

WHAT DID THE ROYAL ALMONER DO IN BRITAIN AND IRELAND, c.1450-1700?¹

During the Middle Ages most major secular and ecclesiastical households in Britain and Ireland employed an official called an almoner to deal with charitable giving. As the ultimate aristocrat, the crown too had an almoner for England and Wales, Ireland and Scotland. In present-day Britain the queen's almoner (currently the bishop of Manchester) is best known for distributing Maundy money, but in the medieval and early modern period he was a far more important figure. Half a century ago Lawrence Tanner published a list of English almoners and sub-almoners, but what is known of their functions comes from incidental references in literature about ecclesiastical life and the royal household, with court preaching most extensively studied.² Then in 1990 Michael MacDonald and Terence Murphy attributed to the almoner a central political and fiscal role in the 'Tudor revolution in government': the enforcement of draconian penalties against suicides.³ Those found by a coroner's inquest to have killed themselves consciously and deliberately (called *felones de se*) forfeited their moveable property to the crown; the blameless (*non compotes mentis*) suffered no penalty. During the sixteenth and seventeenth centuries nearly all coroners' inquests returned verdicts of *felo de se* on suicides. Perplexed by why members of communities should have chosen publicly to persecute their hapless neighbours over what they imply was a private tragedy, MacDonald and Murphy sought a powerful external agent to enforce material penalties - and found him in the royal almoner, who had delegated rights to collect and distribute such forfeitures.

In a highly speculative discussion, MacDonald and Murphy claim the almoner was able to secure large sums for himself, his master or mistress by policing coroners' inquests into registering verdicts of *felo de se* and by stopping family from asserting control over assets after a relative's suicide. They portray almoners as rapacious and eagle-eyed royal officials, operating through the 'politically intimidating and legally nimble' courts of Star Chamber and King's or Queen's Bench to enforce forfeitures, which royal grants gave to successive almoners.⁴ We are told that they enforced a legalistic set of ethics (that suicide was wrong and needed to be punished) along with the material penalties that bolstered them against a desire by family and community to

treat suicide more leniently. Their motive was partly political centralisation and partly manipulation of what Joel Hurstfield called ‘fiscal feudalism’.⁵ Occasionally MacDonald and Murphy refer to the almoner’s duty ‘to treat the survivors of suicides and the forfeiters of deodands mercifully’, yet claim that such obligations seem rarely to have interfered with the enrichment of the almoner and his monarch.⁶

While presented as the deus ex machina of suicide verdicts, the charitable role, judicial involvements and political functions of early-modern royal almoners remain obscure – even to those doing detailed work on the lives of bishops who were almoners – because much of their work was behind the scenes.⁷ This article is an attempt to shed new light on almoners by exploring: what they actually did, principally in the enforcement of the law on suicide; their conception of ‘charity’ in handling the affairs of felones de se; and the benevolent uses to which they put forfeited assets. While apparently focusing on an ‘odd man out’, suicide, the article sheds new light on the ideological basis and practical impact of the almoner’s involvement with Tudor and Stuart society at large, rather than simply his function at court.⁸

As holder of a national franchise to collect deodands and the goods of felons of themselves, the almoners of England and Wales and of Ireland were less instruments of the crown than its semi-independent servants, exercising through a royal grant ‘public jurisdiction in private hands.’⁹ Their role is best envisaged as an extension of a place at the royal court or as part of the domestic establishments of the nobility, which ‘were equally committed to a combination of practical provisioning and socio-cultural displays of power. In its upper echelons the aristocratic household existed to articulate and enhance the reputation of its head: senior servants personated and expressed his qualities.’¹⁰ The almoner performed a broadly traditional charitable function, understood not only as beneficence, but also as creating and recreating a Christian community. Responding to a need for both law and lordship in a changing social and legal environment, he blended (in Sir Paul Vinogradoff’s terms) the universalism of canon law with the narrow issues of loyalty within feudal law.¹¹

Forfeiture by felones de se combined the parts into two goals. First was compensation to a lord for a breach of fidelity (the most basic meaning of the word ‘felony’) and the exercise of his responsibilities to dependants. The letter of the law allowed crown or ‘society’ to be ‘in some part revenged [on suicides], by depriving

them of power to dispose of their Estate', but intervention was as much a reflection of attempts pragmatically to settle the affairs of all the dead as it was a comment on self-murder itself.¹² Second was an obligation to act 'for God's love' both in a lord's own interventions and in the relationships he sought to build or re-build among those with whom he dealt. For Vinogradoff 'the two influences meet in conflict and in compromise'.¹³ As we shall see towards the end of this article, Ireland's almoner was like that for England and Wales, but he operated in a different institutional and social environment. The royal almoner in Scotland had a quite different role, which illustrates the profound dissimilarities in the political, social and religious complexion of the component parts of Britain.

'Technically, "almoner" refers to one who solicits alms, collects and distributes them.'¹⁴ Found in all large households of the Middle Ages, most were clerics charged with fulfilling expectations of charity and piety, even if some look like chamberlains or accountants because they were involved in getting and spending money; those belonging to the sixteenth-century London charitable hospitals look like wardens.¹⁵ The royal almoner, variously known as the Great or (Lord) High Almoner, was such a figure writ large. The post is first referred to in 1103 and in 1177 Roger the Templar was chosen almoner by Henry II 'with the wise counsel of his bishops and other wise men' to hear claims and to receive a tenth of food and drink from the royal household for distribution to the poor.¹⁶ Early almoners and sub-almoners alike were probably appointed by word of mouth and this may have remained true even in later times when they subsequently received formal, open 'letters patent': written grants may have been issued only when there was some need to assert privileges. The first recorded grant of deodands to an almoner by letters patent under the great seal 'for maintenance of the King's Alms' comes in 1421 to John Snell.¹⁷ Two other grants in the following decade go out of their way to state that 'deodands have always belonged to the almoner of the king's household in sustentation of the king's alms'.¹⁸ This may have been argumentative rather than descriptive, for in 1400 a serjeant at arms and another man from the county were commissioned to enquire into unsold deodands in Suffolk during the previous decade, to render proceeds of sales to the king's almoner and to account for them to the king's council; nothing came of the initiative.¹⁹ In 1476 the title of High Almoner was first bestowed on Thomas Danett,

though in a subsequent grant Master Danett is still described as ‘the king’s servant’.²⁰ Danett too seems to have been doing the job before he received his patent.²¹

