of Bamburgh and Dunstanburgh had also been separated from the command of the east march.¹⁰⁴⁵ The offices were reunited with the wardenry in 1504, when Darcy, steward and surveyor of Dunstanburgh, and farmer of the lordship of Bamburgh, was made warden.¹⁰⁴⁶ He retained control of these offices when Dacre replaced him in 1512.¹⁰⁴⁷ This situation caused the warden the same problems which were inherent in his relationship with the Berwick garrison. In the aftermath of Flodden, Dacre complained that, upon being assigned to his wing, the men of Bamburghshire would not fight, but 'at the first shot of the Scottish guns fled from me and tarried no longer'. Dacre attributed this display of martial valour to a desire to flout his authority, opining that they would serve Darcy

¹⁰⁴³ BL, Caligula B.II, fos 200-2.

¹⁰⁴⁴ *Ibid.*, fos 339-41.

¹⁰⁴⁵ *CPR 1485-1494*, p. 273; DL 29/361/5998.

¹⁰⁴⁶ DL 29/361/6007.

¹⁰⁴⁷ BL, Add. MS 24,965, fos 258v-60.

better. As a result of his lack of confidence in the support of the east marchers, Dacre professed his inability to make the raid ordered by the king on the east march of Scotland, suggesting that it should instead be undertaken by Darcy, who had 'the support of ...friends and allies in the country there' which Dacre lacked.¹⁰⁴⁸ Ten years later, little had altered. On 25 April 1524, Dacre reported that neither Ellercar, constable of the castle of Dunstanburgh, nor Sir Thomas Ilderton, Darcy's deputy at Bamburgh, would attend him on a raid.¹⁰⁴⁹

Even with his own subordinates, Dacre's position was somewhat equivocal. His indentures specified his right to nominate his lieutenants in the middle march,¹⁰⁵⁰ but in 1514, Henry disregarded Dacre's choice of his brother Phillip, and appointed Ralph Fenwick, another display of the royal will that all members of the border command should be his servants, and not the warden's.¹⁰⁵¹ Dacre's awareness of his lieutenants' independence is clear from his sardonic comment that they enjoyed the wages and office of lieutenanship, while he had the name of warden,¹⁰⁵² and from his evident eagerness to replace them with a deputy he could control.¹⁰⁵³ The importance of authority over these offices for the effective exercise of the warden's duties was pointed out by the earl of Westmorland, who insisted that without them he would not 'be able to serve the king's highness...substantially in my office'.¹⁰⁵⁴ Further tensions were to arise between Dacre and his lieutenants in the 1520s over money. As captains of the border garrison in 1524,

¹⁰⁴⁸ DL 29/362/6029; BL, Caligula B.VI, fos 47-8.

¹⁰⁴⁹ DL 29/362/6029.

¹⁰⁵⁰ Ellis, *Tudor Frontiers*, p. 151.

¹⁰⁵¹ BL, Caligula B.II, fos 200-2.

¹⁰⁵² BL, Caligula B.II, fos 200-2.

¹⁰⁵³ Ellis, *Tudor Frontiers*, p. 151.

¹⁰⁵⁴ BL, Caligula B.VI, fos 510-511. The writer was the earl rather than Sir Anthony Ughtred, as the *Letters and Papers* suggest. The town of Cambois referred to as belonging to the writer was owned by the earl (Raine, *North Durham*, pp. 369-70), who was vice-warden of the east and middle marches by 15 December 1525 (*LP*, IV, 1821).

Sir William Bulmer requested wages for four captains and petty captains, and Sir William Eure for two captains and petty captains. They refused to accept Dacre's decision that he could only allow one captain each.¹⁰⁵⁵ Dacre recommended to Wolsey that their demands should not be granted.¹⁰⁵⁶ Eure's opinion of Dacre is clear from his summary report on the wardens and their performances since the time of the fourth earl of Northumberland. Dacre is listed as having 'had all the rule of the country' as lieutenant of the east and middle marches, with custody of Norham and Wark; the nomination of the sheriff and profits of the shrievalty; 40 men in wages; and the keeping of Redesdale and Tynedale for twelve years, the result of which was 'the country out of good order and evil ruled'.¹⁰⁵⁷

The 'stranger' warden

A Tudor desire to promote direct royal authority in the far north (and corresponding allergy to the promotion of Percy power) led Henry VII and his son to appoint men with few personal lands and connections, and thus less independent influence, particularly to the strategically pre-eminent east march. The results of this were hardly satisfactory. Far from supporting Dacre into his private quarrels, the gentlemen of Northumberland hardly respected his authority as warden. By October 1513, Thomas Ruthall, Bishop of Durham, described how a number of reports to Dacre's dishonour were being circulated throughout the east march.¹⁰⁵⁸ The feeling was evidently mutual. In November, Ruthall

¹⁰⁵⁵ BL, Add. MS 24,965, fos 234-5v.

¹⁰⁵⁶ BL, Caligula B.III, 15-16.

¹⁰⁵⁷ This report is not signed, but at the foot of it is included a list of 'the fees that Sir William Eure gives over and besides his household wages...and his expenses for him and his servants from Michaelmas unto Christmas' (BL, Caligula B.VI, 476).

¹⁰⁵⁸ BL, Caligula B.VI, fos 45-6.

cited Dacre's distrust of its inhabitants as the reason for his reluctance to make a raid from the east march.¹⁰⁵⁹ Dacre's letter to the bishop at around the same time confirms this. He claimed that he was slandered by some of the lords and gentlemen at Flodden, due to their jealousy of Surrey's preference for his counsel. He was reluctant to trust himself to 'strangers, especially those of the east marches', and related that, in the aftermath of the battle, in defiance of Surrey's orders to help Dacre to secure and convey the captured guns, Sir William Gascoigne and others went home 'with seven days' wages in their pockets'.¹⁰⁶⁰ A great many of the Scottish prisoners taken at Flodden were ransomed without Dacre's knowledge, another indication that he had little control there.¹⁰⁶¹ The tenants and servants of the earl of Northumberland seem to have been particularly opposed to the warden's authority. Shortly after he had performed the prescribed raid on the middle marches, Dacre complained that Lord Ogle, constable of Alnwick, and others, 'came not to me at the place appointed, whereby I was not accompanied as I thought to have been'. They were not prepared to serve him 'accordingly as they have done to your wardens in time of war', and Dacre was forced to request that Henry direct 'letters of commandment...to my Lord of Northumberland...to cause [his] tenants give attendance'. The following year, Sir William Heron, newly entered into Percy service, also refused to serve Dacre.¹⁰⁶² In the campaigns of 1522-3, the Herons and Swinburnes of Capheaton were among those who withheld their services

¹⁰⁵⁹ BL, Caligula B.II, fo. 300.

¹⁰⁶⁰ SP 1/5, fo. 69.

¹⁰⁶¹ BL, Caligula B.VI, fos 47-8.

¹⁰⁶² Raine, *North Durham*, p. vii.

from the warden;¹⁰⁶³ and Sir William Percy made accusations of betrayal to the Scots during Dacre's raid on Kelso.¹⁰⁶⁴

This relationship of mutual distrust and dislike was to last throughout Dacre's tenure of wardenry. In early 1522, Dacre stated that if it were not for his regard for the king's honour, he would consider everything that was done for the east marchers as 'lost...for they will follow no counsel for the helping of themselves'.¹⁰⁶⁵ In May, the bishop of Carlisle referred to the 'scant love' they bore Dacre and his brother, Sir Christopher. On 12 June 1523, Dacre informed the king that he had mustered the gentlemen of the east and middle marches in Surrey's name, as his deputy, but even this had not been sufficient to acquire the services of certain gentlemen, whose names Dacre now enclosed. He requested that for the next raid to be made before Surrey's return, the earl should himself write to the gentlemen of the country.¹⁰⁶⁶ Dacre clearly hoped this would inspire the intransigents to show up.

Even in urging the king to appoint a successor on the east and middle marches so that he could return home, the earl of Surrey could advance nothing more optimistic than that the inhabitants of Northumberland would 'put up' with Dacre, if they knew it was not intended to be a permanent arrangement. In November 1523, having most reluctantly accepted a stopgap appointment, Dacre suggested he should be known rather as Surrey's deputy than as warden, still clinging to the hope that this would make the gentlemen of Northumberland more likely to keep the promises of service which they made on behalf

¹⁰⁶³ *LP*, IV, 278. William Swinburne of Capheaton was the fifth earl's bailiff of Corbridge. James, *A Tudor Magnate*, pp. 28-9.

¹⁰⁶⁴ *Ibid*, p. 30.

¹⁰⁶⁵ BL, Caligula B.I, fos 9-10.

¹⁰⁶⁶ BL, Add. MS. 24,965, fos 152-3.

their tenants.¹⁰⁶⁷ However, this ruse does not appear to have been very effective. The following February, after the men of the country around Ford and other places refused to rise and attend him, even in their own defence, Dacre wrote sententiously to Sir John Bulmer that it was a pity to help those who would not help themselves.¹⁰⁶⁸ Two months later, in describing a raid lately made on Scotland, Dacre named several of the ‘knights and gentlemen who...came not when warned, as Sir John Heron of Chipchase, William Swinburne of Capheaton... Sir Edward and Sir Roger Gray, and the bastard Heron’.¹⁰⁶⁹

That April, matters came to a head. Dacre once more faced accusations from Westminster that he was failing to fulfil the requirements of his office, suffering the Scots ‘to commit attempts daily in England...the like whereof hath not been seen since the war began’. Dacre protested that he was diligent to ‘the uttermost of my little power with my true heart and faithful service, according to my duty to serve the king’, and was ready to face his accusers ‘afore your grace, for the probation and examination of the premises’.¹⁰⁷⁰ Five months later, Dacre wrote in alarm to Wolsey that ‘part of the gentlemen of this county of Northumberland has of perpetual malice given in a bill of complaining unto my Lord of Norfolk’s grace against me’.¹⁰⁷¹ The measure of Dacre’s extreme unpopularity among a certain section of the gentry is testified by a memorandum which notes that Nicholas Thornton of Witton sent John Dixon, of Hulne friary, to one John Bowman and others, asking them for bills of complaint against Dacre. When the men refused to provide these, Dixon procured them through bribery – John Bowman, it is

¹⁰⁶⁷ *Ibid.*, fo. 11.

