

**"They, of all England, to ancient customs cleave:" Cheshire's
Privileged Autonomy and Tudor and Stuart Politics**

by

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Abstract

Provincial autonomy in the competitive atmosphere of evolving ideas surrounding country, realm, and nation in late medieval and early-modern Britain is investigated through distinct and variegated notions of negotiated political deference to the authority of the English Crown and its Parliament. The Palatinate of Cheshire serves as an example to argue a tradition of independently negotiated county level structures for taxation and law created degrees of customary autonomy reinforcing the localized rejection of a single nation state. Historiographical debates surrounding early-modern conceptions about the nature of the state are challenged to argue for provincial autonomy founded upon custom and negotiation claimed and exerted by county inhabitants to a greater extent than previously recognised. I contend that early-modern communities locally recognized the composite structure and authority of the realm under the Crown and its advisors, but rejected the corporate idea that all counties collectively form a 'nation' as one political body.

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Introduction

As the heir to the childless Elizabeth I, queen of England, in 1603 James VI of Scotland became James I of England, and the head of a new composite monarchy: the three Stuart kingdoms – England, Scotland, and Ireland. He believed himself to be the founder of Great Britain, as in him and through his progeny the crowns of the kingdoms of Scotland and England were conjoined. However, the amalgamation of such politically and religiously divergent kingdoms, and culturally and socially diverse peoples, was to prove more difficult and elusive than either he or his successor, his son Charles I, had imagined. The three kingdoms would not be formally united until the Act of Union of 1707, but historians have often privileged the notion that after Elizabeth the three kingdoms of the Stuarts ushered in the era of British history. However, before the Civil Wars, not only were the three kingdoms not part of an unified British nation, but England, and the other kingdoms, were also not entirely unified in themselves. England was far from a unified state under the governance of a centralized legislature; there were county communities exercising local autonomous rights and privileges within the realm: the County Palatine of Cheshire, for example. Therefore, the perspective of previous historians, privileging explanations of a dawning ‘Britishness,’ has revealed a void in the analysis of social and governmental structures and in the political atmosphere of early-modern England into which communities such as Cheshire have fallen. My research into that void exposes that government of England was more multi-layered than historians have previously suggested and, in the political atmosphere of early-Stuart England, channels of communication between local and centralised government were many and varied, leading to a much more complex system of government than the paradigm of the larger three kingdoms demonstrates.

To explore the historiographic void, this analysis will concentrate on the political relationships between Crown, Parliament, and county, to argue an alternate model for understanding the systems of social and governmental structures present in pre-1650s England. I have chosen to refrain from a larger ‘national’ historical perspective, but instead to concentrate my analysis on the administration of government in one significant county of the realm, Cheshire. Many people in Cheshire did not think it was odd to represent the county as different from England, as they knew the county to be governed in distinctive ways, with its own Parliament, in accordance with its own distinctive customs and history. It seems too, that many outside Cheshire recognised the distinctive and privileged identity the county had within the realm. Each of these perspectives will be considered in this analysis, as will the view of those who represented such distinctiveness as a destructive force for unity.

In this thesis, the ideas of ‘independence’ and ‘autonomy’ are studied through a close analysis of late-medieval and early-modern texts. That analysis is considered alongside evidence from other texts to suggest how these ideas may have been represented by their authors. This framework provides context to demonstrate the complex layering of political identities that existed in the period. On the one hand, it seems clear that Early-modern Cheshire-men (Cestrians) would not have use for the word ‘independence’ as it did not yet appear in their lexicon. Rather, they described themselves and their county as ‘distinct and separate’ from the Parliamentary governance of England. Therefore, in this text I have used sparingly words such as ‘independent’ or ‘independence,’ choosing to describe the divisions within the realm of the English monarch as the medieval or early-modern people themselves did. On the other hand, ‘Autonomy’ or ‘autonomous’ were also not words used by early-modern commentators. However, where ‘independence’ has a clear modern political meaning, ‘autonomy’ is more

elastic. ‘Autonomy’ seems to capture the early-modern sense of how the relationship between Cheshire and the English Crown worked, and suitably describes for the modern reader the range of words and expressions people themselves used. Accordingly, I have used ‘autonomy’ to describe the capacity by which I think late-medieval and early-modern Cestrians exerted influence on their lives through rights and privileges granted them by their lord, often the monarch (in Cheshire’s case, the earl of Chester). Such rights and privileges enabled them to make decisions for themselves, individually or collectively, about their everyday lives, “distinct and separate” of other polities and without interference from any central authority below that of the king, having the freedom to govern themselves or control their county’s own affairs within the realm. It was the monarch with whom they negotiated their autonomous status, to whom they complained if any interference occurred, and within the realm of the Crown that they lived.

Historically, as a County Palatinate, Cheshire enjoyed rights and privileges from the English Crown not provided to other counties. These rights and privileges afforded Cheshire its own autonomous governmental and legislative structures from the time of the Norman Conquest, if not before, and provided its citizenry with exemptions from the king’s Parliamentary taxes: the king’s writ did not run there, or when it did, the king acted as the earl and the people received it as such. In return for tax exemption, as a border or perhaps ‘buffer’ county between England and Wales, Cheshire provided the English with protection from Welsh invasion. Cestrians¹ were “neither truly English nor truly Welsh,” and when travelling spoke of leaving the “countrey [sic] of Cheshire” and going to the “countrey [sic] of England.”² Cheshire was selected for this thesis because of its unusual status as a County Palatinate, its significant position as a border county

¹ Cestrian is the name given to an inhabitant or citizen of Cheshire. It is derived from the early name for the county, *Cestre*. *Cestre* was used in contemporary official records until at least 1742.

² Robert W. Barrett, Jr., *Against All England: Regional Identity and Cheshire Writing, 1195-1656* (Notre Dame, IN: University of Notre Dame Press, 2009), 2; Barrett interprets the first-person account by Lucian the Monk written at the end of the twelfth century; Joan Beck, *Tudor Cheshire* (Chester: Cheshire Community Council, 1969), 3.

between England and Wales, and the fortunate survival of large quantities of the county's administrative records.

Cheshire's County Record Office and the county archives are located in Chester, not far from the castle, but many of Cheshire's records are no longer kept there. Many are housed by archives and universities across England, with substantial collections housed by the National Archives at Kew, the British Library in London, and the Bodleian Library in Oxford. Therefore, I travelled to these institutions to view material as the majority of the holdings are not yet digitally available. The collections held for Cheshire are by no means complete, but a large corpus of significant material was available for research, making Cheshire ideal for this project.

However, is to determine the root of early-modern Cestrian belief in the validity of their right to claim neutrality for their county in the Civil War by way of a pacification agreement the intention of this thesis? That many Cestrians believed wholly in their right to do so because of their privileged status within the realm will become clear. However, the purpose of this research goes beyond the narrative of Cheshire's attempted neutrality, to demonstrate that previous notions for the existence of a unified system of government in England before the mid-seventeenth-century Civil Wars may be too simplistic: government in the early-modern Stuart monarchies was more multi-layered and more diverse than historians have previously suggested.

This introductory chapter presents a brief survey of the histories of Scotland, Ireland, Wales, and England to provide some context to the notions of 'patronage and clientage.' The framework to the subsequent 'British' debate of the historiography is explored, as is the historiography of Cheshire's antiquarian and historical past. It concludes with a brief discussion on the production of local and national identity. Chapter one explores the medieval roots of Cheshire's institutions and administrative practices, and probes the seventeenth-century

historiography for evidence, arguing that early-modern Cestrians valued their customs and traditions as confirmation of their peculiar rights and privileges, showing that custom could provide support for distinct provincial privileges, and not just undergird a Common (English) law mind. Chapter two provides evidence for the persistence of Cheshire's autonomy beyond the Henrician 'Acts of Union' in the continuation of many of the county's rights and privileges. Here I argue that Cheshire's legal jurisdiction and the sovereignty of its Parliament was confirmed by the county's persistent interpretation of its own autonomy, and demonstrates its separation from the policies of the English Parliament by local assertion of customary rights. The third chapter explores the Palatinate's approaches to taxation. It will explain the significance of Cestrian exemptions to 'national' taxation, and how the introduction of its local tax, the 'Mize,' reinforced a distinctive Cestrian identity recognized beyond the county's borders. I argue, that following the introduction of the 'universal' Tudor Subsidy in 1543, Cheshire retained much of its previous autonomy, and that is shown by Cestrians' persistence to negotiate its fiscal obligations with the Crown. Chapter four, the concluding chapter, draws together the ideas previously explored to demonstrate that a moment of significant change for Cheshire's autonomous identity occurred during the mid-seventeenth century Civil Wars. A royalist initiative, Cheshire's Pacification Agreement of 1642 was not, I argue, a lone reflex action to a fearful event but a further expression of Cestrian autonomy seeking to control events in their county. The purpose of this chapter is to demonstrate that the Pacification Agreement was point of significant change for Cheshire, and that early-modern Cestrians, for the most-part, believed their county to be autonomous and in many ways distinctly separate from England's Parliamentary government.

An analysis in which the three Stuart Kingdoms of England, Scotland, and Ireland are the constituent targets for a ‘British’ analysis of an early-modern composite monarchy is unsatisfactory: for a successful study of Tudor and Stuart government it is not useful to take the component parts as unified nations. For example, Conrad Russell’s examination of the ‘British’ causes of the English Civil War requires that each of the three kingdoms react in turn militarily to the expansionist policies of an authoritarian English monarch. Russell argues that the mid-seventeenth-century Civil War in England was an inevitable consequence of a crisis in Britain’s monarchy which necessitated an uprising of England’s elite in response: in Ireland opposition to the king’s policies led to the wholesale slaughter of Protestants by Irish Catholics, and in Scotland led Scottish Troops to invade England, and thus, he argues, legitimated elite usurpation of England’s central government control leading to civil war in England.³ All of which may be reasonable to assert, but by doing so one removes autonomy and identity from the constituent parts of each of the larger bodies and assumes the existence of trends of national identity for each that may not reflect the experience of communities within.

J.G.A. Pocock suggests that one should not pursue the convergence of English, Scottish, and Irish history to the point of “Britannic history” in which “the Three Kingdoms and their several histories [are] absorbed and swallowed up.”⁴ He argues that each of the kingdoms has its own histories, which may be drawn together into the whole, but that that whole ‘Britannic’ history cannot exist outside of the individual histories of each.⁵ When in 1603 on the death of Elizabeth I, James VI of Scotland travelled south to claim the throne of England he spoke of

³ Conrad Russell, *The Causes of the English Civil War* (Oxford: Clarendon Press, 1990).

⁴ J.G.A. Pocock, “The War of the Three Kingdoms,” in *The British Problem, c. 1534-1707: State Formation in the Atlantic Archipelago*, ed. Brendan Bradshaw and John Morrill (New York: St. Martin’s Press, 1996), 180.

⁵ Pocock, “The War in the Three Kingdoms,” 179-181.

unity between the kingdoms and asserted himself “Emperor of the Whole Island of Britain.”⁶ In adding his Scottish and Irish ancestry to the monarchy of England, James appears to have believed that a true union of the kingdoms had been achieved: “...as there is ...but *unus Rex* [one king], so there may be ...*unus Grex* [one people] and *una Lex* [one law].”⁷ Charles too believed that his father had succeeded in unifying the kingdoms as Great Britain. However, there seems to have been little appetite for political, religious, or economic union with England in Scotland. That James only returned to Scotland once after 1603 and became increasingly English in his policies did not help matters.⁸ In 1625, Charles may have inherited the kingdom of Scotland from his father, but despite the royal blood ties between the two kingdoms – Henry VII of England married his daughter Margaret Tudor to James IV of Scotland, and thus James IV was Charles’s great-great-grandfather⁹ – Charles was considered by Scots an English king imposing English policy upon the Scottish kingdom. The historiography tells us that the conflicts in Scotland were neither founded nor contained internally, but were waged against the impositions of an external monarch: for example, the Covenanter Rebellion, and the subsequent Bishop’s Wars, sparked by Charles’s attempt to introduce a new book of prayer to Scotland in 1637.¹⁰ Thus, although the histories of Scotland, England, and the larger ‘Britannic’ history are conjoined through the person of the king, the composite monarchies of the early Stuart kings are far from unified.

⁶ Jenny Wormald, “James VI, James I and the Identity of Britain,” in *The British Problem, c. 1534-1707: State Formation in the Atlantic Archipelago*, ed. Brendan Bradshaw and John Morrill (New York: St. Martin’s Press, 1996), 149: Wormald explains this was the inscription on a coronation medal commissioned by James for his accession to the English Crown.

⁷ Wormald, “James VI, James I and the Identity of Britain,” 149. However, in doing this, one should not neglect James’s Welsh heritage. I shall argue that this is a significant asset for the Stuarts in Wales.

⁸ David Scott, *Politics and War in the Three Stuart Kingdoms, 1637-49* (New York: Palgrave MacMillan, 2004), 12-13.

⁹ Ian Crofton, *The Kings and Queens of England* (London: Quercus, 2011), 249.

¹⁰ Scott, *Politics and War in the Three Stuart Kingdoms*, 15-25; Russell, *The Causes of the English Civil War*, 11-13: Russell describes the conflicts as a “force in polarizing both kingdoms” masked by the presence of the king, 12.

The Stuarts' composite monarchy was not only divided along the fault-lines between the three kingdoms, but also within each of the constituent monarchies. Internally, early-modern Scotland was not a unified kingdom; divisions persisted between the anglicised Lowland Scots and the Gaelic-speaking peoples of the Highland regions, which were themselves separated by clan, kinship, and religious loyalties: parts of the Highlands were influenced by kinship ties to Irish Catholics, whilst others were strongly Protestant; in the Lowlands, Presbyterian Protestants rubbed shoulders with Episcopalian. The diversity of Scotland's people, therefore, belies a simplistic Lowland-Highland division except in their reverence of the Scottish Crown: men of the Lowlands recognised that the route of centralised government led to and from the Crown, and that such government was ripe for elite involvement and thus exploitation; the clansmen in the Highlands largely ignored royal authority, but nevertheless recognised themselves as subjects of the Stuart Crown.¹¹

However, growing impatient with clan wars of the Highlands, late in the sixteenth century James VI increased pressure for conformity to regal rule in Scotland and created a more stable if still largely decentralised kingdom. James introduced bishops into the Scottish Church, an established tool of effective government in England, successfully imposing the English government's management upon Scots through the Church. The Church in Scotland, the Kirk, became an instrument of central government, holding courts and administering moral discipline and justice to all but the nobility. The nobility of Scotland was represented by the Clans-men, but was divided between the lowland magnates and the highland chiefs.¹² Primarily the largest

¹¹ David Scott, *Politics and War in the Three Stuart Kingdoms*, 9-13; John Morrill, "The British Problem, c.1534-1707," in *The British Problem, c. 1534-1707: State Formation in the Atlantic Archipelago*, ed. Brendan Bradshaw and John Morrill (New York: St. Martin's Press, 1996), 1-38: Although I do not necessarily agree with the conclusions each author draws their analysis provides concise information for an overview of the relevant political history of Scotland.

¹² Scott, *Politics and War in the Three Stuart Kingdoms*, 10-11.

landholders of the kingdom, representing feudal and client networks tied by strong kinship, the Clans-men held courts within the jurisdiction of their landholdings, which in some cases were extremely large and so highly influential.¹³ Through these courts the nobility enforced locally the policies of the Crown and its Privy Council. Parliament in Scotland was an occasional occurrence, just as in England, and was called and dismissed at the will of the Crown. It systemised and recorded the laws and judgements passed through courts of Scotland's nobility, but was itself not an effective agent of authority. However, just as in England, Parliament in Scotland was required to authorise tax revenues for the Crown, as the Crown retained no tax-raising prerogative.¹⁴

Thus, the system of early-modern government in Scotland was complex and multifaceted. Increasingly, the exertion and implementation of royal policy from afar especially following the death of James VI, Scotland's last resident monarch (at least, he was before 1603), must have been seen by contemporary inhabitants as the impositions of an absent and external monarch rather than an internal government process.¹⁵ Thus, many Scots increasingly took control of their own government in the 1630s through measures such as the Covenanter movement, seeking to locally strengthen civil government through Parliament and Church, goading Charles to alienate himself from his people by instigation of war against his Scottish kingdom.¹⁶

Similarly, the historical consensus is that the Irish rising of 1641 was the product of external rather than internal policy. The English monarchy of Henry II had shown interest in the

¹³ Ibid., 9-10.

¹⁴ Scott, *Politics and War in the Three Stuart Kingdoms*, 9-25; Morrill, "The British Problem, c.1534-1707," 1-38.

¹⁵ Conrad Russell, "The British Problem and the English Civil War," in *Unrevolutionary England, 1603-1642*, ed. Conrad Russell (London: Hambleton Press, 1990), 237: For example, Charles simply did not understand that the Scottish General Assembly worked differently to the English Parliament, and that he did not have a "negative voice" there as he did in England's Parliament – the members explained this to him, but he did not understand and refused to accept it.

¹⁶ Scott, *Politics and War in the Three Stuart Kingdoms*, 15-25

conquest of Ireland as early as 1155. By 1177 Henry had the Pope Alexander III's dispensation to establish his son John (Lackland) as king of Ireland. Henry sent Hugh, the earl of Chester, to Ireland in May 1177 to prepare the way for John's arrival, but John did not actually visit Ireland until 1185.¹⁷ Even then, it is clear from the historiography that the history of Ireland and its native Irish inhabitants is not one of straightforward conquest and lordship.

The Old Irish, that is the original Gaelic peoples, could not be identified by one means – clan or tribe – but by a “series of overlapping identities” which included links to Celtic peoples of Scotland.¹⁸ The Old English were descendants of the Anglo-Norman settlers of the Catholic Middle-Ages in England who fought with the Old Irish and drove them off their lands. Initially, the Old English had been the principal political force in Ireland, but although a few were Protestant, many had retained their Catholicism following the Reformation and were removed from office in the early decades of Elizabeth's reign. In the early modern period the Old Irish and the Old English elite found that their religious affiliations, their Counter-Reformation zeal, and their equally low status, gave them new common-ground leading to greater levels of inter-marriage and political collaboration between the two groups.¹⁹ Although, early in the sixteenth century Henry VIII had claimed that Ireland was united to “the Imperial Crown of the realm of England,” it would not be until 1603 that all of Ireland succumbed to the control of the English crown.²⁰ New English Protestant settlers colonized the Old English lands, with the support of the Crown they reformed Dublin's Irish Parliament and political administration, and in a new effort to civilize of the Gaelic Irish they introduced new laws prohibiting Catholic land ownership, and

¹⁷ Stephen Church, *King John and the Road to Magna Carta* (New York: Basic Books, 2015), 19-20.

¹⁸ Morrill, “The British Problem, c.1534-1707,” 7.

¹⁹ Scott, *Politics and War in the Three Stuart Kingdoms*, 6-10; Morrill, “The British Problem, c.1534-1707,” 7-9.

²⁰ *Ibid.*, 6: in the last year of Elizabeth's rule, her forces overwhelmed the Ulster Gaelic leadership to bring an end to the Nine Years War (1594-1603) and finally brought all Ireland under the control of the English Crown: before this point the influence of the Crown's authority had been limited to the Pale and Dublin.

thus forced many to adopt English laws, religion, and custom. However, the English Monarchy was the most powerful institution in Ireland, and the Irish, particularly the Catholic Irish, liked it that way.

All political administration in Ireland was personally subordinate to the English Crown, not to its Parliament in Westminster.²¹ The monarch delegated his power in Ireland to his English-born lord-lieutenant, an Irish Privy-Council, and the Irish Parliament, but the Crown remained the locus of ultimate authority: Ireland's Parliament was convened and dissolved at the will of the king, and under Poyning's Law any legislation passed in Ireland had to be approved by the Crown.²² Charles's policies the 1630s for raising revenue and Church reform in Ireland were not well received by either Protestants or Catholics, but especially by the native Irish. The situation in Ireland is both complex and confusing. Nonetheless, policies of the 1630s pursued by the Crown in Ireland appear to have succeeded in uniting the Irish like no other policies had previously. However, the Irish united against the English Parliament not the Crown.²³

The Old Irish and Old English united under the banner of Catholicism, and with the New English Protestants through their joint outrage over protection of property rights. Protestant and Catholic alike were divested of their property as the earl of Strafford, Charles's lord-lieutenant in Ireland, sought to provide for Charles's Laudian Church there.²⁴ The Irish united politically across the religious divide against Strafford, and they employed their Parliament to supply evidence against Strafford to the Long Parliament in Westminster. However, the ultimate fear of

²¹ Ibid., 6-10; Morrill, "The British Problem, c.1534-1707," 7-9.

²² Scott, *Politics and War in the Three Stuart Kingdoms*, 7: Named after Sir Edward Poyning, Lord Deputy of Ireland under Henry VII (of England).

²³ Ibid., 13-15, and 29-31: Scott argues that Thomas Wentworth (future Earl Strafford) brought together New English, Old English, and Old Irish and new Scottish planters in a common bond of distrust and hatred of his policies from 1632 onward. Moreover, the Irish Catholics and Protestants were unified by a common fear of Puritan Protestantism in Ireland should Parliament be victorious against the king – Scott argues that the Irish determined that a pre-emptive coup was best, and would enable them to present the king with a victory that would place him in their debt so that he would listen to their long-standing grievances.

²⁴ Ibid., 29-33; Morrill, "The British Problem, c.1534-1707," 29-32.

the Irish Catholics over English policies in Ireland was a strong Westminster and a weak king.²⁵ They feared the policies of a Puritan English Parliament more than those of a Laudian king, and so the Irish Rising of 1641 became largely a “pro-Charles and anti-Parliament” affair.²⁶

In the Welsh kingdom, James VI and I’s descent from Tudor monarch Henry VII was recognised as a union between Tudor and Stuart and as validation of the James’s ancestral right to the throne of England. The early-modern Welsh considered themselves to be the true descendants of “Ancient Brittaines.”²⁷ Thus, the early history of Wales is that of hostility toward Saxon, then English, and fear of cultural and political intrusion by their more sophisticated and affluent neighbour.²⁸ Armed incursion into England by Welsh forces was the constant fear for the English relationship with those beyond Offa’s Dyke, and its extension the river Dee which separates Cheshire (and thus England) from Wales. English conquests over the Welsh in the reign of Edward I (1277-1307) ushered in a Middle Ages of Welsh rebellion against the impositions of an English Monarchy in which Welsh raids across the border into England remained a feature.²⁹ Moreover, Welsh forces were active in England on both the Lancastrian and Yorkist sides during the Wars of the Roses (1455-1485).³⁰ However, following his landing in Wales, capitalizing on his Welsh ancestry, Lancastrian contender Henry Tudor raised support that assisted his victory over the Yorkist Richard III at Bosworth in 1485, marking a pivotal moment for both Welsh and English history.³¹ This marked the last time the Welsh would raise

²⁵ Ibid., 31; Ibid., 31-32.

²⁶ See note 23 above; Morrill, “The British Problem, c.1534-1707,” 32.

²⁷ Mark Stoyale, *Soldiers and Strangers: An Ethnic History of the English Civil War* (New Haven: Yale University Press, 2005), 14.

²⁸ Stoyale, *Soldiers and Strangers*, 12-15.

²⁹ Tim Thornton, “Wales in Late Medieval and Early Modern English Histories: Neglect, Rediscovery, and their Implications,” *Historical Research* 00, no. 00 (2017), 2-6.

³⁰ Stoyale, *Soldiers and Strangers*, 15.

³¹ John A.F. Thomson, *The Transformation of Medieval England* (New York: Longman, 1983), 226; Stoyale, *Soldiers and Strangers*, 15.

armed force against a reigning English monarch.³² And, as Henry VII, Henry founded the Tudor dynasty and conjoined the Houses of Lancaster and York by his marriage to Elizabeth of York, daughter of Edward IV.³³ But, most significantly for the Welsh, Henry's son, Henry VIII, through his 'Acts of Union' of 1536-1543, created a permanent political space for Wales within the realm of the English Crown. The Acts provided for both Wales's separateness as a Principality and its accommodation as a Dominion with access and representation at the English Parliament in Westminster.³⁴ Therefore, because of his Tudor descent through Margaret Tudor, his great-grandmother, the Welsh supported James's accession to the throne in 1603 as a continuation of their special relationship with the Crown of England.³⁵ And, in 1642 it was perhaps that the Crown, in the person of the king and his son the Prince of Wales, represented the distinctive cultural identity and separateness of Welsh society waged against the oppression of the English Puritan Parliament that led the Welsh to "come out in support of the king."³⁶

Evidently, much of England's history is conjoined to the actions of its monarchy. Thus, the unifying power of the Crown, coupled with the establishment of political and legislative mechanisms to keep that power in check, has led historians to the conclusion that England existed as a nation-state before 1640. Edward the Confessor (c.1005-1066) was the great-great-great-grandson of Alfred the Great and the penultimate Anglo-Saxon king of England.³⁷ His death elicited a dispute between his nominated heir William, Duke of Normandy, and Harold Godwinson, earl of Wessex, which resulted in Harold's death near Hastings in October 1066.

³² Stoye, *Soldiers and Strangers*, 15

³³ Derek Wilson, *The Plantagenets: The Kings that made Britain, 1154-1485* (London: Quercus, 2011), 313: chart of genealogy for the Houses of Lancaster and York.

³⁴ Peter Roberts, "The English Crown, the Principality of Wales and the Council in the Marches, 1534-1641," in *The British Problem, c. 1534-1707: State Formation in the Atlantic Archipelago*, ed. Brendan Bradshaw and John Morrill (New York: St. Martin's Press, 1996), 118-147.

³⁵ Stoye, *Soldiers and Strangers*, 17.

³⁶ *Ibid.*, 12 (quotation), 23-31: Stoye argues that "virtually the entire country" supported Charles in the Civil War, and that following the Restoration Charles II paid tribute to the Welsh for their loyalty to the Crown.

³⁷ Crofton, *The Kings and Queens of England*, 246: Dynastic family tree of the Anglo-Saxon Kings.

William, the Conqueror, seized the throne of England and quickly divided the lands he had won between his vassals: clearly establishing a system of patronage in which networks of clients held lands in return for monies, goods, and service was paid to the patron.³⁸ French became the language of government and the elite, Latin remained the language of the Church, whilst a form of Anglo-Saxon English in many dialects was spoken by the commonality.³⁹ In the lineage of the English monarchy the Norman succession remains unbroken to this day, whilst a distant relative of Edward the Confessor, Edith, great-granddaughter of Edmund II (r. Apr-Nov 1016), married William's second son Henry I, so the Anglo-Saxon blood-line presumably also remained microscopically present.⁴⁰ However, despite such illustrious ancestry, Henry's great-grandson John was a most unsuccessful king of England: it is because of the political crisis generated by his poor management and disagreements with his baronage that the Magna Carta was created to establish that even the king is subject to the law. The Magna Carta also established the royal council of barons, formed to advise the king and to regulate the imposition of taxation, which gradually developed into England's Parliament.⁴¹

³⁸ Philip Morgan, ed., *Domesday Book: Cheshire* (Chichester: Phillimore, 1978): compiled twenty-years into William's reign, this provides clear evidence of the system of patronage in use in England, and specifically in Cheshire. All land in Cheshire was held by the earl from the king, and all income from that land and the city of Chester was divided "*Duae partes eran regis, ticia comitis erant*" [Two parts were the King's, one the Earl's], 262. However, this arrangement represents what was in place in 1066, before William created his nephew Hugh Lupus the earl of Chester. Once Hugh was earl, William received protection from Welsh invasion by the inhabitants of Cheshire in return for tax exemptions for the people from the king's taxes. The earl's income was thus primarily rent, local taxes, fines and avowries, of which the king received his share. For more, see below and R. Stewart-Brown, *The Serjeants of the Peace in Medieval England and Wales* (Manchester: Manchester University Press, 1936), 2.

³⁹ Edwin Jones, *The English Nation: The Great Myth* (Stroud: Sutton Publishing, 1998), 3-5: Jones's introduction discusses the Conquest of England (1066) and languages of Europe, Latin as universal, but also the universality of French and vernacular English dependent upon social status.

⁴⁰ "Kings and Queens of England," *Westair Reproductions* (London, 2013): I traced the lineage from the first Anglo-Saxon king, Egbert (r. 802-839), using a dynastic family tree purchased by me from Windsor Castle Gift Store, Windsor, England.

⁴¹ Church, *King John and the Road to Magna Carta*, 239-244: "John was...without any doubt, a catastrophic failure. As a king, as a leader...he had failed..."

John's son, Henry III (r. 1216-1272), annexed the earldom of Chester-shire, created by William I, to the Crown of England in 1237 following the death of its last earl of Norman descent.⁴² Edward I, son of Henry III, succeeded in conquering Wales for the Crown and it was his son, Edward II, who was made first 'English' Prince of Wales and Lord of Chester.⁴³ Edward II, however, was an unpopular monarch and was deposed by Parliament on 7th January 1327 in favour of his eldest son, Edward, and probably then murdered.⁴⁴ Edward III reigned over England until 1377, surviving to manage the aftermath of the bubonic plague (Black Death) as it swept the country in 1348. Edward also presided over the first forty years of the Hundred Years War (1337-1453) between the Plantagenet kings of England and the Valois dynasty in France, and the battle of Crécy in 1346, in which Cheshire's Long-Bowmen were deployed to devastating effect.⁴⁵ Edward III's eldest son Edward, the Black Prince, Prince of Wales and earl of Chester 1333-1376, died a year before his father leaving his young son Richard to accede to the throne.

Richard II (1377-1399) was first tested by the Peasant's Revolt of 1381 in which peasants protested the introduction of the poll-tax and the continued restrictions on wages put in place by Edward III in the aftermath of the Black Death. Much of the country's land was held by powerful magnates who enjoyed the profits with which Edward's regulations had endowed them.

Although in his minority, with government of the country in the hands of his uncle John of Gaunt, Duke of Lancaster, Richard met the crowd of rebels at Smithfield and, following the

⁴² Henry wanted to keep the earldom intact.

⁴³ B.E. Harris, ed., *A History of the County of Chester* Vol.2 (Oxford: Oxford University Press, 1979), 6: Hereafter *VCH* Vol.2.

⁴⁴ J. R. S. Phillips, "Edward II [Edward of Caernarfon] (1284–1327), King of England and Lord of Ireland, and Duke of Aquitaine." *Oxford Dictionary of National Biography* (3rd January 2008) Accessed 2nd May 2018. <http://www.oxforddnb.com.uml.idm.oclc.org/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-8518>.

⁴⁵ M.C.B. Dawes, ed., Deputy Keeper of the Records, *Register of Edward the Black Prince: Part I, 1346-1348* (London: Her Majesty's Stationery Office, 1930), 7 fo.5: on 8th July 1346, the lieutenant of the Justice of Cestre is ordered to find, arm, equip, and assemble 300 archers to leave within two days (Battle of Crécy 26th August 1346).

bloody demise of their leader Wat Tyler, addressed and mollified them personally. Once dispersed and returned home, reprisal by the magnates against the rebels was ruthless but soon moderated, possibly for economic reasons: peasants were needed to work the land. Moreover, although social unrest periodically surfaced in the localities of England it did not again reach the levels of the Peasant's Revolt.⁴⁶

The members of Richard's personal bodyguard were Cheshire-men, and in 1397 Richard raised the profile of the Palatinate of Chester to a Principality and removed his court there. Clearly, the Norman monarchs drew on the importance of Cheshire's distinct identity. By raising the profile of Cheshire further, Richard fostered the county's sense of a distinct provincial identity and marked its significance within the realm. Moreover, on the death of his uncle John in 1399, Richard seized the lands of the neighbouring Duchy of Lancaster, and at the same time sent his cousin Henry Bolingbroke into exile. This both removed rivals to his throne and further promoted the status of Cheshire in the region. Richard then made a calamitous mistake and departed on campaign in Ireland, leaving Bolingbroke to take his chance to return to England to muster support to depose Richard. Henry's men captured Richard on his journey through North Wales as he returned from Ireland. Thus, with the last of the Plantagenet kings imprisoned, soon to be dead, the House of Lancaster was rising under their new king, Henry IV.

Almost immediately Henry had to deal with rebellion in Wales. In 1400 Owain Glyndwr pronounced himself Prince of Wales leading a serious rebellion against English rule. Glyndwr collaborated in an uprising led in 1403 by Henry Percy, earl of Northumberland, and Edmund Mortimer, 5th earl of March, who was married to Glyndwr's daughter. The men sought to

⁴⁶ Thomson, *The Transformation of Medieval England*, 25-32.

overthrow Henry and to divide the kingdom between themselves.⁴⁷ Cheshire-men, still suffering loyalty to the dead king Richard, supported the rebels in battle at Shrewsbury. Henry defeated the rebels, and as punishment for Cheshire's involvement in the 'Percy Rebellion,' he returned the county's status to that of a Palatinate and its inhabitants were levied a common-fine.⁴⁸

Successive Lancastrian kings had their share of rebellion foisted upon them. The thirty-year-long Wars of the Roses began in 1455 during the troubled reign of Henry VI (r.1422-1461 & 1470-1471), continued during Yorkist Edward IV's reign (r.1461-1470 & 1471-1483), setting the two most powerful Houses in England against one another. Loyalties of the supporters to either the red rose of Lancaster or the white rose of York were not decided by elite's loyalties to either House. Rather, networks of patronage decided to whom individuals would provide support. Elites changed loyalties and sides many times, taking their vassals with them, but did so as much for individual gain or to settle personal scores as to see the favoured House victorious.⁴⁹ The Stanley family greatly influenced Cheshire's position in the wars. Chester's Chamberlain, Sir William Stanley, fought for the Yorkist side for much of the conflict, for which both Edward IV and his successor Richard III rewarded him: most Cestrians followed his example. However, Sir William, and with him Cheshire, switched sides before 1485, fighting for the Lancastrian cause at Bosworth.⁵⁰ Eventually, Lancastrian favourite Henry Tudor decided the contest by his

⁴⁷ Lacey Baldwin Smith, *This Realm of England, 1399-1688*, 8th ed. (Belmont, CA: Wadsworth, 2001), 11-12. See below in chapter 2 for more of the consequences for these rebellions.

⁴⁸ *Thirty-Sixth Annual report of the Keeper of Public Records on the work of the Public Record Office and the report of the Advisory Council on Public Records, c.-1301*, Vol. 36 (London: Her Majesty's Stationery Office, 1875), 411-412

⁴⁹ Thomson, *The Transformation of Medieval England*, 200-225.

⁵⁰ Thornton, *Cheshire and the Tudor State 1480-1560* (Woodbridge, Suffolk: The Boydell Press, 2000), 150 and 165-178: However, as the dust settled and the houses united through marriage, in Cheshire Sir William Stanley, chamberlain of Chester from 1461-1495, was accused of supporting Richard III and plotting along with other prominent Cheshire families (Savages, Vernons, Aynsworths, and others) to bring Perkin Warbeck to challenge Henry for the throne. The fighting between those loyal to the Lancastrian's and the Yorkist's continued across Cheshire in the 1490s, with riots in Wilmslow between the Davenports and the Leghs, and attacks on Aynsworth's tenants in Mellor, until Sir William Stanley was put on trial for treason and executed by Henry VII early in 1495.

defeat of Richard III at the Battle of Bosworth in 1485, strengthening his grip on the throne by choosing as his bride the Yorkist daughter of Edward IV, thereby seeking to amalgamate the two warring Houses and their clients.⁵¹

The Tudor dynasty reigned until 1603, and brought many changes to the political and religious landscape of England. Henry VII took steps to control the magnates by holding them financially responsible to keep the peace. However, the most significant developments of the Tudor period involve the devolution of government authority, away from both the nobility and the Church. Greater numbers of laymen staffed administrative posts in the civil service, with an increasing number of lawyers called to the service of the Crown. Thus, professional administrators became the order of the day, reducing the influence of the nobility and systems of patronage in the daily life of government choosing instead to seek new ways to exploit their estate lands for profit. Parliament in the later Middle Ages became more involved in legislation and more assertive over fiscal matters. Statute still required that it be summoned to convene by the king, but when it did so members appeared more conscious of Parliament's rights and privileges. The number of Parliaments called had decreased significantly since the fourteenth century, but each was now held in far longer session. With fewer wars being fought on the Continent, Parliament was not needed to grant the king as many tax revenues for conflict; this provided time for development and consideration of more innovative methods for monarch to raise funds from the populace.⁵²

Cheshire folklore has it that Henry was unsure whether he should execute Sir William as it might upset his mother, as she was married to Sir William's brother Thomas, Lord Stanley.

⁵¹ Ibid., 224-225;

⁵² Thomson, *The Transformation of Medieval England*, 371-375.

Medieval Wales became a Dominion of England,⁵³ at the same time both conjoined to the English realm and separate in status. Whilst early-modern Wales was religiously and politically conjoined to England, its particular status and thus its peculiarities and special privileges were represented and protected in the person of the Prince of Wales. The death of Elizabeth I, the last Tudor monarch, achieved a proto-union between English and Scottish kingdoms in the person of her successor, James VI of Scotland, who became James I of England. England and Scotland held their own Parliaments, and were religiously independent to many intents and purposes, although Scottish representations to the Parliament at Westminster were not unknown. Ireland was historically and culturally linked to Scotland, Wales, and England, but religiously and politically distinct. The English monarch was the most powerful early-modern political force in Ireland, but the Irish had their own Privy-Council, Parliament, and Church structure: they were not subordinate in any way to the English Parliament at Westminster.

Much of the historiography of the early Stuart monarchies and of local socio-economic studies from the 1970s, 1980s, and 1990s, is valuable for its attention to the effect of local custom and common law. However, historians have primarily considered their analysis of contemporary evidence from a vantage point which imposes values informed by the eventual outcome, and one that most often considers the period 1603-1660 as hermetically sealed from previous reigns. Beginning in the 1970s, historians like John Morrill, Kevin Sharpe, and Conrad Russell proposed a shift from both a schematic view of constitutional parties and the Marxist social history of Christopher Hill. They proposed a ‘revisionist’ view that war was not inevitable. In their reaction to the determinist framework that war was the inevitable consequence of an early modern revolution in political, religious, and societal structures, the revisionists recognize

⁵³ *Oxford English Dictionary*, 3rd ed. s.v. “Dominion:” in this sense is a “territory of the sovereign.” This is the official Tudor title for Wales in the Act of 34 & 35 R. Henry VIII in 1543: BL Harley MS 2009 fo.34.

the independence of localised societies and structures, but seemingly refuses to allow such societies political autonomy beyond a predetermined nationalist framework.

However, since Conrad Russell's introduction of Charles I's "Problem of Multiple Kingdoms" in 1987, much of the historiographic corpus has explored the frustrations and troubles of the first two of England's Stuart monarchies through an underlying analysis privileging a national political and religious culture and governmental structure, or in the wider examination through the lens of a British context.⁵⁴ An examination of early-modern government in the archipelago, it seems, cannot escape the 'glass-half-empty' of a 'nationally' informed analysis privileging knowledge of an English Parliamentary victory in the Civil Wars. However, it seems likely that early-modern inhabitants of the Stuart kingdoms, living in societies founded on custom and tradition would not recognize their own communities if they too looked through the lens of 'multiple kingdoms.'

Ann Hughes identified two "matters" in the historiography of seventeenth-century "British history" which she approached through a lens provided by Russell's analysis.⁵⁵ First, she identified the mid-seventeenth century as a "decisive period in the construction of the British state:" a statement which is undeniably true, but reveals the larger unified state as the focus of

⁵⁴ Russell, *The Causes of the English Civil War*: Russell argues that as the last Stuart kingdom to rebel, England's attitude for war was weakest and therefore should be viewed from a collective British perspective, "The Problem of Multiple Kingdoms, c.1580-1630" is chapter 2 from the Ford's Lecture series 1987-8; Russell, "The British Problem and the English Civil War," in *Unrevolutionary England, 1603-1642* (London: Hambledon Press, 1990), 231-251: Russell differentiates between the political British nation and the separate bodies of the three kingdoms, but his analysis privileges the British amalgam rather than independent autonomous realms; Brendan Bradshaw and John Morrill, eds., *The British Problem, c.1534-1707: State Formation in the Atlantic Archipelago* (New York: St. Martin's Press, 1996): The argument put forward collectively here is "each kingdom require[s] a British dimension in order to be fully understood," 1; Glenn Burgess, *British Historical Thought, 1500-1660: The Politics of Post-Reformation* (New York: Palgrave Macmillan, 2009); Ann Hughes, *The causes of the English Civil War* (New York: Palgrave Macmillan, 1998): Each of these authors argue the existence of 'Britain' as a single governmental, political, religious, and societal body, which is a concept I do not accept, nor believe as pertinent or apparent to the early modern inhabitants of the islands.