In the fifteenth century most senior English churchmen had been turned into purely spiritual authorities, but the crown returned to one ecclesiastic as figurehead confiscations that it had wrested from most bishops as lords during the Middle Ages.²² This realigned an abiding coalition between church and crown. It carried on medieval institutions to pursue ideals that blended traditional Christianity with the revived classical ideas of civic humanism that characterised the Renaissance, as well as helping to fill a legal gap caused by the decline of aspects of church court and manorial jurisdiction. The franchisal privileges granted to almoners from the fifteenth century (and perhaps before) built on a tradition of clerical involvement in many areas of life, most notably the enforcement of obligations in wills and contracts, the original justification for canonical involvement in which had been to ensure implementation of charitable bequests and, more broadly, to protect conscience, confidence and moral object.²³

Forfeiture for felony originated in the thirteenth century and until the sixteenth century proceeds could go to help a soul pass through Purgatory (‘deodand’ meant something given to God in expiation).²⁴ For example, in 1321 a London Sheriff ordered that the forfeited goods of a woman ‘should be given in alms for the soul of the same Joan, and the king would concern himself no more with those chattels’.²⁵ After the Reformation discountenancing certain types of religious giving meant that charitable donations went to different ends. Poor relief was an obvious destination in the century after 1530 thanks to short-term disruptions to existing provision: the dissolutions of the 1530s and 1540s, for example, ‘devastated local relief capabilities’.²⁶ Benevolence was refocused by Edwardian legislation that clarified legitimate charitable uses.²⁷ To these politico-religious changes was added in the later sixteenth century the more evident problem of structural poverty.²⁸ Judged by indicators such as the number of Star Chamber suits, the almoner was most active between the 1570s and 1630s, the period when both leading by example and managing by intervention were most needed to shape benevolence; the highest rate of suits came in the reign of Elizabeth at just over eight a year.²⁹

Being almoner had attractions. One was proximity to the monarch. A drawing of the king’s table from the time of Edward IV shows the almoner sitting at his right

hand while Thomas More cites an example of ‘doctor Mayo’ (Richard Mayhew, almoner since 1497) offering wisdom to Henry VII at table.³⁰ The office also had perquisites, though very few formal emoluments. Almoners seem to have received expenses or ‘diet’ and perhaps pensions, but it is unclear if these were *ex officio* except for Walter Felde (1483) whose patent includes ‘all accustomed fees’.³¹ Only much later were England’s royal almoners salaried and even then they sometimes had to give royal alms from their own pockets.³² Imprecision about what the job offered was matched by vagueness in what was expected of its holder, though it is clear that being almoner was far from a sinecure.³³ Like any servant to an important person, he worked within an open-ended understanding of service, which meant he could legitimately be asked to do anything not incompatible with his personal honour or ecclesiastical calling.³⁴ This broad and formally unaccountable remit explains why the work of the almoner is so obscure.

In the early Tudor period he presided over a department within the royal household called the Almonry. According to David Loades, the development of the privy chamber as a distinct household organisation (starting in the 1490s, but really taking off in the 1520s) resulted in the king’s charitable ‘offerings’ increasingly being made by the chief gentleman of the privy chamber rather than the almoner himself: ‘This left the Almonry with the main task of distributing the “broken meats” from the royal tables to the poor who (theoretically) clustered at the palace gate. In practice, many of the poor seem to have infiltrated the palace and helped themselves, while the Almoner’s “doles” were either sent to convenient charitable foundations or sold to other catering institutions and the money given to suitable causes.’³⁵

If Loades is correct about the almoner’s duties, it might be another sign of the creeping demotion of the clerical estate by the 1530s: the almoner, being a cleric, was being sidelined in the high-profile side of his work by a courtier. Some of what the almoner gave certainly came from the privy chamber. A royal commission of 1552, investigating crown revenue and expenditure, showed that the king’s offerings, daily alms, privy alms and giving on Palm Sunday, Maunday Thursday and Easter were paid by the treasurer of the king’s chamber.³⁶ The commission’s report makes no mention of the royal almoner – or of deodands or the goods of felons of themselves – but a royal warrant of 1550 gave £240 to Richard Cox (1547) for the previous year and £20 a month thereafter ‘to be employed upon his Majesties privie almes’.³⁷ Four

years later Queen Mary issued a warrant to the treasurer of the chamber to give Dr William Bill, chief almoner, 5s 5d: 'to be by him distributed every day at the Court gate'.³⁸ There are other examples of routine grants of this kind, but tracing the source and course of giving is otherwise largely impossible.³⁹ What is clear is that funds from the privy chamber were only part of those at the almoner's disposal. His patent shows he had his own purse and the ways he used it can occasionally be documented.⁴⁰

Despite the wording of the 1554 grant, it seems unlikely that either the gentleman or the almoner dealt personally with mundane handouts unless there was some public point to be made. Indeed the almoner himself had a special place as well as his own means. He was a personal appointee, always in the royal gaze and with an important public profile which created opportunities to excel at some task. Promoted to almoner in 1509, Wolsey made his name arranging major holiday banquets, but Princess Mary's Welsh household had an almoner who refused to do this and her chief advisor was forced to write to ex-almoner, now chief-minister, Wolsey for advice on Christmas and Twelfth Night banquets.⁴¹ The almoner was an important figure in his own right, though exactly what he made of the job was an individual matter dependent on his character and relationship with his lord or lady. Wolsey exemplifies the fact that being almoner normally served as a stepping stone to something better; four other Henrician almoners went on to become archbishops of York. A singular mark of favour in itself, it would have been sensible for the almoner to cooperate with other courtiers – like the chief gentleman of the privy chamber - if he wanted further royal patronage. Yet the gentleman operated in the closed environment of the privy chamber while the almoner was an intermediary between the court and the wider society.