¹⁰⁶⁸ *Ibid.*, fo. 222.

¹⁰⁶⁹ *Ibid.*, fos 258v-60.

¹⁰⁷⁰ BL, Add. MS. 24,965, fo. 219.

¹⁰⁷¹ SP/1 17, fo. 68.

recorded, being offered a cow.¹⁰⁷² Dacre begged that Wolsey would send Norfolk a commission to look into the matter, and clear his name of the ‘charges...billed against me’. The ‘gentlemen complainants’ refused to ‘submit to be ordered by Dacre’ threatening rather to leave the country.¹⁰⁷³ They had to backpedal rather rapidly from these high sounding threats, however, when it was ‘laid right sharply unto their charges’ that disobedience to the king’s warden touched upon their allegiance to the king. Norfolk’s concurrence with Dacre’s view that ‘there is no place convenient but only before your grace and the king’s most honourable council’ indicates that the matter had gone too far to be settled locally. Wolsey ordered Norfolk to cause Dacre, and two or three of the gentlemen complainants, to come ‘incontinent’ to Westminster, although the difficulty of sparing Dacre from the border put the matter on hold.¹⁰⁷⁴

Dacre’s correspondence shows that he was quite aware of the root of his difficulties as warden of the east and middle marches. As early as 1514, Dacre told the council quite plainly that there was no-one on the east march upon whom he could rely to serve him in the king’s name, because ‘I have not strength nor help of men, friends nor tenants within the same east march’.¹⁰⁷⁵ Dacre’s response to Henry’s order to make raids on the east, middle and west marches of Scotland suggests that he was reliant on his own tenants to serve on all three marches, which presented obvious difficulties. Quite apart from anything else, ‘from the nearest part of your said west marches to Berwick it is 40 miles’.¹⁰⁷⁶ In April 1524, Dacre attempted once again to explain his difficulties: ‘Tynedale is so far from me or from any land or dwelling place that I have or used to

¹⁰⁷² BL, Add. MS 24,965, fo. 170.

¹⁰⁷³ BL, Caligula B.I, fos 334-6.

¹⁰⁷⁴ SP 1/32, fos 125-6.

¹⁰⁷⁵ BL, Caligula B.II, fos 200-2.

¹⁰⁷⁶ BL, Caligula B.VI, fos 47-8.

dwell in as Harbottle and others whereby I cannot with sudden raid or journey come closely upon them like as their officers might'.¹⁰⁷⁷

Nor was the Crown likely to provide such resources in lieu. The correspondence between Westminster and the borders demonstrates how emphatic central government was that the king's money should not be wasted. As warden, Dacre was the mouthpiece of an economising policy. In April 1514, in answer to the king's query regarding soldiers and garrisons to be posted along the east march, the warden responded with patent disapproval that its inhabitants 'would have your highness as well to lay garrisons and keep soldiers...to your great cost and charges, for the safeguard of their land and possessions, as to give them wages and fees for doing your grace service and defending their own lands'.¹⁰⁷⁸ Dacre diagnosed the reluctance of the east marchers to serve him as due to resentment for the king's decision not to 'send down no soldiers to the said border nor wage to them', for which they blamed the warden. This was, to some extent, accurate, for Dacre had advised the council that 'wages given to the inhabitants there were in manner wasted and lost'.¹⁰⁷⁹ His appointment as war treasurer in 1523 only intensified this feeling. There may be some truth in Dacre's opinion that war with Scotland had accustomed the inhabitants of the marches to receiving wages. Dacre's fourteen-year period of office saw three campaigns against the Scots, during which the marchers were paid for their services. These were interspersed with 'murmuring times, not plainly determined war', but during which Henry 'lay always in await of untruth' from the Scots; and in fact, he practiced a certain amount of deception himself, in causing Dacre to

¹⁰⁷⁷ BL, Add. MS 24,965, fo. 219.

¹⁰⁷⁸ BL, Caligula B.III, fo. 26.

¹⁰⁷⁹ BL, Caligula B.II, fos 200-2.

provoke the Scots into aggression by border raids.¹⁰⁸⁰ But the Crown did not usually pay for these; no wages would be forthcoming except in times of real emergency. The gentlemen of the east march were all too ready to shoot a messenger who was a stranger, who had no resources of his own to rectify this lamentable state of affairs, and who himself advised the king against complying with their demands – partly to save himself from accusations of extravagance, but partly because he liked and trusted them no more than they did him.

However, once again, the experiences of Dacre's successors demonstrate that his problems were not born of his personality but of his situation. Thomas Manners, Lord Roos, briefly Dacre's successor on the east and middle marches in 1522, experienced similar problems. Although he had inherited the Northumbrian manor of Etal from his grandfather, and was kin to many of the gentry families of the county, the Manners estates were now centred on Leicestershire.¹⁰⁸¹ A stranger to the country, he was soon keen to resign an office in which he too was not obeyed 'according as unto the same appertains', or 'served with the gentlemen of this country as he should have been'.¹⁰⁸² By 31 October, he had left the borders, and would not return.¹⁰⁸³ His replacement, Thomas, Marquis of Dorset, appointed in February 1523, was also primarily a Leicestershire landholder; and to him the far north-east was foreign territory, since his only northern estates lay in the west march.¹⁰⁸⁴ The reaction of the Northumbrian gentlemen to his appointment is difficult to gauge, because he kept it for only three months.¹⁰⁸⁵ Upon

¹⁰⁸⁰ *Ibid.*

¹⁰⁸¹ Miller, *Henry VIII and the English Nobility*, p. 188.

¹⁰⁸² BL, Caligula B.I, fo. 23.

¹⁰⁸³ BL, Caligula B.II, fo. 367.

¹⁰⁸⁴ *Foedera*, XIII, 782; Miller, *Henry VIII and the English Nobility*, p. 189.

¹⁰⁸⁵ *Ibid.*

Dacre's final dismissal as warden in 1524, his former lieutenants would find the Northumberland gentry equally intransigent. On 27 April, Eure and Bulmer reported that the gentlemen of Northumberland refused to attend musters for the king's intended expedition to France, and Sir William Heron openly opined that 'the lieutenant undoes the country'. Heron's words were attributed to 'mere jealousy, as they are strangers in the county and his ancestors had been lieutenants there'.¹⁰⁸⁶ However, a month later, it was less easy to dismiss the fact that the same men refused to attend them even in the face of a potential threat from the Scots, 'apparently thinking us unfit to rule them'. Their solution was that 'some great nobleman' should be appointed to 'compel obedience'.¹⁰⁸⁷

This was shortly done, with the appointment of the earl of Westmorland as vice-warden of the east and middle marches later that year. However, his list of 'things requisite to be had' demonstrates his awareness that the problems facing a 'stranger' warden were not to be overcome by sheer nobility. The first three articles deal with the warden's position in Northumberland. The earl requested that 'there may...be assigned some convenient place in Northumberland for me to lie upon', and that 'I may have authority at the king's charge to retain all the honest gentlemen in Northumberland with reasonable fees, as they say they have had in times past'. However, the earl was quick to specify that he should have the 'denomination and appointment of the said gentlemen'. If funds were made available and he had control over the granting of fees, he might rely on the service of the inhabitants of the marches under his command. Otherwise they would not 'be diligent and ready at my commandment', because 'I am a stranger in that country,

¹⁰⁸⁶ *LP*, IV, 1289. John Heron, Sir William's elder brother had been lieutenant of the east and middle marches under the fourth earl of Northumberland, while Sir William himself had held the lieutenancy of the middle march in 1500. James, *A Tudor Magnate*, p. 28.

¹⁰⁸⁷ *LP*, IV, 1338.

having neither kinfolk nor allies there, nor no lands there at this day, whereby that I might entertain them to have their assistance'.¹⁰⁸⁸ Unless these conditions were met, the earl would not be able 'to serve the king's highness and your grace substantially in my office'. The question of authority was addressed again further on. The earl requested that he be granted the 'putting in and denomination of all the officers in Northumberland...as the shrievalty, Bamburgh, Dunstanburgh, Tynedale, Redesdale and the lieutenantships, and all other belonging to the king's highness'.¹⁰⁸⁹ When these concessions were not made, the earl seems to have made little attempt to perform his office. Clearly, the earl really believed it to be impossible to occupy it without these additional concessions for, when they were not granted, he resigned the wardenship after little more than a year in office.¹⁰⁹⁰

Sir William Eure, who replaced the earl as vice-warden of the middle marches and keeper of Tynedale and Redesdale in summer 1526, was no more able to fulfil the responsibilities of the office.¹⁰⁹¹ Having had some experience of the problems of acquiring service in Northumberland, he determined to expend the greater part of his salaries on 'fees to the gentlemen of the country, to the intent the king may be the better served in those parts, and the countries ruled and defended accordingly'.¹⁰⁹² However, for these offices, Eure received a total of £237 4d *per annum*.¹⁰⁹³ The futility of attempting to

¹⁰⁸⁸ BL, Caligula B. VI fos 510-11. The earl's estates of Bolbec and Bywell were in his mother's hands. See above, ch. 1, pp. 13.