⁵⁵ Hughes, *The Causes of the English Civil War*, 51.

analysis.⁵⁶ Elsewhere, Russell discussed the disadvantages of imposing hindsight on the interpretation of historical events. He explained that by “establishing the course of events by treating it as a subject worthy of study in its own right,” historians have privileged the outcome before looking for the causes.⁵⁷ To which I would add, that historians are equally likely to privilege the outcome ‘whilst looking for the causes.’ In each of these powerful works, however, the author has focused analysis of the period upon the constitutional and political relationships of the larger kingdom, or kingdoms. In doing so, each analysis has assumed a uniformity of purpose within the realms, particularly that of England, that presupposes a form of proto-nation.

It seems clear that for his series of *Ford Lectures* delivered in Oxford between 1987 and 1988, Russell had already begun to consider the matter of the importance of nation in the early Stuart kingdoms from a broader perspective. At Oxford he branched out into a theory which speculated that the Stuart monarchy’s downfall was predicated by progressive discontentment and successive rebellion on three fronts in Charles’s three kingdoms: the ‘British’ context of resistance to Stuart rule in Scotland, Ireland, and finally England became the rationale.⁵⁸ Thus, the argument goes, Charles’s failure to marshal political will in the three kingdoms, to contain the Scottish rebellion or quash the Irish uprising, led to the Civil Wars becoming a problem of British history created in England from the outside.⁵⁹ This was not a rehash of the teleological notions reviled by revisionists, but rather an explanation of the collision of circumstance, individual and corporate decision making, and coincidence that led an amalgam of kingdoms into internal armed conflict. Russell’s analysis has directed attention toward the ‘national’ causes of the Civil War as the building blocks of the British-State rather than an examination of the pre-

⁵⁶ Ibid.

⁵⁷ Russell, *Unrevolutionary England, 1603-1642*, x.

⁵⁸ Russell, *The Causes of the English Civil War*, passim.

⁵⁹ Ibid., 1-25.

existing localized autonomous governmental structures and inherited or negotiated settlements I have recognized within the Stuart realms. The existence and significance of such structures are clearly indicated both by Charles's intentions, as initially in Scotland, to negotiate solutions to local concerns locally and discretely, and the subsequent realignment of such regal agreements by Parliamentary forces along the way to victory.

Hughes's second "matter" identifies the struggle to recognize the early-modern society as a 'British' nation.⁶⁰ She rehashes Russell's argument that rebellion in Scotland and Ireland created precedents for the English Parliament's uprising. However, Hughes contends that there is sufficient evidence to demonstrate that the Scottish Parliament was following established English Parliamentary tactics of medieval origin.⁶¹ Additionally, Hughes describes an absence of community or interdependence within English society beyond the nearest locality.⁶² Therefore, if one were to follow Russell to his logical conclusion that the multi-denominational and political peoples of the three kingdoms came together as a nation, one may face considerable resistance on the historical ground of Stuart England and Scotland. I contend that an argument in which Scotland follows the cultural lead of the ascendant Parliament of English Protestants problematically assumes pre-war consensus of support for the existence of a British state, and thus ignores the autonomous governance already negotiated by local authorities within the realm. Moreover, such argument does not answer for the division of such a Parliamentary consensus by support for the king from the Welsh Marches and Chester, Cornwall, and Ireland. The division demonstrated by the non-English communities of the archipelago clearly indicates the

⁶⁰ Hughes, 51-52.

⁶¹ Ibid., 52.

⁶² Ibid., 128-148: Hughes argues that the models of community religious, economic, and political interdependence suggested by previous historiography is too formulaic and that the position was far more locally focussed than previously argued. However, she also argues that inhabitants were generally politically aware of events in central government, but only reacted when their local communities were threatened.

seventeenth-century island home to a more factional governmental structure than historians have previously indicated: deference and loyalty to the Crown within the realm did not immediately translate to adherence to central government policy at Westminster, and as we shall see, edicts of the royal writ did not necessarily apply uniformly across the realm.

In 2015, Tim Harris discussed government and “Rebellion” in the three Stuart kingdoms from the perspective of ‘national’ politics. Individual counties are represented in Harris’s analysis, but at the national level as the recipients of political will from the centre, not as progenitors or originators of policy to which a centralized authority reacted, or with which it negotiated: Harris’s analysis, whilst recognising James’s continual difficulties in achieving “his hoped-for” British union-state, nevertheless privileges its ‘virtual’ existence.⁶³ Most recently, in January 2017, Morrill presented the opening address to the Institute of Historical Research’s Winter Conference, in which he discussed the “English Revolution as a Civil War,” and the question of the war in three Stuart kingdoms as national civil war or as a “war for control of their own boundaries.”⁶⁴ He concludes that it mattered where in England people lived whether the war was English or British: the further north one lived, the more likely one believed the war was fought on British soil.⁶⁵ Therefore, it seems that the notion of a British identity was not universal. However, akin to the previous historiography, Morrill discusses local and provincial concerns by abstracting them as reactive policies to central government activity and does not explore fully what such diversification of the realm’s governance might indicate for the existence of local initiative and autonomy.

Without the existence of a universal British identity, at the dawn of the seventeenth-century it is clear that England and Scotland were independent kingdoms; Wales a dependent

⁶³ Tim Harris, *Rebellion: Britain’s First Stuart Kings, 1567-1642* (Oxford: Oxford University Press, 2015), 75.

⁶⁴ John Morrill, “The English Revolution as a Civil War,” *Historical Research* 90, no.250 (November 2017): 730.

⁶⁵ Morrill, “The English Revolution as a Civil War,” 734.

Dominion of England with political ties to England's Parliament and loyalties to its Crown; and Ireland an expatriate kingdom subordinate to the English king but not its Parliament. On the death of Elizabeth I, on 24th March 1603, England and Scotland were united in the person of their new sovereign, James VI of Scotland, James I of England. However, each had an independent Parliament and religious hierarchy, and would not become a single unified political body until 1707. I contend that the model of 'multiple kingdoms' is problematic to our understanding of the processes of early-modern government as it has disregarded, or at least failed to take account of, the full impact of localized autonomous political constitutions firmly rooted in custom and memory on the governmental organization of the early seventeenth-century kingdom. Thus, although in the final analysis the outcomes of provincial action may have remained unchanged, our understanding of the processes by which those outcomes were achieved, and consequently the significance of their contribution to the building of the modern state, should be readjusted to take account of local government interaction: a closer look at the historiography written by early-modern historians and antiquarians of Cheshire may reveal a somewhat different perspective.

Cheshire, it seems, was a place of fascination for antiquarians and historians through the ages. Although himself probably not a native Cestrian, Lucian 'the Monk' of St. Werberge's abbey wrote of the ancestry of Cestrians as he accounted for his observations of Chester and its inhabitants circa 1195. In his chorology, *De Laude Cestre* (On the Glory of Chester), heavily adorned with the spiritual significance for every observation, Lucian first explains to his reader that knowledge of the history of one's local surroundings is important.⁶⁶ His description of Earl Ranulph III's Chester, and of his peoples and their customs as "partly different," neither Welsh

⁶⁶ Mark Faulkner, "De Laude Cestre," *Mapping Medieval Chester*. Accessed 25 July 2017. <http://www.medievalchester.ac.uk/texts/reading/Lucian.html>

nor English, indicates their frontier existence.⁶⁷ A century or so later, a fourteenth-century inhabitant of St. Werberge's, Ranulph Higden or the "Monk of Chester," wrote a seemingly popular universal history, or *Polychronicon*, in Chester.⁶⁸ Despite Higden's death c.1364, many copies of his seven volume text survive in translated drafts from throughout the fifteenth century, being first published in print by William Caxton in 1480.⁶⁹ Henry Bradshaw, a sixteenth-century inhabitant of St. Werberge's, breathed life into the foundation of the Palatinate in his description of William I's transfer of the "swerde of dignite," and so of regal authority in Cheshire, to Hugh Lupus circa 1070.⁷⁰ Bradshaw emphasises the distinctive character of Cestrians to confirm Cheshire's privileged status in the king's realm. Each of these texts has influenced the writing of later histories of Cheshire, but Lucian was the primary source for William Camden's sixteenth-century chorographical descriptions of Cheshire in *Britannia*.

Britannia, first published in 1586, is a chorographical description of each of England's counties. For Cheshire, Camden uses Lucian's text to emphasise the distinctive character, customs, and laws of Cheshire and its people to create an clear perception of the county's detachment from the country surrounding it.⁷¹ *Britannia* was a popular work of its time, and beyond, with many editions produced. Camden continued to work on and revise *Britannia* throughout his life. However, the product was not a history, but rather an expression of observation informed by historical investigation: in the translation of Camden's preface which appeared in the 1695 edition, *Britannia* "attempts to restore Britain to antiquity, and antiquity to

⁶⁷ William Camden, "Ches-Shire," in *Britain or A Chorographical Description of the Most Flourishing Kingdomes, England, Scotland, and Ireland, and the Llands Adioyning, out of the Depth of Antiquitie*, trans. Philemon Holland (London: Georgii Bishop & Ioannis Norton, 1610), 601: (hereafter *Britannia*)

⁶⁸ George Lee Fenwick, *A History of the Ancient City of Chester from the Earliest Times* (Chester: Phillipson and Golder), 423.

⁶⁹ Helen Fulton, "A Poem from Higden's Polychronicon (l. 48) - Ranulph Higden," *Mapping Medieval Chester*. http://www.medievalchester.ac.uk/texts/higden_index.html

⁷⁰ Henry Bradshaw, *The Life of St. Werberge of Chester*, ed. Carl Hortsman (London: Early English Text Society, 1887) 174, line 1272.

⁷¹ Camden, *Britannia*, 601-612,: the excerpt from Lucian's text is on 601-602.

Britain.”⁷² Camden experienced Cheshire as an outsider, but his work influenced other antiquarian authors of the period many of whom were native Cestrians.

William Smith and William Webb, both native Cestrians, posthumously contributed to Daniel King’s *A Vale Royall of England*, published in 1656. Smith had travelled extensively in Europe, but late in the sixteenth century re-settled in Cheshire, collected manuscripts, and wrote a chorography of Cheshire through the patronage of Sir Ranulph Crewe. Smith wrote quite extensively on the history and topography of Cheshire, but his contribution to King’s ‘collection’ seems to be his only published work. Webb’s contribution was probably written whilst he was clerk of the Mayor’s Court at Chester in the early seventeenth century, but he too had secured patronage for his writing.⁷³ Whilst they are clearly influenced by the work of Higden and Bradshaw, both authors follow a similar style to Camden’s, presenting the county through its people and landscape, with Webb providing extensive attention to the structure and positioning of its churches, religious houses, and clergy in the hundreds of the Palatinate.⁷⁴

Smith’s narrative begins with a history of the peculiar privileges of the Palatine of Chester, starting with a description of the “Kings of Mercia” from 585, and detailed reproductions of the Charters granted the county by Henry VI and Elizabeth I which are woven into the chorography of the county, essentially relating the occurrence of one to the other. Smith’s contribution argues the Palatinate’s special status within the realm through its chosen

⁷² Wyman H. Herendeen, "Camden, William (1551–1623), Historian and Herald." *Oxford Dictionary of National Biography* (3rd January 2008) <http://www.oxforddnb.com/umldm.oclc.org/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-4431>: Camden was native to London, educated at Oxford and had a long career as a schoolmaster at Westminster School. It is not clear exactly when he travelled to compile and revise his work, but Herendeen suggests that the stability of his employment at Westminster probably allowed for and enabled his journeys and observations.

⁷³ Fenwick, *A History of the Ancient City of Chester from the Earliest Times*, 437.

⁷⁴ Daniel King, William Smith, and William Webb, *The Vale-Royall of England or the County Palatine of Chester Illustrated* (London: Daniel King, 1656).

content, and includes a genealogy of the earls of Chester from Leofrick to Richard II.⁷⁵ Webb describes the “Earls of Chester *after the Conquest*,” from Hugh Lupus to Charles I. Significantly, Webb’s account of the earl’s lineage includes a sixteenth-century engraving representing Hugh Lupus holding Parliament in Chester.⁷⁶ The engraving visually establishes the ‘truth’ of Chester’s Parliament in the present, and brings both Lucian’s and Camden’s earlier descriptions of Cheshire’s special status into focus for a wider audience.

Sir Peter Leycester, born at Nether Tabley in 1613, was educated in Oxford. He was an enthusiastic antiquarian and collector, and the author of *Antiquities of Cheshire* which filled twenty-volumes with essays, notes, and transcribed manuscripts, and was first published in 1672. In this work, he draws upon the earlier antiquarians of Cheshire, Camden, King, Smith, and Webb to produce a comprehensive analysis of Cheshire’s chorography and history when combined with his own observations from the county records. He was a supporter of Charles I, and residing in Chester between 1643 and 1660, took part in the siege of Chester on the royalist side.⁷⁷ Each of these early works on Cheshire provides both significant historical and contemporaneous insight for on-going historical analysis. Similarly, the work of each of these authors, Camden, King, Smith, Webb, and Leycester is reproduced in a multi-volume series with extensive footnotes and commentary by the nineteenth-century antiquarian George Ormerod, providing further historical and contemporaneous perceptions on this material for the modern historian.

Born in Manchester in 1785, but educated in Chester and then Oxford, George Ormerod was a Fellow of the Society of Antiquities and of the Royal Society, and was an authority on

⁷⁵ Ibid.

⁷⁶ Ibid., 130.

⁷⁷ Fenwick, *A History of the Ancient City of Chester from the Earliest Times*, 426-427: the Royalist city of Chester was under siege by Parliamentary forces from 1642-3 until 1646.

Heraldry and Topography.⁷⁸ He is best known by modern historians of the early-modern period for his *History of the County Palatine and City of Chester*, published in 1819. Ormerod's three volume '*History of Chester*' is an annotated collection of antiquarian material from the seventeenth and eighteenth centuries devoted to the County Palatinate. His heavily footnoted reproductions of key antiquarian texts contain extensive commentary bridging the knowledge of the individual antiquarian authors with Ormerod's own interpretation and informed analysis. The work of Camden, King, and other early modern antiquarians is reproduced and annotated extensively. However, following an extensive preface, Ormerod begins his first volume by reproducing large sections of text from, Sir Peter Lycester's *Antiquities of Cheshire*.

As he did with the other authors reproduced in his volumes, Ormerod replicated and commented upon several sections of Leycester's text concerned with the origins and ancestry of the rights and privileges of the Palatinate. He compared Leycester's observations with his own interpretations of manuscripts and physical evidence held in the collections of the British Museum, the Ashmolean Collection housed in the Bodleian Library at Oxford, and the contemporary work of Ormerod's fellow antiquarian Daniel Lysons.⁷⁹ Thus, as an antiquarian,

⁷⁸ Ibid., 436-437.

⁷⁹ The collection of manuscripts, known as the Harleian Collection, accessed by Ormerod at the British Museum are now housed in the British Library, and were the result of the combined passion of four generations of a Cestrian family: father, son, grandson, and great-grandson, each named Randal Holme. I have read and reference a portion of that extensive collection in the production of this thesis. The last Randal Holme tried to present the collection to the administration of Chester City in 1707, and they refused the offer. On his death, I believe, the collection was sold to Robert Harley, the earl of Oxford whose collection, along with that of his son Edward, was sold to Parliament in 1753 and thus donated to the British Museum: Fenwick, *A History of the Ancient City of Chester from the Earliest Times*, 424-425; The significant collection of Elias Ashmole includes his diaries in which he has noted extensive observations on visits to Chester and the surrounding county, and many manuscripts of original early-modern origin. Although himself not native of Cheshire, Ashmole's first wife was. However, Ashmole's collection was not one of Cheshire antiquaries, but of all and many from wherever they may come: much of what is now the Ashmole Collection may in-fact be collections begun by others and inherited by him: Michael Hunter, "Ashmole, Elias (1617–1692), Astrologer and Antiquary," *Oxford Dictionary of National Biography* (25 May. 2006), Accessed 5th May 2018 <http://www.oxforddnb.com/umldm.oclc.org/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-764>. Nevertheless, one of Ashmole's own diaries contains a detailed drawing of the 'Sword of Dignity' he saw in Chester in 1663, after the Restoration; Daniel Lysons, and Samuel Lysons, *Magna Britannia: Being a Concise Topographical Account of Several Counties of Great Britain* vol.2 (London: T.Cadele & W.Davies, 1810): Daniel Lysons work is somewhat akin to Camden's in that it is a survey of Britain and its counties. It is

Ormerod steers his reader through the collected works, both of earlier and contemporary antiquarians of Cheshire, to present a multi-dimensional ‘history’ of the Palatinate in which he demonstrates the antiquity of exceptionalism in the status of his home county. Published at the beginning of the nineteenth century, Ormerod’s volumes were produced in the atmosphere of the County Palatinate: Cheshire did not relinquish its final Palatinate privileges, that of a separate system of judiciary and its own taxation, the Mize, as a template for national taxes in the county until 1830.

Amongst the documents reproduced by Ormerod is a petition sent to the English king, Henry VI, issued in 1450 by the leading members of Cheshire’s society who would have formed the Palatinate’s Parliament. In this document, Cestrians protest the imposition of taxes by the English Parliament in Cheshire as an infringement of the Palatinate’s rights and privileges. Ormerod replicates the document, along with the king’s reply, with little comment beyond that it was a demonstration of the county’s exertion of their rights. Henry Dawes Harrod, a later nineteenth-century antiquarian, however, conducted a thorough analysis of the original documents: he had found them in a collection he was charged to catalogue from the Shavington estate of Lord Kilmorey in 1884.⁸⁰ Harrod a noted antiquarian, was himself the son of a noted antiquarian, and, just as Ormerod before him, was a Fellow of the Society of Antiquities and of the Royal Society.⁸¹ Akin to other antiquarian publications,⁸¹ throughout his article, which was

divided by county and contains detailed analysis of customs and interesting points of note for each: for example, ‘Cheshire’ contains a detailed drawing of the ‘Sword of Dignity’ housed in the British Museum until 1810. I have viewed each of these and employed this evidence in the production of this thesis.

⁸⁰ Henry Dawes Harrod, “A Defence of the Liberties of Chester, 1450,” *Archaeologia* 57, no.1 (January 1900), 75: The Shavington estate was formally the property of a leading fifteenth-century lawyer, Sir John Needham, who was a signatory of the original petition. It appears, from Harrod’s account, that a room in the manor-house had been set-aside to store significant documents and that the petition and its reply had remained there undisturbed since the fifteenth century.

⁸¹ Henry Phelps Brown, “Sir Roy Harrod: A Biographical Memoir,” *Economic Journal* 90, no.357 (March 1980), 1-2: Sir Roy was Harrod’s only son. Henry became bankrupt in 1907 and never recovered from the disappointment. He died in 1918.

originally a presentation to the Society of Antiquities, Harrod merely presents the facts he believes he has uncovered without further interpretation of their historical significance, he therefore presents no conclusion for the document beyond that expressed by Ormerod: it appears his only motivation for presenting these documents is to demonstrate that he has found an original copy with signatures attached, to which Ormerod did not have access: Ormerod's copies of the documents are unsigned.⁸² However, Harrod's clear and concise descriptions, and his published reproductions of these full documents, have proved valuable to this thesis and to other modern historians: for example, Tim Thornton used Harrod's reproductions in his analysis of the second of Cheshire's battles with Parliament over this issue in 1451.⁸³

Interest in the preservation of historical records in the nineteenth and early twentieth century brought the production of several calendars of collections of documents helpful to this current project, such as those produced by the members of the Chetham Society. The society's members collected and catalogued copies of original medieval and early modern documents concerned with Cheshire and Lancashire, and produced printed volumes of selected transliterated documents. Other collections of documents were collected and printed by the government: one in particular being useful to a study of Cheshire, the three volumes of the *Black Prince's Register*.

The volumes of the *Black Prince's Register* contain the compilation of documents dealing with the prince's affairs and correspondence in the periods of his absences from England, 1345-1365. They contain various types of correspondence to and from the prince's lordships, but generally are concerned with court actions, land titles, and revenues expected or owed to the

⁸² Harrod, *Defence of the Liberties of Chester*, 75-78: Harrod states that Cheshire's immunity to taxation continued only until 1541, and that at that time the "special privileges of the County Palatinate were to a great extent abolished," 78. I will argue my disagreement with this assessment in the chapters to follow. Harrod claimed that his copy of the petition was signed by many members of Cheshire's elite and contained many seals, all intact.

⁸³ Tim Thornton, "A Defence of the Liberties of Cheshire, 1451-2," *Historical Research* 68, no.167 (October 1995). I have viewed and used the petition and reply in the British Library after comparison of the available copies (King, Ormerod, Harrod, and BL's). Harrod's and the one in the BL appear to be the same text: BL Harley MS 1046 fo.127: Petition of the County Palatine of Chester to Henry VI (as earl of Chester), 1450.

prince. They contain complaints from inhabitants of the prince's lands, with some responses to those, and many and sundry orders from the prince directed toward the local administrators and the people of the counties on diverse topics, from the direction of his assets to the raising of troops. As with the documents collected and reported upon by the antiquarians, these calendars contain no historical interpretation, but rather seek to present the documents in a modern, organised, printed format, as a form of archive, and as such prove a useful source to the modern historian's own interpretation who, nevertheless, remains conscious of the archival selection process these volumes exhibit: as the prince was earl of Chester during this period, much correspondence with the county's administration, and with notable citizens is contained in these volumes.

Early twentieth-century authors of Cheshire's history turned the page from producing antiquarian collections to historical interpretation. However, they are thin-on-the-ground. Historian R. Stewart-Brown published articles in the *English Historical Review* in the first half of the twentieth century examining many aspects of Cheshire's medieval past, especially its governmental structures. His interpretations revisited many of the original documents collected and catalogued by antiquarians, but challenged assumptions authors had previously held.⁸⁴ Later historians, such as Geoffrey Barraclough in the 1950s, brought scepticism of previous historical analysis to their own work on Cheshire, but they had precious little beyond the prefaces to Chetham Society collections and Stewart-Brown to contradict. Barraclough's analysis of the *Earldom and County Palatine of Chester* objects to the assumptions of the antiquarians and both

⁸⁴ For example, R. Stewart-Brown, "The End of the Norman Earldom of Chester," *English Historical Review* 35, no. 137 (January 1920): 26-54; or this example published shortly after Stewart-Brown's death, "The Exchequer of Chester," *English Historical Review* 57, no.227 (July 1942): 289-297.

agrees and disagrees with Stewart-Brown's interpretations.⁸⁵ However, one must begin somewhere.

The *Victoria County Histories* (VCH) project began work on Cheshire in 1972, with five volumes published since that date providing an 'encyclopedic' history of the county. The VCH combines an antiquarian fascination of reporting collected information with historical interpretation with contributions by historians such as Dr. B.E. Harris and John Morrill.⁸⁶ Morrill's work of the early of the late 1960s and much of the 1970s examined the social and cultural history of Cheshire, local government, and county representation in Westminster's Parliament following Charles's accession to the throne: his first monograph was a survey of Cheshire society, *Cheshire 1630-1660*. Although Morrill identifies local movements in Cheshire and other provincial counties that resisted the central government and the call to civil conflict, his analysis privileges county activities at Westminster from the perspective of central government, and appears influenced by hindsight: the knowledge of a Parliamentary victory in the on-coming Civil Wars.⁸⁷ Ann Hughes, David Underdown, Andy Woods, and Mark Stoyle have all also produced informative local histories. Each addressed county or community society and politics of regional variation. Ronald Hutton argues that the principal motivation for such projects was the requirement of a Ph.D qualification "was becoming established...for entry to the academic profession," and that the scale of such an undertaking made it possible with just a "few years of steady work."⁸⁸ On the other hand, Glenn Bugess suggests that historians switched

⁸⁵ Geoffrey Barraclough, *The Earldom and County Palatine of Chester* (Oxford: Basil Blackwell, 1953).

⁸⁶ B.E. Harris, ed., *A History of the County of Chester*, 5 vols. (Oxford: Oxford University Press, 1972-2005): the VCH project began in 1899 and was dedicated to Queen Victoria. It has produced and published histories for every county in England except Northumberland, with work currently underway in twenty-two counties.

⁸⁷ John S. Morrill, *Cheshire 1630-1660* (New York: Oxford University Press, 1974); Morrill, *The Revolt of the Provinces: Conservatives and Radicals in the English Civil War, 1630-1650* (New York: Barnes and Noble, 1976); and such ideas were not amended in his revised text, *The Revolt in the Provinces: The People of England and the Tragedies of War 1630-1648* (New York: Longman, 1999).

⁸⁸ Ronald Hutton, *Debates in Stuart History* (New York: Palgrave Macmillan, 2004), 39.

focus from the larger perspective of realm and government because they had “become aware of the immense complexity” of the period, and discovered that “it had a different character for different participants.”⁸⁹ Nevertheless, each historian regarded their topic from a retro-perspective of the civil wars as *the* determining factor of the period, and of a parliamentary victory, producing contemporary 'national' imperatives to local action. Indeed, Hughes concluded that there was no existing local variation, political sensibilities, or even community.⁹⁰ Underdown's work on the Clubmen of the southwest discussed neutrality and allegiance as ‘weapons,’ wielded by men of the counties for the purposes of self-preservation.⁹¹ Woods offered similar arguments for miners in Derbyshire, and Morrill portrayed neutrality in Cheshire, first proposed by B.S. Manning (1957), as a half-hearted effort by an under-determined minority.⁹² Stoye’s work in neighboring Devon dismissed many of Underdown's conclusions as distortions by contending that in that county local loyalties lay firmly with the king, and whilst Underdown did demonstrate local allegiance as a significant factor, his economic basis for such analysis remains challenged.⁹³ Nonetheless, the work of each of these historians and others, demonstrates the existence of local politics that is at variant with the traditional notion of a bi-polar national agenda. Political self-determination was inherently present in early modern Britain, but its appearance yet retains the mask of civil war and Revolution. Whereas, I argue

⁸⁹ Glenn Burgess, “Civil War, Causes and Historiography,” in *Historical Dictionary of Stuart England, 1603-1689*, eds., Ronald H. Fritze, and William Baxter-Robinson (Westport, Conn.: Greenwood Press, 1996), 88-89.

⁹⁰ Hughes, *The Causes of the English Civil War*, 133-142.

⁹¹ David Underdown, “The Chalk and the Cheese: Contrasts among the English Clubmen,” *Past and Present*, no. 85 (November 1979): 25-48; Underdown, *Revel, Riot, and Rebellion: Popular Politics and Culture in England 1603-1660* (New York: Oxford University Press, 1985).

⁹² Andy Wood, *The Politics of Social Conflict: The Peak Country, 1520-1770* (New York: Cambridge University Press, 1999); Morrill, *The Revolt of the Provinces*; B.S. Manning, “Neutrals and Neutralism in the English Civil War 1642-1646,” London: King’s College D. Phil. Thesis, 1957; Morrill’s standpoint on Cheshire’s motives will be one challenged in later chapters.

⁹³ Mark Stoye, “English ‘Nationalism,’ Celtic Particularism, and the English Civil War,” *The Historical Journal* 43, no. 4 (December 2000): 1113-1128; Stoye, *Soldiers and Strangers: An Ethnic History of the English Civil War* (New Haven: Yale University Press, 2005); Stoye, *Loyalty and Locality: Popular Allegiance in Devon during the English Civil War* (Exeter: Exeter University Press, 1996).

that perhaps such self-determination should expose the face of custom and tradition, and privilege the effect that local politics had upon the ‘national’ scheme.

In the late 1980s and 1990s Tim Thornton produced articles, and an important book in 2000, examining medieval Cheshire, whilst his later work explores early Welsh history.⁹⁴ His work on Cheshire is focused primarily on the Tudor period and the effect of central government policies upon the county and its administration, but his analysis often stretches into the pre-Civil War early-modern consequences of Tudor policy. He argues regional and provincial liberties such as the Cheshire palatinate were atypical, and so tailored to the individual county: there were other such divisions within the realm. Thornton argues that such exceptional franchises were the payment that the Tudor monarchy must make to the nobility to ensure the continued support of their crown. However, in doing so, Thornton’s analysis privileges the notion of the superiority of England’s Parliament in its dealings with Cheshire society and politics. His periodization ends at the beginning of Elizabeth’s reign, and so he diminishes the effect of her government’s relationship with the Palatinate by imprinting the policies of her father upon his expected outcome in Stuart England: for Thornton, Cheshire after Henry is lost.⁹⁵ Michael J. Braddick and Peter Lake, have recognized the importance of county government organization in Cheshire and the exactions of central government policies as actors in early-modern political society, but they each follow the perspective of the component parts, whether they be ‘nation’ or county as reactive to, rather than progenitor of, policy.⁹⁶ However, as studies of early-modern England

⁹⁴ For example, Tim Thornton, “Wales in Late Medieval and Early Modern English Histories: Neglect, Rediscovery, and their Implications,” *Historical Research* 00, no. 00 (2017):1-21: In this he examines how medieval and early-modern English histories, for a time first ignored then rewrote Welsh and Cestrian history to suit English expectations of Welsh caricatures. Thornton suggests that it was Cestrian authors like Ralph Holinshed who began to redress the imbalance for both North Wales and Cheshire.

⁹⁵ Thornton, *Cheshire and the Tudor State, 1480-1560*.

⁹⁶ M.J. Braddick, *Parliamentary Taxation in Seventeenth-Century England: Local Administration and Response* (Rochester, N.Y.: Royal Historical Society (Boydell Press), 1994); Peter Lake, “The Collection of Ship Money in

most often privilege the conflicts of mid-century, so too have studies of local government of the same period. Thus, a re-examination of the relationship between early-modern local and central government administrations is needed.

J.G.A. Pocock argues, and I agree with his analysis, that the contested state of political society in England was not unique. Rather, it was a feature of several powerful and established kingdoms in Europe – he names France as one example.⁹⁷ Historiographies of European national states, such as Pierre Serna’s model for France or William Beik’s review of works examining forms of social compromise in the administration of Louis XIV, have demonstrated the existence of negotiated agreement between a central monarchy and domestic periphery, or between the crown and medieval baronial lords, but such historiography has not previously recognized that such settlements existed between the counties and the crown in early-modern England.⁹⁸ Pocock argues that early seventeenth-century English national identity was based upon custom, and that “there was a fundamental law and that the king’s prerogative formed part of it.”⁹⁹ Clearly, as Pocock later argues, identity with the process of common-law based upon immemorial custom is what presents an individual with the identity of belonging in a political culture. However, immemorial custom should not be conflated with unchanging “usage, judgement or statute.”¹⁰⁰ The constant development of common-law by “reform of obsolete laws and the making of new

Cheshire During the Sixteenth-Thirties: A Case Study of Relations Between Central and Local Government,” *Northern History* 17 (June 1981): 44-71.

⁹⁷ J.G.A. Pocock, *The Ancient Constitution and the Feudal Law: A Study of English Historical Thought in the Seventeenth Century: A Reissue with a Retrospect* (New York: Cambridge University Press, 1987), 55.

⁹⁸ Pierre Serna, trans. Alexis Pernsteiner, “Every Revolution is a War of Independence,” in *The French Revolution in Global Perspective*, edited by Suzanne Desan, Lynn Hunt, and William Max Nelson (Ithaca, NY: Cornell University Press, 2013): 165-182; William Beik, “The Absolutism of Louis XIV as Social Collaboration,” *Past and Present*, no.188 (August 2005): 195-225; Church, *King John and the Road to Magna Carta*.

⁹⁹ Pocock, *The Ancient Constitution and the Feudal Law*, 55: for Cestrians, I argue, that the earl’s prerogative was synonymous with that of the king as the earl derived his power from the monarch directly, and for much of the time was the same person ‘wearing a different hat.’

¹⁰⁰ *Ibid.*, 275.

ones were perfectly compatible with the view that common-law rested in ancient usage.”¹⁰¹

Cheshire’s argument, it seems to me, lay in that they as a community regarded that their customary rights and privileges were not obsolete in the political society of the early modern Stuart realm as they had been, and were, consistently reconfirmed by royal statute and in common usage within the county by virtue of administration of the local Mize.

In 1992 Richard Helgerson argued that the Civil War in England was fought over contested concepts of nation-state as much as rival socio-political notions, also that conflict was an inevitable consequence of the political ‘modernizations’ of the preceding century: one presented the nation as an absolute monarchy supported by the privileged classes, the other a nation that rejected the monarchy in favor of the communal structure promoted by Parliament. Helgerson recognized in contemporary writing the possibility of negotiated settlement as a national policy of the crown.¹⁰² In his third chapter, “The Land Speaks,” Helgerson examines the genres of description, survey and chorography, which he divides into local and national and further into time and place, but all which he conflates as representative of a Parliamentary nation.

As tension increased between monarch and parliament, between court and country, so too did the importance of those things in which chorographers were specialists – local difference, local identity, and local representation – until parliament came almost to seem a living chorography, a map made flesh.¹⁰³

Thus, for Helgerson, Camden’s *Britannia* is a work of place not time, and of land and not people: Helgerson distinguishes between regions, and the tensions within, but forgets about the human

¹⁰¹ Ibid., 274-275.

¹⁰² Richard Helgerson, *Forms of Nationhood: The Elizabethan Writing of England* (Chicago: University of Chicago Press, 1992).

¹⁰³ Helgerson, *Forms of Nationhood*, 136.

input to those tensions. Thus, geography and topography have greater influence for Helgerson upon the creation of the political nation that the people living on those lands.

However, I find Camden relies heavily upon people and time for his description of Cheshire. His first authority is Lucian the Monk who describes the nature of the place through his description of its peoples and the person and authority of its earl.¹⁰⁴ The progressive history of the county relayed by Camden falls to the people who made the county what it became, and in Camden's time remained. Thus, Helgerson's gloss of Camden's work sees the land as nation through the lens of unification supplied by the 'revolutionary' Parliament of mid-seventeenth-century England, not through the identification of county peculiarities fostered by the actions of its people. As we read above, Helgerson does recognise that "local difference" and "local identity" are what the authors of chorologies aim to identify, but he supposes them akin to "local representation" and part of national identity.¹⁰⁵ Next, Helgerson taunts William Smith and William Webb for their "jealous assertion of local prerogative...of a fond memory of former authority."¹⁰⁶ Nevertheless, Smith and Webb described the Cheshire they saw in the realm of the early-modern Stuart kings. If nostalgia be Helgerson's charge, Smith and Webb refute that by their production of chorography not antiquarian history: the roots of contemporary Cestrian authority are important to Smith and Webb in their descriptions of *their* early-modern County Palatinate. Each of Helgerson's examples predisposes forms of national unity and a single national identity as the product. As such, based upon Pocock's 'immemorial law,' national identity became a "nearly universal belief of Englishmen."¹⁰⁷ However, I argue that the evidence will show such 'national' identity did not coalesce under the banner of nation as a single unified

¹⁰⁴ Camden, *Britannia*, 601-602.

¹⁰⁵ Helgerson, *Forms of Nationhood*, 136.

¹⁰⁶ *Ibid.*

¹⁰⁷ Pocock, *The Ancient Constitution and the Feudal Law*, 54.

body, but rather as a collective agreement of the realm: distinct component parts, with the monarch at its head, parliament as body, and the counties the active limbs. Once head and body were separated early-modern Cestrians sought distance from divided authority, and stability in reconciliation and immemorial local custom.

Regional and county society and culture influenced local and ‘national’ politics. This influence clearly does not only emanate from the center, to be absorbed by the periphery. Rather, I argue that prior to the Civil Wars, early modern localized political, social and cultural influences were not only recognized and significant provincially, but were exported from the communities as demonstrations of peripheral power. Thus, they are important contemporary indicators that the relationship of power was similarly negotiated and tolerated by both parties. This relationship was irrevocably damaged, not from the ‘dissolution’ during the reign of Henry VIII, but by the breakdown of the realm – the rapid and permanent despoilment of the relationship between king and his Parliament, and the Crown and its counties – during the seventeenth-century Civil Wars, and was ultimately destroyed by Parliament’s nationalist program for a community of counties through repudiation of the kingdom’s provincial agreements at the onset of war.

Chapter 1: Sword of Dignity

When writing the history of Cheshire, early modern antiquarians often disagreed significantly about the history of their county. Henry Bradshaw, writing before 1513, declared the true first “erle of Chestre and duke of merciens” to be Leofricus, and not Hugh Lupus.¹ Hugh Lupus has customarily been named the first earl of Chester, but Cestrians have long insisted that their status as a Palatinate pre-dated the Norman Conquest, and that Hugh was the first Norman earl of Chester, not the first earl of the county created.² Leofric was created earl before the Norman yoke, “A thousande fifty yere / and seuyn expresse, / In the tyme of saynt Edwarde kyng and confessour,”³ and who “[...] Endowed the sayd place with fredoms and liberte / And special priuileges, confirmed by auctorite.”⁴ It seems that Leofric provided Cheshire with rights and privileges, presumably under the authority provided to him by Edward the Confessor, “So the sayd place increased in honour,” but how such authority was transmitted to the people is uncertain. However, just a few lines later, Bradshaw describes the moment that the earldom of Chester was presented to Hugh Lupus, by his uncle William the Conqueror in 1070, and how by

¹ Bradshaw, *Life of St. Werberge*, 172 line 1211; Anonymous (c.1603), “The Rights and Jurisdiction of the County Palatine of Chester, the Earls Palatine, the Chamberlain, and Other Officers; and Disputes Concerning the Jurisdiction of the Court Exchequer with the City of Chester, &c.,” in *Remains Historical & Literary Connected with the Palatine Counties of Lancaster and Chester*, Vol.57 (Manchester: Chetham Society, 1856), 14: the seventeenth-century author repeats that Hugh Lupus was the first Norman earl created, but also that Leofric had been earl before the Conquest; Smith, *The Vale Royall of England*, 9: Smith confirms Leofric as earl before Hugh Lupus, and that Leofric was “greatly favoured as one of the king’s great counsellors,” and that his authority stemmed from Edward the Confessor directly. However, each of the authors named place the king’s sword, and so the transference of the king’s authority in Cheshire granted by William I, in the hands of Hugh Lupus.

² Ormerod, *History of the County of Cheshire*, vol.1 (London: Lackington, Hughes, Harding, Mavor, and Jones, 1819), XXVI: Ormerod explains that Cheshire was part of the kingdom of Mercia, occupied by the Britons until 942. The earls of Mercia governed Cheshire until king Harold’s death after the Battle of Hastings in 1066. Ormerod claims that Harold came to Chester after the battle and died there a hermit. Ormerod argues “*Gherbod* a noble Fleming” as the first post-Conquest earl who was quickly replaced by Hugh (Lupus) D’Avranches, and that it was Hugh who received the sword transferring the king’s authority in Cheshire to him so that he may have the power to repel the Welsh from England’s borders. Therefore, no matter who was the first earl, it is agreed that the transference of the king’s authority through a material object (the sword) first occurred in Cheshire with Hugh.

³ Bradshaw, *Life of St. Werberge*, 172 lines 1207-1208.

⁴ *Ibid.*, 173 lines 1232-1233.

the transference of the king's power in Cheshire to Lupus; Lupus legitimately ruled his territory as though he were king:⁵

With Wylliam conquerour came to this region
A noble worthy prince nominate Hug. Lupus,
[...] To whom the kyng gave for his enheritaunce
The cōunte of Chesshire, with the appurtinaunce,
By victorie to wynne the forsayd Erldedom,
Frely to gouerne it as by conquest right;
Made a sure charter to hym and his succession,
By the swerde of dignite to hold it with might,
And to call a parlement to his wyll and syght,
To order his subiectes after true iustice
As a prepotent prince and statutes to deuisse.⁶

Here, Bradshaw discloses several not entirely consistent notions of popular belief circulating late medieval Cheshire concerning the foundation and maintenance of Cheshire's autonomous and independent status: he argues that Cheshire was independent before the Norman Conquest, but also made independent by the Conquest. Nevertheless, Bradshaw clearly believes Cheshire separate from England, and reveals the existence of a "Sword of Dignity" and its place as the source of the first Norman earl's power, not only in the county but also within the realm of the English king.⁷ The Sword creates authority for the earl within the county to rule over his

⁵ Bradshaw's death is recorded as 1513 in a ballad written by an anonymous monk in the same abbey as Bradshaw. The original by Bradshaw was written in Latin, and translated by him shortly before his death into "Englisht." So, the precise dates for this composition are not known, but clearly must be from the latter part of the fifteenth century or early sixteenth.