There were other conduits for power and personality open to the capable and ambitious. Richard Cox was personal tutor to the future Edward VI and was put in overall charge of his education when formally made the prince's almoner in 1544; he became High Almoner in 1547.⁴² Cox is a good example of the multi-functional role of early and mid-Tudor almoners and a reminder that until the late-Tudor and Stuart period not all almoners were bishops when appointed. He was a moderate Protestant who was important in creating a reformed climate around Edward VI and he was later a conscientious bishop of Ely.⁴³ Protector Somerset, who himself retained a master of

requests to perform some functions comparable with the almoner's, sent Cox on a preaching mission to Sussex 'to appease the people by his goode doctryne, whiche arre nowe trobeled through the sediciouse preachinge' of the bishop of Chichester and others.⁴⁴ Early Tudor almoners had a wide range of other jobs beyond preaching and counselling. They served as foreign envoys (as had their fifteenth-century predecessors) and were expected to promote the monarchy at home by ensuring, for example, that church bells were rung to greet the ruler on processions around London – and fining churches whose bells were silent.⁴⁵ They also pursued fines for breaches of the orders on Lent observance.⁴⁶

This already long list does not exhaust their tasks, for they could be arbitrators, mediators or adjudicators in the best tradition of equity, the most vibrant branch of the English law in the fifteenth and sixteenth centuries. One example from Staffordshire in 1503 involved Richard Mayhew enjoining disputants over land to 'contynue in love and charite'.⁴⁷ Mayhew was involved in another land dispute in Shropshire earlier the same year.⁴⁸ An example from Lancashire in March 1512 is the award of Robert Bekinsale, chaplain and almoner to Katherine of Aragon, and Richard Dalton, between James Dalton the elder and Gilbert Nelson (like Bekinsale, early almoners tend to be styled clerk, confessor or chaplain to a king or queen in the patent rolls).⁴⁹ In 1525 Bekinsale was involved in brokering a high-level marriage settlement in Cornwall.⁵⁰ Finally, royal almoners had judicial roles, of which the most important was to sit on the panel that presided over the early Tudor 'Whitehall Court' or Court of Requests: a civilian-dominated conciliar tribunal with equitable jurisdiction which existed to hear 'poor men's causes' and which dealt with private matters, where Star Chamber handled public ones.⁵¹ Richard Mayhew sat in both courts during the 1490s.⁵² This judicial role fell into abeyance when the judges or 'Masters of Requests' were given a more formal standing in the late 1530s.⁵³

The royal almoner's role became both more specialised and more wide-ranging over time. Almoners were at best mid-ranking clerics at Court in the later years of Henry VIII's reign and, under Elizabeth, usually bishops of lesser sees – perhaps a sign that, if the senior clerical estate had indeed suffered under the early Tudors, it later recovered.⁵⁴ By the Elizabethan period almoners acted as principal preachers at Court and trustees for the queen's charities. Both Elizabeth and James I saw the deanery of the Chapel Royal as dispensable, reinforcing the almoner's

seniority and confirming his post as the highest court office automatically available to a bishop.⁵⁵ Royal almoners gave important sermons to and on behalf of the monarch and can thus be seen as the crown's religious, moral and ecclesiastical face (and conscience); Lancelot Andrewes (1605) was probably the most distinguished later court preacher and the leading exponent of early-Stuart Anglican pietism.⁵⁶

John Guy has argued that late Elizabethan bishops believed 'the prerogative was an administrative tool which could and should be exploited and expanded to improve the revenues and increase the power of the government'.⁵⁷ Guy may be correct, but almoner ambitions seem to have been both more modest and loftier for they had to take account of moral management and spiritual regeneration as well as political conformity. Almoners were royal appointees, but almoner and monarch alike were the servants of God's purpose in caring for the life of the one body politic.⁵⁸ As Susan Brigden reminds us, 'The great household was also a religious community which must work for its own salvation and that of its lord.'⁵⁹ As agents of the mercies that made up the all-embracing rule of God, almoners were obliged to take account of the great and the small for 'the divine rule over all things comprehends not only the vast and majestic tracts of the cosmos, but is particular and scrupulous in its personal attention to the small and the seemingly insignificant'.⁶⁰ Almoners dealt not only with the apparent minutiae of suicides' debt and credit, able to sue 'but for the value of twelve-pence', but also with stabilising the moral balance of the whole realm.⁶¹

One way was through benevolence, for almsgiving went with prayer and penance as special means to enjoy the goodness of God and as 'remedies against the World and the Devil'.⁶² Felicity Heal suggests that Tudor bishops as a whole were active givers, both by direct cash or food doles through their own almoners and by endowing charitable projects of social value such as schools and other aids to learning and culture.⁶³ Almoners could spend on beneficence funds derived from forfeitures and other sources of revenue, including solicited or voluntary donations. One disbursement listed in the churchwardens' accounts for South Newington in Oxfordshire is 6/8 to the king's almoner (Anthony Watson, 1603) in 1604.⁶⁴ The almoner's work as an agent of 'charity' went far beyond this to encompass the discharge of both spiritual and material debts.⁶⁵ The equation with benevolence, which originated in the seventeenth century and which became the more widely accepted, if specialised, meaning of 'charity' in the eighteenth century, picked out

only a part of the medieval and early modern conception. Late medieval charity was seen as a state of Christian harmony (amity and peace), contributed to by many deeds, with compassionate giving of alms just one. The post-Reformation almoner acted to express a conservative emphasis on good works, ceremonies and charity, which perpetuated the clerical ideals of the Catholic Middle Ages.⁶⁶

Charity remained central to the efficacy of religious observances, but the Protestant agenda to educate and reform individuals was based around a different understanding of that ideal, because intercession for the soul of the deceased no longer figured. In its place was a powerful component of social and moral management. In this the Tudor and Stuart almoner's mission (in the full religious meaning of the word) was to offer a compassionate resolution to disputes that embodied justice, charity and dignity in a social sense and 'penitence, forgiveness and grace' in a religious one.⁶⁷ From the viewpoint of most ordinary English people, the royal almoner was not a direct agent of government, but a semi-independent enforcer of financial penalties against a deed (suicide) that most regarded as wrong, a popular giver to good causes from the proceeds and a valued settler of disputes that might arise over the distribution of assets. His acts of charity had a religious rationale and the concept of Christian welfare was widely conceived to include neighbourly love as well as a loving affinity between God and man.⁶⁸ Indeed, throughout the early modern period the connotations of charity, like those of public welfare, were 'almost boundless'.⁶⁹