¹⁰⁸⁹ BL, Caligula B.VI, fos 510-11.

¹⁰⁹⁰ For the earl's brief tenure of the office, see above, ch. 1, pp. 45-6.

¹⁰⁹¹ BL, Caligula B.VI, fos 484-6. In a letter dated by the *Letters and Papers* to 13 May 1526, Eure wrote to Wolsey that he had received the patent for the vice-wardenship of the middle marches on 'St Peter's day *advincula* last past', which according to this dating would be 1 August 1525 – when Westmorland had just taken up the office. Clearly the letter should be dated to 1527, thus Eure was appointed to the offices in July 1526.

¹⁰⁹² BL, Caligula B.III, fos 45-6.

¹⁰⁹³ SP 1/45, fos 101-7.

retain a substantial following out of such a sum was exposed at the first real test of the duke of Richmond's command, in the form of the depredations of the outlawed fugitive Sir William Lisle. The outcome can only be seen as a justification of Westmorland's comments. Lisle and his band of banished men and Scots committed 'outrages' which the king's officers were apparently powerless to prevent. The council ordered Eure to take 30 of his servants and 30 soldiers from Berwick to Lisle's lordship of Felton, to lie in wait for him, offering to pay each man 4d a day in addition to his normal rate of wages. Eure refused. When the council reported this to the king, the reason given was the by-now familiar plaint that he was unable to 'put good rule in the country', because 'none of the gentlemen will do anything for him, for he does not trust them, and they bear no favour to him.'¹⁰⁹⁴ The earl of Northumberland's commission as warden of the east and middle marches is dated two months later.

The appointments made by Henry VII and his son to the east and middle march command were motivated by an over-arching policy aimed at reducing royal dependence on magnate followings which had the potential to threaten royal authority. For 40 years, the rule of the east and middle marches was dictated by this policy, which Henry VIII attempted for only two years on the less-important west march. The lack of surviving correspondence makes it difficult to gauge the result of this under Henry VII. Darcy's tenure of office had coincided with a thirteen-year period of peace, in which march inhabitants had not been required to make raids, and so his authority never faced the test which exposed his successors' failures. However, the earl of Northumberland's servants, at any rate, entertained little love for their warden's authority, spreading rumours early in Henry's reign that Darcy's grants of office were invalid, because they were made before

¹⁰⁹⁴ Cott, 'Wardenship of Thomas, Lord Dacre', App. XXIX, 2.

the king was crowned, and that ‘their master should rule all from the Trent north, and have Berwick and the marches’. There were also vague threats that ‘if their lord had not rooms in the north, it should not long be well’.¹⁰⁹⁵ Nor was it. The border correspondence for this period makes palpable the increasing intransigence of the Northumberland gentry, especially the tenants of the earl of Northumberland, who made no effort to encourage them to support the usurper.¹⁰⁹⁶ The increasing despair of the wardens and lieutenants appointed to govern them prompted the constant refrain that the only remedy was the appointment of some nobleman of great authority. In 1522, Surrey and Dacre both urged the appointment of Lord Percy,¹⁰⁹⁷ which Dacre expected by the end of October. The fact that Dacre, of whose unpopularity the Crown was perfectly aware, was ultimately preferred, says a great deal about the importance of national policies – as opposed to local needs – when it came to determining Tudor policy.

Conclusion

Attempts to reduce the warden’s power through division of office, and appointment of strangers, did not promote either effectual command of the border or harmonious relations among the king’s officers there. Theoretically, the Statute of Winchester obliged the borderers to keep watch and ward, and to do military service in defence of their country without pay; but by the 1520s, the inhabitants of the east march were refusing to provide even these services.¹⁰⁹⁸ On their lands in the west march, the Dacres practised

¹⁰⁹⁵ SP 1/229, fo. 8.

¹⁰⁹⁶ This would tend to suggest that the ‘continuity, solidarity and durability’ of the Percy affinity had been able to withstand the upheaval of the fifth earl’s minority and subsequent exclusion from office on the marches. Cf. Pollard, *North-Eastern England*, p. 154.

¹⁰⁹⁷ LP, III, 3384; BL, Caligula B.II, fo. 327.

¹⁰⁹⁸ Ellis, *Tudor Frontiers*, p. 7.

estate-management polices which aided border defence, such as tenant right.¹⁰⁹⁹ However, even if Percy and other landholders did practise such customs, there was little incentive to enforce them on behalf of a usurper warden.

Nor did the brave new Tudor world eliminate aristocratic feuding in the borderlands. In fact, the Neville-Percy feud differed little in its cause from the rivalry between the Dacre and Clifford families some fifty years later. Its descent into violence also began in the west march,¹¹⁰⁰ where, in order to counter the superior personal influence of the Percies, the Crown financed the Nevilles as wardens, thus creating a balance, albeit a fragile one.¹¹⁰¹ In the sixteenth century, a similar policy led the Tudors to appoint the earl of Cumberland as warden in Dacre territory. If, in the latter case, the arrangement lasted for two years, rather than 70, the difference was that Henry VIII was unwilling to back his chosen warden to the extent which his predecessors had the Nevilles. Perhaps the problem of bastard feudalism has been misdiagnosed. In the fifteenth century, the Neville-Percy feud scarcely touched Northumberland, where the Percy family enjoyed unrivalled dominance. Once Thomas, Lord Dacre, had achieved dominance of the west march, there were no more armed attacks on rivals until the king appointed the earl of Cumberland in his place. Where there were indeed no rivals for influence, there were no large-scale feuds.

¹⁰⁹⁹ *Ibid.*, pp. 97-100.

¹¹⁰⁰ For the circumstances surrounding the inheritance see R. Griffiths, 'Local Rivalries and National Politics', pp. 325-6.

¹¹⁰¹ Booth, 'Men Behaving Badly', p. 96.

CONCLUSION: THE TUDOR ACHIEVEMENT?

So what, exactly, was new about Tudor policy towards the Anglo-Scottish border counties? Steven Ellis makes the traditional link between increasing Crown assertiveness and its employment of the gentry classes, identifying a preference for gentry and minor noble wardens as evidence for an attempt to apply national policies to the far north.¹¹⁰² But Henry VII and Henry VIII were far from bypassing the magnate classes in their management of the border defence. On the west march, the rule of the lords Dacre of Gilsland and Dacre was interrupted only by the two-year appointment of the earl of Cumberland (né Lord Clifford). In 1489, after the death of the earl of Northumberland, warden of the east and middle marches, he was replaced by the earl of Surrey, acting as lieutenant of the north and vice-warden to Prince Arthur. During most of the crises of the early Tudor years, either this earl, or his son, would be dispatched – often reluctantly – on the same mission. From 1497, with the advent of a secure peace with Scotland, Henry did indeed run the east and middle marches for some years through various members of the northern gentry, acting under the titular command of Prince Henry; and a newly ennobled Thomas Darcy was appointed warden of the east march in 1504. Between 1511 and 1524, Thomas, third Lord Dacre, joined the command of the east march to that of the west and middle marches, apart from a brief hiatus in 1522-3, during which first Lord Roos, and then Thomas, Marquis of Dorset, took up the post. The wardenship was next bestowed upon the king's illegitimate son, the new duke of Richmond and Somerset, with the earl of Westmorland as his vice-warden. In 1527, the sixth earl of Northumberland took on

¹¹⁰² Ellis, *Tudor Frontiers*, p. 49.

the office which his family had dominated for most of the fifteenth century. This rollcall of wardens hardly supports a case for a Tudor isolation of the magnate class. Men of lesser social standing were not preferred, particularly when the warden was likely to have to lead men against the Scots. The defence of the realm against the king's enemies was the traditional role of the nobleman, a role which Henry VIII in particular, clearly understood and promoted, in the wars against Scotland as in those against France.¹¹⁰³

A determination to increase Crown control is evident not from the social status of Tudor wardens, but from their spheres of influence. Of all of the wardens appointed to the east and middle marches in this period, only the fourth and sixth earls of Northumberland enjoyed any significant landed interest in the region. In the far north, as in the rest of the country, the Tudors reacted allergically to the 'natural assumption' that a lord who possessed a strong landed base and gentry retinue in a region should oversee its government.¹¹⁰⁴ Tudor use of 'outsiders' has been attributed to a deliberate policy of increasing royal authority and reducing the power of great magnates within their 'natural' spheres.¹¹⁰⁵ In 1489, Henry VII adopted this policy perforce, because the earl of Northumberland was murdered. But ten years later, when the fifth earl reached his majority, Henry had fought his war with Scotland, and, for the first time since 1328, had made a peace treaty – all without the Percies. Under the security of this, he could continue to do without them. Crunch-time for royal policy towards the border came in 1512, with the renewal of the Auld Alliance, and Henry VIII's drift back to war with Scotland. Henry VII had had no option but to fight his war against the Scots without a

¹¹⁰³ This can be seen by the fact that a good proportion of the ennoblements of Henry's reign were made in order to equip the recipient for military office. Miller, *Henry VIII and the English Nobility*, pp. 34-5.

¹¹⁰⁴ Gunn, *Early Tudor Government*, p. 44.

¹¹⁰⁵ E.g. Reid, *King's Council*, pp. 92-3; Ellis, *Tudor Frontiers*, pp. 48-9; James, *A Tudor Magnate*, p. 3; Bean, *Estates of the Percy Family*, p. 151.