⁶ Bradshaw, *The Life of St. Werberge of Chester*, 174, lines 1262-1275.

⁷ Matthew Paris, *Matthew Paris's English History: From the Year 1235 to 1273* vol.1, trans. J.A. Giles (New York: AMS Press, 1968), 9: Paris explains, at the marriage of Henry III and queen Elinor, that the "earl of Chester carried

subjects, and signifies his direct relationship with the king. Thus, Cestrians' direct relationship to the Crown is established through the existence of Cheshire's sword.

The Sword of Dignity, held as it was in the earl's castle in Chester, provided physical evidence for Bradshaw's sixteenth-century re-telling of the Palatinate's early creation. In 1195, Lucian the Monk had told of the earl's sword and its representative regal authority to draw Cestrians to attend the earl's summons at his Parliament. In the sixteenth century, Bradshaw's inclusion of the material presence of the sword in Chester's centre of government was solid evidence for all that Cheshire's historical foundations of autonomy and independence were more than myth, and were present in the contemporary community. The sword contained within it an inherent right to the regality of the earl, placing him second only in the realm to the king.⁸ The sword authorized the earl's right to rule in Cheshire as if he were king, but also represented the call for Cestrians to gather before their earl to advise and be advised.⁹ This separated Cestrians from the English as they had no need of the Parliament in Westminster, but it also provided for clear lines of communication with their earl, and through him, with the monarch. Medieval and early-modern Cestrians expected the right to be heard directly by their lord, and parliament convened under the earl's sword provided for that.

the sword of St. Edward, which was called "Curtein," before the king, as a sign that he was earl of the palace, and had by right the power of restraining the king if he should commit and error," a privilege belonging to him "by right of his ancestors." It is unclear whether the sword the earl, John Scotus, carried here was that presented by William I to his ancestor, but Paris certainly implies that it is, and my research leads me to believe that it is the same sword. I not have found a physical description of this particular sword, but Paris's description of the sword's provenance and name he gives to the sword matches with the one paraded through Chester by the chamberlain ahead of James I on his visit to the county in 1617, described by Joseph Hemmingway, *History of the City of Chester from its Foundation to the Present Time; with an Account of its Antiquities, Curiosities, Local Customs, and Peculiar Immunities; and a Concise Political History* (Chester: J. Fletcher, 1831), 156.

⁸ Peter Leycester, "Some Antiquities Touching Cheshire, Faithfully Collected out of Authentique Histories, Old Deeds, and Evidences," in Ormerod *History of the County of Cheshire* vol.1 (London: Lackington, Hughes, Harding, Mavor, and Jones, 1819): Leycester's work is reproduced in Ormerod with footnotes by Ormerod.

⁹ Anonymous (c.1603), "The Rights and Jurisdiction of the County Palatine of Chester," 15.

In 1617, James I visited Cheshire, and during his day in Chester on 23rd August, he first received and then returned the sword in a ceremony performed by Chester's mayor. James then received a 'gift' of a large number of gold coins in a ceremonial cup, and the sword was then progressed by the chamberlain through the city ahead of the king.¹⁰ Thus, it appears that the lines of direct communication between Cheshire and their king remained open. However, during the Civil Wars, when Parliamentary forces finally overran Chester city and its Castle in February 1647, the materiality of the sword as the symbolic foundation of Cheshire's autonomy and independence, and perhaps its inherent regal properties of authority and communication, led Parliament to remove it to London. The surrender of Chester was negotiated between Lord Byron and Parliament's Sir William Brereton.¹¹ I suggest, that as a Cestrian, Brereton was aware of what the Sword of Dignity represented to the people of Cheshire, and understood how important its removal was as a concrete symbol of Cheshire's final suppression. Thus, mid-seventeenth century, the sword was clearly more than a powerful emblematic tool. The weapon represented tangible evidence of Cestrian independent spirit, and was clearly of such significance to Cheshire's inhabitants that Parliament's forces regarded its removal as crucial to secure their defeat of Chester's resistance.

¹⁰ Hemmingway, *History of the City of Chester*, 156.

¹¹ R. Stewart-Brown, "The 'Domesday' Roll of Chester," *The English Historical Review* 37, no.148 (October 1922), 492: The 'Domesday' Roll was a rolled record unique to Cheshire. It is thought, based upon the two fragments that supposedly remain of the original, that the roll contained records similar to those of the 'general' Domesday Book but confined only to Cheshire. The full collection of rolls, for it is thought that there were many created by surveys over a period of more than 500 years, were kept in a chest in the sole possession of the Chief Justice of Cheshire, and passed from one occupier of that office to the next. The roll(s) and their chest are confirmed as present in Chester Castle in 1580, and Peter Leycester saw the chest during the siege of Chester, but after control of the city passed to Parliament in 1647 the office of Chief Justice passed to John Bradshaw of Marple (a committed Parliamentarian and anti-royalist) and have since disappeared. Stewart-Brown explains that evidence of the existence of the 'Domesday' roll(s) is demonstrated by notes in other existing records stating that more information could be found in the 'Domesday' roll of Cestre; the earliest such note dating from 1287 (15 Edward I).

As revealing, the sword was returned to Chester shortly after it had been taken.¹² Stewart-Brown explains that the sword was “afterwards returned to the city.”¹³ Thornton seems convinced that the sword was returned, as he explains in a footnote that Elias Ashmole “saw it in Chester in 1663.”¹⁴ However, although Ashmole certainly did see a sword in the Exchequer of Chester in 1663, it was probably not the original Sword of Dignity that was removed in 1647. The sword Ashmole measured, sketched, and described in his notes on “Chester City” made on 3rd September 1663, does not look like the sword of Hugh Lupus: that sword was sketched in detail by Daniel Lysons at the British Museum sometime before 1810.¹⁵ According to Lysons’ description, Hugh Lupus’s sword is not quite five feet in length with a distinctive handle inlaid with mother-of-pearl, and an elaborate pommel of gilt brass. Lupus’s sword also has the words “Hugo Comes” engraved across the top of the blade on one side next to the hilt, and on the other side “Cestriae.” Otherwise, the blade is clean of marks or engravings from the hilt to its narrow point.¹⁶ The sword Ashmole viewed, however, was somewhat different with “eight coats of arms on its handle,” and no words on the blade.¹⁷ And yet, Ashmole’s description corresponds to one provided in a footnote by Ormerod, of a sword he viewed in the British Museum in 1819. Ormerod claimed that sword may be one from the fifteenth century, but that, nevertheless, it had come to the museum from Cheshire. Indeed, in his text he calls for the restoration of “these regalia of the antient Paltinate” to be returned to the keeping of either the present earl or the “county hall in Chester Castle.”¹⁸

¹² Ibid., 492; Thornton, *Cheshire and the Tudor State, 1480-1560*, 44.

¹³ Stewart-Brown, “Domesday,” 492.

¹⁴ Thornton, *Cheshire and the Tudor State, 1480-1560*, 44 n.15.

¹⁵ Bod. Lib. Ashmole MS 852 fo.274; Daniel Lysons, and Samuel Lysons, *Magna Britannia: Being a Concise Topographical Account of Several Counties of Great Britain* vol.2 (London: T.Cadele & W.Davies, 1810), 461.

¹⁶ Lysons and Lysons, *Magna Britannia*, 461.

¹⁷ Bod. Lib. Ashmole MS 852 fo.274

¹⁸ Ormerod, *History of the County of Cheshire* vol.1, XXVI n.’m.’

Whatever the mystery of the sword returned to Chester after the Civil War, the principle that Cheshire's autonomy and independence was, in part, authorized and represented by its possession of the earl's sword is significant. The sword represents the material existence of Cestrians distinctive identity as authorized by the earl's sovereign power granted him by the Crown. Independence from the statutes of English Parliaments or the vagaries of 'central government' had infused the whole of local culture in Cheshire, and was supported by that concrete symbol: the Sword of Dignity. The materiality of the sword was significant enough to warrant its removal by Parliamentary forces in the mid-seventeenth century conflict, and perhaps of equal significance that the same sword does not appear to have been returned. Possession of the Sword of Dignity was one of the reasons seventeenth-century Cestrians considered themselves inhabitants of a separate and distinct territory within the realm of the English monarch.

As M.T. Clanchy explains, the use of a symbolic object such as a sword to represent the warrant of authority invested in the individual or his lineage was common practice in medieval society. Such objects clearly indicate what they represented in medieval times: authority by virtue of conquest. Clanchy retells the story of Earl Warenne who presented a rusty sword from the Norman Conquest as his warrant of authority when challenged by judges to present a charter for his lordship of lands in Edward I's *quo warranto* proceedings, exclaiming that his ancestors "conquered their lands with the sword, and by the sword I will defend them from anyone intending to seize them."¹⁹ The superiority of objects with meaning over the written word as declarations of medieval authority and transference of power is found in the audience to whom such objects 'speak.'

¹⁹ M.T. Clanchy, *From Memory to Written Record: England 1066-1307* (Oxford: Blackwell Publishers, 1993), 35-36.

Only literate people would profess the authority of the word as stronger than that of an object. The seal affixed to a medieval charter would convey the seriousness of the conviction it contained to those who viewed the charter, but could not read.²⁰ Charters are preserved as important historic record by the recipients, not because one could not remember the rights and privileges bestowed by the charter without it, but because the object – the parchment and its seal – provide material, tangible proof of the existence of the liberties it represents. So too the materiality of the Sword of Dignity in Cheshire represented a medieval ‘charter’ between the king and the earl. Moreover, Cheshire’s “Sword of Dignity” created a common bond between Cestrians as a reminder of common customs. If Lucian’s observations were correct, the sword’s presence represented an obligation for Cestrians to attend their earl, to listen and to be heard by him. Thus, it established a distinct political identity for the community of the Palatinate, and between the earl and his people that persevered until the Sword was removed from Chester castle by force in 1647.

This chapter will begin my challenge to historiographic arguments made for the ‘nationalization’ or ‘British’ unity of the social and governmental structures, and for the political atmosphere of early-modern England. Privileged as a national identity, Britishness has been portrayed as a supposed pre-cursor for the impending seventeenth-century conflict. However, ‘British’ is not a national identity, but a collective identity for distinct and separate nations. The significance of the events in Scotland and Ireland to the advent of the English Civil War are accepted. Nevertheless, in the historiographic escalation of the move to a unified ‘British’ identity by precipitous identification of its existence, historians have misidentified or passed over the significance and importance of England’s national identity: it no longer seems to retain an identity apart from Scotland, Wales, or Ireland. Furthermore, the existence and influence of

²⁰ Clanchy, *From Memory to Written Record*, 259.

England's internal local constitutions, customs, and autocratic systems in the working of governmental structures in the realm of the early-modern kingdom have often been overlooked. It is these customary governmental structures of the realm that the Parliament recognized as distinct, and so identified as the ties between Charles and royalist communities. It is against such royalist ties, as the opening days and months of the wars unfolded, that Parliament's nationalizing policies reacted to combat loyalties they perceived as preventing the unification of the English into a nation under the central governance of the Westminster Parliament. However, it is observable, through the interpretation of such physical evidence as the paintings on the ceiling of London's Banqueting House, for example, that Charles considered his kingdoms of England and Scotland already conjoined through the Crown. Charles commissioned Sir Peter Paul Rubens to create ceiling paintings for the recently completed structure: they were installed in 1636. The paintings depict James I in several regal poses, those nearest the entrance show James bringing together two halves of a crown over an infant 'Britain' under the gaze of the goddess Minerva, representing the union of the two kingdoms under his reign.²¹ Clearly, it seems Charles believed his father had succeeded in uniting the kingdoms over which he ruled and which constituted his realm. However, it is also clear that in Charles's reign, the two kingdoms were not politically or religiously as one: they existed conjoined only through the person of their sovereign, whose last moments before his execution on a scaffold erected outside the Banqueting House at the hands of his own parliament, in an ironic twist of fate, were spent under the canopy of Rubens' images of unity.²²

²¹ Susanne Groom, David Souden, Jane Spooner, and Sally Dixon-Smith, *Discover the Banqueting House* (Hampton Court Palace: Historic Royal Palaces, 2017).

²² *Ibid*: Charles walked to the Banqueting House from St. James's Palace on the morning of his execution. He waited there until "a little before two-o'clock" at which time he stepped out of one of the windows onto the waiting scaffold, 35.

It is the intention of this thesis to demonstrate that historically England's royal government had fostered and negotiated with autonomous and decentralised administrations in provincial counties of the kingdom. Such autonomous governments were subject to different rules of negotiation with the Crown, and were provided with exceptional privileges and immunities in return for services provided to the realm. Therefore, it is the contention of this thesis that such communities believed themselves separate from the rest of England, and that the rest of England recognized them as such. Moreover, that the historical assumptions England was a unified political kingdom before the advent of the seventeenth-century English Civil War are mistaken. The system of royal government pursued through the ages to early-modern times resulted in a realm ruled by the English king in which many of its component parts held viable and powerful political institutions of their own, and did not seek or require representation in the Westminster Parliament, even when such representation was required of them: they answered directly to the king.

I argue for an 'exceptional' status for early modern Cheshire founded upon the inhabitant's knowledge of their county's history, and provide evidence for its distinct existence as negotiated within the realm, which was clearly represented by its autonomous systems of government: Cestrians did not claim to be independent of the realm of the king, but rather asserted a degree of separation within the realm that divided their county from those of England.²³ I also argue that such exceptionalism was established early in the Middle-Ages, and was long understood both within and without the county. Thus, Cheshire's distinctive medieval identity was a fundamental catalyst for the autonomous and independent nature of its inhabitants. Furthermore, I contend separate and privileged status was clearly common to Cestrians beyond

²³ See the examples presented in the introduction. There are many texts in which Cestrians declared themselves to be leaving their own 'country' and to be entering England when travelling beyond Cheshire's borders.

memory and thus understood as custom and common law, and that this remained relevant to the county's inhabitants and their place in the realm beyond the Acts of 32, and 34 & 35 Henry VIII. Therefore, through an analysis of the County Palatine of Cheshire, I shall demonstrate the existence of negotiated settlements between county administrations and the royal government, and that such agreements fostered within the inhabitants of the Palatinate an expectation of autonomy and separation which, in 1642, culminated in the county's repeated declarations of disinterest for participation in the English Civil War beyond defence of their county from all parties.²⁴

The autonomy claimed by seventeenth-century Cestrians was founded upon custom and memory established from a much earlier age. The foundations of this autonomy Cheshire-men claimed are revealed in local antiquarian scholarship based upon *The Supplication of the Inhabitants of the County Palatine of Chester, to King Henry VI for the due Observance of their Ancient Liberties and Immunities*, exhibited on 15th February 1900 by Antiquarian Henry Dawes Harrod, a fellow of the Society of Antiquaries in London.²⁵ Harrod presented the document, which expresses the county's reaction to the king's writ of 1450 for the imposition of taxes, to the society. He accompanied the presentation with a paper in which he argued that he had uncovered an original fifteenth-century document at Shavington in Shropshire which provided unique evidence of provincial constitutional autonomy exerted by a county administration.

²⁴ The discussion of Cheshire's repeated declarations of disinterest is in the final chapter.

²⁵ BL Harley MS 1046 fo.127: *The Supplication of the Inhabitants of the County Palatine of Chester, to King Henry VI for the due Observance of their Ancient Liberties and Immunities*. A version of this document appears in George Ormerod, *History of the County of Cheshire* vol.1, 99, and is reproduced without editorial or explanation: It is not exactly the same, but is a 'modernized' version of the script, or is perhaps made from another copy of the petition, and contains no names of signatories. It seems unlikely that Ormerod saw Harrod's copy; Henry Dawes Harrod, "A Defence of the Liberties of Chester, 1450," *Archaeologia* 57, no.1(January, 1900): Harrod's is signed by twenty-three men and carries eight seals, including the abbots of Chester and the Vale Royal, and representatives of the leading families: Lord Grey, Dudley, Stanley, Manewaring, Calviley, Brereton, Dutton, and Cholmondeley. It is a facsimile of the original addressed to the Earl, giving Sir John Needham the power of attorney to act on behalf of the county. Needham owned the estate at Shavington, and it remained in his family possession until 1884, at which time Harrod was commissioned to organize the estates documents which were apparently in some disarray – here he found the copy he presented to the Society.

Harrod sought to show how the document composed by fifteenth-century Cestrians exploited historical precedent and custom of a still earlier age as authority to protect and preserve Cheshire's County Palatine's status and exemption from the royal writ.²⁶

In 1450, the petition sent by the learned men of Cheshire on behalf of their county to king Henry VI, in his capacity as Earl of Chester, called upon the authority of custom and memory to demonstrate their county as an separate political unit with constitutional rights and privileges distinct from those of the larger realm of England.²⁷ In his address, Harrod explains Chester as an outpost of the kingdom granted as an earldom to Hugh Lupus by William the Conqueror a few years after his capture of the throne of England on Christmas Day 1066.²⁸ However, the defence of Chester's liberties is made by fifteenth-century Cestrians on the basis of constitutional rights, exerted by a local administration upon the 'national stage.' As such, Harrod asserts, this represents an exceptional defensive tactic for that period yet dominated by military action and the sword.²⁹ Nonetheless, from my research it is clear that the sword remains the basis for Cestrians of the fifteenth-century in their constitutional claims to exceptional status: the sword of Hugh Lupus wielded constitutionally rather than militarily.

As the first earl, Hugh was granted the counties of *Chester-shire* and *Flynt-shire* and charged by William with the defence of the West of England from incursion by the Welsh. William granted that the earl, and his successors, governed the Palatinate empowered "as freely by the sword [of justice] as the king held his realm by the crown, as 'a dignity inherent in the

²⁶ Harrod, "A Defence of the Liberties of Chester," 71-75.

²⁷ BL Harley MS 1046 fo.127: *The Supplication of the Inhabitants of the County Palatine of Chester, to King Henry VI for the due Observance of their Ancient Liberties and Immunities.*

²⁸ George Ormerod, *History of the County of Cheshire* vol.1, 48: Ormerod places the date before 1070; Barraclough, *The Earldom and County Palatine of Chester*, 8: Barraclough states the date as probably 1071; Harris, *VCH* vol.2, 1: The exact date of Hugh's creation as earl is uncertain, but Harris estimates that he was in possession of Chester by 1077, possibly as early as 1071, after the battle of Cassel (20th February 1071). Although the Battle of Hastings was October 1066, William was crowned king on Christmas Day 1066.

²⁹ Harrod, "Defence of the Liberties of Chester," 71.

sword, as purchased by it, and to be kept by it also.”³⁰ All Cheshire was held wholly by the earl, of the king, and thus all rights, privileges, and tenanted land was held of the earl and so granted by the earl in Cheshire.³¹ Thus, through possession of the ceremonial sword the king’s provincial jurisdiction and power were transferred wholly to the earl in Chester, in return for the defensive border services offered by the earl and Cestrians to the rest of the realm.³² The rule of the king is law, and once granted and invested in the earl *pro rege*, all law of the province becomes authorized by the rule of the earl who draws his authority to act *quasi rex*.

Therefore, such devolvement of royal authority granted significant autonomy to the County Palatinate and enabled development of its own parliament, taxation, and juridical systems. The king’s indulgence granted the earl and his successors the exceptional power to introduce the infrastructure of independent government within the county. Moreover, the prerogative enabled the earl to afford the Palatinate’s inhabitants protection from external claims upon their person and property commensurate with citizenship and residence within an independent territory. Medieval Cheshire did not send representatives to central parliament at court, but rather convened its own ‘parliament’ with tax raising powers, and implemented its own system of justice in which any criminal offence could be heard, including that of treason.³³ Such liberty also extended to exemption from “the king’s taxes,” which Cestrians asserted as a

³⁰ Ormerod, *History of the County of Cheshire*, xxvi; Similar wording of the grant to Hugh Lupus is found in Camden, *Britannia*, 611: “... & gave unto him & his heires all this county to be holden as freely by his sword, as the King himselfe held England by his Crowne.”

³¹ This interpretation is reported by Ormerod, 10, but is that of Sir Peter Leycester (Leicester) in his work entitled: “Some Antiquities touching Cheshire, faithfully collected out of authentique Histories, old Deeds, Records, and Evidences. By Sir Peter Leycester, Baronet, a Member of the same County. London. printed Anno Domini MDCLXXII,” reprinted by Ormerod. This interpretation is not dated, but this section of Leycester’s work contains many references to personal translations and observations made between 1640-49 and it therefore may date from that period; either-way, it provides a mid-seventeenth-century perspective to Cheshire’s position.

³² Stewart-Brown, *The Serjeants of the Peace in Medieval England and Wales*, 2.

³³ BL Harley MS 1046 fo.127: *The Supplication of the Inhabitants of the County Palatine of Chester, to King Henry VI for the due Observance of their Ancient Liberties and Immunities*, 1450; Harrod, “Defence of the Liberties of Chester,” 71: in his analysis, Harrod argues that it was necessary that Cestrians did not attend the king’s parliament because “constant vigilance” of the Welsh was required of them, thus they were forbidden to attend the king.

basic constitutional right, and as a privilege which was not seriously challenged until 1450.³⁴ Following the success of the county's petition, Cheshire's special privileges and exemptions to the royal writ remained undisturbed a further ninety years until they were challenged by Henry VIII in 1541.³⁵ The rights of Cestrians to appeal to their lord, the earl, for protection against the policies of the Crown was upheld, despite the fact that the incumbent of each office was the king. Clearly, the offices of the earl and king were separated under the authority of the Crown, and thus for the inhabitants of Cheshire appeal to the authority of their earl, the distinctiveness of their 'country,' and their privileged economic and legal position continued uninterrupted by annexation of the earldom to the Crown.

The earldom of Chester passed to the Crown of Henry III in 1237 following the death of the last hereditary earl, John Scot, without issue. Scot, so called because of his Scottish birthplace, was married in 1222 to Helen, daughter to Llewellyn, Prince of Wales, as part of an alliance between the Prince and Scot's uncle, Ranulf III, the sixth earl of Chester.³⁶ An important figure at the English court of king John, Ranulf carried considerable political weight. Along with William Marshal, fifth earl of Pembroke, Ranulf was one of the most powerful supporters of the regency of John's successor, his son, Henry III: Marshal became regent for Henry within days of John's death in October 1216, but he did so only with the consent and support of Ranulf.³⁷

³⁴ Harrod, "Defence of the Liberties of Chester," 72: Harrod argues the production in 1450 of the 'Supplication' in defence of the liberties of Cheshire as the first time such a document had been necessary as it was the first serious challenge made against its liberties.

³⁵ Harrod, "Defence of the Liberties of Chester," 78: that Cheshire's immunities to the king's writ remained in place is agreed, but that the position remained unchallenged since 1450 is open to question. Tim Thornton has suggested that Cheshire's immunities were challenged by Parliament following 1450.

³⁶ Richard Eales, "Ranulf (III) [Ranulf de Blundeville], Sixth Earl of Chester and First Earl of Lincoln (1170–1232), Magnate," *Oxford Dictionary of National Biography*. 2 Dec. 2017.

<http://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-2716>

³⁷ Eales, "Ranulf (III) [Ranulf de Blundeville], Sixth Earl of Chester and First Earl of Lincoln (1170–1232), Magnate": Eales explains that Marshal's eulogy gave credit to Ranulf, and stated that Marshal would not act without Ranulf's consent or support.

It was during Ranulf's tenure as earl that the first records of important autonomous infrastructure of the County Palatine's government were created. The county's exchequer was first developed, and offices of chancellor (by 1190) and the earl's justice or justiciar (by 1202) are known to have become established by continuous succession by the beginning of the thirteenth century, with the offices of chamberlain, chief clerk, and sheriff all being in place before the death of Ranulf's successor in 1237.³⁸ Thus, Ranulf stood at the head of a complex Palatine administration. Chester's annals demonstrate that by the end of the twelfth century the earl had established his court modelled on that of the English king, and as a distinct jurisdiction from the superior and county court of the Palatinate.³⁹ Pleas could be made directly to the earl's court, as "pleas of the sword," the earliest surviving record of which, being found in a charter roll dated 1208-13, indicates an assembly, known as "parliament," of the county's barons in the court of the earl.⁴⁰

As powerful though the image of an independent parliament established at a time beyond memory may be, seventeenth-century claims to Cheshire's autonomy and exceptional status could not be founded on representative assemblies alone. A significant indication of, and at the same time contributor to, Cheshire's autonomous status originated at the beginning of the thirteenth century in the reign of king John. The English baron's revolt against king John in 1215 resulted in the creation of one of history's most momentous documents, the Magna Carta. However, in the Palatinate Ranulf issued the county's own "Magna Carta" in 1215 or 1216, independent of the agreement the English baronage forced upon king John.⁴¹ The Palatinate was

³⁸ Harris, *VCH* vol.2, 3-4: names of the administrations' offices; Eales, "Ranulf (III) [Ranulf de Blundeville], Sixth Earl of Chester and First Earl of Lincoln (1170-1232), Magnate": dates for offices of Chancellor and Justice.

³⁹ Harris, *VCH* vol.2, 3: charter roll; Eales, "Ranulf (III) [Ranulf de Blundeville], Sixth Earl of Chester and First Earl of Lincoln (1170-1232), Magnate": expressions of local power Ranulf exerted through his court.

⁴⁰ Harris, *VCH* vol.2, 3: fuller discussion of seventeenth century notions for Cheshire's Parliament follows below.

⁴¹ R. Stewart-Brown, "The Avowries of Cheshire." *English Historical Review* 29, no. 113 (January 1914), 43; Harris, *VCH* vol.2, 4: both authors agree on the form of Cheshire's Magna Carta, but disagree on the date; J.C. Holt,

one of the very few counties not to receive the king's Great Charter.⁴² That the king's charter was not enacted in Cheshire unmistakably establishes the distinctive and independent status of Ranulf's government. Moreover, the pressure exerted upon the king by the baronage of England to extract from him the creation of the Magna Carta does not appear to have extended from the barons in Cheshire.⁴³ This was probably because, since the king derived no revenue from the Palatinate in the form of scrutages or tallages as his writ did not extend to Cheshire, the financial pressures exerted by the king's exactions were not felt in the same way in Cheshire.⁴⁴ The imposition in 1207 of an exceptional tax throughout the kingdom, a "Thirteenth on all moveables and revenues" to aid John's campaigns to regain his lands in Normandy, and thought to be a significant catalyst for the baron's revolt, did not enflame the Cheshire baronage as it did those elsewhere: the king's tax was neither levied upon nor paid by Cestrians.⁴⁵ However, in the tense atmosphere of the realm, the earl may have been compelled by the county's barons to provide an equivalent accountability in Cheshire through the establishment of the county's own charter.

Magna Carta (Cambridge: Cambridge University Press, 1965), 270-271: Holt is considered by many to have produced the finest work on the King's Magna Carta. However, he appears dismissive of Cheshire's Magna Carta as derivative, and a local charter dealing with local problems, and yet states that the document contains some "striking" features. He also notes that the document is undated, but he dates the document between March 1215 and October 1216.

⁴² Graeme J. White, "The Cheshire Magna Carta: Distinctive or Derivative?" *Historical Research* 91, no. 251 (February 2018), 191; Holt, *Magna Carta*, 270, states that Cheshire's Magna Carta was probably "issued because the Magna Carta did not run within the franchise of Cheshire." On a visit to the British Museum exhibit celebrating Magna Carta, I noted a list of counties scheduled to receive a copy of the first of the Great Charters, and other lists of counties to receive the subsequent up-dated and reconfirmed issues – Cheshire was not named on the first list, or on any of the subsequent lists.

⁴³ This does appear to be the case, but John de Lacy, Constable of Chester and son-in-law to the earl's sister, Hawise, was one of the twenty-five barons chosen for clause 61 of the charter. De Lacy was not resident in Cheshire, his baronage was based on his family interests in the north-Midlands, but he did accompany Ranulf III at court and was a figure of considerable influence. His inclusion as one of the twenty-five most likely represents the considerable influence of his family holdings rather than his connection to Cheshire. Under the terms of the annexation of the earldom by Henry III, de Lacy inherited the earldom of Lincolnshire from Ranulf III through his mother-in-law: Nigel Saul, "John De Lacy," *Magna Carta Trust: Foundation of Liberty* (Magna Carta 2015 Committee), accessed 13th January 2018, <http://magnacarta800th.com>

⁴⁴ Harris, *VCH* vol.2, 5.

⁴⁵ Church, *King John and the Road to Magna Carta*, 143-148.

If Cheshire's barons did approach the earl seeking written confirmation of their status and privileges, I suggest that they most likely did so in the attitude identified by Lucian the monk, a resident of St. Werburge's abbey.⁴⁶ Lucian, writing c.1195, notes of the county's inhabitants and privileges that there are those "which distinguish it from the rest of England ... it attends rather to the sword of its prince than to the royal crown, and even the most important affairs are freely discussed and settled within its borders."⁴⁷ From the same document, drawing upon the clear partition between Cheshire and England identified by Lucian's description of the earl as *princeps*, meaning one who is territorially independent as "achieved through their own excellence and the indulgence of kings," it is apparent that although Cheshire's Magna Carta reproduces several of the articles from the English Magna Carta, there is no evidence that the latter was accepted within the Palatinate.⁴⁸

Cheshire's Magna Carta was conceived to extract county based privileges from the earl as an alternative petition to that of acceptance of the king's charter. The exceptional status of the earl within the realm, and that several of the clauses of the king's charter ran contrary to, or were irrelevant to the practices local to Cheshire – such as clauses regulating the collection of the king's taxes, or regulation of the law courts or even the royal forests (the forests of Cheshire belonged to the earl) – meant that in the heady political atmosphere of a possible English baronial revolt, the best solution for Cheshire was to devise its own Magna Carta.⁴⁹ As Cheshire's barons were not included with the English barons in the negotiations nor the

⁴⁶ For Lucian's residency: Graeme J. White, "Feature of the Month: May 2015 - The Magna Carta of Cheshire," *The Magna Carta Project*, accessed 2nd August 2017, <http://magnacarta.cmp.uea.ac.uk>

⁴⁷ Barraclough, *The Earldom and Palatinate of Chester*, 19: Barraclough's translation from Lucian's original Latin.

⁴⁸ Harris, *VCH* vol.2, 5: Lucian describes Cheshire's earl through his use of the Latin term *Princeps*, which implies territorial sovereignty and primacy of the individual; White, "Cheshire Magna Carta," 190: argues that Lucian's use of the term, in this context, indicates "the ruler of a distinct people." White also argues that it worth considering the suggestion that Cheshire's Charter may have preceded that of the king, and so the king's charter reproduces clauses from Cheshire's document.

⁴⁹ White, "Cheshire Magna Carta," 191-192.

construction of the king's document, the 'county's' loyalty to the king and its privilege as a separate jurisdiction within the realm, are recognizable: the English Magna Carta did not apply within the Palatinate.⁵⁰ Therefore, it is more likely that Ranulf may have seen merit in the negotiation of a separate local agreement to enact a document more relevant to the maintenance of peace in his 'country,' and at the same moment taken advantage of an opportunity presented by the actions of those elsewhere in the kingdom to replicate the form.⁵¹ Ranulf's Magna Carta codified the structures of the Palatinate to reinforce the independent nature of his county's administration, and thus fortified his autonomy and authority within county, and probably his influential status in the realm. Whatever the reason for its creation, Cheshire's Magna Carta represents clear evidence of the medieval Palatinate's exceptional status in the realm, and there seems to have been little, if any, contemporary opposition to recognition of Cheshire's autonomy in this matter. As Graeme White explains, Cheshire's Magna Carta was a substitute for the king's Charter in the Palatinate, and was to be reconfirmed and asserted as a "potent symbol of the county's special status" many times throughout the centuries to follow.⁵²

Thus, Cheshire's Magna Carta describes much of the County Palatinate's distinctive infrastructure, and details of privileges granted the eight barons of Cheshire including their exemption from military service outside the county "without their consent, and at the earl's expense."⁵³ The boundary for such service is given as "beyond the Lyme," which situates the Palatinate's likely direction for military readiness on the county's south-eastern border with

⁵⁰ Church, *King John*, 153n: Ranulf, earl of Chester, and Roger, constable of Chester, are listed amongst the king's "senior secular supporters;" Harris, *VCH* vol.2, 6: Harris claims that Cheshire was "largely autonomous;" White explains that although Ranulf later assisted the young king, Henry III, to redraw the Magna Carta for reissue in 1216, neither his name, nor that of Roger de Lacy appear as advisors for the original charter.

⁵¹ White, "Cheshire Magna Carta," 190: White speculates that de Lacy may have led the Cheshire barons to approach the earl initially to allow the publication of the king's charter within Cheshire, but then modified the request to one seeking "Cheshire-specific concessions from the earl."

⁵² White, "Cheshire's Magna Carta," 197: White has found no evidence of objection, either in Cheshire or the wider realm of any dissenting voices to the adoption of own Cheshire's Magna Carta.

⁵³ Harris, *VCH* vol.2, 4.

England, along the county lines of Shropshire and Staffordshire; along the eastern border with Derbyshire; and to the north, along the county's border with Lancashire; not, as others have suggested, along the border shared with Wales.⁵⁴ Further evidence of Cheshire's distinctive separation, and the reality of the border between it and England, is noted in a contemporary description of Edward I's visit to Chester in 1256: having received homage from the nobility of Cheshire and Wales in the city, the king "left Chester, and returned to England."⁵⁵ Unmistakably, the division between Cheshire and England represented by the existence of Cheshire's Magna Carta, and written in its clauses, epitomizes the distinctive privileges and autonomous nature of the Palatinate.

Specific clauses of Cheshire's Magna Carta present detailed evidence for the sovereignty of the earldom and of the county's separate status within the realm. Clause ten of Cheshire's Magna Carta provides clear direction to the Barons of Cheshire should the county be attacked, but also the limits to which the earl could expect the baronage to respond; it makes clear the autonomous attitude of the Cestrian administration. The clause clearly distinguishes between "knights from England" and those from Cheshire.⁵⁶ Under this provision, the earl's knights from his possessions elsewhere may be summoned to protect Cheshire should the county, and especially its castles, come under attack. Nevertheless, the forces from within Cheshire hold primacy of responsibility for first action. Once the Cheshire-men have driven the attackers back beyond the borders of the county, their service is complete: the clause specifies that "the barons can return to their lands with their army, and rest, while the knights from England perform their

⁵⁴ Ibid; Ormerod, *History of the County of Cheshire* vol.1, 51; Graeme White, "Magna Carta of Cheshire," argues that the Charter demonstrates Cheshire's existence as a border county prepared for assault from the Welsh. But, the borders specified in the document clearly direct the extent or limitation of the expected service to be the county's borders with England, not Wales.

⁵⁵ White, "Cheshire's Magna Carta," 193.

⁵⁶ J. Pepler (Chester, 2015), *reprinted in* White, "Cheshire Magna Carta," 200, Clause 10: This is from an English translation by Pepler of the charter from the original Latin.

ward.”⁵⁷ Therefore, I argue that the distinction is clearly drawn by this document between men of Cheshire and those from England, and by the administration of the county there is a clear peculiarity made for the status of the inhabitants of Cheshire. Moreover, although the charter does not identify from where the forces for such an attack may have originated, it has previously been assumed by historians that the offensive would be launched by the Welsh. However, I suggest that such conclusions have not fully appreciated the distinction made by Cheshire’s administration and the autonomy of the county’s government: it is clear that Cheshire’s Magna Carta draws divisions between the county and its inhabitants and all lands and peoples beyond its borders. The borders specifically mentioned are those with England, not the Palatinate’s boundary with Wales. Although the threat from Wales may have been so evident to its authors as not to require mention in the charter, I argue that, as the borders with England are specifically indicated, and that in the document there is a clear distinction made between Cestrians and the English, it is reasonable to conclude that the earl and his administration considered the county as an autonomous entity, conspicuous from all other regions of the realm.

Moreover, it is evident that following William Marshal’s death (d.1231) Ranulf’s relationship with the English Crown, and his political influence at court, diminished throughout the rest of Henry III’s regency and reign, and Ranulf retreated to Cheshire.⁵⁸ There, he invested his time cultivating an alliance with Llewellyn, Prince of Wales, and built a new castle at

⁵⁷ J. Pepler, *reprinted in* White, “Cheshire Magna Carta,” 200, Clause 10.

⁵⁸ R.F. Walker, “Marshal, William, Fifth Earl of Pembroke (c.1190-1231), Magnate,” *Oxford Dictionary of National Biography*. 30 Jan. 2018.

<http://www.oxforddnb.com/um/ldm.oclc.org/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-18127>.

Beeston, “the mark, or sense of his owne country,”⁵⁹ and “all too obviously defending the county from England rather than Wales.”⁶⁰ This suggests the earl believed display of the county’s independent military strength was necessary in maintaining Cheshire’s autonomy in its relationship with the kingdom of England. Furthermore, other early thirteenth-century documents, such as the Cheshire Domesday-Roll, clearly chart the presence of established county governmental structures which duplicate offices of the wider realm in the Palatinate’s administration.⁶¹ By codifying the offices of the county’s administration, such documents reinforce that customary autonomy had traditionally existed in the county before the time of earl Ranulf III, and that the administration of Cheshire was distinct from that of England: they note that many offices exist within the administration, but do not seek to explain the duties of the incumbent. Thus, it may be deduced that the offices were well established within the administration so as not to require further explanation in the Magna Carta or similar contemporary documents.⁶² Consequently, early modern philosophies of self-rule in the Palatinate can clearly be argued to exist through claims of continuous immemorial memory, or beyond time of forgetting: by such time, the structural framework of self-government had existed in Cheshire uninterrupted so far beyond memory of any alternative that Cestrians assumed and expected respect for the authority of the Palatinate’s privileges.

⁵⁹ Camden, *Britannia*, 607.

⁶⁰ Eales, "Ranulf (III) [Ranulf de Blundeville], Sixth Earl of Chester and First Earl of Lincoln (1170–1232), Magnate," 7.

⁶¹ Stewart-Brown, *Serjeants of the Peace in Medieval England and Wales*, 1-27: Cheshire’s Domesday-Roll was a document akin to the Domesday Book of William I and surveyed people and property, but it dealt only with the county of Cheshire. It was lost sometime after the end of the Civil War Siege of Chester in 1647.

⁶² Lucian the Monk in Camden, *Brittania*, 602: Lucian explains that the administration of the county was undertaken within the court of the earl, and “the greatest matters” were decided by a parliament of the people; Harris, *VCH* vol.2, 2-6: Harris explains that Annals of Cheshire, including the Domesday Roll, name the offices and/or officials but “the nature of their office remains obscure.”

Nonetheless, as is clear from the testimony of Lucian the monk, the distinctive character and independent nature of Cestrians is not founded upon the actions of Ranulf III alone. From Norman times, the county's position as a 'buffer zone' on the border between the Welsh and English may have had significant impact upon the attitude of Cestrians. Although it is not certain, his alliance with Llewellyn may have led Ranulf's nephew, John Scot, to become a leading figure in the 1233 Marcher uprising against the English king's campaigns in Wales.⁶³ Yet, if Scot's involvement in a Welsh revolt was true, by 1236 he appears to have been once again in the English king's favour, as according to Matthew Paris, Scot carried the sword of Edward the Confessor before the king at Henry's wedding.⁶⁴ However, a close cultural and social relationship existed between medieval Cestrians and the Welsh which was commented upon by Lucian the monk.⁶⁵ Lucian explained that Cestrians mixed with their Welsh neighbours and assimilated many of their customs, "...confining on the one side upon the Welsh Britans, and by long intercourse and transfusion of their manners, for the most part [are] like unto them (sic)."⁶⁶ Since, R. Stewart-Brown has shown that the development of customary legal processes and cultural practices in North Wales and Cheshire show considerable similarities, particularly those relevant to protection of the individual and their property. Moreover, he argues, that such provincial practices reveal distinct differences between Cheshire's judicial and fiscal systems and those in operation at Westminster.⁶⁷ A.D. Carr also notes connections between late-medieval

⁶³ Ibid.; D.J. Power, "Marshal, Richard, Sixth Earl of Pembroke (d. 1234), Magnate and Courtier," *Oxford Dictionary of National Biography*, 2 Dec. 2017.