Part of the almoner's job concerned material wealth or the 'goods of fortune' and part the less tangible 'goods of the mind' (and soul) that were charity, harmony and love.⁷⁰ When it came to the former, almoners wanted disclosure rather than actual surrender of assets and, as a complaint against the widow of John Harrison put it in 1605, for the relatives 'to yeald composition for his sayd goods and chattels'.⁷¹ Paying a small fee to the almoner or his deputy for the right to the forfeited assets was the usual way of handling the affairs of a *felo de se*. On the occasions it can be documented this usually amounted to 5-10% of assets: higher than probate fees (1-3%) but understandable since suicide was a sin and a crime.⁷² With hundreds of suicides a year reported to assize judges or King's Bench by the Elizabethan period (as required by 3 Hen. VII, c. 2), it is most unlikely that even the almoner's appointed deputies (discussed below) administered directly the small and heterogeneous

‘baskets’ of forfeited goods that they knew about. Finding out what assets there were was hard enough without the costs of collecting and selling them, meaning that composition must have been the preferred route. Gathering in and giving out was a troublesome business and, when the destination was likely to be local, it is probable that a settlement was achieved locally too.⁷³ Deodands, generally one small marketable item such as a knife or rope (or, more substantially in accidents, a horse, cart or boat), were routinely settled for cash by the almoner’s deputies.⁷⁴

In return for composition, an almoner’s grant authenticated the title of those with an interest in the moveable estate, for forfeiture put all into the crown’s hands. The process resembles a cross between compounding for a criminal offence and a non-standard probate of assets, for felones de se were ‘intestable’ and thus their families were in a sort of legal limbo from which the almoner’s grant released them.⁷⁵ The most obvious comparison is with the medieval procedure of amercement for offences, which Bellamy describes as ‘a bargain for release struck between the king and the offender’.⁷⁶ For suicides the deal had to be done with survivors, but the mechanisms were the same. Bellamy notes that the crown was usually satisfied with a small sum by way of composition for forfeited felons’ goods, the exact amount determined by bargaining and/or an assessment by the accused person’s peers, such as presentment jurors; the manorial equivalent was known as an ‘affeeror’.⁷⁷ As with court fines and remissions, the sums charged as composition were not fixed, but were apparently graded according to the ability to pay. Compositions were a sort of arbitrary (if small) tax or fine.

On the frustratingly rare occasions when we can trace them, funds derived from the forfeitures of felones de se were hypothecated to charitable uses, bolstering the normative community as well as providing practical help.⁷⁸ Gloucester city records contain a copy of a letter from the mayor and aldermen to the Lord Almoner in October 1579 about a grant he had made to them of the goods of James Morse, a citizen, tanner and felo de se.⁷⁹ It records their thanks for £20 given by the almoner ‘towards the relief of the poore people’ of the city ‘in the tyme of the late plague here’. Hoping to recruit the almoner’s backing and a further donation, the city council noted that a former mayor was being pursued for allegedly seizing this money without warrant, a reminder of the competing claims to suicides’ estates. The Privy Council had intervened in July 1578 to prevent the corporation from continuing to withhold

Morse's assets from his widow, as she had compounded with John Piers, Bishop of Salisbury (1576).⁸⁰ The Gloucester case shows not only the process of taking, but also the context of giving. The city fathers had grand aims for public welfare and had obviously made their peace with the almoner. Despite affirming that 'the estate of our Citie was not weaker these many yeares', they wanted to be in the vanguard of implementing new social policies, claiming they had already spent £30 towards building a House of Correction. They therefore asked for another part of Morse's estate to be granted them (a lease of the Whitefriars within the city) and concluded by assuring the almoner that he 'hath byn the begynninge of a very godly and charitable acte'.⁸¹ Like all early-modern secular authorities, Gloucester's magistrates saw themselves as promoters and enforcers of religious messages.⁸²

The almoner was charged with enforcing what were seen as normal acts of piety. His giving was a personal gift as much as a simulation of what the dead person could have done, just as his desire equitably to settle the estate reflected the fundamental principles of intestate succession. The ends were what most people would (or should) have wanted, for Dick Helmholz finds that medieval testators were anxious 'to have their debts set down and to ensure that payment was made as fairly as their assets permitted'.⁸³ By making the act of charity a spiritual concern for both donor and recipient, the almoner performed a reflexive act designed to rehabilitate as much as to punish, to draw a line under the suicide and therefore to help restore social relations by reordering affairs and (up to a point) repairing reputation. That he did so publicly and officially invited communities into the process of reconciliation and adjustment. His intervention also prevented the 'credit' (reputation and means) of survivors being permanently harmed by a bad death.

Almoners tried to make something positive from the act of suicide and they exemplified the centrality of charity-as-beneficence to the corporal works of mercy.⁸⁴ Following Aristotle and Aquinas, Lancelot Andrewes expressed the point about social obligation very well when expounding the sixth commandment. 'Every man that liveth in a Society or Common-wealth is part thereof, and so not sui juris, at his own dispose, but societatis vel reipublicae, of the Society or Common-wealth where he lives, and therefore cannot injure or kill himself without detriment to the whole.'⁸⁵ Almoners sought to make right the social wrong of suicide. Investing social relations with a theological force, they demonstrated the wide range of spiritual and temporal

concerns that the Anglican Jeremy Taylor classed as Holy Living and the Puritan Richard Baxter later listed in his Christian Directory.⁸⁶ These included the seven spiritual works of mercy: teaching the ignorant, helping the needy, chastising the sinful, comforting those who grieve, forgiving enemies, suffering pains and praying. In terms of broad function it would not be stretching the imagination too much to see his actions as a continuation of medieval indulgences issued to indicate some level of remission for sin, with the beneficiary not the dead person's soul, but the reputation and wellbeing of his or her family.⁸⁷ Paying a composition to have goods returned was in religious terms an act of atonement, penance or humiliation; in secular ones it was an act of homage, fidelity or obedience. The almoner recast past sinful or criminal events in terms of timeless and universal notions of harmony, mercy and charity.⁸⁸ By fuelling or revitalising credit networks, donations also helped to further habits of reconciliation and dispositions of trust that Craig Muldrew has termed part of an 'economy of obligation'.⁸⁹