Percy. But in 1512, there was a full-grown earl of Northumberland waiting in the wings; Henry VIII chose instead to keep his newly-appointed warden of all three marches, Thomas, Lord Dacre, whose landed stakes in Northumberland were minimal, and sent the earl of Surrey back to the marches to act as lieutenant of the north, and to command the royal forces. Henry VII's appointment of Darcy as warden had evidently been unpopular with a section of the Northumberland community; hostility to Dacre was even more blatant and, in the light of Henry VIII's martial policies, considerably more dangerous. But the king ignored the continual problems experienced by Dacre and his successors, until December 1527. It has been mooted that some (unidentified) personal defect was the root cause of the exclusion of the fifth earl. However, this seems unlikely. He was considered fit to serve in France in 1513, and was a member of the earl of Shrewsbury's secret council in 1522.¹¹⁰⁶ He was also appointed steward and constable of Knaresburgh.¹¹⁰⁷ By contrast, his son, who was appointed warden, was at one point considered incapable of managing his own affairs (a belief perhaps not altogether unfounded, given his later dissipation of his estates), and was plagued by ill-health throughout his stint as warden; on one occasion he had the last rites administered to him.¹¹⁰⁸ The crisis in the border counties forced Henry to abandon his policy of exclusion of the Percies; the sixth earl's subjection to Wolsey probably sugared the pill.

¹¹⁰⁶ Miller, *Henry VIII and the English Nobility*, p. 138; SP 49/1 140-143. The fifth earl's greatest identifiable crime against the Tudor Crown appears to have been the abduction of Elizabeth Hastings, a royal ward. Since Thomas, Lord Dacre was guilty of exactly the same crime (although admittedly, Elizabeth Greystoke survived the affair, unlike her unfortunate contemporary), and followed it up with forty years in command on the border, it is unlikely that Henry VII regarded this as a bar to the wardenship. J.R. Lander, *Government and Community: England 1450-1509* (London, 1980), p. 357.

¹¹⁰⁷ James, *A Tudor Magnate*, p. 22. The only evidence for Tudor mistrust of him is a letter of 1519, in which Henry VIII asked Wolsey to keep 'good watch' on the earl of Northumberland, along with Buckingham and Derby and 'others whom you think suspect'. However, Wolsey himself acquitted the earl from collusion with Buckingham. *Ibid*, pp. 25-6.

¹¹⁰⁸ *LP*, IV, 4603; 4903

The notion of a Tudor ‘allergy’ to the consolidation of magnate power in a region may be contested by comparison with the west march. Through his marriage to the Greystoke heiress and policies of purchase, Thomas, Lord Dacre was able to build up his position in the west march from a border baron to the chief magnate in the region; overtaking the resources even of the Percy family in Cumberland.¹¹⁰⁹ Once Henry VII’s original restriction of Thomas, Lord Dacre’s authority relaxed, he was enabled to monopolise most of the royal resources in Cumberland which had been enjoyed by his predecessors. This conflicts with policies adopted in the rest of the country: as a class, the Tudor nobility was not conspicuous for its success in acquiring grants of local office; the king’s friends, household servants and the local gentry were generally preferred.¹¹¹⁰ However, non-interference from Westminster enabled Thomas, Lord Dacre to run the march much as his predecessors had done; relying on his tenants and servants, and with little reference to Westminster. When royal garrisons were stationed along the border in the 1520s, Henry actually rejected Dacre’s suggestion that some part of them should be placed along the west march. The Tudors reflected their predecessors’ priorities in making the larger and strategically pre-eminent east and middle marches the focus of royal policy. Here, the reduction of the warden’s control over military office and royal lands is in line with Tudor policy in the rest of the country. From 1486, Berwick was permanently separated from the command of the east march; and the king employed a captain, garrison and financial administration wholly independent of the warden. Darcy, when he joined the office of warden of the middle march to that of the east march, was

¹¹⁰⁹ The Greystoke inheritance boosted Dacre’s income from lands in Cumberland to £650 per annum, £100 more than the Percy inheritance there. Ellis, *Tudor Frontiers*, p. 90.

¹¹¹⁰ Miller, *Henry VIII and the English Nobility*, pp. 201, 253; R. H. Britnell, *The Closing of the Middle Ages? England, 1471-1529* (Oxford, 1997), p. 99.

appointed steward of the Duchy of Lancaster lordships of Bamburgh and Dunstanburgh, as well as various other Duchy lordships in Yorkshire. But Darcy was no magnate; the varnish was not quite dry on his peerage, and his personal resources were modest.

His magnate successors would fare rather less well. Both Dacre and Westmorland were to complain of their exclusion from various stewardships and military office. And there is, in fact, evidence for rather less determined attempts to implement the same policy on the west march. Bewcastle was separated from Dacre's command under both Henry VII and Henry VIII, and the appointment of Henry Clifford, Earl of Cumberland, Henry's childhood friend, was more typical Tudor behaviour; and an indication that the king was uncomfortable with Dacre supremacy. Clifford's abortive appointment to the stewardship of Penrith in 1517 is an earlier indication of the same attitude. In 1527, when Henry perforce appointed the heads of the two families best qualified by local landownership to the wardenships, he clung to this division of office. William, Lord Dacre was denied the command of Carlisle until 1529 and, effectively, that of Bewcastle. Like his grandfather, the earl of Northumberland was denied command of Berwick, but also of Bamburgh, Dunstanburgh and the newly rebuilt castle of Wark, 'the stay and key of all this country'.¹¹¹¹ The only office he was granted in addition to his wardenship was the bailiwick of Tynedale – a poisoned chalice in the hands of his predecessor, the maraudings of whose inhabitants had prompted his appointment. The tone of Henry's correspondence, and to some degree that of Wolsey, reinforces the impression that the king was not only opposed to the idea that countries should be governed by noblemen influential within them, but indeed that he seriously underestimated the difficulties of ruling a region without such influence. Henry entertained a touching faith in the efficacy

¹¹¹¹ SP 1/50 fo. 276.

of the royal will as embodied in his officers. It was ill-rewarded in the unrarified air of the border counties.

The cessation of huge annual payments to the warden might also be supposed to have been a saving (although Lancastrian kings at any rate had been able to cut back by the simple dint of neglecting to pay their wardens).¹¹¹² Beyond funding the garrison of Berwick, the Crown made little provision for the defence of the marches except during periods of outright war, which would always incur additional expense. Rather more significantly, removing control of the funding for border defence from the warden allowed the Tudor Crown to exercise a new degree of control over its officers, particularly on the east and middle marches. The growth of a northern administration to handle border finances more generally, with personnel who were, ideally, quite distinct from the king's military officers there, reflects the trend towards appointing 'learned', 'professional' administrators in the administration of the king's estates,¹¹¹³ one reason for the obvious preference for the clergy as employees. Another was that, as the source of most major ecclesiastical patronage, the Crown was the undisputed patron for the rising cleric. The Tudors made it increasingly clear throughout the realm that a man could not have two patrons if one of them was the king. The result of the separation of border finance from the office of warden is illustrated in Henry VII's dealings with his lieutenant, Darcy, glimpsed through the latter's letters to Richard Fox, Bishop of Durham in the 1490s; and to a far greater extent, in Henry VIII's dealings with his warden Thomas, Lord Dacre, and lieutenant in the north, Surrey, in the campaigns of the 1520s.

¹¹¹² See, *inter alia*, S. Chrimes, 'Some Letters of John of Lancaster as Warden of the East Marches towards Scotland', *Speculum* 14 (1939), pp. 20, 25; A. Steel, *The Receipt of the Exchequer 1377-1485* (Cambridge, 1954), p. 93.

¹¹¹³ Richardson, *Tudor Chamber Administration*, p. 51.

Decisions as to where garrisons were to be laid, where and when raids were to be made and even whether additional crews were to be taken into Berwick (in contravention of the terms of the captain's indenture, who was supposed to be allowed to appoint at his discretion), were all taken by the Crown, or at least submitted for its approval. One of the principal features of the previous arrangement had been that wardens were not directed how to spend the money handed over to them. Because the Crown could not afford to retain garrisons of soldiers all year round (as Henry IV's experiment had demonstrated), the lump-sum system was intended to fund cheaper indentured relationships between lord and march inhabitant, who could be called upon for service when necessary, and dismissed when he had played his part. Wardens who enjoyed existing connections with men who performed this service, and footed the bill when royal provision was slow or insufficient, would have found it impossible to produce an account which distinguished between the expenditure of Crown monies and the warden's own resources. Matters such as the location, size, and length of service of garrisons would thus be controlled by the warden, without reference to the Crown. In taking back control of the finances of the border the Crown secured its hold over its wardens.

However, one unlooked-for result of the emasculation of the march warden was an increasing unwillingness on the part of march inhabitants to serve him in the defence of the realm. Between 1513 and 1527, successive wardens and deputy-wardens of the east and middle marches complained of the 'backwardness' of the gentlemen of Northumberland, when called upon to attend them,¹¹¹⁴ even to resist a suspected raid by the Scots.¹¹¹⁵ As early as April 1514, the gentlemen of the east and middle marches were

¹¹¹⁴ *LP*, I, 4556; I (new edn), 2913; IV, 278.