<http://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-18124>

⁶⁴ Paris, *Matthew Paris's English History: From the year 1235 to 1273*, vol. 1, 9: Paris describes that the earl of Cheshire, attended by the Constable of Cheshire, carried the sword before the king "as a sign that he was earl of the palace, and had by right the power of restraining the king if he should commit an error."

⁶⁵ Lucian the Monk in Camden, *Britannia*, 602.

⁶⁶ Camden, *Britannia*, 602; Excerpts from Lucian's 12th century text were first published in Camden, and not again until 1906: Mark Faulkener, "Lucian's *De Laude Cestrie*," Excerpt from Bodley 672, fol.114r/1-2: 'Britonibus ex uno latere confines et, per longam transfusionem morum, maxima parte consimiles' (full text not yet transcribed).

⁶⁷ Stewart-Brown, "Avowries," 41-55.

Welsh merchants and Cheshire. Carr notes the registration of loans and debts by Welsh merchants in Chester's courts, cross-border marriages between significant families, and similarities in the distinct fiscal and legal systems of the two regions.⁶⁸ More recently, Tim Thornton argues, evidence suggests the medieval Marches of Wales and Cheshire existed as distinct provincial entities outside England.⁶⁹ Such close affiliations between the 'watched' and the 'watchers' clearly represent a border relationship not fully appreciated in earlier work on the early-modern governance of England's provinces. This, together with the evidence of Ranulf III's alliance with Llewelyn, his fortifications against the English at Beeston, and his nephew's possible coalition with the Welsh fighting against Henry III's advances into the Marches, present custom and tangible relationships which enhance Cheshire's claim to a distinct autonomous identity apart from England.

Nonetheless, significant reassurance of Cheshire's loyalty to England was paramount to the English monarchy. Its proximity to the Welsh border and Cheshire's reputation in the rest of England for belligerent lawlessness – they followed immemorial county law rather than the laws of the kingdom, because "They, of all England, most to ancient customes cleave" – required special attention to the relationship between the monarch and the palatinate.⁷⁰ Privileges and liberties granted Cestrians by the English Crown were afforded in 'payment' for protection from the Welsh. Of late, Tim Thornton has demonstrated that medieval and early modern chronicle writers emphasized the "instability and untrustworthiness" of the Welsh, and that the duty of the English Crown was to assert "a natural authority over them."⁷¹ Thus, on the death of Cheshire's

⁶⁸ A.D. Carr, "Gwilym Ap Gruffydd and the Rise of the Penrhyn Estate," *Welsh History Review* 15, no.1 (January 1990): 1-20.

⁶⁹ Tim Thornton, "Wales in Late Medieval and Early Modern English Histories: Neglect, Rediscovery, and their Implications," *Historical Research* 00, no. 00 (2017), 4-7.

⁷⁰ Michael Drayton, "Cheshire, The Eleventh Song," in *Poly-Olbion* (1612), 172.

⁷¹ Thornton, "Wales in Late Medieval and Early Modern English Histories," 4.

last hereditary Norman earl, it seems evident that it was vital for Henry III to act to annex the County Palatinate for England's security.

Upon Scot's demise, possibly at the hand of his wife, his only surviving blood relatives were his aunts, the sisters of Ranulph III, amongst whom Ranulph had promised his lands to be divided.⁷² In his biography of Ranulf, Richard Eales explains that in the last years of his life, as his marriage of twenty years had remained childless, Ranulf determined that John Scot would be his heir and acted to retain the earldom of Chester intact for his nephew. Thus, Ranulf willed many of his lands outside Cheshire to his female relatives. When, in 1232, Ranulf fell ill at court, the king intervened personally to ensure the earl's will was observed: Henry transferred the earldom of Lincoln to Hawise de Quincy, Ranulf's sister, who passed it to her son-in-law, John de Lacy.⁷³ Thus, although Scot's inheritance was diminished by such actions, the strategic and political significance of medieval Cheshire is demonstrated. When, on Scot's death in 1237, Henry III annexed the Palatinate to the Crown he again sought to retain the lands of the county intact, "[I]est it should happen that so illustrious a dominion should fall under the divided sway of the distaffs of women," by 'purchasing' the lands from Ranulph's female heirs through exchange of land from his own demesne.⁷⁴ In the sixteenth-century, William Camden argued that Henry considered the estate of the earl of Chester to be too important to "be divided among distances."⁷⁵ Therefore, the king exchanged land with Ranulph's heirs to "maintaine the honor of

⁷² Eales, "Ranulf (III) [Ranulf de Blundeville], Sixth Earl of Chester and First Earl of Lincoln (1170–1232), Magnate."

⁷³ Ibid.; Ranulf's landholdings were substantial, both within and without England. Amongst his many titles and honours he was the earl of Lincoln. John de Lacy was hereditary Constable of Cheshire.

⁷⁴ Stephen Glover, *History and Gazetteer of the County of Derby: Drawn Up from Actual Observation, and from the Best Authorities; Containing a Variety of Geological, Mineralogical, Commercial, and Statistical Information*, vol.1 (Derby: Henry Mozley and Son, 1831), 331; King, *The Vale Royal*, 53.

⁷⁵ Camden, *Britannia*, 612.

the Palatineship...and the ancient rights and Palatine Privileges.”⁷⁶ It is clear that Henry considered the maintenance of the Palatinate intact, and the lands of which it was comprised, to be more valuable than other ‘equivalent’ assets the Crown already possessed. Such political maneuverings, and the value placed upon their county would be apparent to the men of the Cheshire, and unlikely to diminish Cestrian attitudes that the Palatinate held an especially privileged position within the realm. Henry eventually passed the Lordship of Chester onto his fifteen-year-old son, Edward, in 1254.⁷⁷ Later, as king Edward I, he passed the county earldom, its privileges, lands and revenues to his son, eventually to become Edward II, as the first English Prince of Wales: consequently, the title and privileges of the earl of Chester and Prince of Wales were thereafter conjoined.

Andy Wood has recently argued that medieval and early modern society was mobile, and that historiography demonstrates that such communities were subject to the movement and resettlement of peoples in relatively high numbers.⁷⁸ Wood suggests that early modern urban life was “highly fluid,” and yet that there were “islands of calm” where stability was apparent and “one generation succeeded another in the same place.”⁷⁹ The authority of custom and memory in the medieval and early-modern community requires and celebrates such stability. I argue that the County Palatinate of Cheshire was one such ‘island,’ and that *The Supplication* of 1450 presents evidence to support that assertion.⁸⁰

The Supplication, a crucial document in Cheshire’s history, previously reprinted in the seventeenth century by Daniel King in *The Vale Royall of England* and once again in the

⁷⁶ Camden, *Britannia*, 612.

⁷⁷ Glover, *History and Gazetteer of the County of Derby*, 331.

⁷⁸ Wood, *The Memory of People*, passim.

⁷⁹ *Ibid.*, 146.

⁸⁰ BL Harley MS 1046 fo.127: *The Supplication of the Inhabitants of the County Palatine of Chester, to King Henry VI for the due Observance of their Ancient Liberties and Immunities.*

nineteenth century by Ormerod, was subjected to Harrod's analysis when he uncovered an original copy of the document on the Shavington Estate, Shropshire.⁸¹ In this fifteenth-century document, representatives of the elite of Cheshire appealed to Henry VI, not as king, but as their current earl of Chester, for preservation of their "libtees, freedoms & immynities & franchises."⁸² It is reproduced by King and Ormerod without accompanying analysis: they simply reproduce a copy of the document. However, Harrod undertook an interrogation of the county's petition of 1450 that has led to a misconception for the motives of Cestrian objections: his analysis, which several historians have productively consumed and presented to support, at least partially, their own conclusions, reduces the Cestrian position to one of aggrieved tax-payers who resented "an unjust attack on their purses."⁸³ But, this presents an unfortunate misrepresentation of the Cestrian position: as one of "no taxation without representation."⁸⁴

Harrod assumes that as Cheshire did not send representatives to the king's parliament, they believed themselves exempt from his taxes. As correct as this might be, however, closer reading of Cheshire's petition indicates that Harrod's supposition for the cause of Cestrian *Supplication* as designed to protect their fiscal well-being is too narrow. Harrod argues that the Cestrians remonstrated against fiscal claims as each had established upon oath to pay their "debts when he could, [and] was entitled to an order protecting him against proceedings for recover of

⁸¹ Harrod, "Defence of the Liberties of Chester," 75: explains how he found the document in some detail – see n.20 above.

⁸² BL Harley MS 1046 fo.127: *The Supplication of the Inhabitants of the County Palatine of Chester, to King Henry VI for the due Observance of their Ancient Liberties and Immunities.*

⁸³ Harrod, "Defence of the Liberties of Chester," 72; Examples of historians citing Harrod's analysis: Morrill, *Cheshire 1630-1660*; James W. Alexander, "The English Palatinates and Edward I," *Journal of British Studies* 22, no. 2(Spring 1983), 1-22; Tim Thornton, *Cheshire and the Tudor State, 1480-1560*, and in an earlier paper "A Defence of the Liberties of Cheshire, 1451-2," *Institute of Historical Research* 68, no.167(October 1995), 338-354, Thornton uses Harrod's analysis of Cheshire's reaction in his own investigation of county representation in Parliament and similar applications for subsidy made by the royal government.

⁸⁴ Harrod, "Defence of the Liberties of Chester," 72.

debts.”⁸⁵ This being an accepted law of the county, Harrod assumes Cestrians might consider such a reasonable claim, which he assigns the principal cause of their objection.⁸⁶ However, it is clear the fifteenth-century petitioners of Chester presented their claims of autonomy to the king, and thus their exemption from the imposition of the king’s taxes, founded upon privilege they claim existed much earlier than Harrod contends, and thus on a foundation removed from considerations of an attack against their purse: “...the seide comite is and hath ben a comite palatyne als well afore the conquest of Englund as sithen distinct & separte from youre coron of Englund.”⁸⁷ Therefore, I argue that the petitioners founded their carefully worded appeal upon customary distinctions and privileges they claimed were established before the first earl, Hugh Lupus, was presented with the county.

The seventeenth-century journal of Richard Gough provides a contemporary definition to assist our understanding of the significance of custom and its maintenance to early modern society and law: “Custome is a law or right, not written, which being established by long use and the consent of our ancestors, hath been and is dayly practised.”⁸⁸ Gough continues to expand his definition to ascribe specific characteristics which differentiate between

custome, prescription usage, and limitation, although they bee much of affinity, and often taken for one another.

1st. Custome can have noe beginning since a man’s memory, butt prescription may.

⁸⁵ Harrod, “Defence of the Liberties of Chester,” 74. Although Harrod does not specify, the custom he discusses can be found in BL Harley MS 2009 fo.187. He does not name the specific custom to which he refers, but he seems to confuse the mechanism and benefits of the two: ‘Avowry’ and ‘Thwertnic,’ both were commonly used, but little has been written about these. Both will be discussed in more detail below.

⁸⁶ Harrod, “Defence of the Liberties of Chester,” 74.

⁸⁷ BL Harley MS 1046 fo.127: *The Supplication of the Inhabitants of the County Palatine of Chester, to King Henry VI for the due Observance of their Ancient Liberties and Immunities*; Harrod, “Defence of the Liberties of Chester,” 71-72: Harrod dates the constitutional rights of Cestrians’ to the creation of the first earl of Chester following the Conquest. It seems, however, that in this petition the Cestrian’s claim that such privileges and rights as they have customarily enjoyed were in place before that time.

⁸⁸ Richard Gough, *Antiquities and Memoirs of the Parish of Myddle, County of Salop* (1700-1706), in *Human Nature Displayed in the History of Myddle*, ed. W.G. Hoskins (New York: October House Inc., 1968), 34.

2nd. Custome toucheth many men in common, butt prescription this or that person.

3rd. Usage is the life of both, for both loose their beeing if usage faile...

4th. Limitation is where a right may bee attained by reason of a nonclaime for a number of yeares, differing in account of tyme from custome and prescription.⁸⁹

Thus, it is clear that custom must be established beyond the memory of the living and that disuse changes the status of custom, perhaps limiting the custom to a specific moment or circumstance when a right, as previously existed through customary use, may be invoked. Wood situates the power of custom as memory belonging to the locality.⁹⁰ In his discussion of seventeenth-century taxation Michael Braddick recognizes the authority of memory.⁹¹ Braddick argues, as taxes were an infrequent event, a written record was the “best proof” of custom.⁹² However, “many villages were ruled by the ancientry of the parish” who, in a semi-literate society, passed down regulation orally, and who “controlled access to the past.”⁹³ Memory was claimed as evidence of practices “time out of mind.”⁹⁴ Thus, immemorial memory represented practice that had been followed since before one could remember. In fourteenth-century Cheshire, unlike for “common English practice,” the legal limit of memory was legislated for in its courts: time-out-of-mind was a period of at least the witness’ age minus ten years.⁹⁵ Of course, the authority of the old may also be challenged. The age or infirmity of the ‘witness,’ or of the witness’ memory, could be challenged as unreliable testimony to customary practice: “his old age and weak memory a fit or

⁸⁹ Ibid.

⁹⁰ Wood, *The Memory of the People*, 94-155.

⁹¹ Braddick, *Parliamentary Taxation in Seventeenth-Century England*, passim.

⁹² Ibid., 51.

⁹³ Ibid., 51.

⁹⁴ Ibid.

⁹⁵ Harris, *VCH* vol.2, 16: the legal limit of memory was set in Cheshire’s courts. In the case of property, for example, in Cheshire the action of *novel disseisin* required the plaintiff to provide proof of memory to the accession of earl John Scot, if that could be provided ownership before that date was assumed; Braddick, *Parliamentary Taxation in Seventeenth-Century England*, 52.

meet to persen to give testimony.”⁹⁶ Nonetheless, memory, especially that rooted in a location and assisted by written records, was a valuable asset to the enforcement of customary practice and right in the Palatinate.

Therefore, I aver that in addition to the obvious monetary considerations, to Cheshiremen, the imposition of external taxes was an attack on something more significant. Such an imposition was considered by them to be an assault upon the customary liberties and freedoms afforded to the County Palatinate, its institutions such as the Court of Exchequer, and the autonomy of its government. The rights and privileges they defended went beyond the fiscal considerations of immediate concern. Rather, through their assertions in *The Supplication*, Cestrians invoked custom and memory to protect the jurisdiction of their ‘country,’ and to guard the autonomous nature of their existence. The king’s writ was thus an attack upon the traditions of infrastructural independence that Cestrians enjoyed through provision of the county’s liberties and freedoms within the realm: liberties and freedoms which were established, they argued, beyond memory before the time of William I. Thus, Cestrians imposed the authority of immemorial custom, not upon the king but upon the king as their earl, by their claim that Cheshire was a County Palatine of separate jurisdiction before the Conquest. And so, whilst *The Supplication* does represent an objection to the payment of the king’s taxes, it does so on the basis of a immemorial precedent of the liberties, freedoms, immunities, and franchises customarily provided by the earl, which established Cheshire’s decentralized administration and as such, has before “all erles of the same afore that tyme” possessed the authority of autonomous rule.⁹⁷ Therefore, by addressing their petition to their earl, who happened to be king, they

⁹⁶ Braddick, *Parliamentary Taxation in Seventeenth-Century England*, 52

⁹⁷ BL Harley MS 1046 fo.127: “Petition of the County Palatine of Chester, 1450;” re-printed in King, *The Vale-Royall*, without signatories, 9; and, again in Harrod, “Defence of the Liberties of Chester,” with names attached, 75-78.

promulgate the veracity of their assertion to such status as an autonomous jurisdiction with special privileges within the realm: this document represents an objection necessary only because the king and earl are the same person.

The link between locality and memory requires longevity of habitation and ancestral roots. It is dependent upon an ability to recall and record the words and deeds of relatives or other inhabitants long deceased, but also to demonstrate a continuity of action and remembrance to a point beyond living memory for a particular landscape.⁹⁸ Although Wood's analysis of custom and memory largely explored the experiences of the commonality, he provided several examples where elites too exercised claims to such authority.⁹⁹ This ability, as this analysis of Cheshire's *Supplication* has clearly shown, was not the preserve of the simpler or poorer folk of the county, but was also employed by local gentry of Cheshire to demonstrate their privileges and to enforce their will. Cheshire was a landscape that held claim to the largest number of gentry and nobility, many of whose families had resided in the county, and married within, through the generations since before the Conquest of 1066.¹⁰⁰ Therefore, I suggest, the components required to exercise memory as a basis for the exertion of Cheshire's autonomy and privilege were present in community of the Palatinate, and the county's continued autonomous spirit relied heavily upon the immemorial assertions of its inhabitants: their insistence on adherence to customary practices, established beyond memory, protected and maintained the Palatinate's access to special political and economic privileges and immunities within the realm. It is upon this basis that an assembly of Cheshire's inhabitants addressed the defence of their

⁹⁸ Wood, *The Memory of People*, 94-155.

⁹⁹ Ibid.

¹⁰⁰ Thomas Fuller D.D., *The History of the Worthies of England who for Parts and Learning have been Eminent in Several Counties*, (London: F.G.W. & W.G., 1657), 171.

privileges in the *Supplication* directly to their earl, Henry VI, as established by the custom of the Palatinate.

Moreover, the earl's, or as Henry VI styled his reply, the king's response to the county's *Supplication* is equally indicative and significant. That reply strongly reconfirmed the liberties of the County Palatinate as those which Cestrians believed themselves to be entitled, and which they had customarily enjoyed. The reply reinforced the authority of customary practice in "[t]hat they be not charged with any Such Grant otherwise than they, their predecessors and ancestors have been charged aforetimes."¹⁰¹ This substantiated the practice of right by immemorial memory by confirming "all their Liberties, Freedoms, and Franchises, in as ample and large form, as ever they had in our, or any of our Said Progenitor's days."¹⁰² From the king's response, Harrod argued that thus the "special privileges of the County Palatine" were established and remained in place until 1541.¹⁰³ At which point, since his argument privileged representation at parliament and taxation as the basis of Cheshire's grievance, Harrod concludes that the "special privileges of the County Palatine were to a great extent abolished" by Henry VIII to enforce Cheshire's representation in parliament at his court.¹⁰⁴ However, early-modern Cestrians might not agree.

Although George Ormerod, possibly Cheshire's most renowned and revered antiquarian-historian, has argued that the earl was joined at his court in Chester by the barons of the county, both lay and spiritual from the time of the first incumbent, before Ranulf's time, records of such

¹⁰¹ Ormerod, *History of the County of Cheshire*, 100; King, *The Vale Royall*, 11

¹⁰² *Ibid.*, 100; *Ibid.*, 11.

¹⁰³ Harrod, "Defence of the Liberties of Chester," 78: However, Harrod appears to have been mistaken; Thornton, "A Defence of the Liberties of Cheshire, 1451-2," has demonstrated that following Cheshire's successful defence of their liberties in 1450 another application for subsidy was made by Parliament. Parliament attempted to overturn the ruling of Henry VI had made in favor of Cheshire, and the county once again challenged the subsidy. The county successfully defeated the subsidy, albeit by different means, and in any event the king reinstated his original ruling in favor of Cheshire's liberties. The evidence presented by Thornton supports the argument made in this thesis, and will be investigated further for potential importance to a future project.

¹⁰⁴ Harrod, "Defence of the Liberties of Chester," 78.

infrastructure do not exist.¹⁰⁵ Ormerod calls the assembly of earl and barons both a “Great Council” and “parliament” convened by Hugh Lupus, and argues that the established parliament continued in Chester once the earldom had passed to the Crown, providing a descriptive example of a parliament in Chester under Edward I.¹⁰⁶ However, as evidence for the parliament of the Hugh Lupus, Ormerod may simply be repeating a late sixteenth-century invention of the first earl’s parliament as described in William Camden’s *Britannia*.¹⁰⁷ Ormerod’s nineteenth-century description of the parliament closely follows that presented by Camden. Camden’s account is in turn an account constructed of claims taken by him from the *Supplication to Henry VI* presented to their earl by the inhabitants of Cheshire in 1450: the document which was subjected to Harrod’s analysis in 1900.¹⁰⁸ Moreover, mid-seventeenth century, Daniel King had included a copy of an engraving by Wenceslas Hollar entitled “Hugh Lupus Earl of Chester Sitting in his Parliament with the Barons and Abbots of that Countie Palatine,” to accompany his printing of William Smith’s contribution to *The Vale Royall of England*; printing it opposite Smith’s account of the history of the county’s first earl.¹⁰⁹ Hollar’s engraving too, represents closely Camden’s description, and is clearly meant to establish the authority of a parliamentary government in Chester before the beginning of the twelfth century for an early modern audience:

¹⁰⁵ Ormerod, *History of the County of Cheshire*, xxx (n.r.): 19th century antiquarian and historian Ormerod features as a source in most serious historical work on the county to the present day. However, in this instance, it may be that Ormerod has based his assertion either on William Camden’s description, or an engraving by Wenceslas Hollar – both are early modern sources. Of course, it is equally possible that such assemblies did exist as Cestrians asserted, but no record survives.

¹⁰⁶ Ibid.

¹⁰⁷ Barraclough, *The Earldom and Palatinate of Chester*, 9: Barraclough argues that Ormerod’s only evidence is that from Camden’s written description; That description can be found in Camden, *Britannia*, 602. (English translation, 1610), however, it is not Camden’s. Rather, the description is from Lucian the Monk. In Camden’s translation of Lucian’s eleventh-century text, he describes “assemblies of the people to attend upon the Earle’s Sword rather than the King’s Crowne;” Camden, *Britannia*, 612: here the description seems to be Camden’s, but his source is not known, but suggested to be Cheshire’s *Supplication to Henry VI*. A combination of these two descriptions from *Britannia*, however, do not contain all the descriptive information Ormerod presents. His other source is then likely to be Hollar’s engraving from King’s *Vale Royall*.

¹⁰⁸ As found in Barraclough, *The Earldom and Palatinate of Chester*, 9.

¹⁰⁹ King, *Vale Royall*, 131

an original sketch of Hollar's engraving is pasted into an undated manuscript book held at Chester.¹¹⁰ Although it is included in King's version, Ormerod does not reproduce Hollar's sixteenth-century print in his reproduction of Smith's work within his first volume, rather he provides a written account of the barons' role clearly derived from both the print and Camden's narrative, "... [the barons] office was to assist the earl in council, to yield him dutiful attendance, and oft-times to repair unto his court to do him honour."¹¹¹ Then again, Hollar's printed engraving is itself a copy based upon an original illumination from a sixteenth-century manuscript tracing the lineage of the earls of Chester.¹¹² The engraving is not a completely accurate reproduction of the illumination, but it is faithful enough to represent the same scene depicted, and both contain the essential elements which serve to transmit the same message to the early-modern observer: the independent and autonomous status of Cheshire within the realm is clearly represented by the earls of the County Palatinate, the assembly of their parliament, and granted through the authority of the sword of Hugh Lupus. Therefore, it seems, the root of Cestrian autonomy was of significant importance to early-modern historians of the county, and of significant popular interest to be printed and reprinted in many contemporary editions.

Moreover, I have established that from the earliest incumbent, the notion of the earl and his parliament has played a significant role in the creation of an autonomous and independent identity amongst Cheshire's populace. But, despite artistic interpretation, it is unclear what form Cheshire's parliament took. By the seventeenth century the existence of an autonomous parliament in Cheshire, recognizable as a comparative to that at Westminster, may not be seen.

¹¹⁰ Ibid., 131; CRO ZCR 119/1079/13/p181, "Sketch of Hugh Lupus, Earl of Chester Sitting in his Parliament."

¹¹¹ Camden, *Britannia*, 612; Ormerod, *History of the County of Cheshire*, 122: although, Ormerod's spelling/use of *council* is different to Camden's *counsell*, and thus, Ormerod's meaning is possibly more suggestive of place, whereas Camden's indicates advice. The combination of both visual and written sources is most likely: see note 19 above.

¹¹² CRO ZCX/2 "Illuminated Pedigree of the Earls of Chester and Related Families." Hollar's engraving is clearly a copy of this original illumination, but the heraldry displayed on Hollar's walls is of more modern coats of arms than the original.

However, the definition of the parliament for Cheshire has been understood since the time of Lucian the Monk to be “assemblies of the people to attend upon the Earles [sic] Sword rather than the King’s Crowne [...] to heare, and determine the greatest matters with more liberty.”¹¹³ Such medieval assemblies of the people are depicted by historians of the seventeenth century as the barons of Cheshire in attendance of the earl at court, surrounded by the elite of the Church and the county. However, the special status of the County Palatinate also included the arrangement for the collection of taxes to be paid directly to the earl, known as the Mize, rather than the English Parliament’s fifteenth and tenths, and later the subsidy, paid to the Crowne: taxation of its people would surely be considered one of ‘the greatest matters’ in the Palatinate and therefore decided by its parliament.

An examination of Cheshire’s Mize as a system of taxation will follow in the next chapter, but for the purposes of this current discussion, it should be noted that on each occasion the Mize was to be exacted an assembly of the people was called: this is confirmed by an anonymous author early in the seventeenth century who argued that payment of the Mize would only be granted by “all the gentlemen of the Countrye” once their “auntient Liberties bee ratified and confirmed.”¹¹⁴ The anonymous author argues that withholding payment would present the king with “a true understanding of the state of the Countrye,” identifying the relationship between Cheshire and the Crown as both negotiated and conditional.¹¹⁵ Representatives of each Cheshire Hundred, presumably the gentry, were convened in the presence of a representative of the earl’s administration at the Exchequer in Chester. The assembly heard the tax to be exacted

¹¹³ Camden, *Britannia*, 602.

¹¹⁴ Anonymous (c.1603), “The Rights and Jurisdiction of the County Palatine of Chester, the Earls Palatine, the Chamberlain, and Other Officers; and Disputes Concerning the Jurisdiction of the Court Exchequer with the City of Chester, &c.” in *Remains Historical & Literary Connected with the Palatine Counties of Lancaster and Chester*, Vol.57 (Manchester: Chetham Society, 1856), 26.

¹¹⁵ Anonymous (c.1603), “The Rights and Jurisdiction of the County Palatine of Chester,” 26.

and conceded payment of the Mize on confirmation of their rights as Cestrians, and apportioned collection in accordance with local custom.¹¹⁶ In this document, the anonymous seventeenth-century author reminds the reader that Cheshire's "Auntiente Liberties" were confirmed by Elizabeth I's judges in 1568; perhaps this text was written to remind the new king, James I, of the county's expectations. Nonetheless, whatever the author's motive for writing, the document clearly argues for the presence of assemblies of Cestrians in Chester's seventeenth-century Court of the Exchequer, in the form first noted in the eleventh century by Lucian the Monk.¹¹⁷ I suggest that it is each of these assemblies, as representatives of the people at the court of the earl in the presence of the earl's representative, which throughout the seventeenth century continue to support the notion of the existence of an independent Cheshire parliament. Whereas, the existence of the parliament in Cheshire in the form of baronial assembly before the earl exactly as they are depicted by early modern authors and artists may be disputed, I argue that Cheshire's parliament nevertheless existed in the form I suggest. The records I have examined show that the imposition of the Mize and the distribution of responsibility for its collection and payment continued unaltered until at least 1742, and probably much later.¹¹⁸ Therefore, the effect of the existence of assemblies of the notable men of the county, held in the earl's Court of Exchequer in Chester from the time of the first earl until at least the eighteenth century to hear and debate the concession of the Mize, must contribute significantly to the notion of the existence of an independent parliament in Cheshire. The continued existence of Cheshire's parliament throughout the seventeenth century, therefore, contemporaneously reinforced the Palatinate's

¹¹⁶ Ibid., 26.

¹¹⁷ Camden, *Britannia*, 602: Camden's translation of Lucian's description of the assemblies.

¹¹⁸ MLHL C0000 00018 1572 *Mise and Tithe Book 1742* (Handwritten, unpublished): The existence of a parliament in Cheshire has been refuted by some historians as a fictitious assembly of artistic invention, but the evidence that assembly of the people of the county is required in the earl's court for the ratification of privilege and commensurate payment to the Crown is clear, and continued well into the eighteenth century.

place in the realm and its separation from England; the attitude of autonomy and independence of the inhabitants of the county; and the authority invested in the earl by the sword of dignity to provide all inhabitants of the Palatinate with liberties, rights, and freedoms in addition to those traditionally afforded by the Crown within the realm.

Therefore, although the sixteenth and seventeenth representations of the first earl in his parliament should not be considered wholly accurate as reproductions of the true eleventh-century gatherings, they represent an important early modern interpretation of the “tyme out of mynde” institution of Cheshire’s first independent parliament.¹¹⁹ Such representations would have been understood by contemporary audiences, not as representations of a defunct, historically significant institution, but as the forbears of the system of government and political and economic representation apparent in their own time: the warrant for which was granted by the potent and material authority of the Sword of the first earl secured in Chester’s castle. Publication of the images and descriptive text in printed works transmitted to early-modern audiences, both within and without Cheshire, not only what the history of Cheshire’s liberty and privileges had been, but what Cheshire’s liberty and privileges were.

Similarly, whilst it seems that Lucian the Monk’s words were not published until around four-hundred years after he wrote them, Camden’s desire to reproduce them does not indicate he is revealing an unknown past or unfamiliar present. Rather, Camden’s early-modern reliance upon Lucian suggests his acceptance of the commonplace accuracy of such first-person observations, made by a trusted source of a contemporaneously well-known Cheshire. Also, that in Camden’s opinion, such observations were equally compelling in his early-modern experience. Moreover, seventeenth-century author Thomas Fuller, whose work was posthumously completed and first published in 1657 by his son John Fuller, supports the

¹¹⁹ Anonymous (c.1603), “Rights and Jurisdictions of Chester,” 14.

argument that notions of an autonomous governmental structure endured in early-modern Cheshire. Fuller explains the principal differences between Cheshire and all the counties of England are that Cheshire's gentry are of "Numerousness not to be parallel'd in *England*," and that whereas in England "Records are written in the Common-law, *Contra Coronam & dignitatem Regis*, in this County they run thus, *Contra dignitatem gladii Cestrie*."¹²⁰ Moreover, he too reports his observations in the present tense. Clearly early-modern authors Camden and Fuller agreed a distinct exceptionalism existed within Cheshire's boundaries that was also known and accepted by those beyond the borders of the county itself. And, as Lucian has demonstrated, such exceptionalism was not a recent development in the characteristics of Cheshire and its inhabitants, but was common amongst them. Additionally, Lucian, who was himself not a native Cestrian, also establishes that Cheshire's distinctive exceptionalism seems to have been well-known abroad.¹²¹ As such, the analysis of these medieval and early-modern commentators enhances the veracity of the assertions made by the Cestrians of 1450, and demonstrates that Cheshire's exceptionalism was clearly apparent in the early-modern era.

Cheshire's privileged status developed out of necessity following William's Conquest of an underdeveloped English state. His desire to protect his English assets from Welsh invasion created the County Palatinate as a defensive strategy. Such protection came at the cost transference of royal power through the authority of 'the sword.' That measure enabled levels of provincial autonomy that effectively split Cheshire from the emerging English kingdom, and did so to provide a territorial buffer with its intendent local army between the Welsh princes and the English Crown. This, alongside Ranulph III's deteriorating relationship with the English regency of Henry III brought larger, stronger

¹²⁰ Fuller, *The History of the Worthies*, 171: "*Contra Coronam & dignitatem Regis*:" The dignity of the crown and king; "*Contra dignitatem gladii Cestrie*:" The dignity of the sword of Chester.

¹²¹ Faulkener, "Lucian's *De Laude Cestrie*."

defenses on the Cheshire-English border and increased the sense of an isolated earldom. The development of a Cheshire Magna Carta, fully adopted in 1218, codified specific customary practices peculiar to the county and reinforced the limitation of co-operation between Cestrians and the English, hardening the already distinctive political, fiscal, and judicial lines between the two parties within the realm.

Cheshire's claims to autonomy, and a decentralized government and judiciary became founded upon custom and memory beyond forgetting. The county's petition to Henry VI in 1450 demonstrates that by the fifteenth century a broad understanding existed within the county of the immunities customarily granted to Cheshire residents, and the inhabitant's determination to defend those liberties by demanding recognition of their rights by their earl. The petition of 1450 defended those rights traditionally granted by the earl of Chester by reminding the king of his dual responsibility as sovereign of England, and as sovereign of Cheshire. Moreover, the earl's response granting their continued immunities further reinforced Cestrian notions of exceptionalism.

The actions of Henry VIII to include representation for Cheshire in the English Parliament did not preclude the activities of the county's own system of autonomous government from continuing: the system of day-to-day government in Cheshire remained unchanged. Representation led to changes for Cheshire, but not the abolition of its administration or of its special status. Cheshire's autonomous administrations were subject to different rules of negotiation with the Crown, and were provided with exceptional privileges and immunities in return for services provided to the realm, or in later centuries for payment to their lord. Publications of the seventeenth-century have shown that the exceptionalism of Cheshire and its inhabitants was commonly accepted, and in many respects actively promoted. Thus,

seventeenth-century Cheshire retained its separation and distinctive rights and privileges through negotiation with the Crown and persistence of its customs. Therefore, Cestrians believed themselves separate from the rest of England, and the rest of England recognized them as such.

Chapter 2: Jurisdiction

In 1568, the case of Thomas Radford, who challenged his imprisonment and so the jurisdiction of the Chancery court in Chester, caused Elizabeth to instigate an investigation within the county.¹ On 2nd February 1568, Sir James Dyer, Chief Justice of the Common Pleas at Westminster arrived in Cheshire at the head of an investigative committee to look into the matter. His report to the Her Majesty on the 10th February stated that “the queen’s writ doth not come, nor ought to be allowed or used within the said County Palatine,” and so Radford’s grievance was to be settled locally before the ‘earl.’² The conclusion of the committee led Elizabeth to reconfirm the liberties, authority, and privileges of the County Palatinate:

Whereas we have been informed, that the Jurisdiction and Authority of Our County Palatine of Chester, hath been of late years empeached, by certain forraign Officers, upon pretence of a certain Jurisdiction, claimed by them with the Said County, contrary to the ancient Right of our Said County Palatine: Well minding to have our Said County preserved, in the ancient right thereof [...] And to the Intent, some good Order may ensue and continue hereafter, for the quietnesse, and for Justice within Our Said County Palatine.³

Whilst it is clear that in the 32nd year of his reign, Henry VIII did insist that the County Palatine’s parliament become subservient to the Crown, and thus required that knights and burgesses be

¹ Sir Edward Coke, *The Fourth Part of the Institutes of the Laws of England: Concerning the Jurisdiction of Courts* (London: W. Clarke, 1817), 212: Thomas Radford challenged the jurisdiction of the Chester court seeking the permission of the court at Westminster to have his case heard by the court of the Welsh Marches, or elsewhere.

² Coke, *The Fourth Part of the Institutes of the Laws of England*, 212; the anonymous author (c.1603), “The Rights and Jurisdiction of the County Palatine of Chester,” claims that Edward, Earl of Derby, sat in the earl’s court in Elizabeth’s stead and represented the earl in this time with no official incumbent. The officers of the Palatinate, the Chamberlain and Justiciar would normally represent the earl in Cheshire’s parliament or court, but perhaps this particular situation required an elite of particular standing.

³ BL Harley MS 1046 fo.129: “The Confirmation (or Charter) of the Liberties of the County Palatine of Chester, by our Sovereigne Lady Queene Elizabeth, Anno 1568;” also reprinted in King, *Vale Royall*, 12.

sent from the Palatine to his parliament at court, it is not clear whether and how notions of autonomy were modified by this inside the boundaries of Cheshire.⁴ Members were sent to the Commons to represent Cheshire, but not until the first parliament of Edward VI.⁵

Even before the charter of 1568, on 8th April 1562, Elizabeth had reconfirmed the charter that her grandfather, Henry VII, accorded to Chester in 1485 in which he granted “all ancient liberties to Chester.”⁶ Her grandfather’s charter formed the basis for the preservation of the county’s “peculiar immunities” in all of Elizabeth’s charters for the Palatinate: 1562, 1568, and then again in 1574.⁷ In each, Elizabeth thus granted the County Palatine’s independent jurisdiction in matters of law and exchequer within its borders, adding only that in matters concerning “error and treason” was the court and parliament at Westminster dominant.⁸ Elizabeth’s charter appears to have been fully functional in 1603, if the anonymous author is to be believed, and was reconfirmed by James I in 1604.⁹ Moreover, the functioning jurisdiction of Cheshire was reinforced when, on 23rd August 1617, James visited Chester and was presented with “a hundred gold Jacobins” and “delivered” the sword. The king returned the sword to the county once more: the chamberlain of the County Palatinate processed “the sword of state”

⁴ BL Harley MS 2009 fo.34: the other important point here is that the Henry recognised that Cheshire *did* hold a Parliament of its own.

⁵ Joseph Hemmingway, *History of the City of Chester from its Foundation to the Present Time; with an Account of its Antiquities, Curiosities, Local Customs, and Peculiar Immunities; and a Concise Political History* (Chester: J. Fletcher, 1831), 380-382. (Charts of members)

⁶ BL Harley MS 2009 fo.34v: Elizabeth confirms the liberties Henry VII had granted to the City of Chester and the County Palatine of Chester individually.

⁷ BL Harley MS 1046 fo.129; BL Harley MS 2009 fos.172 and 173; and as noted by Hemmingway, *History of Chester*, 255-261: in 1574 Elizabeth in-fact strengthened Cheshire’s autonomous legislature and judiciary by confirming in that Charter that Cheshire was a separate jurisdiction to the Welsh Marches.

⁸ BL Harley MS 1046 fo.129; Coke, *The Fourth Part of the Institutes of the Laws of England*, 212; Smith, *Vale Royal*, 14.

⁹ Municipal Corporations of England and Wales, “Appendix to the First Report of the Commissioners, Part III (London: House of Commons, 1835), 1483: This report details documents found in a chest in Clitheroe, Lancashire, containing documents and charters, amongst which is an “*inspeximus* and Confirmation of 2d James I [...] of the liberties of Chester;” Anonymous (c.1603), “The Rights and Jurisdiction of the County Palatine of Chester.”

before the king, accompanied by the mayor of the Chester, through the streets of the city.¹⁰ Thus, it seems that by his action of returning Cheshire's sword to the city, the king confirmed customary authority vested in Cheshire's administration through the sword, and reinforced the county's autonomous status within the realm within sight of the county's elite and many of its citizens. Moreover, it does not seem that at any point did the County Palatinate claim separation from the authority of the monarchy. Rather, the county's claims to autonomy and special status were made from within the realm with the recognition that their earl was subordinate only to the Crown. Nevertheless, for Cestrians, the realm was not the same entity as the country: Cheshire, and the County Palatinate, was the 'country.' Neither was their country the same as that governed by Parliament in Westminster.¹¹ Their 'country' was autonomous and separated from laws that governed the other counties of England, and at the same time they acknowledged their position as negotiated within the king's realm.

This legal particularism rested upon a distinct social pattern as well. The political society of Cheshire was somewhat different than those in the other counties of England, and this was crucial to Cestrian perceptions of autonomy and independence for their Palatinate. Significantly, Cheshire was not subsumed into the lands held of the Crown, rather the Palatinate maintained its distinct status as land held by the earl at the 'gift' of the Crown. If there were no royal heir to the earldom, or if the heir was too young to assume, then the Palatinate was administered under a

¹⁰ King, *The Vale Royall*, 215; Joseph Hemmingway, *History of the City of Chester*, 156: Hemmingway comments that "this is the last incidence of importance recorded" in King's accounts, although the lists of local official officers continue to be reported until 1655.