This agenda stretched into decisions about what to do with forfeited goods, for forfeiting and re-granting had within it the flexibility to accommodate circumstances. A case from Elizabethan Kent demonstrates the motives behind the bargains that almoners struck, norms which would have commanded support from most English people, but which sometimes needed enforcement. John Whitfield of Tenterden, gentleman, killed himself and his two sons Clement and Harbert reached an 'agreement and composition' with the almoner. Instead of the brothers and their children getting a third each of their father's estate (the law gave the almoner the remaining third or 'dead's part'), the almoner allowed them to keep all £2,000 if they used just £100 to ransom James Woodward from the Turks. The sons reneged on the deal, though the almoner claimed he had 'sondrie tymes very gentelly required' the brothers, without success. His moral stance becomes clearer as the documents reveal that Woodward was not some random good cause. For John Whitfield had married Woodward's mother and had agreed to care for his stepson under the terms of James' father's will. He had failed to fulfil his promise and dissipated the assets that should have been used to educate and prefer the boy; James and his other brothers had tried to secure administration of their late father's estate after their mother died, but John Whitfield blocked them. James Woodward was step-brother to Clement and Harbert. Thus the almoner was trying to right an injustice that was far from unusual

(mistreatment of step-kin), but which in rhetoric and practice was perceived to be deeply unnatural.⁹⁰

The almoner's function was primarily to ensure the orderly and equitable handling of a suicide's affairs in a context where he pro Rege and the immediate family were only two out of a universe of creditors. The almoner was not simply a glorified tax collector, profiting from the misfortunes of families, but an agent in the implementation of what early modern people understood as good lordship and modern observers term social engineering. His role, as with all ecclesiastical justice, was remedy rather than retribution, continuing the Aristotelean emphasis on justice as a tool to correct relationships or to preserve equality in transactions between individuals.⁹¹ He exemplifies the aspiration that William Lambarde had of a magistrate to be as much 'a Compounder as a Commissioner of the Peace'.⁹² Or, more suitable to his position, he can be seen as a Christian peacemaker, using hierarchy to enforce community.⁹³ This was a role for the bishop that had emerged in late antiquity when he came to be seen as 'a mediator and reconciler of disputes between members of his congregation' and it continued to be his main judicial role in the Middle Ages.⁹⁴ Lord Henry Howard still supported this function against the Puritan line in A defense of the ecclesiastical regimete in Englande (1574): 'As for dealing in civil causes, so far as they are annexed and coherent to a spiritual function, maintaining peace and keeping quiet in the country, I think it very profitable and requisite for every state'.⁹⁵ By persuasion, negotiation, mediation and adjudication the almoner helped to re-create community against the multiple forces that constantly threatened to fragment it.⁹⁶ To borrow from Christopher Marsh's conception of community, his role was 'part of an attempt to minimise the damage caused by inevitable differences of opinion, to settle or conceal divisions in the interests of maintaining a tolerable social existence and an underlying spiritual ideal'.⁹⁷

This role required both administrative ability and apparatus, but that furthered rather than detracted from its Christian purpose. Andrew Chibi has recently shown that the worldliness of Henrician bishops should not be exaggerated simply because they played a more obvious role in temporal government than was later to become the case. Tudor bishops in general were 'both spiritually strong and bureaucratically fit': their aptitude as administrators did not compromise their piety or their role as promoters of cooperation and reconciliation.⁹⁸ Nor should their spiritual goals be

doubted because they dealt in money, whose circulation mattered more to them than its accumulation. Naturally almoners, like all bishops, varied in their cupidity. One envious writer thought in 1535 that Edward Fox (c.1532) ‘shall be a bishop, who had many good promotions’ (he was right on both counts), while John Milton famously described George Mountain (1619) as a ‘canary-sucking and swan-eating prelate’.⁹⁹ Yet there is no reason to question their credentials on this basis alone, even if few could match the charity, moral rectitude and selflessness of Lancelot Andrewes.¹⁰⁰

Of course, almoners got and spent money and some cash may have been creamed off - as every other Tudor and Stuart official seems to have done. The office conferred power and the potential to profit as well as confirming position. Throughout the sixteenth century the crown used various means to press bishops for money and, following Christopher Hill and R. B. Manning, Carol Loar has suggested that the reduction in their incomes may explain the increasing vigour with which Elizabethan and early Stuart almoners acted in pursuing their rights to forfeitures.¹⁰¹ Richard Fletcher (1591) is the most famous example of a financially embarrassed bishop-almoner, even after he got an abatement of what he owed the crown in taxes on the strength of that office.¹⁰² Two years later while bishop of Worcester he was delegated to collect contributions from fellow bishops to help maimed soldiers.¹⁰³ Others also follow Manning in seeing the episcopate under attack from the crown under Elizabeth, the aim being to limit the power bishops had as bishops and to increase that which they and others derived from the crown.¹⁰⁴

The financial effect of any such drive on almoners is impossible to document. This was an age of ‘fiscal pluralism’, when no single individual or body was responsible for receiving and accounting for royal revenues and some monies were never audited. Deodands and the goods of felones de se should have been accounted for to the almoner or the King’s Remembrancer, but Sheriffs hardly ever seem to have done so.¹⁰⁵ The royal commission of 1552 was highly critical of how Sheriffs dealt with the effects of living convicts: ‘the profitts of felons goods being but xlj^{li} vj^d within the whole realm, is very small and belike evill answered, for the sheriffs are charged therewith upon their own confession; and it were well that theschequer should comptroll him therein and certifie the value ... yearly, by the which means the charge should be more assured for the king’.¹⁰⁶ In this area at least the commission’s work had little effect and in the reign of Elizabeth the category ‘forfeitures on penal

statutes and felons' goods sold' amounted to between £25 and £1,200 annually among total receipts ranging from £136,000 to well over £600,000.¹⁰⁷ As in the Middle Ages, significant proportions of certain categories of revenues were spent locally on alms, maintaining buildings and defences, or meeting the costs of justice, with sums received at Exchequer small.¹⁰⁸ In this sense the almoner was formally authorised to do what many other officials did by default.