¹¹¹⁵ *Ibid.*, IV, 1338.

requesting that garrisons should be kept for their defence and that they should themselves receive wages from the king.¹¹¹⁶ In 1524 Dacre reported that two-thirds of the tenants of the west march would not attend him because the previous year, when England was at war with Scotland, they had been paid wages for border service, or service in the garrisons. In times past, Dacre averred, all inhabitants of the west march were at the warden's command to serve the king, but this was no longer the case. In order to defend the border, the king must either place garrisons or personally force the gentlemen to serve.¹¹¹⁷ In 1525, the deputy warden of the east march, the earl of Westmorland, flatly stated that, unless he paid reasonable fees to the gentlemen of Northumberland, they would not serve him.¹¹¹⁸

Unwillingness among the march inhabitants of the marches to perform border service was thus exposed by the deterioration of relations with Scotland from 1513. It may have been prevalent far earlier. From 1487, Henry VII took twin measures for the defence of the east and middle marches. Resuming command of Berwick, he put in his own lieutenant and made permanent provision for the payment of a standing garrison of 230 soldiers (probably a considerably larger number than his warden had maintained there). The second part of his strategy was to retain the services of fourteen Northumberland gentlemen. For a total of just £178 13s 4d per annum he retained some of the most prominent men in the county to assist the lieutenant and soldiers from invasion by the king of Scots whenever necessary; and what was rather more important, the retinues which they brought with them. Henry was not obliged to pay these followers; it was their customary obligation to provide military service for the defence of the realm.

¹¹¹⁶ *Ibid.*, I (new edn), 2793.

¹¹¹⁷ *Ibid.*, IV, 279.

¹¹¹⁸ *Ibid.*, IV, 1764.

What he got for his money was, essentially, the services of their patron in persuading them to turn out. Thus, the Crown adopted the methods of previous wardens (and indeed, their servants, for many of the gentlemen thus feed by the Crown were former retainers of the fourth earl of Northumberland), until he acquired his peace with Scotland, whereupon the payments were discontinued. When relations with the Scots deteriorated once again, under Henry VIII, the Berwick garrison represented the Crown's sole permanent arrangement for the defence of the border. In the aftermath of Flodden, Henry entrusted Dacre with 3000 marks to pay borderers to make follow-up raids. However, for the campaigns of the 1520s, he was to adopt a solution rather closer to his father's arrangements at Berwick. For almost two years, Henry funded garrisons stationed along the eastern border with Scotland.

However, the perpetual problems which the Crown experienced in paying for these garrisons ensured that this could be no more than a temporary measure. They were abandoned, probably with some relief, with the cessation of hostilities in 1524. In December 1527, when disorder in the far north reached a critical stage, Henry reverted to his father's strategy of rule by retainer: the Crown feed sixty-eight gentlemen and one lord from Northumberland and Northamptonshire to assist the new warden's reimposition of order. After the Pilgrimage of Grace exposed both Northumberland, and the newly re-appointed earl of Cumberland, as unfit for their positions, Henry, taking the wardenship of the east march into his own hands, warned the borderers that it was their 'bounden duty' to serve his deputies Sir William Eure and Sir John Withrington.¹¹¹⁹ Yet he clearly felt they could not rely on the performance of that duty unpaid. Henry VIII retained 33 royal pensioners from the east and middle marches to the service of his lieutenants, and

¹¹¹⁹ Bush, 'The Problem of the Far North', p. 45.

placed another 33 from the west march under the command of the earl of Cumberland's deputy-warden Sir Thomas Wharton.¹¹²⁰ However, this measure proved to be a failure. In 1542, the earl of Hertford, newly appointed warden of the east and middle marches declared that the pensions should be abolished, and five years later it was decreed that they should 'die with the men which have them'.¹¹²¹ The failure of the pensions scheme was partly due to the attempt to use it in tandem with the traditional system of unpaid border service. In 1537, the council had expected that 'the king retaining all the gentlemen and headmen as he doth shall not be evil served'.¹¹²² Yet, understandably, those who had no pensions considered that border service should be left to those who were paid for it. In his brief tenure of the wardenship in 1542, the earl of Rutland discovered that the countrymen would no longer keep watches because they expected the pensioners to do it. Sixty-six men alone were not sufficient to defend the marches, particularly during war with the Scots. At a raid on the eve of Solway Moss, under Sir Thomas Wharton, Cumberland and Dacre tenants, in particular, failed to turn out for the warden.¹¹²³

But the problem of the defence of the marches remained, and the deterioration of relations with Scotland from the late 1530s made it the more urgent. Intermittent war with the Scots throughout the 1540s highlighted the decline of the traditional system; and the 1520s campaign had indicated the way forward. The Crown was once again forced to maintain what was essentially a standing army on the border, precisely the expense which the traditional system was intended to obviate. During Rutland's wardenship, a border

¹¹²⁰ *Ibid.*, p. 46; Ellis, *Tudor Frontiers*, p. 244.

¹¹²¹ Summerson, *Medieval Carlisle*, p. 499.

¹¹²² Bush, 'The Problem of the Far North', p. 56.

¹¹²³ Ellis, *Tudor Frontiers*, p. 247.

garrison of 3300 was maintained. Under his successors, the earl of Hertford and Viscount Lisle, the garrison was reduced to 2000, but by late 1545 the number had risen again to around 2600. Such garrisons must themselves have completed the breakdown of the old system, weakening perceptions of the necessity of old-style border service, and recruiting many who might have performed it into service in the garrisons themselves, for which they were paid.¹¹²⁴ The increasing use of foreign mercenaries to defend the border, after the defeat of the English by the Scots at Ancrum Moor in 1545, was the final admission of the death of the traditional border defence system.¹¹²⁵

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Infrequent visits of gaol delivery and assize justices, further disrupted by war; Tynedale and Redesdale a safe harbour for felons and outlaws; great men dominating the county bench and shreivalties, conducting violent feuds through retainers whom they subsequently shielded from punishment; juries reluctant to convict; corrupt royal officials subjugating the claims of justice to the claims of their own pockets. Just a few of the problems suffered by the borderlands between 1485 and 1530 – exactly the same troubles which had plagued them in the previous century. The non-survival of judicial records for this period makes it difficult to compare the level of disorder prevailing in the Tudor borderlands, and claims that the country was in the ‘worst order ever seen’, must be treated with a degree of caution. However, at least until 1525, the Tudor Crown evinced

¹¹²⁴ Bush, ‘The Problem of the Far North’, p. 61.

¹¹²⁵ Summerson, *Medieval Carlisle*, p. 502, Robson, *English Highland Clans*, p. 203.

little more interest in enforcing law and order in the border counties than had its predecessors. The Tudors did nothing to increase the frequency of visits by the central justice agencies to the far north.¹¹²⁶ Appointments or nominations to shrievalties were regularly farmed out, and it was calmly anticipated that the sheriff would be under the warden's thumb. From 1485, the number of justices on the county bench dwindled until, by 1526, there were so few that quarter sessions could not be kept in Cumberland and Northumberland and, indeed, in the latter county, had not been kept for a long time.¹¹²⁷

The crisis of law and order in Northumberland, which seems to have been building up at least since the end of the war in 1524, came to a head with the maraudings of the Lises and their happy band in 1527.¹¹²⁸ The method which the Tudors had finally to adopt in order to 'tame' this crisis says little for the efficacy of Crown attempts to 'bring the region more firmly under direct control'.¹¹²⁹ When the chips were down, Henry VIII's policy differed not one whit from that of his fifteenth-century predecessors – he sent in a Percy. Meanwhile, on the west march, Dacre and Clifford were fighting out their feud in the grand old tradition of the Nevilles and Percies. Doubtless, the 'divide and rule' strategy of the Tudor Crown produced a command structure in which the important members of the command all answered directly to the king – but it was also productive of conflicts and rivalry which hampered the business at hand. Doubtless the officers who operated under the Neville and Percy wardens in the fifteenth century had jostled for position. However, all were members of the wardens' own retinues and ultimately subject to an authority which, even if the warden in question were not resident, was rather nearer

¹¹²⁶ BL, Caligula B. VII, fos 29-30; Ellis, *Tudor Frontiers*, p. 52; Cockburn, 'Northern Assize Circuit', p. 122.

¹¹²⁷ *LP*, IV, 2435; *SP* 1/37, fos 250-1.

¹¹²⁸ See above, ch. 1, pp. 47-8, ch 3, 139-40.

¹¹²⁹ Pollard, *North-Eastern England*, p. 172.

at hand, and probably more effective than that of the king. The Crown was quite aware of the progress of the Clifford-Dacre feud, since each party was falling over itself in its haste to denounce the activities of the other. It was just that Henry VIII was powerless to prevent the campaigns of intimidation, forced entry and physical violence that Cumberland and Dacre incited their retainers to perpetrate against one another. The only solution was to remove royal backing from the favourite, and reinstate a Dacre.

Nor would law and order in the border counties significantly improve. Reports from the men appointed to the rule of the marches have a depressingly familiar ring. In 1542 it was reported that there were 'continual spoils and robberies, the countrymen looking through the fingers thereat'. The earl of Rutland claimed that Northumberland was 'never...in worst order', and the situation had in fact deteriorated since his last brief spell of office in 1522.¹¹³⁰ By 1543, the country was in such disorder and justice was so seldom administered that miscreants had 'gotten the over hand of the good men...and the whole country is sore robbed and spoiled'. Everywhere people desired to 'be at kindness with the thieves and ill doers'.¹¹³¹ In 1547, Lord Grey of Wilton, lieutenant of the north, wrote that the inhabitants of the east march 'neither know God nor the king, nor yet none of both their laws'.¹¹³² By 1550, the inhabitants of Tynedale and Redesdale were still committing 'heinous and detestable offences', and were declining ever 'from evil unto worse',¹¹³³ and the whole country was given to wildness.¹¹³⁴ If the domination of various regions by a few powerful men inevitably resulted in a certain level of disorder in the border counties, the alternative appeared to be chaos.