¹¹ "Severall Reasons Wherefore the Inhabitants of the County Palatine of Chester and Lancaster; As Also All Forreigners are now Prejudiced and Tyrannized Over, by Reason of the Pretended Privileges and Liberties of the Said County. So that the Condition of the Said County is Farre More Miserable, and in Greater Thraldome, than any Other County Whatsoever in the Kingdome" (London, E.E., 1645): An anonymous Parliamentary pamphleteer in 1645 denounces Cheshire's separate system of justice as prejudicial to both its inhabitants and those outside the county. In doing so, he demonstrates that Cheshire had an active and distinct system of justice separate from that of the Parliament in England, and that this particularity was recognized both inside and outside the Palatinate.

council of advisors headed by a lord-lieutenant appointed by the Crown. The advisors, tasked with the administration of the county, were usually appointed, not elected, from gentry resident within the county. The commission for the lord-lieutenancy was usually given to an absentee lord who abrogated his authority to local office-holders in Chester.¹² Even when a royal heir took the reins of the administration the practice and administration of absentee lordship continued.

Notably different for Cheshire, in addition to absentee lordship, was the absence of prominent members of the peerage and nobility: the most prominent members of Cheshire's society were local gentry.¹³ Knights and esquires topped both the social and administrative hierarchy in Cheshire, and although the county compared to others was awash with gentry, it seems that no one family rose to prominence within the Palatinate.¹⁴ Instead, as a survey by Tim Thornton suggests, the county was 'ruled' by thirty to fifty gentry families who possessed much of the county's wealth and administered most of its formal political structures.¹⁵ The administrative offices of the Palatinate, limited in number, were held by tenure for life; unlike other counties there was very little rotation within Cheshire.¹⁶ Of the 106 most prominent of Cheshire's gentry families resident by 1620, the ancestral origins of seventy-one could be traced back within the county to the thirteenth century or before, with at least five families rooted in Cheshire since Domesday.¹⁷ Of the thirty-four men who paid the top-level of tax in Cheshire's first Subsidy contributions of 1540, twenty-six of them had wives born in Cheshire, and over three-quarters of their daughters appear to have subsequently married Cheshire-men: "Better wed

¹² Thornton, *Cheshire and the Tudor State, 1480-1560*, 25.

¹³ *Ibid.*, 17-29.

¹⁴ King, *The Vale Royall*, 3; Fuller, *The Worthies of England*, 171.

¹⁵ Thornton, *Cheshire and the Tudor State, 1480-1560*, 29-31.

¹⁶ *Ibid.*, 25-27.

¹⁷ John Morrill, *Cheshire 1630-1660* (New York: Oxford University Press, 1974), 3: it is unclear whether Morrill refers to 'Cheshire's Domesday Roll' of 1224, thus created under earl Ranulph III, or the 'Domesday Roll' of 1086 created on the orders of William I. In either event, the ancestral roots of Cestrian gentry within the county represent longevity and stability. The five families: the Masseys, Venables, Mainwarings, Davenports, and Leghs.

over the Mixon than over the Moor.”¹⁸ Thus, it is clear that Cestrian roots in the Palatinate ran deep, but they also ran wide. Many branches with the same family origin, and a high proportion of inter-marriage, created networks of gentry influence and political culture that developed an autonomous and self-sufficient government within the Palatinate which separated Cheshire’s inhabitants, at least politically, from the world beyond its borders. With a small number of offices available within the county’s central administration it appears that large numbers of Cheshire’s gentry, almost seven times more than for other counties, participated by acceptance of commissions as collectors of taxes in the county.¹⁹ Other areas for wider participation of the county’s gentry included participation in the earl’s Parliament for the assessment of Cheshire’s tax, and as panelists for the courts of the Cheshire grand jury.

Cheshire’s gentry were active participants in the continual development of the Palatinate’s juridical system. Panelists comprised all strata of gentry-folk, with most panels representing a wide cross-section of Cheshire’s community.²⁰ Toward the end of the fifteenth century, Cheshire’s courts embraced a new development in late medieval legal procedure, the subpoena. By compelling the citizenry to attend the county’s courts, the jurisdiction of its Exchequer embodied the sovereignty of the earl in its courts. The court system in the Palatinate was innovative and vibrant, self-sufficient and driven to find modern and progressive enough solutions to provide local service to compete effectively with the legal jurisdictions of England’s courts.²¹ By blending the innovative and modern with the customs Cestrians expected, the

¹⁸ Thornton, *Cheshire and the Tudor State, 1480-1560*, 32: “In fact, approximately two-thirds of Cheshire gentlemen married Cheshire Women”; Fuller, *Worthies of England*, 174: “...wed over the Mixon” refers to the Cheshire custom of marriage “hard by,” or at home, rather than “over the Moor,” meaning from far away or perhaps London.

¹⁹ *Ibid.*, 25: in other counties, an average of 27 men were appointed to collect the Subsidy. In Cheshire 185 men were selected as collectors of the Mize.

²⁰ J.S. Morrill, *The Cheshire Grand Jury, 1625-1659* (Leicester: Leicester University Press, 1976), 6.

²¹ Thornton, *Cheshire and the Tudor State, 1480-1560*, 98-99.

Palatinate provided ‘national’ justice on a local stage. Cestrians need not go elsewhere to seek justice, their Palatinate provided full judicial satisfaction in their home county.

As the breadth of the political pool increased within Cheshire, it is apparent, that in the course of the sixteenth and into the mid-seventeenth century there developed an elite gentry community within the administration. As a county, Cheshire clearly adhered as much to local custom as it did to statute and law: the latter often being informed, if not formulated, by the former. One such Cheshire custom seems to have encouraged a breadth of involvement of lesser-folk in the counties affairs, more than is commonly found in the counties of England.²² Other gentlemen members of Cheshire’s society, those not afforded titles of status, rose to positions of service to the Palatinate: lesser gentry, lawyers, and the independently wealthy middling-sort.²³ But, as more people of lesser status rose within the county the elite gentry moved to accept king Henry’s reforms of 1536, introducing Justices of the Peace (JP) to the Palatinate for the first time: creating a distinction between themselves and lesser county gentry that may not otherwise have been apparent.

That this is the case may be seen in the large proportion of the most-wealthy Cestrians listed as JP on the 1540 assessment for the first Subsidy.²⁴ However, what is significant for our purposes is that such a distinction was felt to be necessary by those prominent men of the county because, by the first half of the seventeenth century, the political society of the county was in-

²² Morrill, *The Cheshire Grand Jury*, passim.

²³ Thornton, *Cheshire and the Tudor State, 1480-1560*, 27.

²⁴ Graham Arthur Kerby, “Inequality in a Pre-Industrial Society: A Study of Wealth, Status, Office and Taxation in Tudor and Stuart England with Particular Reference to Cheshire” (Ph.D. diss., Cambridge University, 1983), 527: Kerby provides figures for both Subsidy (Table 1a) and Muster (Table 1b) assessments that demonstrate that only 14% of county office holders were not assessed for tax, and of the 36 office holders only 1 was not also a JP. He also shows that 89% of the Commissioners appointed to the Subsidy in Cheshire over its duration were JPs, 70% of whom were assessed liability at the top rate for landed income (557, Table 39c). It seems that the leading members of Cheshire’s political society embraced rather than resisted the introduction of JP’s into Cheshire.

fact comparatively egalitarian.²⁵ It must also be recognized that Cheshire's central political and fiscal administrations were not distinct from that of the judiciary. Rather, many political, fiscal, and juridical mechanisms and policies were enmeshed under the auspices of the same groups of influential people, and so all were equally subjected to the same adherence to custom and precedent bourn by the sovereignty of the County Palatinate. Thus, the cumulative effect of a largely independent and autonomous governmental structure permeated through each strata of Cheshire's society. The existence of a powerful but largely absent earl; an inter-married and ancestrally rooted political community with a county administration dominated at its top-tier by a gentry-elite; and the wider participation of the lesser-gentry in the functions of the county's juridical and fiscal systems, created within the inhabitants of the Palatinate an expectation that the rights and privileges 'purchased' through their loyalty to their earl afforded them the luxury of independence from English parliamentary rule, and brought recognition of their 'country' as a separate jurisdiction within the realm. Cestrians knew their 'country' to be politically self-sufficient and distinct from England. Nonetheless, Cheshire's autonomous identity was created by the monarchy and the political culture within the domain of the English Crown, not separate from it.²⁶ Cheshire's existence as an autonomous Palatinate was understood at the centre of English politics.²⁷ Moreover, outside recognition ensured the development of an distinct community identity in the Palatinate that was strongly defended from encroachment upon what Cestrians saw as their sovereign rights and privileges.

²⁵ An example to illustrate this is found in Thornton, *Cheshire and the Tudor State 1480-1560*, 27: Thornton asserts that by 1625 the method of choosing panelists for Cheshire's grand jury was far removed from selection of a choice the most prominent or wealthy citizens of the county. Rather, selection was made from all qualified gentry, but on the basis of achieving a balance of representation between hundreds on the panel and the jury.

²⁶ Anonymous, *The Rights and Jurisdictions of the County of Chester*, 14-16.

²⁷ BL Harley MS 2009 fo.35r+v: a report to Elizabeth I by Sir James Dyer detailing the extent of Cheshire's autonomy.

Outside treason, error, foreign plea, and foreign voucher, in matters of criminal and civil law within the county the jurisdiction of the Palatinate was supreme. Cheshire's charter offered Cestrians protection from prosecution in other courts of the realm for crimes committed outside its borders. Crimes committed by Cestrians could only be tried in Cheshire's own courts.²⁸ Dyer's investigation confirmed to Elizabeth the autonomous status of the Palatinate's judicial authority.²⁹ Elizabeth's confirmation of Cheshire's liberties in 1574 removed one troublesome clause giving the mayor of Chester too much power in the county's courts, but settled what would become long-established immunities for Cheshire and its' inhabitants.³⁰ If charged, tried, and convicted of a crime by a court in another county, Cestrians had only to return to their homeland to have the convictions declared void. As the renowned early-modern jurist Sir Edward Coke explained, "if any [inhabitant] be pleaded, heard, or judged out of the said county palatine, the same is void," and thus made whole as "*coram non iudice*."³¹ Only in the case of error or treason could a Cheshire-man be held accountable "or compelled by any writ of proces (sic) to appear or answer any matter or cause out of the same county palatine."³² Consequently, I contend that sixteenth-century Cheshire was a place outside the jurisdiction of any other county justice system elsewhere, and even beyond the reach of the writ of the Crown, except for crimes committed against the Crown itself.

²⁸ Edward Coke, *The Fourth Part of the Institutes of the Laws of England; Concerning the Jurisdiction of Courts* (London: John Streater, Henry Twyford, Elizabeth Flesher, 1671), 211-215, cap. xxxvii.

²⁹ BL Harley MS 1046 fo.129.

³⁰ BL Harley MS 2009 fos.23-25v. It is also important to consider that as Queen, without an heir, Elizabeth commanded the county both as queen and 'earl.' There seemed to be no question in the minds of the county's administrators of her authority to act in the county – not so when the earl and monarch were separate, or as we have seen earlier in the reign of Henry VI. Perhaps the novelty of a long-reigning queen caused a temporary re-appraisal of roles.

³¹ Coke, *The Fourth Part of the Institutes of the Laws of England*, 211: "*coram non iudice*" - before they were judged.

³² *Ibid.*, 212.

Medieval and early-modern debtors too received protection in Cheshire from the demands of creditors adding to the atmosphere of liberty and privilege within the county. As Dyer noted in his report of 1568, the royal writ had not, and did not extend into Cheshire, “nor ought to be allowed or used within the said county palatine... the court of exchequer is, and by the time of antiquity and continuance... hath been the conservator of peace... and all other customes, commodities, and advantages pertaining to the jurisdiction of... the said county palatine of Chester.”³³ Collection of payment for any debt owed by an inhabitant of Cheshire was governed within the county by the laws of the Palatinate.³⁴ Traditionally, protection from criminal prosecution and against creditors, as it was afforded to the residents of Cheshire, was systemically established by more than one customary means which collided under one system: residents, new or established, could avail themselves of the protection afforded them under Cheshire’s Magna Carta, such as ‘Avowry’ or ‘Thwertnic.’³⁵

The use of avowries in history is little written about. The term is used in several articles examining medieval society in Wales, and a little in Cheshire, but only as a ‘passing comment’ without elaboration. Indeed, the most recent study of avowries I located dates from January 1914.³⁶ In this, R. Stewart-Brown, also notes the absence of other scholarly work on the topic to date.³⁷ Since that publication, little research discussing the use of avowries appears to have been conducted. Other more recent authors, who suggest a system of avowry may be present in the community of their research, provide Stewart-Brown as their resource but do not give more than

³³ BL Harley MS 1046 fo.129: “The Confirmation of the Liberties of Chester, 1568.”

³⁴ BL Harley MS 2009 fo.43v: “Of a Sanctuary-Way called the Vouryes, for Dettors: which is such a Priviledge, that a Man may goe all the Sayd County of Chester ouer, at Liberty, without any Interruption of the Law.”

³⁵ Stewart-Brown, “The Avowries of Cheshire,” *The English Historical Review* 29, no.113 (January 1914): 41-55: on pages 54-55 Stewart-Brown briefly explains the protection afforded by Avowry and Thwertnic, however his assessment of their effectiveness after 34 & 35 H.8 follows that of Harrod with whom I disagree; Harris, *VCH* (Vol.2), 4.

³⁶ Stewart-Brown, “Avowries,” 41-55.

³⁷ *Ibid.*, 41-55.

a cursory glance at avowry's presence and no explanation of its function or importance.³⁸

Amongst them, Barraclough (1953) suggests avowry as an early means to create an indentured army, whilst Harris (1979) notes that “[Cheshire’s Magna Carta] accepted the local customs known as ‘avowries’ and ‘thwertnic,’” but that still little is known about their derivation and use.³⁹ The plea of thwertnic was explicitly removed from Cheshire law in 1346 by the earl of Chester, Edward the Black Prince, because “this custom...is the origin of trouble and destructive to peace.”⁴⁰ And yet, the development and use of a system of avowries seems to be a crucial component to understanding Cheshire’s medieval and early modern inhabitants, and their notions of their autonomy and independence within the realm.

Avowry is part of the legal action of Replevin. The legal definition of Replevin is a procedure by which goods are seized or distrained as surety for a non-payment of debt but are restored to their owner whilst the outcome of an action to discover the rights of each party are decided.⁴¹ Petitions for Replevin, or “Replevye,” appear throughout the records charting the history of Cheshire. In each entry, the action refers to the distraintment of land, livestock or goods for the payment of rental arrears.⁴² An avowry acknowledges through a declaration by the lender

³⁸ For example: Harris, *VCH* (Vol.2), 4, 29, and 35 (a total of 5 lines of text); Barraclough, *The Earldom and Palatinate of Chester*, 24; Carr, “Gwilym Ap Gruffydd and the Rise of the Penrhyn Estate,” 16: Gwilym was the “*rhglaw* of Dindaethwy from 1408 until his death,” which means he was the keeper of the avowries for the Prince.

³⁹ Barraclough, *The Earldom and Palatinate of Chester*, 24: Barraclough supplies little analysis of avowry but simply repeats the conclusions of Stewart-Brown who, as we read above, based his assertions on the conclusions of Harrod; Harris, *VCH* (Vol.2), 4.

⁴⁰ R. Stewart-Brown, “Thwert-ut-nay and the Custom of 'Thwertnic' in Cheshire,” *The English Historical Review* 40, no. 157 (January 1925), 20.

⁴¹ Edward Coke, *The Reports of Sir Edward Coke, Kt. [1572-1617]: In English, Compleat in Thirteen Parts, with References to All the Antient and Modern Books of the Law. Exactly Translated and Compared with the First and Last Edition in French, and Printed Page for Page with the Same. To which are Now Added the Pleadings to the Cases, Parts 9-10* (London: E. & R. Nutt, and R. Gosling, 1727), 20-23v.

⁴² The Deputy Keeper of the Records, *Register of Edward The Black Prince: Part III (Palatinate of Chester), 1351-1365* (London: Her Majesty’s Stationery Office, 1932), 210 (fo.112d-113): In this example, the prince provides avowries contested in Chester bailiwicks to be returned to the duke of Lancaster by replevin so that the business of the jurisdiction can continue uninterrupted until his return to England to settle the matter; *Catalogue of the Harleian Manuscripts in the British Museum with Indexes of Persons, Places, and Matters*, Vols. 1-4 (London: House of Commons, 1808), *passim*: many examples of petition for replevin from Cheshire.

that the debtor has right of ownership of the property, but that the lender, or plaintiff, has sufficient cause to distrain the property in lieu of payment, if not sufficiently made by the owner.⁴³ However, the *Oxford English Dictionary* recognizes the medieval origin of the English derivative of the Latin *advoeria*, and adds to our understanding that avowry is “(also) a person responsible for providing ... protection (or perhaps: the payments made to ensure this).⁴⁴ The latter is as it is found in the earl of Chester’s accounts kept by the chamberlain of Chester beginning in the fourteenth century, where the meaning of avowry is clearly that of ‘patron’ or ‘protector,’ but for a fee.⁴⁵ Therefore, whilst such action remains available today, the current definition of avowry does not incorporate the protective elements available to Cheshire’s medieval or early modern claimants.

The system of Avowry in Cheshire has its roots in its close social and cultural contact with Wales. Stewart-Brown argues that avowries in Wales began as a tribal custom before the kingdom of Mercia was formed. The system required any new-comer who required the protection of the lord, for whatever reason, must seek “to place himself in the avowry” of the lord within three days of his arrival. If he remained longer than three days without doing so, his goods and assets would be seized and forfeit to the lord. If, however, he negotiated an avowry-rent with the keeper of the avowries, usually for a small yearly payment of between 1*d* and 4*d* plus other obligations to the upkeep of the lord and his system, the new-comer received the protection of lord from prosecution for previous offences or debts.⁴⁶

⁴³ Coke, *Reports of Sir Edward Coke*, 20-23r; The Law Dictionary, s.v. “Avowry.” <https://thelawdictionary.org>

⁴⁴ “Advowry,” *Oxford English Dictionaries*, Oxford University Press. [https:// premium-oxforddictionaries.com.uml.oclc.org/us/definition/English/ad](https://premium-oxforddictionaries.com.uml.oclc.org/us/definition/English/ad) (accessed December 12, 2017).

⁴⁵ Stewart-Brown, “Avowries,” 42: he indicates that the word appears many times in the earl’s accounts during the fourteenth and fifteenth centuries.

⁴⁶ Stewart-Brown, “Avowries,” 42-43.

Following the Conquest, the Norman earls encouraged the system of avowry to attract people to settle in Cheshire. Stewart-Brown argues those who came from outside the county would, the earls assumed, have few links to the Welsh or the ancestral ties of Cheshire's inhabitants, and therefore provide a force of disinterested parties for protection of England's border.⁴⁷ Of course, however, the reason individuals sought the protection of avowry should also be considered. I suggest that people seeking avowry of the earl are effectively seeking 'sanctuary' from England, and therefore are as likely to protect their new homeland of Cheshire from incursion by the English as they might from any other foe.

After an untroubled residence of a year and a day in the County Palatinate, newly avowed received the earl's permanent protection for life. The avowry was inheritable, and as such passed the protection of the earl, for the same annual payment, to the heirs of the avowed upon death.⁴⁸ As Lucian the monk noted, Cestrians are "by a certaine licentious liberty, bold in borrowing many times others men goods (sic)."⁴⁹ The nature of avowry in Cheshire was developed to provide shelter and protection for new inhabitants from prosecution for previous wrongs committed outside the county. But, it seems from Lucian's description, avowries may also have provided a way for Cheshire-men to leave the county to raid other's goods, and return to the safety of the Palatinate and protection from prosecution for their crimes. Once the avowed had completed the necessary residency period without incident, if they subsequently committed a crime outside the county and were pursued at home, the earl's representative would stand in defense of the accused.⁵⁰ And, as we have previously learnt, the law in Cheshire prohibited the trial of Cheshire-men outside their county. Therefore, the system of avowry engendered a

⁴⁷ Stewart-Brown, "Avowries," 42-43.

⁴⁸ Stewart-Brown, "Avowries," 42.

⁴⁹ Camden, *Britannia*, 602.

⁵⁰ Stewart-Brown, "Avowries," 42.

distinct division between the inhabitants of the earldom of Chester, both new and established, and the rest of the English kingdom. Whilst cash and tribute payments were required for life, for those facing prosecution elsewhere, actions like those of earl Ranulph III building a defensive castle at Beeston may have emphasized the separation and security of Cheshire from England. Moreover, such visible expression of strength would likely engender a distinctive spirit of autonomy, and loyalty to their new lord and the Palatinate. Even as, in the thirteenth century, Cheshire's Palatinate and the Principality of Wales became annexed to the English Crown, the county administration maintained independence by procuring negotiated tax settlements and juridical autonomy within the realm, and through the person of its earl.

Following the enactment of Act of 34 & 35 R. Henry VIII in 1543, historians have concluded that the system of avowry was abolished in Cheshire.⁵¹ For each of the historians in this small survey, however, such a definitive conclusion appears to be founded solely upon the work of Stewart-Brown as the only recognized authority on the avowries of Cheshire.⁵² Yet, I argue that whilst following the Act it may have become more difficult to seek the sanctuary of avowries, an absolute cessation of the practice may not have been accomplished, and for his part, Stewart-Brown seems far from fully convinced that the decline of the avowry was complete:

⁵¹ BL Harley MS 2009 fo.34: The Change made by 34 & 35 Henry VIII has been interpreted to have abolished the security of avowry once and for all in 1543. This idea may, in part, be attributed to the description of the Act in Harleian Catalogues description: "How the protection of debtors in Chester came to be abolished." However, reading of the document indicates that the item that the item referred to as curtailed by the Act is that of the common practice in Cheshire when a debtor of the county would go to the Exchequer at Chester and swear an oath to repay his debts as and when he could. The system of advowry is mentioned, but the Act specifically states that permission by the king should be sought in future before entering into an agreement for advowry. Thus, I suggest that advowry was not abolished by the Act but was licensed and probably far more difficult to obtain.

⁵² For example: Harris, *VCH* (Vol.2), 4, 29, and 35 (a total of 5 lines of text); Barraclough, *The Earldom and Palatinate of Chester*, 24; Carr, "Gwilym Ap Gruffydd and the Rise of the Penrhyn Estate," 16: Gwilym was the "*rhglaw* of Dindaethwy from 1408 until his death," which means he was the keeper of the avowries for the Prince; Barraclough, *The Earldom and Palatinate of Chester*, 24: Barraclough supplies little analysis of avowry but simply repeats the conclusions of Stewart-Brown who, as we read above, based his assertions on the conclusions of Harrod; Harris, *VCH* (Vol.2), 4..

“The end *seems* to have come in 1542” (my emphasis).⁵³ However, his research does not continue past the point that the Act took effect, and so the data is incomplete.

Stewart-Brown declares that the system of avowries was “still alive and effective in Cheshire until well into the sixteenth century.”⁵⁴ He suggests that by 1536-7 there were ninety men who were paying avowry-rent; this represented a considerable income for the earl.⁵⁵ However, this also represented a significant reduction in the number of avowed since its peak in 1302-3, when almost three-thousand men paid avowry-rent in Cheshire.⁵⁶ But, he argues, by the sixteenth century the only people for whom the protection of the earl through avowry represented an attractive opportunity would be either those in dire need through poverty, or those who had committed a crime.⁵⁷ Thus, he argues that as the system had become a haven for debtors and malefactors, it had naturally ‘out-lived’ its purpose. This he supports by reference to Harley MS 2009 fo.187, in which Randle Holmes has noted that within Cheshire, “[t]here is a liberty and a privilege like unto a sanctuary way...which is called the Vouryes,” for which any debtor may apply.⁵⁸ However, as Stewart-Brown initially argues that to offer protection to such persons was the partial intention of the system, this seems a somewhat dubious conclusion to draw.⁵⁹ Moreover, that the numbers of avowed paying avowry-rent had declined to such an extent leads one to question if the method of recording payments to the accounts had diversified for the categories of payments received. For, if the system of avowry was no longer such a significant mechanism in the protection of the criminal sort, why would the Crown seek to curtail its use?

⁵³ Stewart-Brown, “Avowries,” 54.

⁵⁴ Stewart-Brown, “Avowries,” 52.

⁵⁵ Stewart-Brown, “Avowries,” 51.

⁵⁶ Stewart-Brown, “Avowries,” 50-51.

⁵⁷ Stewart-Brown, “Avowries,” 54.

⁵⁸ BL Harley MS 2009 fo.43v; Stewart-Brown, “Avowries,” 54: the folio for this document has been moved and renumbered since Stewart-Brown visited, this manuscript reference is as I give it BL Harley MS 2009 fo.43v.

⁵⁹ Stewart-Brown, “Avowries,” 42.

The Acts of 32, and 34 & 35 R. Henry VIII were primarily legislation for the assimilation of Wales, and if, as I argued above the system of avowry in Cheshire had its roots in Welsh custom, it is interesting to note that the custom and protection of avowry also seems to have continued past the Acts of 1543 in Wales, and also to have been recognized as a legitimate legal concern by seventeenth-century residents of the English county of Shropshire, or Salop as it was then known. Writing toward the end of his years, narrating seventeenth-century community life from his native parish of Myddle, Richard Gough explains that Welsh raids across the river Perry into his parish to steal cattle were common-place, and that if a Welshman “got over the Bridge with stolen cattell, they would cry, “*ptroove* mine owne,” and nothing more could be done.⁶⁰ Therefore, I suggest that it is the independent nature of the Cestrian which is the target of these Acts. The same Acts incorporate an attempted change to the Parliamentary system for Cheshire, and both actions represent a concerted effort by the Crown to curb the autonomy claimed by the county’s inhabitants, and to enforce the collection of the subsidy upon the Palatinate.

However, just like Coke, the anonymous author of 1603, and the narratives of Gough, Camden, King, and Fuller, it must be recognized that Randle Holmes was commenting upon a system he saw as active. Writing in the early seventeenth century, Holmes noted that “[t]here is a liberty and a privilege like unto a sanctuary way...which is called the Vouryes,” not that there *was* a system of avowry in Cheshire.⁶¹ The Acts modified the application process for grants of avowry by adding another level of bureaucracy: a special warrant was needed to grant the petition.⁶² Thereby, I argue, the process was thus curtailed, not abolished. Moreover, original

⁶⁰ Gough, *Antiquities and Memoirs of the Parish of Myddle, County of Salop*, 27: Richard Gough was born in 1634, and was 66 when he began writing this journal, taking him the first six years of the eighteenth century (1700-1706). Thus, as he wrote about his experiences from the mid or late seventeenth century I have claimed him for the seventeenth century. He died in 1723.

⁶¹ BL Harley MS 2009 fo.43v.

⁶² Parliamentary Archives, HL/PO/PU/1/1542/34&35 H8n25: Public Act, 34 & 35 Henry VIII, ch. xiii.

grants of avowry were hereditary, and so descendants of the avowed granted protection before 1st October 1543, the date the added bureaucracy became necessary, presumably continued to pay their avowry-rent and so received the protection of the earl: "...*which* is such a Priviledge, that a Man may goe all the Sayd County of Chester over, at Liberty, without any Interruption of the Law." ⁶³

Thus, although more research into the system of avowry is required, it seems likely that the exceptional immunities offered by avowry remained active in early seventeenth-century Cheshire, if only by the continuing status of those already avowed. The autonomy of Cestrians was emboldened by such independent measures, and the ineffectiveness of the Acts of 32, and 34 & 35 R. Henry VIII in curtailing autonomous activity in the government and peoples of early-modern Cheshire is apparent. Parliamentary representation had brought with it an obligation of participation in matters beyond the Lyme. But, under Elizabeth, and the subsequent early Stuart monarchies, Cheshire's pre-existing rights and privileges were maintained. Dyer's report to Elizabeth reinforced Cheshire's autonomous boundaries, which were subsequently reconfirmed by the charter and actions of James I on his visit to the county. Such boundaries included the Palatinate's continued exemption from payment of 'national' taxes. And, as we shall see, Cestrians extended those boundaries further by the elaborate methods they deployed within their county to successfully minimize the local effects of the Crown's subsidy, ensuring notions of Cheshire's autonomy were maintained well into the seventeenth century.

⁶³ BL Harley MS 2009 fo.43v; "Severall Reasons Wherefore the Inhabitants of the County Palatine of Chester and Lancaster; As Also All Forreigners are now Prejudiced and Tyrannized Over," 2-3: the anonymous writer of confirms that to pursue a debt from a Cestrian in a court outside Cheshire, when one enters Cheshire to recover the debt the ruling will not stand. Or to seek redress from Cheshire's courts against a Cestrian, if one is a foreigner to Cheshire then the court in Chester will not pursue the conviction. Thus, the protections afforded to Cestrians are known both inside and outside the county, and seemingly active at the time of the pamphlets writing in 1645: as the writer seeks to end the practices of the courts in Chester which he sees as tyrannical and unjust, such practices must be thought to be in current use - one does not seek to abolish that which has already been abolished.

Chapter 3: Taxation

The ability to raise and collect taxes forms the basis of a legitimate government. At no point does Cheshire claim separation from the legitimate government of the English monarchy. Rather, the political administration and inhabitants of the early-modern Palatinate of Cheshire place themselves securely within the realm of the Crown. It is from the authority of the English Parliament, and thus from the exactions of its taxes, that Cestrians seek to distance both themselves and their county in the Tudor and early Stuart kingdoms by exertion at every opportunity of the rights and privileges afforded the Palatinate by their lord, the earl of Chester.

The work of three principal authors, Michael Braddick, Roger Schofield, and Tim Thornton provide detailed analysis of the strategies and effects of central government's taxation policies for the early-modern Tudor and Stuart monarchies.¹ Braddick assesses the nature of taxation and local administration in seventeenth-century England, with an emphasis on the comparison of the effect of government taxation policies on the counties of Norfolk and Cheshire, and local responses to them. Schofield and Thornton explore the Tudor period: Schofield in systematic detail addresses the taxation policies of the Tudors and provides detailed analysis of each tax introduced and comments on Tudor fiscal experimentation and innovation. Thornton's analysis is an examination of Cheshire's political, economic, and social history as a County Palatinate during the Tudor monarchies. Less technical than Schofield's analysis, Thornton's periodization is more elastic, and although his title suggests his chronological endpoint is 1560, he consistently continues his analysis into the mid-seventeenth century on

¹ Michael Braddick, *Parliamentary Taxation in Seventeenth-Century England: Local Administration and Response* (Rochester, NY: Royal Historical Society (Boydell Press), 1994); Roger Schofield, *Taxation Under the Early Tudors, 1485-1547* (Oxford: Blackwell Publishing, 2004); Thornton, *Cheshire and the Tudor State*.

many topics. They are here, however, not upheld as unquestionable voices of authority, rather as springboards for further discussion.

Braddick explores disputes over taxation in seventeenth century England. As examples in the first chapter demonstrated, pre-Tudor taxation directed dispute and antipathy of the taxed against the central English Parliament. Several attempts by Westminster to bring Cheshire into the taxation fold were waged unsuccessfully by Parliaments of late medieval monarchies. Primarily, they were unsuccessful because each monarch supported Cheshire's position under its rights and privileges.² Following Henry VIII's introduction of the Subsidy, focus for the ire of the tax-payer shifted to localized administrations, at least for the portion of taxes the Subsidy represented.³ Braddick argues, that before the changes to taxation policy of the 1640s, assessment did not generally provoke dispute between the locality and central government. Rather, assessment and collection of the Subsidy was constructed so that disputes were locally made and fought, and arbitrated by central government.⁴ However, Braddick privileges the outcome of the Civil War by projecting onto all pre-Civil War communities the concept of "national government," or the English Parliament, as progenitor of requests for the Subsidy. I argue, it may be more appropriate to consider the relative success for introduction of the Subsidy to Cheshire was because Cestrians did not consider it a demand originated by the English Parliament, but rather as a directly negotiated agreement with the Crown.

² BL Harley MS 1046 fo.127: *The Supplication of the Inhabitants of the County Palatine of Chester, to King Henry VI for the due Observance of their Ancient Liberties and Immunities*: The king's reply discussed in previous chapter; BL MS 2009 fos.40-1: an unsuccessful attempt by Parliament to circumvent the king's original ruling on Cheshire, including "The sheriffs returne of the writt of resumption abovesayd." The king supported Cheshire's position and insisted his original response stand; BL Harley MS 2009 fo.154: Henry VII reinforced the privileges of the Palatinate in 1506 by a charter making the city of Chester a Palatinate within the Palatinate of Chester. Thornton, *Cheshire and the Tudor State, 1480-1560*, 74: Under Richard II Parliament attempted taxes in Cheshire several times, most notably those of 1379 and 1383.

³ Braddick, *Parliamentary Taxation in Seventeenth-Century England*, 116-117.

⁴ *Ibid.*, 277.

Schofield places the administration of the Tudor court at the centre of taxation in England, suggesting that Parliament is the tool by which the Crown seeks to achieve its fiscal desires. He briefly discusses exemptions from the various forms of taxation applied. However, his focus is the general effectiveness of the taxation on a national scale. Like Braddick, Schofield privileges the notion that the polity of England was whole and complete, with exemptions from Parliamentary taxation treated as mere anomalies.⁵ However, my approach is far from understanding exemption as anomaly, but as constitutional right and privilege under the realm that those exempted believed as exemplars of their individuality and distinction from the communities of England: not from *other* communities of England, but from England and its communities.

Thornton's analysis of Cheshire in the Tudor period extends several discussions beyond his chosen chronological end-point of 1560 and into the reigns of the early Stuarts. In blending the approaches of Braddick and Schofield, Thornton explores the resistance of Cestrians to the challenges made upon its independent tax status, provides some insight into the origins and longevity of the Mize as a deferential payment to the new earl of Cheshire, and describes the moment when Cheshire finally succumbed to 'national' taxation as other historians traditionally have. In concert with Schofield, Thornton argues the Tudors were the pivotal dynasty for English taxation. He asserts that the statutes of 32, and 34 & 35 Henry VIII, and the moment of enfranchisement for the county in 1543 presented new challenges of adaption for Cheshire. However, unlike Schofield, he agrees with Braddick that much central authority of government radiated not from the Crown, but from the English Parliament in Westminster. He concedes, however, that Coke's "uncompromising support for the Palatinate," extended from Elizabeth's

⁵ Schofield, *Taxation Under the Early Tudors*, passim: anomalies of exemption are discussed throughout, more specifically 58-70, with further discussions in chapters 5 and 9 on the political limitations of taxation.

reign deep into James's, describing Cheshire as "the most ancient and most honourable County Palatine remaining in England at this day," reveals an "easy tension between centralised monarchy and territorial autonomy."⁶ Thus, to Coke and contemporary commentators like Elias Ashmole, Daniel King, and Thomas Fuller, and the anonymous seventeenth-century author of *Rights and Jurisdictions*, Cheshire's status as an autonomous and sovereign territory was secure within the early-modern composite monarchy of the early Stuart kings.⁷

Unlike their early-modern counterparts on the Continent, the English lower classes were somewhat isolated from central government exactions in the form of direct taxation. As Noel D. Johnson and Mark Koyama have shown for France, the commonality of the middling-sort or peasantry in other European countries bore the burdens of taxation for their elite masters.⁸ Yet, whilst excused from the assessments themselves, the elite might resent government exactions that created an over-encumbered peasantry unable to keep-up their seigneurial obligations: "The seigneurial tax regime increased overall tax incidence and made resistance to royal tax increases greater."⁹ In England it was the wealthy gentry classes that are recorded as having traditionally borne the responsibility of taxation,¹⁰ but as Cestrian gentry paid less English taxes than most others, perhaps that partly explains their reluctance for the Civil Wars: the concerns of England did not apply there.

⁶ Thornton, *Cheshire and the Tudor State, 1480-1560*, 255-256.

⁷ Sir Edward Coke, *The Fourth Part of the Institutes of the Laws of England: Concerning the Jurisdiction of Courts* (London: W. Clarke, 1817); Elias Ashmole, *Elias Ashmole (1617-1692): His Autobiographical and Historical Notes, His Correspondence, and Other Contemporary Sources Relating to His Life and Work*, ed. C.H. Josten (Oxford: Clarendon Press, 1966); King, *The Vale-Royall*; Fuller, *The History of the Worthies*; Anonymous (c.1603), "The Rights and Jurisdiction of the County Palatine of Chester."

⁸ Noel D. Johnson and Mark Koyama, "Tax Farming and the Origins of State Capacity in England and France," *Exploration in Economic History* 51 (January 2014): 1-20.

⁹ Johnson and Koyama, "Tax Farming and the Origins of State Capacity in England and France," 8.

¹⁰ H.R. Trevor-Roper, "The General Crisis of the Seventeenth-Century," *Past and Present* 16, (November 1959):50.

Cestrians protected and defended their rights and privileges vigorously. In the previous chapter, we noted that Harrod perceived the *Supplication*, presented in 1450 by representatives of Cheshire's gentry to England's king Henry VI in his capacity as their earl, as a defence of their purses.¹¹ To some measure Harrod's assessment was correct in that any form of levy necessarily made demands on the household-exchequer. But, as we also noted, to Cestrians central government's imposition of the subsidy represented more than a fiscal offensive alone. Rather, an order for taxation to be levied and applied in Cheshire originating from a Parliament outside the county, struck at the heart of the privileged and autonomous status Cestrians perceived for their 'country.' The county's exceptional exemption from England's fifteenths and tenths taxation provided protection from an assault on the purses of individual inhabitants, but also represented the bulkhead of their separation from England and its Parliament.

Since before the creation of its first earl, Hugh Lupus in 1070, Cheshire's independent and autonomous status did not expect or require the county to be represented in the king's Parliament at Westminster: therefore, the county was immune from the burden of ordinary parliamentary exactions. Thus, the county's special tax status was one of the benefits it reaped from its position as a Palatinate. Following the annexation of the earldom to the Crown in 1237, and in the absence of a first-born son, that meant Cheshire's relationship was directly with the king in his capacity as their earl. Thus, Cestrians did not easily suffer the interference of an intermediary Parliament at Westminster. Cheshire's inhabitants had their own administration, judiciary, and Parliament which answered directly to their lords, the earl and his king, and through which they continually exerted their autonomy and independence from England's parliamentary government: this is especially visible through Cheshire's negotiations with central government over taxation. Nonetheless, following Cheshire's attachment to the lands passed to

¹¹ Harrod, "Defence of the Liberties of Chester," 74.

Edward of Carnarvon as the first English Prince of Wales, the lineage of the earldom passed to distant royalty: there began a tendency for absentee earls to envisage Cheshire solely as a source of income.

In March 1300, Edward I had “confirmed and amplified” England’s Magna Carta. Later that same month the king reconfirmed the liberties provided for Cestrians by Cheshire’s own distinctive Magna Carta, which Cestrians came to treat as their county’s “constitutional guarantee.”¹² Cheshire’s earl from 1333 to 1376, Edward ‘the Black Prince’ centralized his government of the County Palatinate in Westminster, visiting the county only twice, leaving its administrative care in the hands of his ministers.¹³ Under the stewardship of his ministers the Prince’s exactions of revenue from the Palatinate grew large – for example, £5,000 were ordered paid on 10th September 1353, to “the prince at Cestre by the commonalty of the county of Cestre”¹⁴ – leading to the “great rebellion of 1353.”¹⁵ As rebellion in the county soared against the infractions of their liberties, the prince sent an “Order and strict injunction to Sir Bartholomew de Burgherssh, ‘le filz,’ justice of Cestre,” to quell the “disturbance which was in the county and foster the peace [...] under heavy penalties [...] punishment to be inflicted on them as an example to others.”¹⁶ The Black Prince’s exactions as an absentee earl had caused

¹² Baraclough, *The Earldom and County Palatine of Chester*, 22.

¹³ M.C.B. Dawes, ed., *The Black Prince’s Register: Part III, 1351-1365, Chester* (London: H.M. Stationery Office/Public Record Office, 1932), 111 fos.59d-60: On 26th June 1353, a letter from London in which the prince states that he has been “earl of Cestre for a long time, but has never yet come there in person,” is sent to his administrators in Cheshire. He has resolved to visit the Palatinate to preside over the administration of a general eyre for “Cestre and Flynt.” It is this eyre which Cestrians negotiated into a “common Fine” of £5,000. Note: all monetary amounts provided in-text as direct quotations from sources will be given in the unitary modes as provided in the original. However, the monetary amounts given are only significant by direct comparison of their relative value, not their specific monetary values, so to keep such value relative, and for the sake of simplicity, all values not directly quoted from the source are denoted in-text by the common symbol ‘£.’