Indeed the imputation that bishops were pocketing revenues goes against legal interpretations of almoners' rights and duties, the formal letter of their grants and the charitable spirit in which they were made. Despite the murkiness of the sources, it is almost certainly a mistake to believe that the almoner channelled money to his monarch, for the crown's aim was not to get money from him, but to spend it through him - or ideally to make him fiscally neutral, operating 'without increasing charge or diminishing the certain revenue'.¹⁰⁹ Early modern legal texts recognised the almoner's role as a conduit. Michael Dalton's *Countray justice* was clear that, when it came to deodands, 'the Almner hath no interest, as it seemeth in such goods, but hath only the disposition of the Kings almes, durante bene placito, so that the King may grant them to any other'.¹¹⁰ An early biography of Lancelot Andrewes explicitly states that he accounted for his income as almoner quite separately from his personal or Episcopal income (though his patent was sine computo), immediately giving out all the former in alms as well as being a noted donor to charity from his own pocket.¹¹¹ Money was a tool for almoners, not an end in itself. Their greater involvement in handling suicides' affairs under Elizabeth and the early Stuarts more likely came from demand for lordly intervention at a time of multiplying economic, social and legal interactions than it did from being strapped for cash.

That almoners used a strong hand should no more detract from their aims than should the financial component of their work. Though they operated through courts like Star Chamber, Exchequer and Chancery to facilitate the enforcement of obligations, their justification and the means adopted were more concerned with moral responsibility and its breach, sin.¹¹² One aspect was correction for 'it is aswell the office of charitie to rebuke, punish, and correct them that bee evill, as it is to cherish and reward them that bee good and harmlesse'.¹¹³ To modern eyes the almoner sometimes looks like a bully as he reasoned, cajoled, threatened and sometimes coerced, but he acted as an ecclesiastic belonging to a church that regarded

compulsion as a sacred duty (albeit to bring people voluntarily to virtue) and he operated in a context where there was a clear moral obligation.¹¹⁴ Yet he relied less on naked power than on authority, embodying the fundamental relationship between religion and the law ‘as being equally concerned with the question of what it is that enables and sustains human community’.¹¹⁵ The almoner was an agent of good lordship, constrained by the practical difficulties of enforcing his rights in a polity based above all on willing co-operation; by legal prescriptions and findings; and by the unwritten rules that governed expectations between patron and client, lord and man, ruler and ruled, churchman and Christian.¹¹⁶

Attributing an integrative and directive role to almoners more accurately represents their activities both in and out of court than does portraying them either as glorified tax gatherers or as mere agents of secular policy. Some court cases look like the almoner disciplining a family or neighbourhood, but on closer reading it becomes clear that they were about one version of community against another. When assessing claims to a suicide’s estate, MacDonald and Murphy privilege the interests of the nuclear family, as one might expect of modern Westerners. It is indeed tempting to believe that without almoner intervention matters would have been resolved more peacefully, equitably and cheaply. But any attempt to include, protect or favour one set of interests meant excluding, ignoring or depriving another and it was the tensions between these that the almoner tried to reconcile. Nor will it do to broaden the model to suggest that those the almoner prosecuted were trying to promote community over crown, for early-modern village studies have made it abundantly clear that residential groupings were not automatically solidarities, even against outside forces, and that no obvious ‘community’ (such as women) was without profound distinctions between members.¹¹⁷

Suits involving the almoner give an impression of centre v. locality because of the oppositional postures required by the process of accusation and defence in court. What the charges and denials reveal are instead the tensions within local social and economic networks, differences of opinion rather than uniformity of purpose. The almoner was part of the solution to problems caused when survivors of a suicide took too narrow a definition of their role as members of a ‘common wealth’. Suicide created unity of aim for some interpersonal alignments, but disarray for others and it is from this confusion that the almoner sought to bring order, potentially reducing risk

and increasing certainty both for the individual and the group. The problem that some survivors had with forfeiture was not that the crown or other lord deprived them of material assets (though presumably they were no fonder of imposts than any other taxpayer), but that it took away choice about who to include in and who to exclude from distributions. For other survivors an outsider like the almoner, who could use his authority to solve local disputes and maintain social equilibrium, was as likely to be welcomed as undermined.

The almoner intervened on occasions where survivors had used the interstices of law and community practice to organise do-it-yourself ways of dealing with the aftermath of a suicide. These attempts arose either because neighbours and family did not understand what forfeiture meant in practice or because they were not prepared to accept the outcome of the process of composition and the responsibilities it entailed. Indeed it is likely that many almoner interventions originated with creditors who felt excluded by an informal process of settlement that involved quick action and the cutting of corners. Impromptu compounding for debts owed to the deceased, or re-granting bonds on new securities, took those assets out of the pool available to pay off creditors and thus defrauded them of settlement. The almoner's intervention brought back into the process of clearing debt those left out of such private accommodations, which involved both gratuitous alienations and the preferential treatment of some creditors over others. The almoner and those who informed him acted not against principled defenders of family and locality, but against self-interested people whose vision of community was narrow rather than broad.

That almoners used central courts does not necessarily make them instigators of centralisation, for they necessarily worked with interested parties in the localities. What appear to be central initiatives often turn out on closer inspection to be privately instigated processes. Almoner grants sometimes state explicitly their intention of creating a structure to help local people resolve claims rather than intervening personally, allowing the recipient to sue for recovery of assets in the almoner's name before any Westminster court - provided he or she pay their own costs.¹¹⁸ Given how many other things the almoner had to do and how few assistants he had in this part of his work (below), instigation might come from creditors who sought to use the proffered self-image or 'public transcript' of authority (notably the idea of commonwealth) to manipulate the almoner into intervening in person or by proxy in

order to resolve competing claims on their terms. The almoner's patent required him only periodically to enquire into the goods of felons of themselves and deodands, explaining why some of those liable might feel aggrieved that they were being singled out.¹¹⁹

A London case exemplifies how such contests, when combined with apparently imperfect information, might cause to be prosecuted (for morally acceptable reasons) someone who seems to have been blameless. Simon Hudson, merchant-tailor of London, eviscerated himself in the Bridewell in March 1584, leaving a widow and two children allegedly destitute. The almoner, John Piers, wanted to give debts owing to the deceased to his widow, but those who apparently owed him money refused to pay. These included Anthony Clarke, a Huntingdonshire parson, who allegedly owed Hudson £100. Clarke's defence was a mixture of robust denial, finely tuned sarcasm and easily verified counter-claim. He described the deceased as 'a man of small credit and lesse conscience' who persuaded him to borrow money on his behalf, creating the appearance of a debt owing by Clarke to Hudson: 'a naughtie and an ungracious person which well and plainly [appears] aswell by his ungodly and desperate end as by his wicked and ungracious lieff'. This was not an empty claim, for Clarke could cite a successful prosecution before the Court of Requests and another before the Guildhall court by a widow whom Hudson had cheated – which is why he was in Bridewell.¹²⁰ Here the almoner or someone acting in his name appears to have got the wrong end of the stick, acting honourably but unwisely through being manipulated by the widow or her supporters.