¹¹³⁰ Bush, 'The Problem of the Far North', p. 56.

¹¹³¹ Ellis, *Tudor Frontiers*, p. 69.

¹¹³² Bush, 'The Problem of the Far North', p. 57.

¹¹³³ Ellis, *Tudor Frontiers*, p. 70.

¹¹³⁴ Hodgson and Hodgson, *History of Northumberland*, III, ii, 324.

This hardly accords with the pattern in the rest of the country, where the Crown was able to take effective, if limited, steps towards upholding the law.¹¹³⁵ The extreme north, it seems, was indeed exceptional in this respect, and the question must be asked, why? The commissions of the peace were the most important institution in the administration of county justice.¹¹³⁶ Under Henry VII, after 1489, the Northumberland county bench indeed followed the national pattern, in that royal servants were appointed to it.¹¹³⁷ The difference was that many of these servants were not Northumbrians. Initially this reflected Henry's choice of military personnel, although, interestingly, he excluded all but one of the native Northumbrian gentlemen he fed to serve the captain of Berwick, actually removing two of them in 1489. Even after peace with Scotland had been achieved, almost all of the new commissioners were Henry's servants, and the majority did not hail from Northumberland. The Cumbrian peace commissions initially appears to have reflected the national pattern more clearly. Until Henry reached his truce with Scotland in 1498, he took the trouble to forge a relationship with almost all its members; although from 1499 he appears to have relaxed his position, and Dacre was able to gain a significant influence over it.

Henry VIII adopted a considerably less consistent policy towards the far northern peace commissions. In 1512 and 1514, in 1512 and 1514, when hostilities with the Scots recommenced, his military officers predominated, and, for the first time, the fifth earl of Northumberland was included. However, the commission issued in 1515 consisted almost wholly of Northumbrians, none of whom the king had any particular relationship with. Henry's own military officers were removed and so was the fifth earl, who would never

¹¹³⁵ Gunn, *Early Tudor Government*, pp. 102-3.

¹¹³⁶ Reid, *King's Council*, pp. 29-30.

¹¹³⁷ Gunn, *Early Tudor Government*, p. 29.

again act as JP in his comital county. The exclusion of the earl was telling, because it was unusual; a seat on the bench where a noble was a considerable landholder was ‘a near certainty’.¹¹³⁸ The relative lack of interest which Henry displayed in the Northumbrian peace commission was reflected on the Cumbrian bench, where Dacre continued to build up his ascendancy. Henry subsequently neglected both benches to the point where the former broke down altogether under the weight of its depletion. This is entirely at odds with the pattern in the rest of the country, where the commissions expanded as the Crown appointed increasing numbers of gentlemen JPs. For example, in the West Riding of Yorkshire the number of JPs rose from 25 in 1513 to 45 in 1525.¹¹³⁹ Equally, although from the middle of Henry VII’s reign, JPs in the rest of the country were ‘noticeably more assiduous in their attendance at quarter sessions and their use of the powers of the office’,¹¹⁴⁰ this did not appear to be the case in Northumberland by the 1520s. In 1515 and 1525, the majority of the Northumberland JPs were Northumbrians – but their assiduity in attending sessions evidently left a great deal to be desired.

The comparative apathy of the Northumberland justices may be accounted for in two ways. JPs were not paid for their services, and for those who were not servants of the Crown or a local lord, who might require their presence to consolidate control of the bench, one incentive was gone. Steve Gunn cites the expanding powers of the JP as the most powerful incentive for individuals to take on the office.¹¹⁴¹ Dacre’s experiences in the case of the prior of Brinkburn provide a retort to this.¹¹⁴² Of what use were the powers

¹¹³⁸ Miller goes so far as to assume that because the earls of Derby were the greatest landholders in the county palatinate of Lancaster they were always included in the commissions of the peace – none of which actually survive. Miller, *Henry VIII and the English Nobility*, p. 203.

¹¹³⁹ Gunn, *Early Tudor Government*, p. 29.

¹¹⁴⁰ *Ibid.*, p. 30

¹¹⁴¹ *Ibid.*, pp. 29-30.

¹¹⁴² For the episode of the Lises and the priory of Brinkburn see ch 3, p. 121-2.

of a JP if they could not be exercised? Henry's Northumbrian JPs were powerless to act individually, and the lack of a single, strong presence in the county, be it Crown or magnate, appears to have rendered the bench as a whole ineffectual. Gunn observed that 'political control and the ability to provide effective justice interacted so closely that much of the time they blended into each other'.¹¹⁴³ By the 1520s the expansion of the demesne had already significantly modified the balance of landholding in the Crown's favour. Land brought tenants and estate officers who could be called upon for service in war, in local disputes, and in other capacities. The far northern counties were short both of royal land to attract the gentry to royal service, and indeed, of gentry to take up such positions,¹¹⁴⁴ which may go a long way towards explaining why the Tudors transplanted royal servants from Yorkshire, Durham, and Westminster. Henry VII's retainer of fourteen Northumberland gentlemen from 1487 may be distinguished from similar fees given in Lancashire, Cheshire and the North Midlands in the early part of Henry's reign,¹¹⁴⁵ in that his clients were not used for administrative purposes.¹¹⁴⁶ Evidently, the Northumbrians were recruited for a specific, stated, purpose – to defend the Anglo-Scottish border under the command of the captain of Berwick. The 'first step' towards lessening royal dependence upon magnate military recruitment, embodied in the use of stewards of royal lands as leaders of the king's tenants, also had implications for the geography of border defence.¹¹⁴⁷ The relative scarcity of royal estates in the border

¹¹⁴³ Gunn, *Early Tudor Government*, p. 203.

¹¹⁴⁴ Ellis, *Tudor Frontiers*, p. 81.

¹¹⁴⁵ T.B. Pugh, 'Henry VII and the English Nobility', in G.W. Bernard (ed.), *The Tudor Nobility* (Manchester, 1992), pp. 87-8

¹¹⁴⁶ Indeed, some of them were actually removed from the county commissions of the peace after their retainer, see ch. 3, p. 112.

¹¹⁴⁷ An act of 1495 stated that those who held grants or gifts of offices, fees or annuities of the king 'be bounden of reason to give their attendance upon his royal person to defend the same, when he shall fortune to go in his person in wars for the defence of the realm'. If his beneficiaries did not appreciate the force of

counties is illustrated in the increasing use of the tenants of its Lancastrian, Yorkist, and former Neville estates in Yorkshire in the armies led against the Scots, and, perhaps more significantly, in the garrisons maintained by Henry VIII along the eastern border with Scotland in 1522-4.

Thus, Crown control of the far north did not increase as it did in other areas during this period because, other than the acquisition of Penrith in 1483, there were no new royal acquisitions in the far northern counties until 1536. This may also offer part of the explanation for the ascendancy of the northern clergy in the government of the region. The potential for injustice inherent in the domination of a region by one magnate is amply demonstrated in the activities of William Lord Dacre, and the complete inability of the Crown to prevent them. But the total inefficacy of the justice system where such influence was absent, where the Crown could not step forward to fill the vacuum, is brutally depicted in the story of Northumberland's drift towards a complete breakdown of law and order, until the sixth earl of Northumberland was sent to check it in December 1527. If the Tudor dynasty had set itself the 'task' of bringing royal justice to the furthest corners of the realm, it had clearly failed.

Tudor border policies had also precipitated the breakdown of the traditional system of the defence of the marches. The terms of the appointment of their wardens still allowed them to raise the men of the march under their command for service on the borders. But a vital pillar on which the old system had rested was a warden who could buttress his royal office with a personal authority and retinue in the region, and the royal funding which enabled him to extend his influence. The dictates of royal policy often

reason in this case, it would be reinforced by the removal of the gift, office, fee or annuity. In 1504, the act was extended to cover those who held lands by the gift of the king, with the same penalty should they fail. *Statutes of the Realm, 1101-1713*, ed. A. Luders *et al* (11 vols, London, 1810-28), II, 582, 648-9.

appear to have necessitated the deliberate employment of wardens lacking the former, and the removal of the latter from their control. But before 1536, the Crown did not apply 'essentially the same' policies to the border counties as it did to the rest of the country. It could not have done so. Tudor policy in the rest of the country involved using those members of the local gentry with whom, through its expanding demesne, it forged a relationship. Until 1536, the balance of landholding in the border counties remained decidedly in the favour of the magnates; in fact, with Dacre's acquisition of the Greystoke lands and other land-acquisition policies, the Tudor period actually saw a concentration of lands in the hands of fewer magnates. On the east and middle marches, Crown servants placed in both military and administrative office were frequently strangers to Northumberland. It should also be remembered that between 1515 and 1525, Henry and Wolsey seem to have been happy for Northumberland's peace commission to have been staffed by local gentry with whom the Crown enjoyed little or no relationship, with the warden at its head. The Crown paid little heed to complaints about lack of justice until its own prerogative rights were threatened. Distinctions were made between the border counties and other regions, if only perforce. The Tudors had certainly gained control of the border defence administration and its personnel; but it may reasonably be doubted whether they had made any advances at all in controlling the border region itself.

Thus, the historian's verdict is passed. But perhaps the successes and failures of Tudor Crown policies in the border counties should be judged from the point of view of the Tudor Crown. Did Henry VII and Henry VIII 'get away with it', from their perspective?¹¹⁴⁸ With regards to the defence of the country, the primary concern for the Tudors as much as for their predecessors, the answer appears to be, on the whole, yes.