¹⁴ Dawes, ed., *The Black Prince’s Register: Part III, 1351-1365, Chester*, 115 fo.61d.

¹⁵ Baraclough, *The Earldom and County Palatine of Chester*, 23.

¹⁶ Dawes, ed., *The Black Prince’s Register: Part III, 1351-1365, Chester*, 129 fo.69: The prince’s order is recorded as sent from London on November 7th, 1353; Baraclough, *The Earldom and County Palatine of Chester*, 23: Baraclough states that there were two further revolts in Cheshire against the activities of central government, in 1391 and 1393, in which Cestrians defended their customary rights and privileges.

Cestrians need to re-exert their traditional rights and privileges, but also demonstrates the precarious constitutional position the autonomous County Palatinate presented. Peace returned to the county, but without representation in Westminster's Parliament the inhabitants of Cheshire had been forced to exert their customary rights and privileges for themselves. Nonetheless, this appears to be an arrangement readily suited to the temperament of medieval and early-modern Cestrians, and one which they would repeatedly apply and not relinquish fully until almost the mid-nineteenth century.

The broad imposition of taxes that one might consider 'national taxation' began in England in the early part of the thirteenth century. By the mid-fourteenth century the tax had become established as the fifteenths and tenths, but as Cheshire was not represented in Westminster's Parliament the county was not included in the writ.¹⁷ However, whilst Cestrians avoided the imposition of general English parliamentary taxation, they did not escape payment of all taxes. As part of its medieval administration under the earl, Cheshire began its own system of assessment and collection known as the 'Mize.' The first documented assessment for a Mize in Cheshire is recorded as applied in 1346, by which the county granted the Black Prince £1,000 toward the expenses of "furthering the king's war."¹⁸ This appears to be the first time a common 'Cheshire-only' tax had been assessed upon the inhabitants of the Palatinate. Before this time, rent from the lands of Cheshire held in demesne by the earl, or king as earl, along with collection of fines, dues for charters, pardons, and licenses, appear to constitute the primary forms of income for the earl, and the principal regular financial obligations of Cheshire's inhabitants.¹⁹

¹⁷ Thornton, *Cheshire and the Tudor State, 1480-1560*, 63.

¹⁸ M.C.B. Dawes, ed., *The Black Prince's Register: Part I, 1346-1348* (London: H.M. Stationery Office/ Public Record Office, 1930), 67 fo.57: in this document, the prince acknowledges the grant from Cestrians.

¹⁹ Harris, *VCH* vol.2, 18-23: Harris discusses the "Exchequer of Chester" and the earl's sources of income.

This tax was different from previous fiscal responsibilities imposed upon the residents of Cheshire in that it applied only within their county, but also in that it applied to all.

The first evidence I have for the imposition of the 1346 Mize occurs on 7th April 1347, as the prince sent thanks to “all the prince’s subjects and the commonalty of the county of Cestre ...for the 1,000*l.* which they lately granted him of their free will.”²⁰ However, no payment is recorded as having been collected for this first Mize by the time of his message, at which the prince “marvel[led] that, although the terms for payment of the said sum were fixed ... and some of the terms have passed, no part of the sum has yet been levied or paid.”²¹ Clearly, non-payment was in fact the principal reason for the prince’s communication, and which he ended by encouraging Cestrians to “make the remaining payments at the terms agreed on without delay or excuse.”²² He would be further disappointed for the rest of 1347, and probably perpetually on this account. Harris argues that by April of 1348 that it appears that Cestrians had begun to pay.²³ However, Thornton suggests that the Mize of 1346 failed to raise revenue, and that a forest eyre was assessed to make up the shortfall.²⁴ Following the prince’s expression of disappointment in April, and that the assessment of 1346 is not mentioned again in the *Register*, Thornton’s suggestion may have merit. Further, that the general eyre of 1353 was negotiated between

²⁰ Dawes, ed., *The Black Prince’s Register: Part I, 1346-1348*, 67 fo.57.

²¹ *Ibid.*, 67 fo.57: The prince’s rebuke for Cestrians of 7th April 1347, explains that the details and schedule for payment were agreed in the presence of his representatives Sir Peter de Gildesburgh and Sir William de Sharesull who he notes “were in the county on this and other business.” From several entries in the *Register* it appears preparations were being made for the visit of Sir Peter and Sir William to Cheshire throughout most of 1346, with many items of business noted to be held over for their attention at a later date. They probably arrived in Cheshire on Sunday 13th November 1346, as on the 8th November (29, fo.35) they are noted to arriving on Sunday next. Therefore, I suggest that November 1346 is when Cheshire’s first Mize was granted.

²² Dawes, ed., *The Black Prince’s Register: Part I, 1346-1348*, 67 fo.57.

²³ Harris, *VCH* vol.2, 23.

²⁴ Thornton, *Cheshire and the Tudor State, 1480-1560*, 63; Dawes, ed., *The Black Prince’s Register: Part I, 1346-1348*, 134 fo.123, 137 fo.125, 139-140 fo.127d: 26th October-1st November 1347, three entries which prepare the way for the forest eyre and other business of the prince. The original ‘Mize’ demand of £1,000 is not mentioned here and I have not found it to be so in the *Register* again. However, as we shall see below, I think that although the forest eyre was demanded by the prince it too was not paid, and perhaps not even assessed at the county level. It also appears to be the first such forest eyre recorded for Cheshire.

Cheshire's gentry and the prince's administrators to become a 'common fine' or 'Mize' of £5,000, the largest single grant made in the history of the Mize, indicates a certain degree of displeasure on both sides.²⁵ These negotiations also represent a significant moment in the advent of the Cheshire Mize, and in the exercise of the county's autonomy.

The derivation of 'Mize' is unclear. Interestingly, the National Archive's glossary for taxes notes only that the 'Mise' was a "sum of money collected from the inhabitants of a [Welsh] lordship," and that such was applied "on the entry of a new Prince of Wales:" Cheshire is not mentioned.²⁶ Whether this first exaction in Cheshire by the Black Prince, Prince of Wales and Earl of Chester, would be known by contemporaries as the Mize (or sometimes Mise, or Myse) is uncertain. In records of complaint, the exactions upon the commonalty by the prince were also described as a "fine," "common fine," and "composition."²⁷ However, 'Mize' was certainly later in common use to describe the taxation imposed upon the county by Cheshire's earls.²⁸ Moreover, the adoption of 'Mize' as a common epithet for the localized tax is perhaps another indication of the influential effect proximity to Welsh society had upon Cestrians. For the grant provided the prince by the county in 1353, the large sum of £5,000 which led to the Great Rebellion, the prince set the parameters for assessment at "20s. of land, rent or chattels," so that "the mean men, and especially the prince's tenants, be not overcharged as they have been before."²⁹ Nevertheless, there are records of orders to "John de Delves, lieutenant of the justice of Cestre," in which he is charged by the prince to investigate "the record of erroneous

²⁵ Dawes, ed., *The Black Prince's Register: Part III, 1351-1365*, 113 fo.60d.: the agreement is first noted here.

²⁶ NA E 179 Database, "Glossary," s.v. "mise."

²⁷ Dawes, ed., *The Black Prince's Register: Part III, 1351-1365, Chester*, 115 fo.61d: this example is the order for assessment which describes the exaction as a "fine;" "common fine" is found in 172 fo.90d; "composition" is found in 165 fo.87; "composition (mise) is found in 146 fo.78d.

²⁸ For example: CRO DDX 43/43 "Order to the Constables of Raby to gather the Mize due to the Queen and due last Mid-summer," (16th century credentials for officers to collect the Mize); CRO ZCR 63/2/5/2 "Assessments for a Mize 1 Feb. 1560/61" (Loose sheets, 7-38).

²⁹ Dawes, ed., *The Black Prince's Register: Part III, 1351-1365, Chester*, 115 fo.61d: dated 10th September 1353.

process...assessed at unreasonably heavy sums as their contribution to the composition (mise) of 5,000 marks granted to the prince in the county of Cestre,” and so by this time the descriptive ‘mise’ is connected to assessments for the Palatinate.³⁰

That common taxation should be thought by Cestrians as an abhorrent innovation is exemplified by resistance to the imposition of the first Mize; resistance to the tax appears in the first instant from the county’s administration. That the tax was resisted in the Palatinate may be unsurprising for such an instrument, novel to its inhabitants: they had not received any such demand previously as they were “not part of the ‘national’ bargain of taxation and consent that was central to the late medieval English polity.”³¹ However, the Mize was demanded of them directly by their lord, and the assessment for the apportionment of the tax was placed locally in the hands of the “Justice of Cestre or his lieutenant” and the chamberlain.³² Thus, it seems that Cheshire’s first and only hopeful defence was to do nothing. The prince in his letter of 7th April 1347, was perturbed that six months after the Mize had been agreed “no part of the sum has yet been levied or paid:” it seems, the administration in the county had not applied the tax.³³

Harris contends that by 1352-3 the “sums demanded from each hundred in the county had by that time become fixed by tradition.”³⁴ However, as Harris incorrectly argues that the Mize of 1346 was paid, he also incorrectly assumes that the earlier assessments for each hundred were necessarily complete. The evidence he presents to support his assumption dates not from 1346, but from a subsequent mize-book which follows the hundred-by-hundred allocation for the burden: the first surviving mize-book is dated from 1406. Although the mize-book does list the apportionment of the sums to be paid by each hundred, Harris has assumed that the ratio applied

³⁰ Ibid., 146 fo.78d. The date given is 20th February 1354.

³¹ Thornton, *Cheshire and the Tudor State 1480-1560*, 63.

³² Dawes, ed., *The Black Prince’s Register: Part III, 1351-1365, Chester*, 115 fo.61d.

³³ Ibid.

³⁴ Harris, *VCH* vol.2, 23.

in 1406 and used for subsequent assessments, was derived from the Mize of 1346, or perhaps the forest eyre of 1347. Additionally, to support his assertion he presents detail from “a document” from 26 Edward III which he dates from 1352-3.³⁵ However, the Inquisition of “Buckelowe and Northwych” to which he refers was enacted in 26 & 27 Edward III, dating this evidence from 1353-4.³⁶ Thus, the enactment occurs following the announcement of the general eyre by the Black Prince, and its negotiation into a “common fine,” not before as Harris suggests.³⁷

Moreover, it seems apparent from the prince’s communique of 10th September 1353, that he considered the tables for apportionment of liability to the tax for “the commonalty of the county” were too favourable to the rich; thus, they were not yet fully entrenched in custom.³⁸ Edward ordered that the county administration ensure that “the great men and rich of the county, of whatsoever condition they may be, be charged with a proper proportion” of the assessment.³⁹ Whilst the order by the prince may at first seem to be seeking protection of his poorer subjects, it is more likely that the admonishment to the justice and chamberlain “to supervise the assessment” was one of practical application: those with the funds available to pay are more likely to do so and to swell the coffers of the prince accordingly.⁴⁰ Additionally, the Great Rebellion of 1353 also indicates that payment of the Mize was, as yet, far from entrenched in the

³⁵ Harris, *VCH* vol.2, 24; Thornton, *Cheshire and the Tudor State, 1480-1560*, 64, also states, “the relative size of the sums paid by the hundreds in 1352-3 was the same as that in the first surviving mise book (1406).” However, he bases this assessment on the evidence of Harris in *VCH*, and his reading of NA CHES 38/25/2, which is a ‘record’ of the “Assessment of Broxton temp. Edw. III” for 25 Jan 1327 – 21 June 1377. However, this last is a record that appears to have been created in retrospect in 1444, perhaps seeking to establish the customary nature of the assessment at that time.

³⁶ *Twenty-Eighth Annual report of the Keeper of Public Records on the work of the Public Record Office and the report of the Advisory Council on Public Records, 1867-1869*, vol. 28 (London: Her Majesty’s Stationery Office, 1867), 54.

³⁷ The respite for the general eyre was formal recorded in Chester, 18th August 1353. Unfortunately, to poor a little more salt on Harris’s wounds, the following day the “eyre of the forest...for the comfort of his people, [the prince] granted them respite of the said eyre,” and so, as there was no other grant of a forest eyre made since 1347, it is safe to assume that Cestrians had not paid that eyre either.

³⁸ Dawes, ed., *The Black Prince’s Register: Part III, 1351-1365, Chester*, 115 fo.61d.

³⁹ *Ibid.*

⁴⁰ *Ibid.*

customary practices of the Palatinate. However, the complexities of the negotiations for the payment agreed in 1353 brought about a significant revolution for taxation within the Palatinate, and consolidated notions of autonomy for the inhabitants of Cheshire. Thus, the levels of payments required seem to have been established for future Mize assessments by the apportionment of the prince's "common-fine" of 1353.⁴¹ The Mize would become the customary instrument of exaction in the county, but one which would be used to great advantage by the government and inhabitants of the Palatinate in future negotiations with the government of England.

How the earl's new common taxes were received, assessed, and applied within the Palatinate provides examples for how inhabitants perceived their autonomous status within the realm: they did not pay the common taxes of the English Parliament, and so the earl's novel exactions required the establishment of new protocol for the county's administration. The Mize might best be styled as a form of localized 'subsidy,' as the request for its assessment was infrequent and irregular, and the administration for its collection was established anew on each occasion.⁴² However, unlike later subsidies imposed on the English counties by Parliament, the Mize was not a national tax. English Parliamentary subsidies were assessed at the behest of that parliament, whereas, at least initially, the levels of each assessment for the Mize were dependent on the whim or requirements of the earl. Each Mize was not accepted as imposed, but was

⁴¹ Dawes, ed., *The Black Prince's Register: Part III, 1351-1365, Chester*, 122 fo.65: dated 20th September 1353, the payments are here stated to be agreed to be made "in equal portions at Easter and Michaelmas during the next four years." This allows five years for the administration in Cheshire to establish framework for assessment and to appoint collectors, following the guidelines established by the prince in his earlier communications of 18th and 19th August (112-113 fo.60d.) and 10th September (115 fo.61d.). Future Mizes of £3,000 were collected over three years.

⁴² CRO ZCR 63/2/5/1; ZCR 63/5/26; ZCR 63/2/30; ZCR 63/2/35; MLHL C0000 00018 1572 *Mise and Tithe Book 1742* (Handwritten, unpublished): Mize books were often used for several assessments and contain entries spanning several decades. Many contained lists of named collectors appointed and listed possible future collectors, and often 'Myse' tables with calculators for the burden of tax per hundred/township/person for use by subsequent collectors. Despite these attempts to codify the burden, each subsequent collector appears to use his own methodology, and many construct a new table and instructions demonstrating how he has 'perfected' the system for the "ease" of future collectors.

‘requested’ by the lord, either as the earl or monarch, and on each occasion the Mize was negotiated between the parties until it was either refused or granted by Cheshire’s Parliament. That this was the case is demonstrated in several ways, including, as we have seen with the prince’s efforts to introduce direct common taxation into Cheshire, by the fact that the amounts or timetable for payments sought by the lord were not accepted by the county without negotiation. This may have been because the inhabitants were initially mindful of suffering the detrimental repercussions of the establishment of new customary practice that might leave their county liable to regular county assessment, or open the door to national taxation. On each occasion, Cheshire exacted from the lord a reciprocal confirmation of its rights and privileges, and maintenance of its exemption from English parliamentary taxation. The varied tactics of negotiation, refusal, non-payment, or acceptance prevented claims to customary practice and so enabled county administration to maintain claims to autonomy expected by its populace. However, by the beginning of the fifteenth century, the reign of Henry IV, the levels of assessment for the Mize in the county had become set at £3,000, paid by six collections over three years.⁴³

However, this is not the whole story. The Mizes imposed on the Palatinate were not the king’s taxes, they were the taxes imposed by the local lord. If, as was often the case for the earldom, the earl also happened to be the king or that the earldom was vacant because the monarch had no male heir, then the taxes raised in Cheshire were requested and paid to the monarch in his or her capacity as earl.⁴⁴ Cheshire’s situation has been previously explained as the

⁴³ Thornton, *Cheshire and the Tudor State, 1480-1560*, 64: Thornton states that the Mize became set by 1401, at the start of Henry IV’s reign; BL Harley MS 1046 fos.129-131v, indicates that the payment was the same in 1568 as it was in the reign Henry III (r.1216-1272). In any event, the level of the Mize remained the same at least until Charles I became earl, confirmed in the seventeenth century by Anonymous (1603), *The Rights and Jurisdictions of the County of Chester*, 26.

⁴⁴ Elizabeth I, for example, appointed the earl of Derby as her lord-lieutenant to act as her representative as earl in Cheshire. Derby oversaw the administration of the county and sat in its parliament in her stead. However, Elizabeth,

last remnants of a feudal system,⁴⁵ but I argue that this belittles the power vested in the privileges and autonomy ‘purchased’ by Cestrians: “The enjoying of which liberties within the said County Pallatine wee preave that the Inhabitants of the Said County of Chester have paid and must pay rightfully at the change of every owner of the Said Earldome 3000 marks called a mize.”⁴⁶ From the moment that the first earl was presented with the Palatinate Cestrians paid for their autonomy from England through service or assessment. That this remained the situation in Cheshire, even for long periods where they negotiated their privileges directly with the monarch, indicates that that liberty held the respect of the Crown.

Thus, the Mize in Cheshire was considered a common payment made for the grant and confirmation of the liberties and privileges of the Palatinate. As such, it may have been locally justified as a payment to the lord for his protection of the autonomy afforded locally to the county’s administration, and seen as a replacement for armed services earlier afforded to England by Cestrians. Under the custom of the county, the Mize could only be granted to the earl once Cheshire’s Parliament had agreed to its assessment and collection: this is clearly stated in the *Supplication* of 1450 and *The Sheriff’s Returne*, Cheshire’s reply to the second challenge to the county’s exemption to taxation by the English Parliament, in 1452.⁴⁷

Although they remained unrepresented in England’s Parliament, as Thornton has demonstrated, there were several attempts in the fourteenth and fifteenth centuries to fashion newer methods of taxation that would include Cheshire. In 1435, innovation by the English

not Derby, provided the county’s rights and privileges and received the county’s Mize: Anonymous (c.1603), “The Rights and Jurisdiction of the County Palatine of Chester,” 11-27.

⁴⁵ Barraclough, *The Earldom and County Palatine of Chester*, 23: he describes the system of Mize in Cheshire meant that the Palatinate was simply a “new feudal” source of supply.

⁴⁶ BL Harley MS 1046 fo.131v, is a copy of the confirmation of Cheshire’s rights and privileges in 1568 by Elizabeth I.

⁴⁷ BL Harley MS 1046 fo.127: *The Supplication of the Inhabitants of the County Palatine of Chester, to King Henry VI for the due Observance of their Ancient Liberties and Immunities*; BL MS 2009 fos.40-1 “The sheriffs returne of the writt of resumption abovesayd:” the authors clearly state that no new taxes or changes to taxation in Cheshire can be approved without the consent of the county’s Parliament.

Parliament to assess income tax on individuals of the county was dismissed in a letter from a baron of the Chester exchequer, and the city's chamberlain, as wholly unacceptable to the people of Cheshire, as they "be not in purpos nor wil that the said leue shuld be maad among hem for asmoch as thei say it shuld be ayenst here ffranchise and libertees," and so they refused to pay.⁴⁸ The claims made on Cheshire in 1450 by the Parliament of Henry VI, discussed in the first chapter, stand as a further example of the Westminster Parliament's persistence.⁴⁹ Likewise, Cestrians' continued refusal to accept the imposition of the English government's novel approaches to taxation is exemplified by the arguments made by Cheshire's fifteenth-century petitioners against the validity of the writ: they simply would not stand for an encroachment on their customary liberties and privileges, let alone their purses. As interesting, however, are the contradictory reactions of both the king and his Parliament to Cheshire's refusal to accept central government's policies.

Following Henry's ruling in favour of Cheshire's petition on 8th March 1451, Parliament attempted a new course of action: all royal grants from the current reign were to be annulled from the start of the previous parliament.⁵⁰ This meant that all petitions granted by the king since 6th November 1449 would be overturned, the original writ of 1450 which enraged Cestrian resistance to Parliament's attack on its privileges would be expunged, and thus the king's agreement with Cheshire quashed. As part of this new initiative, Parliament sought to again have

⁴⁸ Thornton, *Cheshire and the Tudor State, 1480-1560*, 74: (from PRO [now NA], E 28/56/5); Harris, *VCH* vol.2, 24: Harris argues that the inhabitants did in fact pay, but as a direct grant (a Mize) of 1,000 marks to the king. Either way, they did not submit to the Subsidy.

⁴⁹ BL Harley MS 1046 fo.127: *The Supplication of the Inhabitants of the County Palatine of Chester, to King Henry VI for the due Observance of their Ancient Liberties and Immunities*.

⁵⁰ BL Harley MS 2009, fos.40-1, "A writte of resumption of honors castles etc. by force of an act of parliament in the county pallatine of Chester 6 September 30 Henry 6," this contains a writ from the Westminster Parliament to extend into Cheshire the writ of the Parliament for royal grants, apparently to resume ownership for the king of all lands and properties otherwise the property of the earl, and to extend Parliament's assessment of taxation into the county. This document clearly represents the actions of a Parliament seeking to attain redress for Cheshire's rebuttal of its earlier attempts to exact taxes from Cheshire's inhabitants.

the royal writ extended into Cheshire and thereby, once more, made a direct attack on the privileges of the Palatinate: seeking to assess Cheshire by the same taxes as applied in other parts of the kingdom.⁵¹ However, on this occasion, to attempt to overcome the county's resistance, Parliament arranged meetings within the county on "a hundred-by-hundred basis."⁵² Thornton suggests that government probably assumed that smaller assemblies in the localities might be more easily persuaded.⁵³ However, whilst agreeing this may be so, I propose that the Parliament at Westminster also sought to delegitimize the authority of Cheshire's Parliament by circumventing the processes of government within the Palatinate. Nonetheless, the county mounted a spirited defence of its liberties once more, raising more than one petition in response.⁵⁴ Not least, a petition from the representatives of Macclesfield hundred declared to the visiting officials that "the county was not subject to English legislation," and any changes to the privileges of the Palatinate "should be considered by a sitting of Cheshire's own Parliament."⁵⁵ Macclesfield's reply is consistent with the reply in the *The Sheriff's Returne* and with two assertions I present: that the Palatinate did, in fact, maintain procedures for a legislative assembly of its own, a Parliament in Cheshire to meet in a place designated by the earl or his representative, distinct from the English Parliament in Westminster; and, that by declaring themselves not "subject to English legislation," Cestrians did not represent themselves as

⁵¹ Ibid: this writ contains a list of all other areas of England, Ireland, and Wales over which Parliament claims jurisdiction and urges that Cheshire should comply with the *talem actum* (act of resumption) of the king's writ. I have assumed by this that Westminster's Parliament were seeking to revoke the transmission of regal power invested in the earl of Chester through the 'Sword of Dignity,' removing Cestrian's direct relationship with their lord or king, and thus to reduce the status of the Palatinate to that of 'ordinary' English taxpayers.

⁵² Tim Thornton, "A Defence of the Liberties of Cheshire, 1451-2," *Historical Research* 68, no.167 (October 1995), 339: this article also contains a reprint of BL Harley MS 2009 fos.40-1 in the original Latin which appears to agree with my own photograph of the same.

⁵³ Thornton, "A Defence of the Liberties of Cheshire," 339.

⁵⁴ BL MS 2009 fos.40-1 also contains Cheshire's answer to the government's writ, "The sheriffs returne of the writt of resumption abovesayd."

⁵⁵ Thornton, "A Defence of the Liberties of Cheshire," 339, 346 n.41: Thornton explains that Macclesfield's response is found in BL Harley MS 2155 fo.32v (Not reproduced). I have not viewed this document, but rely on Thornton's analysis here.

English. For its part, the actions of the Westminster Parliament, taking the circuitous route of undertaking meetings with local assemblies in an attempt to ‘divide-and-conquer’ Cestrian resistance, I suggest, acknowledges the strength of collective authority held by Cheshire’s Parliament. Nevertheless, despite his Parliament’s attempts to undermine Cheshire’s autonomy, the king insisted that his accord with Cheshire should endure, and that all grants provided by him before 25th March 1451 remain intact.

Cheshire’s mid-fifteenth-century exchange with the English Parliament, and with their earl and king, superficially a squabble over taxes, was one in which all parties recognized the larger constitutional matters at stake. From this, it is clear that there are more complex relationships at play in the early modern government of the country, than the view of England as a single polity under the influence of a central authority. As we have seen from the historiography in earlier chapters, the traditional view explains the kingdoms of the established monarchical government in medieval and early modern England as coming together first as a coherent kingdom within a composite monarchy, and eventually as the centre of a Great British State.⁵⁶ However, whilst this may have been the overarching agenda at Westminster, the reality seems to be that a much more complex and layered system of government existed. The relationship between the Crown and the County Palatinate was immediate. As an earldom, Cheshire and its inhabitants had a direct connection with their lord.

Taxation formed a critical communication link between Cestrians and their lord. As we have seen, the earl’s first attempt to impose a common tax for the Palatinate apparently was not paid – it may not have been applied at the local level by the county administration. Moreover, the

⁵⁶ Russell, *The Causes of the English Civil War*; Brendan Bradshaw and John Morrill, eds., *The British Problem, c.1534-1707: State Formation in the Atlantic Archipelago* (New York: St. Martin’s Press, 1996); Tim Harris, *Rebellion: Britain’s First Stuart Kings, 1567-1642* (Oxford: Oxford University Press, 2015); Hughes, *The causes of the English Civil War*.

way in which the levels for future exaction were calculated and applied within the Palatinate created customary practices that contemporaneously indicated and sustained Cheshire's fiscal independence from the rest of England as a right and privilege, and as a Cestrian obligation. As argued in the previous chapters, Cheshire's seventeenth-century autonomy was a product of Cestrians' cultural adherence to the authority of custom and memory: the obligation to assert custom to protect the inhabitants of Cheshire from all outside intrusion is one which we have previously seen represented by the county's systems of Avowry and Thwertnic.⁵⁷ Thus, identifying the moment Cheshire's internal assessment mechanisms and levels of burden applied to the Mize were established is significant: fourteenth-century valuations would become the customary basis for all future assessment in the county for five hundred years or more.⁵⁸ It is that obligation to maintain Cheshire's distinct and autonomous status within the realm that I argue carried forward to the authors of Cheshire's declarations of neutrality during the seventeenth-century English Civil Wars. Therefore, understanding the powerful significance and practical application of the ideas of custom and memory in early modern society is crucial. Cheshire's early-modern inhabitants believed themselves to be living in a detached and autonomous county because the application of custom and immemorial memory in their everyday lives told them so.

That the Mize played a crucial role in the maintenance of Cestrian autonomy is evident. Although by the fifteenth century the level of the Mize granted on accession of a new earl had been fixed at £3,000 payable over three years, taxes granted as a Mize were collected for a variety of other reasons: the first Mize was granted to the Black Prince as a negotiated settlement of £5,000 to avoid enquiries into the actual wealth within the county by means of a general eyre.

⁵⁷ See chapter 2 for a discussion of Avowries and more on the *Supplication* of 1450.

⁵⁸ Harris, *VCH* vol.2, 67-68: The county quarter sessions in 1815 were empowered to replace the Mize with the new system of land and property taxes 'rateable value.' However, the proportion of the overall assessment remained unaltered as the Mize until 1821.

Later Mizes were granted for restitution, or payment of fines: following the Mize of 1401, made for the accession of Henry IV in 1399, confirming the county's status as a Palatinate, another Mize of £3,000 was granted the king in 1406 as a fine for Cheshire's involvement in the failed Percy rebellion of 1403. The rebellion saw Cestrians take up arms against England in support of Edmund Mortimer, 5th Earl of March, and Owain Glyndwr, proclaimed as 'Prince of Wales' by the Welsh.⁵⁹ An extra grant of £1,000 was made to Henry V in 1419, and the same to Henry VI in 1430 for a visit to France.⁶⁰ The grant of accession to the earldom for Henry VII in 1486 was negotiated with a clause that if Henry's queen was pregnant with a male heir, then the current grant would be transferred to the child: that the "said mise 'myght stonde for the myse which shulde be graunted to the said prince, and also for this myse nowe graunted to the Kynggez Highnez."⁶¹ A request for a subsidy in 1491 was not granted, but on accession to the earldom in 1500, Arthur received a grant of £3,000 in his own right and another £1,000 negotiated by the county for removal of a general eyre threatened upon the county by his father.⁶² After Arthur's early death, prince Henry received his grant of the Mize, and another in 1517 on his succession to the throne of England to confirm the rights and privileges of the Palatinate, which was the last

⁵⁹ Richard II, in 1397, had elevated the status of the Palatinate to a Principality, and had styled himself as the Prince of Chester. Shortly after Richard's defeat by Henry Bolingbroke in 1399, the status of the county was restored to that of a Palatinate: that the king did not take this opportunity to reduce the status of the Palatinate to a mere county demonstrates the regard and respect with which the Palatinate was held, and its significant position within the kingdom. However, it is also indicative of Cestrian loyalty to Richard, and of their distinctive understanding of their place within the realm. It could also be, they joined with forces against the English Crown, because they saw themselves not as English, but as part of the Marcher community. Percy, Earl of Northumberland had joined forces with Mortimer and Glyndwr to defeat Henry and to divide the country into three parts, one for each. They were defeated at Shrewsbury by superior English forces in 1403; *Thirty-Sixth Annual report of the Keeper of Public Records on the work of the Public Record Office and the report of the Advisory Council on Public Records, c.-1301*, vol. 36 (London: Her Majesty's Stationery Office, 1875), 411-412: 18th June 1408, this gives details of the grant of £3,000 to be paid by Cestrians imposed by Henry, Prince of Wales (later Henry V), the for the king's pardon; Lacey Baldwin Smith, *This Realm of England, 1399-1688*, 8th ed. (Belmont, CA: Wadsworth, 2001), 11-12.

⁶⁰ Harris, *VCH* vol.2, 24.

⁶¹ *Thirty-Seventh Annual report of the Keeper of Public Records on the work of the Public Record Office and the report of the Advisory Council on Public Records, c.-1544*, vol. 37 (London: Her Majesty's Stationery Office, 1876), 201.

⁶² Harris, *VCH* vol.2, 24: subsidy not granted; *Thirty-Seventh Annual Report of the Keeper of Public Records*, 96: Appointments for gentlemen to collect a subsidy on 1st June 1501, and 12th June 1502, and 1503, for the same bill in subsequent regnal years beginning 16&17 Hen.7.

grant of a Mize from Cheshire in Henry VIII's lifetime.⁶³ Following Henry's death, as Cheshire's custom dictated, Mizes were subsequently granted to each of the Palatinate's new owners: to Edward VI in 1549, Mary I in 1553, and Elizabeth I in 1560. James I received a grant in 1605, and others for Prince's Henry and Charles followed in 1612 and 1617 respectively, and for Charles' son Charles in 1630. Therefore, although Cestrians were immune from direct fixed yield taxation of the English Parliament, they were not excused demands for 'taxation' made upon them directly by their lord.

Nonetheless, the Mize set Cheshire apart from other counties. The Mize was negotiable, and so represented a line of communication directly to between the county community and the earl's council, thus to the earl himself. If the earl also happened to be the monarch, that meant a direct line of communication with the Crown that circumvented the English Parliament. The county community was represented by Cheshire's Parliament, and it is clear from the examples of the *Supplication* and petitions to the Crown discussed earlier, that Cheshire's Parliament held the power to negotiate, decide, and legislate taxes for the Palatinate. Mizes were not collected unless authorized by Cheshire's Parliament, and as we have seen, this much was apparent to observers of the county through to the seventeenth century.

The autonomy of Cheshire's Parliament is clearly demonstrated by their use of their ability to authorize a Mize as a tactic of negotiation. That such a tactic might work is a clear demonstration that such privilege was crucial to the distinctive communal identity of Cheshire's inhabitants, but also of the Crown's respect for the power that privilege and community granted to Cestrians: militarily, or otherwise, Cheshire could have been forced to pay the taxes that the English Parliament imposed, but it is evident that they were not. Moreover, that the Crown accepted the stipulation that the Mize granted in 1486 for Henry VII's accession be translated to

⁶³ Thornton, *Cheshire and the Tudor State, 1480-1560*, 65.

one for his soon to be first-born son, signals the extent of Cheshire's privileged position in the realm. The Palatinate's refusal of the grant of a Mize in 1491 for Henry's war with France further demonstrates resistance in Cheshire to capricious demands for taxation by central government.⁶⁴ Some of Cheshire's gentry participated in the Henry's continental conflicts, but the numbers were few and do not represent a force in lieu of the refused Mize.⁶⁵ However, Cheshire was a minnow negotiating with a shark. Henry knew the Palatinate's autonomous rights and privileges were crucial to the identity of its inhabitants. Consequently, Cheshire's subsequent negotiation of Arthur's grant of a Mize, plus £1,000, in exchange for release of the county from the threat of a general eyre, is reminiscent of the deal previously struck with the Black Prince. Henry's call for an eyre contained a veiled threat to Cheshire's autonomy and imperilled its advantageous relationship with England by threatening to dismantle the Palatinate. Recalling the position of the Palatinate at the time of the Black Prince when "he reteyned & bound the whole Countie to himselfe," the document warned that it was not decided "whether the Prince shall retaine all the Countie to himselfe onely or not:" Arthur had had his Mize in 1486, but Cheshire's Parliament knew what was needed to maintain the county's status, and negotiated a settlement.⁶⁶

It has been important, therefore, to establish the fourteenth-century roots of customary practice within Cheshire regarding the implementation of the Mize. The grant of 1353, although remote in time, is crucial to understanding Cheshire's continuing exceptional exemption to English national taxation after 1543, and the county's actions at the onset of Civil War in the seventeenth century. To do so will recognize the substantial level of autonomy exerted by Cheshire's inhabitants: Cestrians did not passively accept the imposition of taxes. Rather, using several strategies to exert their autonomy, they negotiated payment in return for rights and

⁶⁴ Thornton, *Cheshire and the Tudor State, 1480-1560*, 178.

⁶⁵ *Ibid.*, 167.

⁶⁶ *Ibid.*, 186.

privileges specific to their county. Therefore, understanding of the specific events that led to the creation of special taxation for Cheshire, and of the rights and privileges Cestrians associated with the negotiation of the Mize, is important for understanding commonly held notions of independence and autonomy that persisted within the county certainly until the mid-seventeenth century, and perhaps until the nineteenth century. Thus, the extent of Cheshire's exemption to 'national' taxes is equally important to establish.

England's 'national' taxation, the fifteenths and tenths, produced a fixed yield based on the value of moveable goods, and was first imposed in 1332.⁶⁷ Roger Schofield has demonstrated that during the Tudor period, for example, the yield for the fifteenths and tenths was £31,100 and varied by only +/- £60 for any given collection during the reigns of Henry VII and Henry VIII.⁶⁸ However, my research has shown that although the average yield for the fifteenths and tenths can be shown to be fixed, there are other means by which the income expected could be controlled or manipulated to suit government need or circumstance. I suggest each imposition of the fifteenths and tenths should be considered as a unit of tax. Each unit can be collected individually, or they may be divided or combined to decrease or increase the expected burden. For example, in the period from June 1413 to December 1421, ten and one-third fifteenths and tenths were imposed: this is a period of eight years, and so for each application of the tax either one or two units were

⁶⁷ NA E 179 Database, "Records Relating to Lay and Clerical Taxation." In this discussion only the fifteenths and tenths, the Subsidy, and the Mize will be discussed as forms of taxation. There are many other mechanisms by which central government might impose taxes on the country – such as forced loans, subsidies, feudal aid, poll-tax, ship-money, and so forth. However, each of these 'extraordinary' taxes were negotiated and imposed according to individual circumstances, and while important, for the purposes of this current discussion are outside the purview of this thesis.

⁶⁸ Schofield, *Taxation Under the Early Tudors, 1485-1547*, 174: Schofield does admit to some larger variation in "special circumstances," but argues that the reputation of the tax as a fixed yield has been demonstrated through his analysis.

imposed, with one and one-third imposed in October 1419.⁶⁹ The next time the fifteenths and tenths were imposed after 1421 was 1429, another gap of eight years, and one unit was demanded: this contextualises the flexibility within the fixed yield.⁷⁰ Although the yield itself may be relatively fixed, the incidence of the tax may be manipulated to provide flexibility and fore-planning to be integrated into the mechanism to best suit the requirements of the government. Such manipulation may not include an increased level of payment for each levy, but would assure a relatively steady supply of reliable income. Many multiples of the fifteenths and tenths might be imposed in the same statute: for the imposition of 1597, six fifteenths and tenths were levied; in 1601, Elizabeth's last imposition was for eight fifteenths and tenths, whilst James' first levy in 1606 was for six. Thus, in a span of only nine years, twenty fifteenths and tenths were imposed on the population.⁷¹

Between 1346, the moment at which Cheshire received its first ever demand for common-taxation in the county, and 1540, the first subsidy payment agreed by Cestrians, the 'national' taxation of fifteenths and tenths was levied seventy-six and two-thirds times. From 1540, until the last demand for the fifteenths and tenths was made in 1624 (for three units), a further fifty-nine units of the tax were levied 'nationally.' Cheshire, however, made not a single payment toward any of these demands for payment of the English Parliament's common-taxes –

⁶⁹ NA E 179 Database, "Records Relating to Lay and Clerical Taxation," E 179/103/50 – E 179/136/131: these records isolate documents related to the collection of the fifteenths and tenths in the counties of England between 1400 and 1450 – Neither Cheshire or Chester are named in any.

⁷⁰ Ibid.

⁷¹ NA E 179 Database, "Records Relating to Lay and Clerical Taxation," E 179/101/127 – E 179/146/454: these records isolate documents related to the fifteenth and tenths in the counties of England between 1597 and 1624 (there are no fifteenths and tenths raised after 1624 [3]) – each individual date file contains upwards of 270 individual records for each statute for collection of the tax, giving details of collection and payment records for each county. Neither Cheshire or Chester are named in any. In multiple grants, the grants were noted to be for successive years with a final date for payment of all sometimes specified. However, other multiple grants contain no such information. I have therefore assumed that the population might find themselves paying multiple levies in the same year. This trend appears to have increased somewhat toward the end of the taxes 'life-cycle' (as 1624 approached), and would probably point toward the fixed yield tax becoming less relevant and relatively unproductive for levels of supply – twenty grants for a fixed yield tax in a period of nine years point one toward these conclusions.

they were customarily exempt through the ‘purchase’ of their rights and freedoms at the change of each earl, or at the reconfirmation by such liberties by the monarch.⁷² However, late in the fifteenth century, beginning in 1488, in addition to the fifteenths and tenths Tudor monarchs introduced the Subsidy. Each Subsidy was based upon different criteria for exaction and assessment but was essentially a ‘nationally’ imposed levy based upon direct assessment of individual wealth, and was levied on either the value of land or moveable goods possessed.⁷³ Fourteen such ‘extraordinary’ subsidies were levied by the Tudor administration before 1540, none of which were paid by Cestrians: yet, as extraordinary taxation outside the regular ‘national’ Parliamentary levies, Cheshire’s inhabitants were not protected by their negotiated rights and privileges.

Nevertheless, Cestrians negotiated their way out each extraordinary Tudor Subsidy. Most they seem to have ignored, or because of poor response elsewhere in the kingdom, Subsidies were changed into additional fifteenths and tenths, such as 1489, 1497, and 1513.⁷⁴ The translation, therefore, enabled Cheshire to claim exemption under their existing rights and privileges. The Subsidy of 1504 was translated into a grant of feudal aid for £30,000 for the marriage of Henry’s daughter, Margaret, and for the knighthood of Arthur, and as part of their rights and privileges Cheshire was exempt as they had provided a Mize on his accession.⁷⁵ Other Subsidies, Cestrians negotiated as Mizes for specific events: such as the accession to the earldom

⁷² Schofield, *Taxation Under the Early Tudors, 1485-1547*, notes several times throughout his analysis that Cheshire was exempt from any payment of the fifteenths and tenths, for example, 28 and 63.