There are many other examples of comparable (and better guided) efforts to defend the weak. On one occasion the almoner granted a suicide's goods to the man's widow and her children 'in alms' and then stepped in to protect her against men who seized some of those goods, including a bedstead.¹²¹ On another in 1621 bishop George Mountain stood against a grasping local landowner and former employer of a suicide on the side of his widow.¹²² In a Welsh example a Jacobean almoner was recruited by local people as a counterweight to the allegedly heavy lordship of the countess of Pembroke and her bailiff.¹²³ Thanks to the more devolved and militarised nature of government and society, lords in the north of England and on the Welsh Marches had more commonly been given or assumed extensive franchisal privileges that included the right to deodands and the goods of felons of themselves.¹²⁴ Some

urban corporations also enjoyed these privileges, notably the city of York.¹²⁵ A distinctive feature of almoner suits in these regions was their role in resolving disputes caused by competing lordship – while simultaneously asserting the almoner’s privileges and priorities.

Sometimes the formal delegation of responsibility is recorded in almoner grants. Nicholas Baker, a yeoman from Somerton in Somerset, hanged himself in early May 1600 and was found *felo de se*. Anthony Watson, the queen’s almoner, assigned his goods and chattels, inventoried at £41-15-10, to Edward Hext, esquire of Netherham.¹²⁶ The grant is a commission or delegation of responsibility to a nominee, which spoke of the ‘speciall trust and confidence’ the almoner placed in Hext. Made ‘in Almes’, it required Sir Edward to use the assets recovered ‘to and for the onely benefitt relief and maynetenance of Joan Baker widdowe late wief of the said Nicholas Baker and of the two children’ of the marriage. The aim was protective, not exploitative. Hext was also lord of the manor of Somerton and the document explicitly stated that the ‘grante or composicon’ should not infringe on any rights he might have – a further reminder of the multiple interests in any suicide’s estate. Even without the almoner watching over him, Hext was not a man to take advantage of the weak. He was a prominent local justice with a strong sense of public obligation and, while militantly hostile to the idle, undeserving poor, he was a deeply religious man noted for giving to charity.¹²⁷ He had the local knowledge to fine-tune administration of Baker’s assets and the local authority to make his decisions stick.

If the delegation to Edward Hext demonstrates that the almoner was not omnipotent, the case of Anthony Clarke shows that he was not omniscient. Lack of reliable information explains the vagueness of many suits and, where replies survive, the often flat denial of those accused. That the almoner was sometimes poorly informed is barely surprising. Tom Barnes has written of the early Stuart almoner’s ‘elaborate organization in London and the counties’, yet this exaggerates what was a thinly spread apparatus; in London there was only the sub-almoner with four yeomen and two grooms of the Almony.¹²⁸ When we can see them in action, almoners’ provincial deputies resemble consistorial ‘sub-apparitors’ or deputy summoners (known as ‘mandatories’ in the diocese of York), who performed a number of unpopular tasks, like delivering citations, ferreting out estates that might be subject to ecclesiastical probate and sequestrating the goods of the intestate.¹²⁹ Brian Woodcock

memorably called them ‘a kind of ecclesiastical gestapo’.¹³⁰ If official deputy almoners were as common as church-court apparitors there may have been one per deanery in the early sixteenth century, but the wording of the documents suggests that most counties except Yorkshire had only one deputy almoner at a time (or escheator or feodary for that matter), though assistants may have been recruited on an ad hoc basis.¹³¹ For example, the deputy almoner in Cumberland in 1621 and 1624 was Cuthbert Orfeur, who in various documents was styled as royal escheator for Cumberland and Westmorland (1603; an appointee of the Lord Treasurer) and royal feodary there (1636; an appointee of the master of the Court of Wards).¹³² Such jobs probably circulated among local gentry: the escheator was appointed for a year at a time and could only hold office once every three years. Yet in the sixteenth-century north and in Wales gentlemen themselves were few and localised; Northumberland had just 118 in 1528.¹³³ Thus in a Cumberland case of 1550 the deputy was a yeoman and similarly in a Pembrokeshire case pursued by Marian almoner Francis Malet; in an Elizabethan one it becomes clear that the deputy almoner for Pembrokeshire also covered Cardigan.¹³⁴ Instead of using designated bureaucrats, who were few, English government worked at the grassroots by exploiting traditions of group accountability, notably through ad hoc commissions of responsibility for administering or resolving disputes to individuals like Edward Hext.¹³⁵

Even as he tried to deal with uncertainty and distrust on behalf of others, the almoner himself suffered many of the difficulties he was trying to resolve. Some of his Star Chamber suits failed; others list only one specified item or even just a vague conviction that someone was holding out. This level of uncertainty is unsurprising for two reasons. First, formal court suits represent only the more intractable cases, tinged by dissimulation, distrust and obduracy. Second, prosecutions seem to have been based on notifications by an informant or creditor of the deceased, for the governmental and judicial resources of Tudor and Stuart England lacked depth.¹³⁶ Notionally at least almoners could have been informed about suicides from the inquests reported to King’s Bench and inquest verdicts transmitted usually mention who had custody of deodands, goods and chattels (some have inventories attached); deputy almoners sometimes signed off assets.¹³⁷ Some deputies may have worked closely with coroners. Yet King’s Bench was a court of public record and information

derived from it could propel a suit not only by a royal official, but by any interested subject.