¹¹⁴⁸ My thanks to Professor Pollard for raising this question.

There were comparatively few serious incursions by the Scots, certainly nothing to compare with the havoc wreaked at various times during the fourteenth and fifteenth centuries. One very tangible result of the new policy, however, was that the full cost of the defence of the marches now rested firmly on the shoulders of central government. The Tudor monarchy had far greater wealth at its disposal than Edward I had ever enjoyed. But from the early 1520s, as some of Wolsey's experiences with taxation demonstrate, the cost of warfare was increasing at a rate which far outstripped the willingness of the Tudors' subjects to pay for it. By the reign of Edward VI, just 22% of the costs of war would be met by Parliament; and thenceforth Tudor monarchs would have to find the balance elsewhere. By 1557, the Crown owed £200,000, which had risen to £279,000 by 1560. However, other factors contributed to the growing cost of warfare, of which, after all, the campaigns against the Scots comprised only a part. Indebtedness due to warfare was the lot of European kings in the sixteenth century, and England, at least, was never bankrupted, as was Spain in 1557 and France in the following year.¹¹⁴⁹ Nor did the Tudors bankrupt their creditors, as at least one of their medieval predecessors had done.¹¹⁵⁰ Meeting the cost of war was considerably easier for the heirs of the dissolution of the monasteries to bear than it had been for their predecessors.

Nor does it seem likely that Henry VII or his son would have lost much more sleep over the continuing lawlessness of the far north than had their predecessors; they seldom exhibited much concern about disorder in the far north for its own sake. The creation of the council of the north was Wolsey's scheme, and Henry's principal motivation appears to have been the suppression of Dacre pre-eminence and acquisition

¹¹⁴⁹ Gunn, *Early Tudor Government*, pp. 112, 144, 160.

¹¹⁵⁰ A fate which Edward III's wars inflicted upon his Italian creditors in the 1340s. W.M. Ormrod, *The Reign of Edward III: Crown and Political Society in England 1327-1377* (London, 1990), pp. 88, 183.

of a rather more biddable warden. In 1527, the complete collapse of law and order precipitated by the Lises and their adherents did push Henry into appointing the earl Northumberland warden. This may, however, have been partly due to the implications of Scottish involvement; for Lisle and his band, some of whom were Scots, were sheltered by the earls of Angus and Bothwell, and Lord Maxwell, who opposed their submission until the end.¹¹⁵¹ One repercussion of Tudor policies towards the border which Henry might have regarded as serious was its possible contribution to west march involvement in the Pilgrimage of Grace. William Lord Dacre was made vulnerable to the accusations of his enemies by the fall of his patron, Wolsey, and dispensable by the conclusion of war with the Scots in 1534. The fact that in 1533, Cumberland was receiving copies of diplomatic correspondence concerning Scotland may add weight to the suggestion that Henry intended to dispense with Dacre's services.¹¹⁵² Acquitted of treason, but convicted of misprision of treason, he was removed from the office of warden of the west march, and once again, replaced by the king's favourite, the earl of Cumberland.¹¹⁵³ Dacre was fined £10,000, and a condition of his pardon was that he should not leave London without the king's permission – a condition which was used to control Dacre's movements and keep him away from the west march.¹¹⁵⁴ Dacre's displeasure manifested itself in a similar

¹¹⁵¹ *LP*, IV, 3914.

¹¹⁵² Hoyle, 'First Earl of Cumberland', p. 93.

¹¹⁵³ Dacre was accused of having made private truces with Thomas Armstrong, head of a clan which occupied the Debateable Land, and Robert, Lord Maxwell (from which he excepted Sir William Musgrave) and with Lord Buccleugh (for which he excepted Northumberland). It was also alleged that he would allow nothing to be done to the annoyance of the Scots (*LP*, VII, 962). Ellis suggests that these accusations probably arose from nothing more than the 'normal influence and connections with Scottish borderers for the defence of the wardenry. What was new in 1534 was that, exceptionally, Henry VIII chose on this occasion to regard these actions as treason' (Ellis, *Tudor Frontiers*, p. 203). James suggests that the charges imply 'plotting on a fantastic and implausible scale', and Scott Harrison concludes that 'the case against Dacre was not very strong', and that Henry had taken this opportunity to 'pluck down an overmighty subject' (James, *Change and Continuity*, p. 6; Harrison, *The Pilgrimage of Grace in the Lake Counties*, pp. 32-3).

¹¹⁵⁴ Ellis, *Tudor Frontiers*, pp. 237-8.

fashion as in as the 1520s, with similar consequences for law and order.¹¹⁵⁵ A large part of the proclamation made at each rebel muster was concerned with the complaint that their rulers did not ‘ride among us and defend us from the robbing of thieves and Scots’, although these issues were probably of more concern to Cumbrian rebels than their Westmorland fellows.¹¹⁵⁶ As Ellis suggests, this must be recognised as an indictment of early-Tudor border policy.¹¹⁵⁷ The alienation of Dacre, perhaps the one man who could have organised the west march gentlemen to resist the rebels (the earl of Cumberland merely holed up at Skipton), was a ‘negative political factor which had severe consequences for the rebellion’.¹¹⁵⁸ In early November, William, Lord Dacre left the region; his tenants joined the rebellion, and other rebels were assured that there would be no retribution from the one local force able to stop them. However, despite Harrison’s claim that the king ‘lost control of the whole of the north’, there is no indication that the rebellion spread to Northumberland. If, from the Tudors’ point of view, the only material negative consequence of their border policy was Cumbrian participation in the Pilgrimage of Grace, then perhaps it paid off. It was doubtless misguided in many respects – far from saving money, it involved the Crown in considerable expense and was, besides, probably destructive of law and order in the border counties. But there were no serious consequences with regard to the defence of the nation, and the Tudors (as many of their historians have done) would have accounted it no small gain that the new breed of warden never tried its hand at kingmaking, and that all five Tudors died in their beds, in possession of their Crowns. After all, that was what the whole business had been

¹¹⁵⁵ Harrison, *The Pilgrimage of Grace in the Lake Counties*, p. 42.

¹¹⁵⁶ *LP*, XII, 687; Harrison, *The Pilgrimage of Grace in the Lake Counties*, p. 83; R. Hoyle, *The Pilgrimage of Grace and the Politics of the 1530s* (Oxford, 2001), pp. 251-2.

¹¹⁵⁷ Ellis, *Tudor Frontiers*, p. 240.

¹¹⁵⁸ Harrison, *The Pilgrimage of Grace in the Lake Counties*, pp. 82, 80

about. Henry VII and Henry VIII, whose own ambitions in the far north were, in some respects, rather more modest than those which some historians have entertained for them, would probably have been content with the outcome of their policies.

APPENDIX: OFFICERS ON THE BORDER, 1483-1530

i) Wardens and lieutenants of the Anglo-Scottish marches

	East March	Middle March	West March
1483	Henry Percy, fourth Earl of Northumberland*. ¹¹⁵⁹	As east march.	Richard III. Lieutenant: Humphrey, second Lord Dacre. ¹¹⁶⁰
1485	George Stanley, Lord Strange. ¹¹⁶¹	As east march	Henry VII: Lieutenant: Thomas, third Lord Dacre. ¹¹⁶²
1485	Henry Percy, fourth Earl of Northumberland	As east march.	
1490	Arthur, Prince of Wales. Deputy: Thomas Howard, Earl of Surrey; ¹¹⁶³ lieutenant: Robert Multon. ¹¹⁶⁴	As east march	
1492	Lieutenant: John Heron of Ford. ¹¹⁶⁵	As east march	
1498	Lieutenant: Sir Richard Cholmeley.		
1500	Henry, Duke of York. Deputies Richard bishop of Durham, keeper of the privy seal, Ralph Grey, William Heron, Sir Thomas Darcy, Sir, Richard Cholmeley, John Cartington, Edward Radcliffe and Richard Eryngton. ¹¹⁶⁶ Lieutenant: Sir Ralph Grey. ¹¹⁶⁷	As east march: Lieutenant: William Heron. ¹¹⁶⁸	As east march. Lieutenant: Thomas, third Lord Dacre.
1502	Deputies: Sir Richard Cholmeley, John Cartington, and Edward Ratcliff. ¹¹⁶⁹	Lieutenant: Thomas, third Lord Dacre. ¹¹⁷⁰	As middle march.

¹¹⁵⁹ For one year, from 9 April 1483 (*HMS 433*, III, 12-13). It was renewed on 24 July 1484 for five months, from 1 August-8 December 1484 (*RS*, II, 463-4).

¹¹⁶⁰ Originally appointed lieutenant of Carlisle (date unknown, *HMS 433*, II, 136). Appointed lieutenant of the west march 5 September 1485 (*CPR 1476-85*, pp. 485-6).

¹¹⁶¹ By 25 September (*CPR 1485-94*, pp. 39-40).

¹¹⁶² 1 May 1486 (E 101/72/3, fo. 1062).

¹¹⁶³ 20 May 1490 (*CPR 1489-94*, p. 314).

¹¹⁶⁴ He was paid as such at Easter term 1490 (E 403/2558, fo. 26).

¹¹⁶⁵ He was paid as such between Michaelmas term 1492 and Easter term 1497 (E 403/2558 fos 38, 41, 47, 55, 56v, 62, 69)

¹¹⁶⁶ 3 March 1500 (*CPR 1485-94*, p. 200).

¹¹⁶⁷ 29 August 1500 (*CPR 1494-1509*, p. 202).