⁷³ *Ibid.*, 72-87: Schofield explains the evolution of the Subsidy.

⁷⁴ Thornton, *Cheshire and the Tudor State, 1480-1560*, 75-76.

⁷⁵ Schofield, *Taxation Under the Early Tudors, 1485-1547*, 83; Thornton, *Cheshire and the Tudor State, 1480-1560*, 75: Schofield explains that this amount was chosen as it was close to the traditional yield of the fifteenths and tenths, and so could not be easily refused if assessed and collected using the same mechanisms. On the other hand, Thornton argues that the Subsidy was in-fact translated to a fifteenths and tenths “in lieu of feudal aids.” Either way, Cheshire was exempt.

of prince Albert in 1500.⁷⁶ For the Subsidy of 1512, commissioners were to be appointed to “every Shyre and Rydding within the seid Realme,” but no commissioners were appointed in Cheshire: they negotiated the right to translate the tax into a Mize, and to pay a reduced amount, as they did again for the Subsidy of 1517.⁷⁷ Other subsidies followed, but for each Cheshire was “utterly acqyted and discharged.”⁷⁸ Therefore, it was not until 1540 that the first Subsidy was fully and ‘equally’ levied in Cheshire, although it appears to have been 1546 before it was assessed in the county.⁷⁹

The Tudor monarchy’s introduction of the Subsidy as a formal ‘national’ taxation, and the Act of 34 & 35 Henry VIII [1543] which required Cheshire’s administration to send delegates to the Westminster Parliament have together been declared as the final nails in the coffin of Cheshire’s isolated and autonomous status in the realm.⁸⁰ Harris argues that the statute of 1543 “completed the revolution in government which assimilated Cheshire to the other English counties.”⁸¹ Thus, he argues, as Cheshire was from that point represented in the English Parliament “it had lost the benefits of remaining outside the parliamentary system and above all, since 1540, its immunity from paying parliamentary subsidies.”⁸² However, the evidence of my research argues that this was not case: Cestrians neither surrendered their rights and privileges nor passively acquiesced to the new imposition. Rather, Cestrians continued to assert autonomy

⁷⁶ Harris, *VCH* vol.2, 24.

⁷⁷ Thornton, *Cheshire and the Tudor State, 1480-1560*, 75-76; Harris, *VCH* vol.2, 24.

⁷⁸ *Ibid.*, 76.

⁷⁹ In *Cheshire and the Tudor State, 1480-1560*, Thornton argues that English Parliamentary taxation was first applied by the Subsidy of 1534. However, he argues this only on the basis of negative evidence from PRO (now NA) E 179/85/2-3, which are certificates of non-payment for Cheshire-men (76, n.83). Schofield, *Taxation Under the Early Tudors, 1485-1547*, 94, shows that the commission for the Subsidy of 1534 was sent to Cheshire, but does not stipulate whether the assessment was carried out in the county, or if any payment was received at the Exchequer. However, I have found no record of the Subsidy having been paid by Cestrians as there are no surviving subsidy rolls. Therefore, although this Subsidy may indeed have been applied in Cheshire, the first for which there is records of assessment and payment is the Subsidy of 1540, but not until 1546.

⁸⁰ Harris, *VCH* vol.2, 98; Harrod, “Defence of the Liberties of Chester,” 78

⁸¹ *Ibid.*, 98.

⁸² *Ibid.*

within the realm, and continued assessment and payment of the Mize demonstrates Cestrian investment in Cheshire's status. Evidence argues against the notion of the Subsidy as a replacement for the fifteenths and tenths taxation; the Subsidy was an additional 'extraordinary' and novel taxation. By definition, a subsidy is an additional payment: the grant to a Sovereign for state needs, and a tax levied on a particular occasion. Subsidy may also be considered a grant, or an amount of money, used to subsidize other income, not to represent the whole of the income in entirety.⁸³

Therefore, I argue that Cestrians perceived the Subsidy as taxation paid directly to the Crown, not to the English Parliament: the mechanism for assessment, and Cestrians 'willingness' to pay, argue that the perception of the tax in Cheshire was one of deference and duty to the Crown, and that any refusal to pay was a personal insult to the monarch.⁸⁴ The commissioners for the Subsidy were appointed directly by the monarch. The mechanism for administration was not part of the government of the county or the country, but was created anew each time the Subsidy was to be assessed: in this sense, the collection of the Subsidy may be viewed locally as an *ad-hoc* and thus temporary form of exaction. Commissioners were selected and appointed within the county to administer assessment and collection. Within the county, the commissioners sub-divided their responsibility between themselves so that each hundred had a specific group of commissioners responsible for the assessment there. Locally, leading men of each community were appointed within the hundreds to assess those who might be liable for the tax, and to produce lists of such men so that the county's portion of the Subsidy could be correctly assessed

⁸³ *Oxford Dictionary of English*, 3rd ed., s.v. "subsidy,"

⁸⁴ Braddick, *Parliamentary Taxation in Seventeenth-Century England*, 112-113: Braddick suggests that this was an administrative instruction passed on to the collectors of the Subsidy by Elizabeth I's Lord Treasurer, that "the subsidy had been given to the queen and that any wrong done by avoidance was to her;" Harris, *VCH* vol.2, 35, argues that the Subsidy was a "parliamentary subsidy," and was the "final blow to the county's traditional independence." However, whilst Harris is technically correct, I argue that in both spirit and practice, to Cestrians the Subsidy was a device of the monarch not of the English Parliament.

and divided between tax-payers.⁸⁵ The tax was in fact consistent with the Palatinate's direct relationship with the Crown: imposed upon Cheshire directly by the Crown, their lord, and assessed and administered locally to divide the burden between those in the county most likely to be able to pay. Therefore, in this respect the Subsidy does not appear different to the inhabitants of Cheshire from other forms of 'extraordinary' taxation that they have customarily endured, and at the same time very different from the common-taxation of the fifteenths and tenths from which the county remained exempt.

The intention behind the introduction of the Subsidy was to "improve upon the fixed yield" provided by the fifteenths and tenths "by making their yield a proportion of the country's wealth."⁸⁶ The Subsidy has traditionally been regarded as the replacement for the fifteenths and tenths, and as a way to introduce national taxation into Cheshire.⁸⁷ However, to Cestrians the *ad-hoc* mechanisms for the administration of the Subsidy represented the impermanent and deferential nature of the assessment, and argue against its successful introduction as regular taxation.⁸⁸ That the Subsidy was perhaps overused, and levied with some appearance of regularity, does not substantiate the argument that Cheshire paid the Subsidy as a fully assimilated English county, or that Cestrians paid 'national' taxation the same as all other counties – because, they did not.

Cheshire traditionally sought immunity from 'extraordinary' parliamentary subsidies on a case-by-case basis, and had not received immunity from the expectation of payment of those subsidies as a right or privilege on an on-going basis. Therefore, Harris's claim that Cheshire lost

⁸⁵ Graham Arthur Kerby, "Inequality in a Pre-Industrial Society: A Study of Wealth, Status, Office and Taxation in Tudor and Stuart England with Particular Reference to Cheshire" (Ph.D. diss., Cambridge University, 1983), 109-110.

⁸⁶ Kerby, "Inequality in a Pre-Industrial Society," 109.

⁸⁷ Harris, *VCH* vol.2, 98; Braddick, *Parliamentary Taxation in Seventeenth-Century England*, 64-65.

⁸⁸ Before 1540 there had been several unsuccessful attempts to introduce the Subsidy, or some form of 'wealth-tax' to England as regular taxation, including the unsuccessful attempt of 1435 discussed above: Schofield, *Taxation Under the Early Tudors, 1485-1547*, 72-92; Thornton, *Cheshire and the Tudor State, 1480-1560*, 73-77.

its independent status and had been assimilated into the ranks of all other English counties, thus losing the county's special rights and privileges of exemption from parliamentary subsidies, cannot be correct: they could not lose that which they did not possess.⁸⁹ However, Cestrians had customarily received immunity from the payment of common-taxation of the fifteenths and tenths, and following the Act of 1543 that exemption continued unchanged. Therefore, Thornton's declaration that "English Parliamentary taxation first applied to Cheshire in [1540]," is correct, but only partially so: not all English Parliamentary taxation applied to Cheshire, even after the first Tudor Subsidy was paid by Cestrians.⁹⁰

The rights and privileges that embodied the exemption to the English Parliament's common-tax were protected in the confirmations of the Palatinate's rights and privileges granted by the earl, 'purchased' by payment of the Mize: by the beginning of the fifteenth century the Mize had become an expected obligation on the accession of a new earl.⁹¹ So too, the privileges and liberties that contribution of the Mize purchased had come to be an accepted Cestrian right in the county, as had their status within the realm. That those rights and privileges, and Cestrian expectations to maintain them, continued into and beyond the early-modern period is clearly indicated by the continued assessment, collection, and payment of the county's Mize.⁹² Moreover, collection of the Mize took precedent over payment of the Subsidy and indicates that

⁸⁹ Harris, *VCH* vol.2, 35 and 98.

⁹⁰ Thornton, *Cheshire and the Tudor State, 1480-1560*, 75-76: Thornton states 1534, but he then admits that there is no evidence of resistance in Cheshire for this tax, and neither is there record of acceptance. There are no surviving records of collections or payments received, and no evidence that the tax was applied by Cheshire's administration. The first evidence on the NA E179 database I could locate is for 1540's Subsidy which Cheshire did not begin to assess until 1546. So, why Thornton insists on 1534 is unclear.

⁹¹ Thornton, *Cheshire and the Tudor State, 1480-1560*, 77-78.

⁹² MLHL C0000 00018 1572 *Mise and Tithe Book 1742* (Handwritten, unpublished): this contains records of the assessment and collection of the Mize; "Warrants for Minor Appointments: 1742," in *Calendar of Treasury Books and Papers, Volume 5, 1742-1745*, ed. William A Shaw (London: His Majesty's Stationery Office, 1903), 208-223. *British History Online*, accessed March 19, 2018, <http://www.british-history.ac.uk/cal-treasury-books-papers/vol5/pp208-223>: land tax for the county of Chester, 1742. Locally, this tax was assessed and collected as a Mize.

Cestrians thought the Subsidy to be an ‘extraordinary’ tax to be negotiated.⁹³ Nonetheless, although Cestrians deemed that renegotiation of the tax was feasible, perhaps non-payment might be considered an insult to their lord. Thus, the distinctively autonomous, and separate nature of the county and its inhabitants remained, and loomed large in the collective consciousness of early-modern Cestrians: although they negotiated only reprieve not exemption from Subsidy payments, Cestrians continued to forge an independent but direct relationship with their lord the earl, either as monarch or eldest son.⁹⁴

Once Cestrians became subject to the Tudor Subsidy historians cease to distinguish Cheshire from any other county: the beginning of the end of the Palatinate’s special status and privilege. Nevertheless, I argue that the end was still very far ahead in Cheshire’s future. Whatever their reluctance, by the mid-sixteenth century Cestrians expected to yield to some form of ‘national’ taxation; but, of course, not all ‘national’ taxes. Through payment of the Mize, Cestrians continued to receive as part of the rights and privileges purchased, immunity from the fifteenths and tenths: a national tax that continued to be assessed and collected until 1624, when the last three impositions were granted to James I. From the time that the Black Prince negotiated the imposition of the first ‘Mize’ in Cheshire until James’s last grant, 135 2/3 fifteenths and tenths were assessed and collected nationally: Cestrian’s were exempt liability to all. Such exemption, however, came at a price. After-all, the Mize was a tax that had to be assessed and paid, and at the levy of £3,000 upon the accession of each new owner of the Palatinate. But, in keeping with the inherent notion of autonomy which prevailed within

⁹³ NA E179/104/88, Subsidy for Edward VI: Cheshire was released from assessment of this Subsidy until it had collected and paid the Mize for Edward as the new Earl. The same was agreed for Mary I, and was also negotiated for Elizabeth’s first Subsidies. The result being that Cheshire did not pay the Subsidy on the same schedule as other counties until late into the 1570s.

⁹⁴ BL Harley MS 1046 fo.131v, the confirmation of Chester’s rights and privileges by Elizabeth I (1568), is the first obvious example following the changes wrought by Henry VIII. Other examples exist from later in Elizabeth’s reign, BL Harley MS 2009, fo.172 (1574), and from James I in 1605 and Charles I in 1617, confirmed in Anonymous (c.1603), *The Rights and Jurisdictions of the County of Chester*, 26.

Cheshire and its inhabitants, even after their liability to the Subsidy could no longer be denied, the Mize remained a negotiable tax.

As a fixed yield tax, the expected income from the thirty-six English counties who were levied a single fifteenths and tenths was approximately £31,109. 15s. 51/2d. The highest proportion, £2,757. 16s. 10d. an exceptionally high contribution, was expected from Norfolk, with the lowest, a contribution of £138. 4s. 2d., made by the Isle of Wight. The average expected for each of the thirty-six counties was, therefore, approximately £865.⁹⁵ Although it is not possible to know, if one assumes that as an important county with a higher than average number of wealthy gentry per square mile, Cheshire was assessed for the fifteenths and tenths at £865, for the fifty-nine assessments since 1540 they would have collectively paid approximately £51,000. If assessed at the same rate for the life-time of the fifteenths and tenths, Cestrians would have paid approximately £117,346 in ‘national’ taxation before the tax was abandoned after 1624.⁹⁶ Over the same period, for the privilege of maintaining their earldom, Cestrians were obligated to pay eighteen Mizes to Cheshire’s new owners. Therefore, they paid a total of only £56,000, which represented a considerable saving of more than £61,000 for Cestrians over the lifetime of the fifteenths and tenths: thus, for Cestrians to maintain their privileged exemption from the fifteenths and tenths by negotiation of the Mize made economic sense.

However, despite Cheshire’s extensive record keeping for the late-medieval and early modern period, ascertaining the number of Mizes Cestrians have paid solely for the confirmation

⁹⁵ Schofield, *Taxation under the Early Tudors, 1485-1547*, 53-56: several Boroughs also contributed to the tax, chief amongst them being London £618. 3s. 5d. For ease of calculation of this illustration, I have included the contribution of the Boroughs in the total for the county within which they are situated. This was done because, if Cheshire had been included in the tax it is reasonable to assume a city of the size and importance of Chester would have been assessed separately, but at what level it is not possible to ascertain.

⁹⁶ Of course, Cheshire may have been assessed at an entirely different rate: Lancashire, Cheshire’s nearest neighbour to the north for example, was assessed at £318. 2s. 4d., whilst Salop, Cheshire’s neighbour to the south, was levied £464. 4s. 6d. However, proximity does not indicate similarity of assessment: Devon was charged £803. 15s. 9d., whilst next-door Cornwall almost exactly half that, £403. 13s. 11d. These figures are from Schofield, *Taxation and the Early Tudors, 1485-1547*, 55-56.

of their rights and privileges is complicated. Cestrians' adoption of the term 'Mize' to account for many taxes collected within their county's borders brings some ambiguity to the term. For example, collection for the two Subsidies of 1625 and five for 1628, along with collections of taxes up to and including 1638, are noted in the "Cheshire Mize Book" of "1626-1627" as contributions to the "Myse."⁹⁷ Within the handwritten pages of text, "Myse" and "subsidie" appear frequently interchangeable. However, all payment and collection columns are headed "Myse." Moreover, in common with many other Mize-books for the county the book contains instructions for the administration, assessment, and collection of the "Myse" by which the present incumbent seeks to instruct future collectors of correct tariffs to be applied in each hundred for the full share of the Myse to be collected. The order in which the hundreds, and the township and tariff scales appear is the same for each Mize-book, and for each tax collected regardless of its origin.⁹⁸ For example, "Marple's Mize and Tithe Book, 1742," contains very similar information to the seventeenth-century books and papers I viewed at the Cheshire Records Office.

Marple was a township in the Macclesfield hundred, and its Mize-book contains tariff assessment tables for each eligible tax-payer. The names are listed by location, and individuals are listed alphabetically in tables that show how much each has contributed to any one of eight Mizes. Taxes are listed in tables in the rear of the book, and collection of these appears next to resident's names: again, eight columns headed "1st Mize," "2nd Mize," and so forth, contain the amount received from individual tax-payers. However, each table is a simple multiplier. The

⁹⁷ CRO ZCR 63/2/5/1: this book contains instructions; lists of hundreds and townships; scales for the application of tariffs; lists of names detailing future collectors; and lists of individual payments, with names, including recusants with extra charges applied. This book lists contributions made to 'Myse,' Subsidy, Ship Money, and local taxes.

⁹⁸ CRO ZCR 63/2/5/1; ZCR 63/5/26; ZCR 63/2/30; ZCR 63/2/35; MLHL C0000 00018 1572 *Mise and Tithe Book 1742* (Handwritten, unpublished): Mize books were often used for several assessments and contain entries spanning several decades. Many contained lists of named collectors appointed and listed possible future collectors, and often 'Myse' tables with calculators for the burden of tax per hundred/township/person for use by subsequent collectors.

amounts do not vary for each collection, thus the amount collected for each tax is apportioned the same for each resident each time a collection is assessed.⁹⁹ The multiplier tables are common to all the Mize books I have viewed, but the dates of the assessments do not all correspond to a request for a Mize: for example, the Mize for Frederick, Prince of Wales, Earl of Chester dates from 1729, the next incumbent being his son George in 1751 (from 1760, George III).¹⁰⁰ Therefore, the assessments beginning in the 1742 Mize book do not correspond to an actual Mize collection for either, but to general taxation collected. Thus, it does not appear to matter which tax is to be collected from the inhabitants of the hundreds in Cheshire, whether it be a Mize, Subsidy, or a local tax for upkeep of local infrastructure, the assessment appears to follow the same fixed scale as the Mize and is recorded as a Mize payment.

Each of the taxes to be collected in Cheshire, unlike the ‘national’ taxation of the fifteenths and tenths elsewhere, thus held the appearance of local assessment. All taxes levied in the Palatinate were granted, administered, and collected by local men. Each tax was required by an external authority, but assessment and collection was negotiated locally. The Subsidy for example, was on each occasion, nationally an *ad-hoc* system which required the appointment of new commissioners, and the creation of a new infrastructure and calculation of tariff burdens for each collection. The tax was initiated by the Privy Council, but intended to be managed and administered locally by local Commissioners. The Commissioners for Cheshire divided the county by hundred, so that each group had charge of one. They then appointed assessors for each community or township within the hundred to assess those liable for the tax, and to administer and collect the burden locally.¹⁰¹ Those most prominent thirty to fifty men of the county, those holding county offices, were listed by their wealth in land or moveable goods, and could not

⁹⁹ MLHL C0000 00018 1572 *Mise and Tithe Book 1742* (Handwritten, unpublished).

¹⁰⁰ Crofton, *Kings and Queens of England*, 197.

¹⁰¹ Kerby, “Inequality in a Pre-Industrial Society,” 109.

avoid paying the Subsidy: this was not necessarily the case for other members of the Cestrian community. Elites below the top tier appear to have adopted a rota system as a mechanism to evade the full impact of the Subsidy, which will be discussed below, whilst the middling-sort and commonalty of the county appear to have contributed at the same rate and frequency customarily imposed by a Mize. Thus, by the sixteenth century, except for those whose names would be conspicuous by their absence, each of the taxes levied in Cheshire adopted the same formula for assessment as custom had devised for the Mize. Therefore, to the commonalty, all taxes held the same appearance: they paid only Cheshire's Mize.

As we have noted, early in the fifteenth century the burden for the Mize was set at £3,000, and the value of the Mize thereafter did not vary. The assessment for the Mize was apportioned throughout the county by the Palatinate's local administration. The obligation was divided between each of the county communities, and each was apportioned their share of the burden based upon an estimated value of the land held in the community. Thus, from the first, Central government's notion that the Subsidy should measure and tap-into the true valuation of wealth in the counties was not successful in Cheshire. Despite each Subsidy requiring different exactions based on requirement, and that the tax was intended to use a measure of an individual's independent wealth, the administration in Cheshire followed the same processes and tariffs for assessment and collection as it did with every other tax or Mize. Therefore, no matter which tax the collector came to collect, Cheshire's custom dictated the burden for contributors remained unchanged.

Braddick asserts, "[t]ax collection in seventeenth-century England was very rarely a lethal activity."¹⁰² However, if one were to introduce a system of central government imposed taxation, that at its core intended the measure of individual wealth as means of appraisal rather

¹⁰² Braddick, *Parliamentary Taxation in Seventeenth-Century England*, 276.

than fixed-yield community assessment, concern over local reaction to such a change may encourage caution. Those most likely to receive highest portions of the burden would also be most likely to have means at their disposal to raise armed and unfriendly responses to such an imposition. For the king's Privy Council, local administration, assessment, and collection of the Subsidy were crucial in Cheshire: this allowed local disputes over burden to remain local, and did not allow such problems to direct resentment to a national level.¹⁰³ At county level, this enabled local autonomy to be demonstrably active in the Cestrian community: if by established local custom each tax retained the appearance of the Mize, local resistance might be regulated to the point where complaints would not be levelled at how much one was expected to pay, but rather how many times, "...within a small sum we pay after the rate of seven mizes [...] whereas we are certainly assured some other towns pay but after three and three and a half at furthest [...] which we cannot but apprehend but with a burthen unsufferable to our whole township (sic)."¹⁰⁴ Thus, the unfairness of overpayment would be directed to local account, not government policy: preventing a constitutional issue.¹⁰⁵ Cheshire's Parliament approved or negotiated the Subsidy with the earl's representatives in Chester, in keeping with the customs of the county. On occasion this required Cheshire-men to travel to the meet with the source of the request, but most often representatives of central government came to Cheshire: for Cestrians this presented a clear demonstration of the county's autonomy.¹⁰⁶

From the perspective of the central authorities, the greatest strengths of administering the Subsidy locally also created its most significant weakness: local autonomy created barriers of ignorance at the centre. It is evident Cestrians exercised their autonomy to employ customary

¹⁰³ Ibid., 77.

¹⁰⁴ Ibid., 149.

¹⁰⁵ Lake, "The Collection of Ship Money in Cheshire During the Sixteen-Thirties," 45-54.

¹⁰⁶ Thornton, *Cheshire and the Tudor State, 1480-1560*, 66-69; Peter Lake, "The Collection of Ship Money in Cheshire During the Sixteen-Thirties," 59-60.

local practice to reduce their share of the national burden dramatically. Those responsible for assessing and administering the tax locally not only most likely knew the approximate wealth of their neighbours, but were themselves amongst the more affluent members of county society, and as commissioners assessed their own liability for the tax.¹⁰⁷ However, it is likely that the monarch and Privy Council respected the Palatinate's boundaries of administration as much for practical as deferential purposes: local assessment of a tax that was designed to tap into the actual wealth of the county may have produced a reduced yield, but it did provide reliable income from a source previously untapped. Employment of the established framework of the Mize enabled wealthy Cestrians to employ systematized methods of evasion that prevented the Subsidy from realising a true measure of their worth, whilst at the same time providing the comfort of custom and familiarity to the common-folk that encouraged their belief in the autonomy and sovereignty of their home county.

The administration of the tax having been placed in local hands presented the opportunity for local adjustments to be made to the valuations provided to the central authorities. Assessment was provided to the Commissioners by officers they appointed in the villages and townships of the hundreds. Those valuations, the estreats, were mediated in the communities and communicated to the central government by the chief commissioner for the county once all local negotiations were completed.¹⁰⁸ If, as in the 1620s, a large number of Subsidies were granted, thus increasing the expected yield to the government, it seems to have little effect on the valuations or collections in Cheshire.¹⁰⁹ Braddick points out that the yield from Cheshire actually increased as the frequency of Subsidy increased, and that it appears Cheshire supported

¹⁰⁷ Ibid., 277: quoting Bacon "the Englishman is most master of his own valuation and the least bitten in purse of any nation in Europe."

¹⁰⁸ Ibid., 282; Kerby, "Inequality in a Pre-Industrial Society," 110.

¹⁰⁹ NA E179/85/101 – NA E179/85/134, Subsidy records for Cheshire 1601-1640.

introduction of the tax.¹¹⁰ However, I suggest that this may be because of Cheshire's adoption of the Mize as its customary form of assessment and collection for all forms of taxation in the county, and actually reflects no change in the county's approach to government policy.

Braddick compares Cheshire's contributions to the Subsidy to those of Norfolk, from where receipts to the government remained constant. He argues that local control of the county's assessments, despite an increased number and frequency of Subsidy grants imposed, enabled counties such as Norfolk to collect less for each Subsidy and thus the overall community burden changed little.¹¹¹ Thomas Cogswell suggests the same for Leicestershire, but that in Sussex local elites looked after their own pockets before that of the government and Subsidy yields there declined rapidly.¹¹² On the other hand, for Cestrians that the Subsidy Commissioners were appointed directly by the monarch was an important feature: it separated the Subsidy from English Parliamentary taxation. Tax imposed directly by the Crown created legitimacy and obligation that Cestrians did not concede to the English Parliament. It also represented an obligation to follow established custom and practice, and so determined clear exertion of local rights and privileges to pay such taxation at the same level and pace as the Mize. I suggest that Cestrians simply continued to pay their taxes at the level and frequency customarily required for the Mize regardless of levels of wealth or frequency and number of Subsidy granted. Although this meant that they paid greater taxes overall, it also meant that this was achieved by consistent collections that were made regularly for longer, rather than by increased levels of individual

¹¹⁰ Braddick, *Parliamentary Taxation in Seventeenth-Century England*, 282.

¹¹¹ *Ibid.*, 280-282.

¹¹² Thomas Cogswell, *Home Divisions: Aristocracy, the State, and Provincial Conflict* (Stanford, CA: Stanford University Press, 1998), 38-39.

payment. The evidence for this can be seen in the period between 1590 and 1611, during which time, however, Braddick insists “Cheshire paid nothing at all.”¹¹³

Using the raw data in the appendices of Kerby’s study, it is clear that Cestrians did in fact pay contributions to the Subsidy for ten years out of the twenty-one in question, and this is confirmed by the Subsidy Rolls for Cheshire recorded in the E179 Database of the National Archives.¹¹⁴ Between 1590 and 1611 there were thirteen Subsidies granted to the monarch: three in 1593, three in 1597, four in 1601, and a further three in 1606. Between 1590 and 1611 Cheshire paid ten Subsidies to the Crown, but as time progressed the payments were received increasingly late, with the last payment for the 1601 Subsidy received on 2nd February 1611, and the first of the 1606 Subsidy payments not until 1622.¹¹⁵ This would be consistent with a delay caused by Cheshire’s grant of a Mize to James I on his accession to the throne in 1603, and later grants to each of his sons, and is consistent with my hypothesis that Cestrians notionally did not truly ‘pay’ the Subsidy, or any other centrally imposed taxes. Rather, they consistently paid their local taxation, the Mize, and did so in deference to their lord the earl: effectively, it seems, during this period Cestrians paid taxes constantly, but on a level and schedule consistent with an almost perpetual Mize.¹¹⁶

Notwithstanding, those in positions of high office within Cheshire’s county administration, may have contributed directly to the Subsidy because their prominence prevented avoidance. The Subsidy was at its heart intended as a measure of individual wealth. Those at the

¹¹³ Braddick, *Parliamentary Taxation in Seventeenth-Century England*, 280.

¹¹⁴ Kerby, “Inequality in a Pre-Industrial Society,” 534-570: Kerby’s data demonstrates assessment and collection of taxation in Cheshire from 1546 to 1641, and shows that Cheshire paid a Subsidy to the Crown in 1594, 1595, 1596, 1598, 1599, 1600, 1606, 1607, 1610, and 1611.

¹¹⁵ Payments for the assessment and collection of the Subsidy in Cheshire are indicated in the Subsidy Rolls in NA E179 Database, with the payment for 1601 recorded on E179/85/101 as 2nd February 1611. The records also suggest that the three Subsidies granted in 1606 were paid at much later dates, 1622, 1624, and 1625. This is also consistent with the time required to pay the Mizés, which to precedent over the Subsidy, granted to Henry and Charles as they became Earl of Chester in 1610 and 1617 respectively.

¹¹⁶ Kerby, “Inequality in a Pre-Industrial Society,” 363-383.

pinnacle of county leadership could not expect to escape notice nor disguise their fiscal responsibilities without questions arising. The chamberlain, the justice, other officers of the county administration, or local JPs could not but declare their financial positions and place themselves on the list of men to whom the Subsidy should be applied: these men paid the Subsidy at the value of their reported wealth.¹¹⁷ However, not all elite citizens of Cheshire appear on every Subsidy roll, and in-fact many appear infrequently at best.¹¹⁸ It seems less-wealthy elites used ‘bearers’ and possibly applied a rota-system to their obligation to pay the Subsidy. Otherwise, elites created agreements with their tenants to sub-divide the cost of payment: responsibility for the contribution remained that of the named Subsidy-man, but the funds were sourced from many others not named.¹¹⁹ Using a ‘bearer’ required prominent Cestrians in townships and villages to be named as Subsidy-men, whilst others in the same community would remain invisible and at the same time contribute regular Mize payments toward the named Subsidy-man’s obligation: thus, the obligation for the tax remained spread throughout the community.¹²⁰ Other less prominent members of the community could also be persuaded to put their names forward to stand for the community as ‘bearers’ by the status provided of being named on the Subsidy roll. By introduction of a rota, less-wealthy men appeared on the Subsidy list to be “taxed once or twice, and then be replaced by others, who in turn would be replaced after one or two subsidies.”¹²¹ On average, over a period of ninety-five years between 1546 and 1641, the same men appeared on the Subsidy rolls to pay tax on the value of their goods twice, and on the value of their land three times. In the same period, only fifty-six men are named to the Subsidy on land on five occasions, and only thirty-five are named

¹¹⁷ Ibid., 118 and 124.

¹¹⁸ Ibid., 112.

¹¹⁹ Ibid., 114.

¹²⁰ Braddick, *Parliamentary Taxation in Seventeenth-Century England*, 74-76, and 274-275.

¹²¹ Kerby, “Inequality in a Pre-Industrial Society,” 118.

three times or more to pay tax on the value of their goods.¹²² The majority of Cheshire-men appear only once on the Subsidy roll for goods, but twice for land. In a county with more resident gentry than any other county, and whose population is estimated to be 74,000 in 1600, growing steadily year-on-year, the probability that such represent the true financial position of Cestrians seems unlikely.¹²³ Thus, the crucial components of Cheshire's tax system appear to be evasion of assessment of general wealth in the county, and consistent and uniform contributions corresponding to both expected Mize and Subsidy payments.

An interesting feature I have noted from Kerby's raw data is that the overall number of men placed on each Subsidy list as liable for the tax varies little from 1572 to 1640.¹²⁴ However, there is a substantial drop in the overall number listed as liable after the first of Cheshire's assessment registers in 1546. The overall number liable to the tax for the first assessment in 1546 is recorded as 1,805. However, for the assessment of 1560 the number has dropped to 560, which represents less than one third listed as liable to pay the Subsidy than in 1546.¹²⁵ Kerby noted a significant increase in number of those assessed on goods after 1572 following a lowering of the threshold of exemption from £5 to £3 in 1562.¹²⁶ The change in threshold, however, was after Cheshire's significant adjustment, and resulted in a rise in number of assessed not a fall. Kerby does not account for the dramatic fall-off of those named on the list, he also does not note that the number of those assessed on land does not change, but remained almost constant throughout

¹²² Ibid., 541 Table 19 "Incidence of Subsidy Assessment by Standardized Subsidy Assessment Category:" the fifty-six who appear most on average are those in the top assessment bracket of land valued at £19.50 or more, and the thirty-five men most assessed on goods were also at the top of the scale and held moveable property valued at £5.50 or more. The maximum number of times one individual was assessed was fourteen, which whilst exceptional still represents appearance in only one-third of all Subsidy granted.

¹²³ Fuller, *The Worthies of England*, 171; Stephen Broadberry, Bruce M.S. Campbell, Alexander Klein, Mark Overton, Bas and van Leeuwen, *British Economic Growth, 1270-1870* (Cambridge: Cambridge University Press, 2015), 25-26.

¹²⁴ Kerby, "Inequality in a Pre-Industrial Society," 537 Table 14.

¹²⁵ Ibid., 535 Table 12

¹²⁶ Ibid., 121-122.

the entire period measured from 1546 to 1641.¹²⁷ Therefore, the majority of those, over two-thirds of the 1546 assessment, who disappeared from the list had been assessed on the value of their moveable goods, and so perhaps the first assessment caught many unawares: an error rectified for subsequent assessments. The high level for the first assessment may also indicate that assessors, those appointed by the Commissioners, did not realise the significance of the number of individual assessments they collected until all were combined to give a county tally. That the figures should fall so dramatically between two Subsidies, and thereon remain almost constant also perhaps indicates the extent to which the Commissioners were complicit in the ‘adjustment’ of the assessment of the Palatinate’s wealth.

For the total assessment of each Subsidy between 1596 to 1625 the maximum variance is just thirty-two men, with the average total being 926 assessed for either goods or land. From 1572 to 1622 the total had risen slowly from 856 to its peak at 976, which is an increase of 120 men, or 14% over fifty years. Yet, three years later the number had dropped to 930, just four above the average for the ninety-five-year period between 1546 and 1641.¹²⁸ However, in the period between 1377 and 1640 Cheshire experienced significant population expansion. Cheshire’s share of the population on the archipelago rose from 1.07% of the total in 1377 to 1.80% by 1600, with an estimated year-on-year increase of 0.46%, more than twice the ‘national’ average. In the period 1572 to 1622 the population of Cheshire increased by at least 10,500, and probably significantly more.¹²⁹ Nonetheless, as we have seen, as the Palatinate’s population grew significantly the mechanisms customarily in place to protect its citizens ensured that collectively

¹²⁷ Ibid., 535 Table 12, and 537 Table 14.

¹²⁸ Ibid., 535 Table 12, and 541 Table 18.

¹²⁹ Broadberry, Campbell, Klein, Overton, and van Leeuwen, *British Economic Growth, 1270-1870*, Table 1.07, 1.08, 1.09, and 1.10, 23-29: The estimate for population growth in Cheshire from 1377 to 1600 is from 23,757 to 73,896, an increase of 47,139. The ‘national’ average for growth in the other 41 counties of England is 0.22% per year. Cheshire is 6th highest for growth, the top being Middlesex at 0.68% per year.

Cestrian's liability to the wealth-tax remained constant. As such, the maintenance of Cheshire's autonomous attitude toward the payment of the county's financial obligations, conforming as it does to customs of the county established from time immemorial.

The Mize created a legitimate system of collective and collaborative obligation in Cheshire which reinforces Cestrian notions of separation and division from England. To whom taxes were owed was a fundamental concern to Cestrians as the Palatinate's political society recognized deference due directly to their lord as sanctioned by the county's own Parliament. Cheshire's representation in the English Parliament from 1542, and therefore its inclusion in the exaction of the Subsidy, did not represent wholesale change for Cestrians. During the later sixteenth and early seventeenth centuries, England's Parliament represented another level of interest for some members of Cheshire's society, but those seriously at home in Cestrian politics knew Cheshire's juridical system was sovereign, and any tax worth its salt must be passed by Cheshire's Parliament before it was granted in Cheshire. The Mize and the Subsidy passed through the earl's Parliament in Cheshire on each occasion as each was negotiated and appointed directly in consultation with their lord. Each subsidy was exceptional and administered in the locality by appointees chosen by the Crown. As such Cestrians received the Subsidy as a direct mandate from their lord, and Cheshire's Parliament granted the tax to be administered and collected as the Mize: Cheshire's own tax. As we have seen, in the first third of the seventeenth century, Cestrians were paying contributions to the Mize for three new owners, or contributions to Subsidies at the same rate, consistently and most probably constantly throughout the period. Any complaints about the tax were received in Chester, and as we have seen, balked at the number of Mizes required in succession, not the levels of each payment or to whom the payment was to be sent. Parliament at Westminster had no role in the day-to-day life of most Cestrians.

For Cheshire-men, their country was the earldom, and for them it was as separate and distinct from England as the first Civil War began in 1642 as it was in 1070, shortly after the Norman Conquest.

Chapter 4: Militant Neutrality

Charles I came to the throne of England, Scotland, Ireland, and Wales in 1625, and soon afterward ran into difficulties. His disagreements with his English Parliament led him to decide to rule without them for the eleven years after 1629. When Charles did eventually call on Parliament again, twice in 1640, neither occasion improved their relationship, resulting in the king leaving London in 1642 to seek support outside his capital. Declaring his Parliament rebellious, Charles began raising royalist forces and in the summer of 1642 England descended into Civil War.

As seventeenth-century England reeled from the first months of civil war between king and Parliament, Cheshire's Pacification agreement of 23rd December 1642 represented a pivotal moment for Cheshire's history of autonomy and separation from England's government. The agreement sought assurances from the king, but was sent as a declaration of intent to Parliament.¹ Government of pre-Civil War England operated on many layers, and Cheshire's agreement demonstrates some of the complexities that existed, and that by the Civil Wars, I think, had diminished significantly. Nonetheless, pre-1640s Cheshire held rights and privileges created and protected by the Crown. Such privilege, as we have seen in previous chapters, relied either on the protection of the earl, or of the monarch often acting as earl in Cheshire and as Crown in Parliament, as protector of provincial concessions.

This chapter brings together the evidence presented by discussions in the earlier chapters to demonstrate that a moment of significant change for the decentralised government in Cheshire occurred in the mid-seventeenth century. The purpose of this chapter is to demonstrate that such a point of significant change existed, and by doing so that until that point early-modern Cestrians, for the most-part, believed their county administration to be largely autonomous and

¹ HPPA HL/PO/JO/10/1/141 "The Bunbury Agreement."

distinct from England's central government. At the same time, by establishing Cheshire's disregard for the English Parliament I hope to make obvious that Cestrians did not separate either themselves or their county from the realm of the English monarch. Many medieval and early-modern Cestrians saw the English Parliament and the realm as two distinctly isolated concepts of government: they had no need for the English Parliament as they had their own.

The purpose of this thesis is to demonstrate that early-modern Cestrians believed they and their county as "distincte & separte" from England's central political government as their ancestors, and so as a moment of significant transformation the moment of change is crucial: it separates that which existed before from that which then followed, and thus demonstrates that in fact something different had before existed.² The consequences, both locally and nationally, of the changes in the relationship between Cheshire and the central government at Westminster, and indeed the motivations surrounding the moment of change and thereafter, will be the subject of further research to come. However, it is crucial to recognize here that such a momentous transformation happened for Cheshire during the Civil Wars, and that the county's pacification agreement represents the catalytic moment for that change: to quote Charles Dickens, "this must be distinctly understood, or nothing wonderful can come of the story I am about to relate."³

James VI and I thought he had created a union between the kingdoms of Scotland and England, but that unity existed only in the person of the monarch himself; it was neither a political or religious union. Charles I also believed his father to have been successful in uniting the Crowns of Scotland and England, also with those of Ireland and Wales, as a single realm

² BL Harley MS 1046 fo.127.

³ Charles Dickens, *A Christmas Carol* (London: Cassell & Company, 1891), 10.

under one king.⁴ The position of Wales in the realm had been settled in 1536, and reinforced in 1543, by the ‘Acts of Union,’ 27 and 34 & 35 Henry VIII respectively,⁵ but the kingdoms of Scotland and Ireland were essentially independent bodies: no central council was in place to govern activities or regulate responses of the individual Privy Council the king had in each.⁶ In the reign of Charles I, the political union that would eventually form Great Britain by 1707 was very far from complete: as Russell admits, the division between kingdoms was most apparent “when he [Charles] was making policy on a question which affected the relations of the three kingdoms with each other.”⁷ Thus, that the realms were conjoined through the person of the monarch does not make for a unified political unit, or for circumstances which would create a state of political unity within the sub-divided territories of those kingdoms. Historians have assumed a position that unity existed within the polity of England, within and between its counties and between them and the central state before the Civil Wars. However, this was an assumption that neither James nor Charles themselves made.

At a time of crisis the distinctive and autonomous nature of many counties in early modern England is revealed. In 1776, and again in 1999, John Morrill stated that there were “attempted neutrality pacts in twenty-two counties English counties” at the outbreak of the mid-

⁴ Such is clearly evident from the paintings by Rubens on the ceiling of London’s Banqueting House, commissioned by Charles. James is portrayed unifying the Scottish and English crowns as the goddess Minerva brings together the two crowns over the head of an infant representing ‘Great Britain.’