¹¹⁶⁸ *Ibid.*

¹¹⁶⁹ Paid as such at Easter term 1502 (E 403/2558, fo. 108)

¹¹⁷⁰ E 403/2558, fo. 101; E 403/2558 fo. 116.

1504	Thomas, Lord Darcy. ¹¹⁷¹	Thomas, third Lord Dacre. ¹¹⁷²	
1507		Lieutenants: Edward Ratcliffe and Roger Fenwick. ¹¹⁷³	
1511	Thomas, third Lord Dacre. Lieutenants: Edward Ratcliffe and Roger Fenwick. ¹¹⁷⁴	As east march	
1514	Lieutenants: Edward Ratcliffe and Ralph Fenwick. ¹¹⁷⁵		
1522	Lieutenant-General of the North: George Talbot, Earl of Shrewsbury. ¹¹⁷⁶		
1522	Thomas Manners, Lord Roos. ¹¹⁷⁷	As east march	
1523	Lieutenant-General of the North: Thomas Howard, Earl of Surrey. ¹¹⁷⁸		
1523	Thomas Grey, Marquis of Dorset. Lieutenant: Sir William Bulmer. ¹¹⁷⁹	As east march. Lieutenant: Sir William Eure. ¹¹⁸⁰	
1523	Thomas Howard, Earl of Surrey. ¹¹⁸¹		
1523	Thomas, third Lord Dacre. Lieutenant: Sir William Bulmer. ¹¹⁸²	As east march Lieutenant: Sir William Eure. ¹¹⁸³	
1525	Henry Fitzroy, Duke of Richmond. ¹¹⁸⁴ Deputy: Ralph Neville, third Earl of Westmorland. ¹¹⁸⁵ Lieutenant, Sir Christopher Dacre. ¹¹⁸⁶	As east march. Lieutenant: Sir William Eure. ¹¹⁸⁷	As east march. Deputy: Henry Clifford, Earl of Cumberland. ¹¹⁸⁸
1526	Deputy: Sir Christopher Dacre. ¹¹⁸⁹	Deputy: Sir William Eure. ¹¹⁹⁰	

¹¹⁷¹ His commission is dated September 1505 (*CPR 1494-1509*, p. 442), but according to exchequer records, he was being paid as warden from the previous September (E 403/2558, fo. 119).

¹¹⁷² Date unknown. Cott, 'Wardenship of Thomas, Lord Dacre', *App.*, p. 6.

¹¹⁷³ They were paid as such at Michaelmas 1507 (E 403/2558, fo. 142).

¹¹⁷⁴ 12 December (*LP*, I, 984).

¹¹⁷⁵ 24 April (*LP*, I, 2840).

¹¹⁷⁶ By 4 September (BL, Caligula B. II, fo. 104).

¹¹⁷⁷ By 8 September (BL, Caligula B. III, fo. 156).

¹¹⁷⁸ 26 February (*LP*, III, 2875).

¹¹⁷⁹ 26 February and 6 March respectively (*Ibid.*).

¹¹⁸⁰ 6 March (*Ibid.*).

¹¹⁸¹ By 9 September (*LP*, III, 3306).

¹¹⁸² By 12 November (Add MS 24,965 fo. 11).

¹¹⁸³ By 12 November (*Ibid.*).

¹¹⁸⁴ 22 July (*LP*, IV, 1510).

¹¹⁸⁵ By 29 October (*LP*, IV, 1727).

¹¹⁸⁶ By 20 January 1526 (BL, Caligula B. II, fos 150-2).

¹¹⁸⁷ By 19 June (BL, Caligula B. II, fo. 114).

¹¹⁸⁸ *Ibid.*

¹¹⁸⁹ By 17 August (BL, Caligula B. III, fos 45-6).

1527	Henry Percy, sixth Earl of Northumberland. ¹¹⁹¹	As east march.	William, fourth Lord Dacre. ¹¹⁹²
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*The office referred to is that of warden, unless otherwise specified.

ii) Other officers

	West March		East March	
	Captain of Berwick	Receiver-General of Berwick	Captain of Carlisle	Commander of Bewcastle
1483	Henry Percy, fourth Earl of Northumberland. ¹¹⁹³		Humphrey, second Lord Dacre. ¹¹⁹⁴ Constable of the castle: William Musgrave. ¹¹⁹⁵	
1485			Richard Salkeld. ¹¹⁹⁶	Nicholas Ridley. ¹¹⁹⁷
1486				Sir John Musgrave. ¹¹⁹⁸
1487	William Tyler. ¹¹⁹⁹	Richard Cholmley. ¹²⁰⁰		
1491			Sir Henry Wyatt, commander of the castle. Richard Salkeld lieutenant of the city. ¹²⁰¹	
1492			Richard Salkeld. ¹²⁰²	

¹¹⁹⁰ *Ibid.*

¹¹⁹¹ 2 December (*LP*, IV, 3628).

¹¹⁹² 1 December (E 101/72/7/1167).

¹¹⁹³ 31 May until 28 October 1483 (*HMS 433*, III, 13-14).

¹¹⁹⁴ No date (*HMS 433*, II, 136).

¹¹⁹⁵ By 24 September 1484 (*HMS 433*, II, 162). See above, ch 2, p. 75.

¹¹⁹⁶ By 13 November (*Materials*, ed. Campbell, I, 156).

¹¹⁹⁷ By 1485 (SP 1/141, fos 248-51).

¹¹⁹⁸ 12 June 1486 (*CPR 1485-94*, p. 101).

¹¹⁹⁹ SC 6/HENVII/1380.

¹²⁰⁰ *Ibid.*

¹²⁰¹ E 403/2558, fo. 31. See above, ch. 1, pp. 8-9.

¹²⁰² He was paid for both offices at Michaelmas 1492 (E 403/2558, p. 37).

1493				Sir John Musgrave and Sir Thomas Musgrave. ¹²⁰³
1497	Sir Thomas Darcy. ¹²⁰⁴			
1502			Thomas, third Lord Dacre. ¹²⁰⁵	
1503		Sir Thomas Darcy. ¹²⁰⁶		
1505		Sir Christopher Clapham. ¹²⁰⁷		
1509		William Lee. ¹²⁰⁸		
1511		William Pawne. ¹²⁰⁹		
1515	Sir Anthony Ughtred. ¹²¹⁰			Sir Thomas Musgrave. ¹²¹¹
1517		William Pawne and George Lawson. ¹²¹²		
1525	Henry Fitzroy, Duke of Richmond. Deputy: Ralph Neville, third Earl of Westmorland. ¹²¹³		As Berwick. ¹²¹⁴ Deputy: Henry Clifford, Earl of Cumberland. ¹²¹⁵ Lieutenant: Sir Thomas Clifford. ¹²¹⁶	
1526	Sir Anthony Ughtred. ¹²¹⁷			
1529	Sir Thomas Clifford. ¹²¹⁸		William, fourth Lord Dacre. ¹²¹⁹	

¹²⁰³ 12 May (*CPR 1485-94*, p. 429).

¹²⁰⁴ By 9 July (*RS*, II, 531).

¹²⁰⁵ By 29 January (*C 255/8/8*, fo. 47).

¹²⁰⁶ 12 June (*CPR 1494-1509*, p. 312).

¹²⁰⁷ 22 June (*CPR 1494-1509*, p. 418).

¹²⁰⁸ 14 June (*LP*, I, 94).

¹²⁰⁹ 28 October (*C 54/379* fo. 6v).

¹²¹⁰ 1 June (*LP*, II, 549).

¹²¹¹ 28 October (*LP*, II, 1084).

¹²¹² 23 July (*LP*, II, 3505).

¹²¹³ By 29 October (*LP*, IV, 1727).

¹²¹⁴ 18 June (*LP*, IV, 1431).

¹²¹⁵ By 29 October (*LP*, IV, 1727).

¹²¹⁶ By 21 March 1526 (*SP 1/37* fos 250-1).

¹²¹⁷ By 17 August 1526 (*BL*, Caligula B. III, fos 45-6).

¹²¹⁸ 21 June (*LP*, IV, 5748).

*iii) The northern financial administration***Keepers of the king's monies: abbots of St Mary's, York**

- 1489 William Sever, abbot of St Mary's abbey, York.¹²²⁰
- 1512 Edmund Thorneton.¹²²¹
- 1517 Edmund Whalley.¹²²²

Treasurers of War

- 1512 Edward Bensted.¹²²³
- 1513 Phillip Tylney.¹²²⁴
- 1522 John Kite, Bishop of Carlisle.¹²²⁵
- 1522 Thomas, third Lord Dacre.¹²²⁶
- 1522 Thomas Magnus, Archdeacon of the East Riding.¹²²⁷
- 1523 Thomas, third Lord Dacre.¹²²⁸
- 1532 George Lawson.¹²²⁹

¹²¹⁹ 6 August (*LP*, IV, 5906).

¹²²⁰ By Michalmas (E 403/2558, fo. 17).

¹²²¹ By 12 October (E 36/1, fos 103-15).

¹²²² 21 February (E 101/58/7).

¹²²³ Paid from 5 August (E 36/1, fos 103-15).

¹²²⁴ By 16 July (E 101/56/27).

¹²²⁵ By the end of March (SP 49/1, fos 137-78).

¹²²⁶ 14 June (BL, Caligula B.VI, fo. 314).

¹²²⁷ First referred to as such in November 1523 (*LP*, III, 3528), but he had clearly been fulfilling the office since late 1522, since the last entry in the account of his predecessor, Dacre, is dated 15 October 1522 (E 36/254).

¹²²⁸ By 3 December (BL, Add. MS 24,965 fo. 71).

¹²²⁹ By September (*LP*, V, 1670).

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