⁵ 27 Henry VIII c.26 CAP XXVI “An Act for Laws and Justices to be Ministered in Wales in like form as it is in this Realm,” in *The Statutes at Large of England and Great Britain: From Magna Carta to the Union of the Kingdoms of Great Britain and Ireland*, vol.3, ed. John Raithby (London: George Eyre and Andrew Stratham, 1811), 243-255; 34 & 35 Henry VIII c.27 CAP XXVI “An Act for Certain Ordinances in the King’s Majesty’s Dominion and Principality of Wales,” in *The Statutes at Large of England and Great Britain: From Magna Carta to the Union of the Kingdoms of Great Britain and Ireland*, vol.3, ed. John Raithby (London: George Eyre and Andrew Stratham, 1811), 407-428: Although commonly known as ‘Acts of Union,’ these Acts did not provide political union, but rather a unification of the laws governing England and Wales – thus, it achieved a juridical union, not a political one.

⁶ Scott, *Politics and War in the Three Stuart Kingdoms*, 7-11.

⁷ Conrad Russell, *The Fall of the British Monarchies, 1637-1642* (Oxford: Clarendon Press, 1991), 30.

seventeenth-century English Civil War.⁸ However, as unity within the polity is assumed, historians entertained the notion that counties that pulled away from the conflict by declaring their allegiance to both of the warring parties, trying to remain on neutral ground, did so as a reflexive reaction to the unprecedented and perhaps surreal outbreak of Civil War in England,⁹ Such an unusual time of crisis for the English political system perhaps demonstrates that Conrad Russell's larger model of Britain's composite monarchy, the concept of "multiple kingdoms,"¹⁰ belies the medley of territorial and jurisdictional component units of one of those kingdoms: the counties that formed the composite monarchy of England.

I argue that the political boundaries facing the early Stuart kings were more complex than merely the divisions between the three kingdoms, for to some extent the three kingdoms were composite monarchies with different juridical and political privileges. England was, and is, divided by political borders that represented boundaries between territories of different hues. In medieval and early-modern England, the peoples of one county, for those were and are the units within the sub-divisions of England, would recognize a stranger from another county by means of their dress, speech, and customs.¹¹ The divisions between counties was as distinct as between 'countries.' At the level of land and people, the topography of each county was as dissimilar to another as if they were strangers from a foreign land.¹² The divisions were real, not because the elite marked the territorial boundaries of their profit, but because the counties and their

⁸ Morrill, *The Revolt of the Provinces*, 36-37; Morrill, *Revolt in the Provinces*, 54.

⁹ Morrill, *Revolt in the Provinces*, 54-56; Manning, "Neutrals and Neutralism," 7-14.

¹⁰ Russell, *The Causes of the English Civil War*, 26.

¹¹ Wood, *The Memory of the People*, 94-155.

¹² Roger Wilbraham, *An Attempt at a Glossary of Some Words Used in Cheshire* 2nd Edition (London: Richard Taylor/Society of Antiquaries, 1826): Wilbraham asserts that many words and phrases in common use in Cheshire for centuries would not be understood beyond the border of the county. He argues that the same situation can be found in Lancashire, Cornwall, Norfolk, and northern counties remote from the political centre in the South of England, who have similarly developed their own lexicon of words and phrase unintelligible beyond county borders. These words and phrases would clearly indicate a 'stranger' or 'foreigner' to the county either through their use in a foreign county or incomprehension in the county of their creation.

inhabitants exhibited distinctive county traits and established locally relevant customs. For some counties those traits and customs were stronger and more vital to their identity than others.¹³

Therefore, each county's relationship with central government developed independently, and it seems that the identity of the border counties, those furthest away from the political centre, developed greater autonomy. Cheshire was one such example.¹⁴

As a border county, and a County Palatinate, Cheshire was tasked with the specific purpose of protecting the English from the Welsh, but also living in close proximity with England's foe. It should not be surprising, therefore, that Cestrian identity was distinct, being neither fully English nor demonstrably entirely Welsh.¹⁵ Steadfastly loyal to the Crown, as is demonstrated by their support of the monarch in all major conflict against a foreign foe, Cestrians developed a unique and direct relationship with their lord and king. That this relationship was apparent beyond the county boundaries is clear: for example, Henry IV's supporters knew, even following the Percy rebellion, that the king "was up with alle Walys and Chestyrschire."¹⁶ Cestrians knew that their lord earl, most often after 1237 the monarch wearing the crown of England, had expectations of service from them, but they also knew that in return they expected reconfirmation of their individual rights and privileges as reward. English medieval counties also negotiated rights and privileges with the Crown, but most had little to offer as distinctive as Cheshire's border services.¹⁷ Therefore, such counties were represented in

¹³ Wood, *The Memory of the People*, passim.

¹⁴ Tim Thornton, "Fifteenth-Century Durham and the Problem of Provincial Liberties in England and the Wider Territories of the English Crown: Proxime Accessit, Alexander Prize 1999," *Transactions of the Royal Historical Society* 11 (2001), 83-100: Thornton describes the development of a distinct northern identity for Durham that eventually transferred to New England in North America; Stoye, *Soldiers and Strangers: An Ethnic History of the English Civil War*, in chapter 1 he describes how the English at Westminster saw the Welsh as distinctly not English, and chapter 2 that they viewed the Cornish in much the same way.

¹⁵ Barrett, Jr., *Against All England*, 2

¹⁶ Thornton, "Wales in Late Medieval and Early Modern English Histories," 7.

¹⁷ Schofield, *Taxation Under the Early Tudors, 1485-1547*, 94 Table 5.1: Westmorland, Cumberland, Northumberland, Bishopric of Durham negotiated some exemptions or reduction to liability to pay subsidies at

the English Parliament and so paid Parliament's taxes and followed laws and customs that their fellows helped develop in sessions at Westminster. Cheshire was not represented at Parliament in Westminster until the reign of Edward VI in 1547, and thereafter the English Parliament was not considered by many Cestrians as a significant place for personal advancement or advantage: "The respect for the palatinate's privileges, and local confidence that it would continue, made it unlikely that Cheshire-men would seek involvement in the English Parliament."¹⁸ Thus, I argue that the political unit we know as England was before the Civil Wars not a single unified political entity, but was itself a composite monarchy of independent political and jurisdictional units of varying size and strength: as Michelle Warren has put it in her study of an earlier epoch, in England, "caught in the cartographic imagination, the representation of insular space equivocates between the fantasy of hegemonic domination (a land without borders) and the fragmentation that clearly endures in the landscape."¹⁹ An early-modern amalgamation of the separate county units under one central administration was well underway, but not completed before the onset of the seventeenth-century conflict. Therefore, the glue that held the disparate counties together was not a central Parliamentary government at Westminster, but that of the realm of England under its monarch.

That multiple political administrations might exist within an early-modern European kingdom or realm should not seem too surprising. John Elliott has argued that composite monarchies were a particularly important political form in the early modern period, and the system of distinct provincial governments claiming to act in local best interest, but in negotiation

various times.; Braddick, *Parliamentary Taxation in Seventeenth-Century England*, 10-17: Braddick suggests that Norfolk and other counties of England negotiated a reduction to their taxes on several occasions.

¹⁸ Thornton, *Cheshire and the Tudor State, 1480-1560*, 120; on page 140, Thornton argues that "there was very little activity by Cheshire MPs in the Commons chamber before the end of the sixteenth century," and if there was any it was directed primarily at the defence of the Palatinate's liberties and privileges.

¹⁹ Michelle R. Warren, *History on the Edge: Excalibur and the Borders of Britain, 1100-1300* (Minneapolis, MN: University of Minnesota Press, 2000), 3.

with and under the direction of a central monarch, was certainly present and functioning in 1620s France of Louis XIII, for example.²⁰ In England, the ‘Acts of Union’ created Wales as a Dominion and Principality of the English Crown; annexed to the monarchy, and subject to the jurisdiction of Parliament in Westminster and its courts. Under the ‘Acts,’ the Principality’s separate county administrations were created; a “Council for Wales and the Marches” and a “Court of Great Sessions in Wales” were established as separate regional administration and judiciary, but each was directed by the central government in England. However, under the rights and privileges provided by their prince in return for a Mize, Wales received immunity from English Parliamentary taxation, the fifteenths and tenths, and retained its border from England and the rights of local government.²¹ In contrast, the annexation of Cheshire begun in 1237 by Henry III resulted in no reduction in the authority of Cheshire’s administration or judiciary.²² The final Acts concerning Cheshire of Henry VIII created a fiscal responsibility upon Cheshire to contribute to English taxation in return for representation for Cheshire in the English Parliament, but little changed on the ground in Cheshire as a result of Henry’s meddling in Palatinate affairs.²³

Strangely, Cheshire appears to have remained as a separate and distinct administration and jurisdiction despite many opportunities for the Crown to demote the Palatinate. Henry III annexed the county, and indeed gave away other Crown properties to secure the earldom intact, but once he held the ‘property’ he did nothing to diminish the distinct status of its inhabitants. Richard II capitalized on Cheshire’s already distinct provincial identity and elevated Cheshire to a Principality in 1397, styling himself as Prince of Chester. Cheshire’s rise in status, however,

²⁰ J.H. Elliott, “A Europe of Composite Monarchies,” *Past and Present* 137, no.1 (1992), 51.

²¹ Schofield, *Taxation Under the Early Tudors, 1485-1547*, 63.

²² See Chapter 1.

²³ See Chapter 3.

was as short-lived as the rest of Richard's reign. Richard left to secure his Irish kingdom in 1399, but on his return journey through Wales he was imprisoned and deposed by his cousin Henry Bolingbroke, son of John of Gaunt.²⁴ Thereafter, Henry IV returned Cheshire to the rank of a County Palatinate: he did not, however, take the opportunity to punish Cestrians further by demoting their homeland to a common English county. Instead, he chose in 1401 to assess them a communal fine of a Mize of £3,000 for their part in the rebellion against him: the Percy rebellion.²⁵ Subsequent monarchs also retained the County Palatine's status. All the Tudor monarchs and the Stuarts, including those after the Civil Wars, each reconfirmed the county's Palatine status, and thus its rights and privileges, in return for their receipt of a Mize. Each confirmed Cheshire's privileges regardless that Cestrians continued exemption from the fifteenths and tenths, as demonstrated in the last chapter, resulted in a net loss of revenue for the Crown. Even the Civil Wars and Interregnum do not seem to have diminished Cheshire's County Palatine status. As Fuller notes of Cheshire in his 1657 printing of his *Worthies*, that "[t]his County was reputed a palatinate before the Conquest, and since continued in the same dignity."²⁶ Surely, such continued powerful support for the distinctive rights and privileges, of one's homeland would lead early-modern Cestrians to see themselves and their county as separate and distinct from the other counties of the realm.

Nonetheless, Cheshire's status within the realm of the English monarch was not unique, but it was exceptional. Durham had been a Palatinate with distinct juridical powers, so too was Lancashire for a time, but the durability of Cheshire's independence sets it apart.²⁷ Other

²⁴ Barraclough, *The Earldom and County Palatine of Chester*, 25; Thomson, *The Transformation of Medieval England*, 25-32.

²⁵ Thornton, *Cheshire and the Tudor State, 1480-1560*, 64.

²⁶ Fuller, *Worthies of England*, 171.

²⁷ Tim Thornton, "The Palatinate of Durham and the Maryland Charter," *The American Journal of Legal History* 45, no.3 (July 2001), 235-255; Thornton argues that Durham remained as vibrant a Palatinate jurisdiction as Cheshire following the 1536 'Act of Resumption' in which Henry VIII transferred legal authority for writs away from the

northern counties negotiated or received reductions or privileged exemptions from some forms of English Parliamentary taxation, as did Wales and Cornwall.²⁸ Durham and Cornwall also collected local taxes which historians may have mistakenly compared to Cheshire's Mize. Even so, only the Welsh clung to their Mize as did Cestrians, which seems only proper as Cestrians appear to have originally adopted the idea for the deferential custom from the Welsh, for they too clearly distinguished themselves from the English.²⁹ Following the Acts of 1536 and 1543, Wales did not retain its separate juridical system or economic policies as did Cheshire.³⁰ However, in both provinces, the burden of the Mize was apportioned and raised within the communities as payment to the new owner of the territory, in return for maintenance of regional rights and privileges: in Wales payment was to their new prince, in Cheshire to their earl. Nonetheless, unlike the Welsh who set themselves apart culturally despite the efforts of the English monarchy to subjugate them, Cestrians existed as a people apart because the Crown had made and kept them so. Cestrians held the symbols of their separation and distinctiveness close: a self-sufficient government administration and Parliament, a distinct judicial system, and customary exemption from English Parliamentary taxation, all granted by the authority of their earl who ruled his Cestrian domain as though he were king through the power invested in him by possession of the sword of the first earl, Hugh Lupus. But, as importantly, the concepts of Cestrian independence and Cheshire's autonomy were current, vibrant notions for the inhabitants of the Palatinate in the years leading up to the mid-century Civil War.

Bishop of Durham to the Crown. As noted in the previous chapter, Cheshire received the same Act, but successfully fought its implementation in Cheshire. That the king's/queen's writ did not extend into Cheshire was, as we will recall, reconfirmed by Elizabeth I in 1568 and again in 1574. However, Thornton spiritedly defends the significance of the Palatinates of Durham and Cheshire against those who would reduce their status to that of a normal county: he cites Geoffrey Baraclough and John Morrill as chief in this.

²⁸ See notes 14 and 17 above.

²⁹ Stewart-Brown, "Avowries," 41-55; Carr, "Gwilym Ap Gruffydd and the Rise of the Penrhyn Estate," 1-20; Tim Thornton, "Wales in Late Medieval and Early Modern English Histories," 1-21.

³⁰ 27 Henry VIII c.26 CAP XXVI; 34 & 35 Henry VIII c.27 CAP XXVI.

Civil War in England officially began on 22nd August of 1642, when Charles I raised his standard on Castle Hill, Nottingham.³¹ At first conflict was a personal war between Charles and his Parliament, at least it certainly seems to have been so from the perspective of Parliament and much of the country at large. Separation of “His Majestie and His Parliament” was difficult for elite and common-folk alike to comprehend, as they were “like Hipocrates twins, they must laugh and cry, live and die together [...] we cannot disjoyn them.”³² Therefore, to choose between King and Parliament, and to decide to follow the dictates of one over the other was for many a difficult if not an impossible decision.³³

On 23rd December 1642, an agreement “for a Pacification & settling ye peace” in the “County of Chester” was signed at Bunbury by representatives of both royalist and Parliamentary forces in the county who claimed authorization by their respective “nominated Commissioners of array and Deputy Leifetenants in ye Said Countye.”³⁴ A diary entry for December 23rd 1642 by Thomas Malbon of Nantwich, Puritan and member of the Parliamentary forces in Cheshire, explains that Parliament’s forces were billeted in Nantwich whilst royalist forces had amassed and fortified Chester. Malbon asserts that it was “the Lord Kilmorey & Mr. Bridgeman” who “offered p’lye and mocens [parley and motions] of Peace with the gent. at Namptwiche.”³⁵ The gentleman of Nantwich was Edward [Henry] Maynwaringe, a successful

³¹ Harris, *Rebellion*, 401.

³² EEBO “A Declaration of the Citizens and Inhabitants of the City of Chester” (London: Husbands and Frank, 20th July 1642); Bod. Lib. Ashmole MS 830 fo.280 r.

³³ Although at present this is what I am led to believe from the tracts and authors I have so far read, I find this an interesting perspective. Neither Charles, nor James before, him seem to have set much store in the relevance of Parliament in anything other than as a way to acquire funds for their whims, wants, and policies. Neither held Parliament on regular basis, Charles having an extensive period of personal rule (1629-1640) calling his first Parliament for eleven years, what would become known as the Short Parliament, in 1640. Charles did not appear to keep his ‘enemies’ close, and so for the ‘country’ to consider the monarch and the Parliament as inseparable, or to declare them “hipocrates twins,” when on the brink of civil war seems somewhat counterintuitive, and a topic for future research.

³⁴ Parl. Arch. HL/PO/JO/10/1/141 “Pacification Agreement.”

³⁵ Thomas Malbon, *Memorials of the Civil War in Cheshire and the Adjacent Counties*, ed. James Hall (The Record Society, 1889), 31.

Colonel in the Parliamentary Army, and it was he and Mr. Marbury of Marbury who agreed to meet with the royalist leaders in Cheshire: the place they agreed to meet was Bunbury, and the Pacification Agreement was made that day.³⁶

The Agreement called for a cessation of conflict within the county, and disbanding of all forces: “That all but 200 of either side shall be disbanded tomorrow, being Saturday, and on Monday all the rest on both sides, both horse and foot, shall be disbanded.”³⁷ The Agreement also called for prisoners of both forces held in Cheshire to be released, and all fortifications “lately made by either party” to be demolished.³⁸ Additionally, arms and goods taken were to be returned to their rightful owners.³⁹ This was to be accomplished and maintained by the officers identified in “7 Item,” who were not to execute their duties for either King nor Parliament to raise or retain further forces in the county. All which clauses seem both logical and expected for an agreement made to cease conflict. And, as Malbon explains, the “next daye afterward [...] all the Companyes on bothe sides weire disbanded.” The royalists returned to Chester, and the Parliamentary forces remained in Nantwich for a fortnight.⁴⁰

However, the Pacification Agreement also contains clauses other than those which one might expect. Items one and six take the treaty beyond an agreement to cease fighting Civil War within Cheshire and add levels of active resistance, and thus they suggest the creation of military active neutral force in the county: what Morrill calls “a Third Force.”⁴¹ Item six claims that such a force would be raised in Cheshire to repel all, from either side, who enter the county intent on “doing any hostile act.”⁴² If any force should enter the county, it was agreed that the

³⁶ Malbon, *Memorials of the Civil War*, 31.

³⁷ Parl. Arch. HL/PO/JO/10/1/141 “Pacification Agreement,” item 2.

³⁸ *Ibid.*, item 3 and 4.

³⁹ *Ibid.*, item 5.

⁴⁰ Malbon, *Memorials of the Civil War*, 34.

⁴¹ Morrill, *The Revolt of the Provinces*, 159.

⁴² Parl. Arch. HL/PO/JO/10/1/141 “Pacification Agreement,” Item 6.

“Lords & gentlemen will ioyne to resist them.” Moreover, if an armed force entered the county “without ye consent both of the king and both houses of parliment” the same lords and gentlemen “will resist them & use their utmost indevours therin.”⁴³ Thus, the local representatives of each of the forces in Cheshire had not only agreed to a truce, but had agreed to jointly raise county-forces to keep the belligerents from elsewhere out of the Palatinate.

Item six also states that the lords and gentlemen of Cheshire will obtain from “his Matie [majesty] a letter thereby declaring yt is regard a Peace is made in ye County he wil send no forces into this Countye (sic).”⁴⁴ Thus, the signatories, representing their respective sides, seek assurances from the king that he will honour the county’s agreement, but they seek no such assurance from Parliament. Therefore, the agreement presents the perspective from the locality, that although king and Parliament are at war, and so have opposing forces prepared to do battle, it is the king who has ultimate authority to legitimise the county’s stance. However, although Parliament is not directly addressed in the agreement, it is to Parliament that the copy I have viewed was sent. It is not clear, as no record has yet been found, whether the king received a copy of the same agreement from Cheshire, or some other notification of intent from the county. Nonetheless, as will be discussed below, Parliament did receive the Bunbury agreement, and it was Parliament’s swift reaction to that agreement that changed the course of the war in the county. Moreover, Parliament’s response also provides evidence of the existence of distinctive expectations in the relationship between provincial counties and the Crown that represents a level of negotiated governance in England not yet fully explored by historians.

Cheshire’s declaration of peace has been remarked upon by historians as a ‘knee-jerk’ reaction by Cestrians to the unusual or unnatural circumstance of the country embroiled in Civil

⁴³ Ibid.

⁴⁴ Ibid.

War. And yet, can one consider an agreement made by the gentlemen of opposing forces, of whom neither side was seemingly at a disadvantage in the county four months into a campaign, as a ‘knee-jerk’ reaction? This notion I feel is partly from an inclination for historians to subconsciously, or perhaps consciously, privilege the known outcome of the hostilities: Parliament’s military victory. Morrill has categorized the local reaction to the war reaching into the provincial counties as one of either two possibilities, in which fear either “drove some men into royalism [...or] far more into neutralism.”⁴⁵ Thus, to Morrill, resistance to war in the counties seems to be signified by taking an opposing side to that of Parliament: men were not driven to Parliamentaryism.

Being driven to royalism, I argue, suggests the tangible and immediate connection between the provinces and the Crown. The local reaction was, understandably, to cling to the familiar which meant either deferential, and perhaps ‘self-comforting’ support for the *status-quo*, the unassailable monarchy, or else the desire to remain on the side-lines of a conflict for which governments in the localities determined no measure of personal interest or gain. B.S. Manning, in his Ph.D dissertation of 1957, drew attention to several areas of England which he found had declared neutrality in reaction to the onset of Civil War, Cheshire included. Manning argues that the majority of people simply sought to continue with their lives without disruption, “indifferent to the cause of either party.”⁴⁶ In 1999, Morrill took Manning’s work further; he claimed that the desire not choose sides, and discontent with onset of war, led twenty-two English counties to attempt neutrality.⁴⁷ Furthermore, Morrill divided the approaches to neutralism by the counties into two distinct groups: “totally committed efforts of moderate men [...] raising a third force to

⁴⁵ Morrill, *Revolt of the Provinces*, 36.

⁴⁶ Manning, “Neutrals and Neutralism in the English Civil War 1642-1646.”

⁴⁷ Morrill, *Revolt in the Provinces*, 54: an idea for which he supplies no evidence, but for which he admonished the historical community that this phenomenon had “never received adequate attention from historians.”

put down both sides and keep out all ‘foreigners;’ and the demilitarisation pacts made between royalist commissioners of array and the parliamentary militia commissioners in an attempt to prevent bloodshed.”⁴⁸ Again, he seems to categorise the approaches as either-one-or-the-other. However, I suggest that the efforts at neutrality in Cheshire clearly cross the boundaries of Morrill’s distinct lines.

At the onset of the Civil Wars, if the options facing the counties were necessarily immediate, and simply a choice between royalism or neutrality, immediacy might render plausible the claim to any decision by local government as a ‘knee-jerk’ reaction. However, my research suggests that the agreement in Cheshire was long in the making and not a reactionary policy, but a policy of reaction to growing unease in the Palatinate and symptomatic of the autonomous nature of its government. The county’s policy, pursued by the leaders of its judiciary and administration, was actioned in the county for some considerable time. The policy of detachment undertaken by the Palatinate’s government in growing conflict between the English monarchy and Parliament, further demonstrates greater complexities in the relationship between England’s early-modern government, monarchy, and the periphery than previously determined. Cheshire’s unsuccessful Pacification Agreement of 23rd December 1642 represented, not a one-time ‘knee-jerk’ or fear driven reaction to the onset of civil war, but rather was the last vestige of a consistent Palatine policy.

In May 1642 Cestrians sent the king a petition affirming their loyalty to “his Sacred Majestie,” and to the “preserv[ation] of the Parliament.”⁴⁹ As for many of England’s counties, as the disagreement between the Charles and his Parliament escalated, one can find for Cheshire

⁴⁸ Ibid. It is necessary to make clear that neutrality for the purposes of our discussion is considered as an administrative or defensive policy of either local government, elite gentry, or between parties involved directly with the two belligerents. This discussion does not include the ‘Clubmen’ from later periods in the conflicts (1645-46).

⁴⁹ EEBO Thomason E.149 [30].

declarations made to both king and Parliament professing allegiance to both “His Majesty and His Parliament,” offering perhaps sincere attempts by the population to demonstrate their reluctance to see the country divided by conflict, and perhaps an indication that the outbreak of war when it eventually came in August was not so much a surprise as Revisionist historians may have us believe.⁵⁰ A “Declaration of the Citizens and Inhabitants of the City of Chester,” dated July 1642, however, addresses the specific problem posed to Cestrians “summoned to appear before His Majesties Commissioners for the Array at the Roodey.” In their declaration, Cestrians profess their allegiance to both parties, but importantly declare themselves opposed to the Commission of Array and unwilling to enter “unto a disjointed obedience” in any conflict between them on either side. Rather, the “Citizens of Chester” declare themselves as a third force, “Enemies to all such as Shall go about to put His Majestie and the Parliament asunder,” which may be the first time that they openly assert that intent.⁵¹

The Ashmole Collection contains several other full and partial copies of declarations from Cheshire, the first of which is undated, each espousing the Palatinate’s wish to avoid involvement in the coming conflict. Close analysis of these documents reveals the resolve of Cestrians to maintain the moderate disposition of their county. A copy of the first declaration was printed in London on 12th August 1642, but the original was somewhat confusingly misdated and only partially reprinted by Morrill in his “Documents” section.⁵² By that “Remonstrance or

⁵⁰ EEBO Thomason 669 f.6 [55] ; Revisionist historians have argued that when the Charles raised his Standard at Nottingham in August 1642, signalling the complete breakdown of relations between King and Parliament, most of England reacted in complete surprise and confusion, and had little enthusiasm for the conflict. That many had little enthusiasm for the conflict appears to be correct, but that the breakdown was such a surprise does not seem so tenable given the proclamations of loyalty to both parties consistently expressed by county governments across the breadth of the country.

⁵¹ EEBO Thomason 669 f.6 [55]; printed in London, 20th July 1642.

⁵² Bod. Lib. Ashmole MS 830 fo.280 r&v; EEBO Thomason 669 f.6 [65] “London: printed by L.N. and J.F. for E. Husbands and J. Franck, and are to be sold at their shops in the Middle-Temple, and the next door to the Kings-head in Fleet Street. August 12. 1642”; Morrill has mistakenly conjoined this declaration, which he incorrectly dates to 25th August 1642, with a subsequent manuscript in the collection (Ashmole MS 830 fo.284). In so doing, he has

Declaration,” the Justices of the county argue Cheshire will take the position of all moderate men, not to choose to support either side, but “in defence and Service of both.” The Justices assert that the king and Parliament are advocating the same aims and intentions, and that those who are “festering and formenting the unfortunate Mistakes... betwixt the head and body” are therefore the enemies of Cestrians. In this document, the Justices declare that Cheshire will not, therefore, take up arms for either side as those who “doe threaten the dissolucion of the fabrick of this blessed Government, with the losse of all His Majesties Kingdoms and Dominions (sic).”⁵³

A second Cestrian petition in the Ashmole Collection is the latter partial and undated portion of what was probably a larger declaration. Although undated, the text begins with the information that “...as our Soueraigne L: K: Charles hath set up his Standard Royall,” and so must be written on or after 22nd August.⁵⁴ It is not clear who the author of this text is, as it contains no references or signatures, but the style and form of address, and strident yet deferential tone suggest government status: perhaps city administrators, or the same group of justices as the first text. This text describes the king’s demands that his subjects to provide him with “aide and assistance... for the suppression of such Armes raised without his Ma.[jesty’s] consent.” The county assures the king that it will seek to protect his person, but also respect “the knowne privilege of parliament, and the libty of y[ou]r Subjects.” However, the final third of the document establishes Cheshire’s reluctance to support either side. This section reveals that “to all of their utmost endeavours, all other inhabitinges within this county” will raise a force which

missed a significant second and fully complete declaration, and another partially complete declaration, both from a later date. However, this first is a full and complete document on two sides (r&v) without the additional text Morrill has attached to it: Morrill, *Revolt in the Provinces*, 159-160.

⁵³ Bod. Lib. Ashmole MS 830 fo.280 r&v.

⁵⁴ Bod. Lib. Ashmole MS 830 fo.282: the declaration that follows is copied to begin at the foot of the page and is dated 25th August 1642, so this document might date from between 22nd and 25th August 1642.

shall seek to suppress any forces that enter the Palatinate, and “which shallbee sent out of this County, [those who] by any wayes or meanes endeavour to doe any hostile Act therein; or any publique Act to the hinderance of the [] or quiettnes theireof.” Thus, Cestrians seek to declare that they will not join the forces of either side, but “wee will peaceably & quietly lay downe all Armes.”⁵⁵ It is assumed that this declaration was written for the attention of the king, or perhaps as a general statement of intent to printed and distributed in the country. But, whomever the recipient or intended audience might be, Cheshire’s intentions are clearly neutral, and forcibly so.

The third document, dated 25th August 1642, is a copy of “The Humble Declaration and answeare of the Knights, Esquires, gentlemen, and freeholders of the County Palatine of Chester” to the king’s request for armed assistance from the county, made on his behalf by Lord Strange. In their reply to the king, the inhabitants of Cheshire note that “it appeares by his ma[jesty’s] and both houses of Parliament doe intend one and the same thing, and doe declare to the worlde theire ends are & same.” Thus, the Cestrians see no need to “occasion the effusion of Christian Bloud,” and explain that they see nothing to be gained but “the hazard of his Ma[jesty’s] kingdomes by the fearefull symptomes, wee see if a Civill warre forms (sic).” However, they also explain that the county has also told Parliament that “upon like groundes, they refuse to contribute to theire aide (sic).” The petitioners call for a cessation of violence and that “some moderate persons” act as arbitrator between the two warring parties.⁵⁶

A fourth, undated document, calls for the Commission of Array and the Militia Ordinance to “be wholly suspended in the county...as finding neither of them soe necessary at this tyme.” The document lists several conditions to be followed by both royalist and

⁵⁵ Ibid. Ashmole MS 830 fo.281 r&v is blank. The page has been renumbered (previously 284) and perhaps inserted for the missing page of text.

⁵⁶ Bod. Lib. Ashmole MS 830 fo.282 r&v, and fo.283 r.

Parliamentary forces, including that neither should “be suffered to enter the county in a hostile manner,” otherwise the “whole county shall rise against them as enemies against the peace.” Thus, the inhabitants would create a force to prevent warring armies of either side from bringing England’s conflict into the county, “burning or pillaging,” or even passing through without “wee shall take order to see them quietly conducted by the sherriffe with such a convoy as he shall appoint (sic)” to escort them back across the border. This document clearly calls for the county to be in readiness to create a third force which takes the county’s neutrality beyond the moderate position of support for both sides, to one seeking to maintain the peace of the county by rising-up against either or both sides should they seek to pass over the border “to involve this county in blood.”⁵⁷ The document maintains a tone which suggests that the Civil War has begun, but not yet crossed the county border. Thus, I suggest that this document is from the earliest stages of the first war. Nevertheless, the attitude exhibited in this document, that the county’s inhabitants should be in control of events within their own borders, resounds in December’s Pacification Agreement.

Elsewhere, the end of September 1642 saw a Pacification Agreement made in Yorkshire. This contained a number of the ‘items’ that appear adapted from the conditions proposed by Cheshire.⁵⁸ The agreement was refused by Sir John Hotham on behalf of Parliament, but clearly indicates Cheshire was not alone in seeking to withdraw into neutrality from the conflict. On 12th October, a Parliamentary newssheet, masquerading as a letter from a royalist soldier stationed in the north, claimed that Cheshire had been disarmed by the king because “some of the Prime

⁵⁷ Bob. Lib. Ashmole MS 830 fo.284 r&v: there are seven ‘items’ listed on this document, each of which reiterate that nothing should be imposed upon the county.

⁵⁸ “Articles of a Treaty of Pacification Agreed by Some Gentlemen of Yorkshire at Rothwell, 29 September 1642.” In *County Treaties of Neutrality of the Opening Months of the Civil War, 1642-1643*, English Historical Documents vol.V (B), 1603-1660, edited by Barry Coward and Peter Gaunt. Routledge, 2010. Accessed 12 Jan 2017: Items 3,4,5,6,8, and 10 all are reminiscent of the items listed in the earlier Cheshire text, Ashmole MS 830 fo.284 r&v, but they are so uniquely adapted for the local Yorkshire context that I could possibly be mistaken.

Gentry in Cheshire, who would stand as Neutrals” and displayed such “faintheartedness” to provide opposition “as in any other county,” have had their houses plundered and so “have found but little favour.”⁵⁹ On the other hand, in a petition presented by “Trained Bands, and Freeholders, and others the Gentry and Commonalty of the County Palatine of Chester” to Charles I in 1642 when he visited Chester, they advised the king to be beware that there are those elsewhere “pretending loyalty or gratitude,” who might lead the country “to the barbarous assascination and ruine of one another.” From the text, it is clear that Cestrians wish to inform the king of their suspicions that monies collected in the county, “under the pretence” of the raising of forces for the king’s protection, have been subject to misuse. They are concerned to ensure that “the right end may not be abused, nor the Subjects owne moneyes inverted against them to their owne ruine.” Although they do not make clear whom they accuse of such corruption, in this petition Cestrians do not profess their equal loyalty to Parliament.⁶⁰

However, if the choice for the provincial counties was bipolar, between royalist support or neutralism, where, one wonders, does support for the Parliamentary forces in Cheshire then come? Manning contended that Parliament relied on the discontented of the county, those lesser-folk who were determined to “show themselves independent of their landlords.”⁶¹ However, it is clear from Cheshire’s experience that this was not necessarily the case: Thomas Malbon was a gentleman and member of the Committee of Sequestrators for Nantwich; signatories to Cheshire’s Pacification Agreement, Edward [Henry] Maynwaringe of Carmyncham and Mr. Marbury of Marbury were both prominent gentlemen of the county, Maynwarinringe was a Colonel in the Parliamentary army and each was a Deputy-Lieutenant appointed by Parliament

⁵⁹ EEBO Thomason 21 E.121 [38] “A Good Hand from the Army.”

⁶⁰ EEBO Thomason 669 f.6 [83]: Printed in London, 1642.

⁶¹ Manning, “Neutrals and Neutralism,” 5.

on 4th June 1642.⁶² Additionally, when Parliament refused Cheshire's Pacification Agreement on 9th January 1643, Sir William Brereton, Member of Parliament for Cheshire and Colonel in the Parliamentary army, was dispatched detailed orders on the same day to "Arme, Traine, and put in readinesse, all and every the Inhabitants of that County [Cheshire]...against all Forraigne Forces, that shall in hostile manner invade the said Countie." Thus, Parliament styled itself as the rightful protector of the inhabitants of Cheshire, taking the wording of Item six from Cheshire's agreement to use for its own ends. Brereton's forces arrived in Cheshire on 28th January 1643 and were immediately confronted by royalist forces led by Sir Thomas Aston. After Brereton won the day, Aston retreated his forces to Chester and set the general pattern for the rest of the Civil War in Cheshire: royalist forces regrouped, defended and attacked from Chester; Parliamentary forces based their efforts from Nantwich.⁶³

The Pacification Agreement, signed in Bunbury on 23rd December 1642, four months after the beginning of the first Civil War in England, represents the culmination of the attempts by Cheshire's leading citizens to exercise the autonomy that Cestrians had become accustomed to wielding as a tool of negotiation for the good of their county: they acted independently because they believed their Cestrian status allowed them so to do. The policy of neutrality pursued by Cheshire's government from the outset represented the moderate stance many Cestrians continued throughout the conflicts. As such, it truly represented the policy of the county, but not of all the county.

In dealing with the issue of the Pacification Agreement presented to them, Parliamentarians selected their candidate from Cheshire, Sir William Brereton, to best represent Parliament's 'face' to the people of Cheshire. Parliament's written reaction to Cheshire's

⁶² Malbon, *Memorials of the Civil War*, xxx.

⁶³ *Ibid.*, passim: Chester eventually fell to the Parliament in 1646.

agreement was detailed and lengthy. It rebuked Cestrians for seeking to separate their county from others in the kingdom. Nevertheless, as I have shown, that division was one Cestrians had maintained for centuries.⁶⁴ Cheshire's royalists resisted Parliament's advances in Cheshire until Chester finally fell in 1646. As a final demonstration of the what they considered the defeat of Cheshire's autonomy and independence Parliament carried away to London Cheshire's Sword of Dignity, its authority to act in autonomy granted by their Lord, the monarch. That Parliament's forces were compelled to remove the symbol of Cestrian autonomy and independence indicates what a powerful symbol, and indeed tool of autonomy it was. Until that moment, Cheshire's autonomous status, its privileged position in the realm remained a challenge to the authority of the English Parliament. And, it is interesting to note that the Parliament in Westminster took Cheshire's rights and privileges, autonomy and independence so seriously, even in the mid-seventeenth century, that they had to remove the source of that authority to themselves.

From 1237 onward, the complexities of the layers in English governance created a space for negotiation by the Palatinate in which its own county customs, charters, and statutes could be imposed locally, and exploited in discussion with the Crown and central government. This state of affairs continued unabated from the first inception of the county's privileged position until Parliament's victory over the royalists in Cheshire in 1646.⁶⁵ Before then, the Palatinate had challenged the legitimacy of the English Parliament and often sought the protection of the

⁶⁴ Parl. Arch. HL/PO/JO/10/1/141: Parliament's response to Cheshire's agreement, and its response to other similar agreements in other counties will be part of the analysis for a future Ph.D project beginning in the fall 2018.

⁶⁵ "Severall Reasons Wherefore the Inhabitants of the County Palatine of Chester and Lancaster; As Also All Forreigners are now Prejudiced and Tyrannized Over, by Reason of the Pretended Privileges and Liberties of the Said County. So that the Condition of the Said County is Farre More Miserable, and in Greater Thraldome, than any Other County Whatsoever in the Kingdome" (London, E.E., 1645): An anonymous pamphleteer in 1645 argues that Cheshire's "pretended Privileges and Liberties" have caused its inhabitants, and "all forreigners" prejudiced treatment at the hands of Chesters courts. From his complaints, it is clear that Cheshire remained a distinct jurisdiction and that jurisdiction of Westminster was challenged in the county. It seems that this writer's experiences of Cheshire's 'protectionist' policies toward its inhabitants are current and troubling to him, from an outside observer's vantage point: he sees those in the county as tyrannized and without justice, and if justice is sought outside the county then such ruling does not carry force into the Palatinate.

sovereign in its defence. Successive monarchs had retained the privileges of the county, and even the Palatinate's great adversary Henry VIII did not remove its Palatine status. However, Parliament's military victory in Chester was sealed by their removal of Cheshire's Sword of Dignity, the source of the earldom's privilege, to London. Although the sword was eventually returned, Cheshire's autonomy and independence appear significantly different after that. As Braddick noted, once the Interregnum government had established control of administration of the Subsidy in the 1650s, Cheshire's contributions to the tax increased nineteen-fold over pre-Civil War levels: in the forty-year period from 1590 to 1630, Cheshire contributed £17,758.14 to the national Subsidy. However, in the ten-years of the 1650s alone, Cestrians paid over £16,000.⁶⁶ Although the privileges of the Palatinate remained in place, in some form, throughout the county's history until 1830, the county no longer resisted the statutes of the English Parliament with the same veracity as once was.

⁶⁶ Braddick, *Parliamentary Taxation in Seventeenth-Century England*, 274-275.

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Abbreviations:

BL - British Library, London.

Bod. Lib. – Bodleian Library and Archives, Oxford.

CRO - Cheshire Records Office, Chester

EEBO – Early English Books Online

HPPA – Houses of Parliament, Parliamentary Archives, London.

MACLHA – Macclesfield Library Local History Archives, Macclesfield, Cheshire.

MLHL - Marple Local Heritage Library, Cheshire.

NA – National Archives, London.

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BL Harley MS 1046 fo.131v

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BL Harley MS 2009 fo.34r+v

BL Harley MS 2009 fo.35r+v

BL MS 2009 fos.40-1

BL Harley MS 2009 fo.43v: “Of a Sanctuary-Way called the Vouryes, for Dettors: which is such a Priviledge, that a Man may goe all the Sayd County of Chester ouer, at Liberty, without any Interruption of the Law.”

BL Harley MS 2009 fo.154

BL Harley MS 2009 fos.172

BL Harley MS 2009 fos.173

BL Harley MS 2009 fo.187

BL Harley MS 2091

BL Harley MS 2124

BL Additional MS 41661

CRO DLT 4996/5011

CRO DDX 43/43 “Order to the Constables of Raby to gather the Mize due to the Queen and due last Mid-summer.”

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CRO ZCR 63/2/5/1 (Cheshire Mise Book 1626-7)

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