Judging by the often long interval between suicide and court case, almoner suits were reactive rather than proactive: unsurprising as charity, like royal mercy and divine grace, had to be requested. Had prosecutions come from deputy almoners with their ears to the ground we might expect them to have been brought much more quickly as they explained to families what their options were and assessed face-to-face survivors' attitudes to the restrictions on their situation. As Barnes notes, Jacobean (and earlier) almoner prosecutions before Star Chamber were mostly 'discovery actions', where he sought, by examining witnesses and defendants, to determine what goods the forfeited person possessed, where they were located and how much they were worth, and thus to compel submissions of decedents' estates to court jurisdiction.¹³⁸ Like Chancery and Exchequer, Star Chamber was useful for uncovering evidence to be used in another court and for tracing and charging property.¹³⁹

In a prolonged period of legal flux c.1530-1700, when common-law remedies to fundamental issues of debt and credit were still developing and when conceptions of the law only slowly changed from 'law-as-professional-custom' to 'law-as-text', the almoner exemplifies both the problems litigants faced and the avenues open to them. For example, John Piers sued 12 debtors to the earl of Northumberland (a suicide under suspicious circumstances in the Tower of London in 1585) before Exchequer c.1586/7. He had a written obligation from just one. His request for a subpoena is therefore prefaced:

In consideration whereof and for that your orator [the almoner] knoweth not the certeine tymes nor places of the said severall Contractes nor such other needfull requisites for the prooffe therof and of everie of them as that he is able by the stricte course of the Common lawes to meyneteine suite account for the same and yet doth verelie beleve that the parties aforesaid and every of them upon their othes woulde confesse and acknowledge the said dewties debtes and contractes to be unpaid and unperformed.¹⁴⁰

Only an equity or prerogative court could do this because, like the medieval church courts, it depended on the debtor's soul and conscience. Equity courts like Chancery

and Exchequer were the most dynamic branch of the law in the fifteenth and sixteenth centuries, acting to remedy some of the ‘immense and scattered range of particularised injustices produced by the common law’.¹⁴¹ In a Marian Chancery suit deputy almoner William Ottye complained openly that he was ‘without remedy at the comon lawe’ when trying to collect a debt owed to a felo de se.¹⁴² As Ellesmere affirmed: ‘The office of Chancellor is to correct men’s consciences for frauds, breaches of trust, wrongs and oppressions, of what nature soever they be, and to soften and modify the extremity of the law’.¹⁴³

Sixteenth- and early seventeenth-century creditors needed all the help they could get in trying to secure assets, for they were faced with many problems. The solutions that had served the Middle Ages relied largely on ecclesiastical processes and compulsitors or their manorial equivalents. Ethical principle allowed the enforcement of oral agreements that had the weight of oaths, the church claiming that invocation of the deity in oaths to pay gave them a locus in matters of debt and credit as well as testamentary affairs.¹⁴⁴ Its jurisdiction in such matters faded rapidly in the early sixteenth century and, until the development of the action known as assumpsit or ‘trespass on the case’, the common law offered no remedy for debts on simple (informal or verbal) contract, as most obligations were.¹⁴⁵ The problem was particularly acute in the case of executors and administrators because they could hardly swear to such a debt – as living debtors could when following a procedure called ‘wager of law’, referred to in the Exchequer case just cited.¹⁴⁶ A judgement in the Court of Common Pleas during the 1540s described an executor as like an almoner on behalf of the dead, but by the same token the royal almoner acted like a good executor.¹⁴⁷

Almoners dealt with the allegedly fraudulent distribution of assets prior to or soon after death, for collusion and deceit were persistent problems with all early modern debt and credit relationships.¹⁴⁸ Like early bankruptcy law, forfeiture for suicide was designed to deal with a worst-case scenario.¹⁴⁹ Tudor and Stuart bankruptcy law (1542, 1570, 1604, 1623, 1662) was based on the presumption that merchants’ and traders’ creditors needed to be protected against people who were at best evasive and at worst fraudulent.¹⁵⁰ For example, 13 Eliz. c. 5 banned property transfers between crime and conviction designed to defraud the crown. Debt was an issue of character. Over time, laws established procedures for summoning parties

suspected of concealing property, creating a common agent for seizing and administering assets and establishing the idea that creditors shared a community of interests.¹⁵¹ During the seventeenth century developments in the common law rendered the almoner's or other lord's intervention increasingly superfluous by making inroads 'upon the immunity of executors, so that eventually the general rule came to be that liability for breach of informal contracts was passively transmissible to personal representatives'.¹⁵² At the same time, assumpsit allowed the recovery of damages by reason of the breach or non-performance of contract.¹⁵³ In contrast with an ecclesiastical or equity action, assumpsit alleged that a debtor's deceit had occasioned specific (usually financial) damage, which could be compensated. In a period of legal change, the almoner helped with the pressing and pervasive problem of dealing with the post mortem identification, appropriation and distribution of assets. He employed the force of his authority and the use or threat of equitable or prerogative litigation to resolve situations of lying and selfishness, concealment and seizure, blending traditional ways of bringing about reconciliation with the new early-modern emphasis on formally waging law.¹⁵⁴

The almoner in Ireland enjoyed similar privileges to his English equivalent, though his political role was conceived differently. When he made Christopher Hampton, Church of Ireland archbishop of Armagh, the first royal almoner for Ireland in 1617, James I allowed him £100 annually 'for his pains' from fines on recusants and those absent from public worship; 5% of fines of £20 or more imposed by courts; and deodands and forfeitures of suicides. Other than the £100, income from all specified sources was to be disposed as the almoner 'thought fit for public works and charitable uses'.¹⁵⁵ Two years later the archbishop asked to have his patent broadened and 'he farther enabled (after the building of churches and doing such things as by the said patent & said Instructions he is limited to perform), to undertake other works, both full of charity and no less necessary for the good of that people than advantageous to the commonwealth'. The petition was granted, proceeds 'to be applied to pious uses solely at the Archbishop's discretion and without account'.¹⁵⁶

James' letters make explicit his vision of the Irish almoner as an agent of charity within a broadly conceived understanding of public welfare. Given the different political and religious complexion of Ireland after Plantation the king also

wanted Hampton to bring the Irish church into closer alignment with the English and he had been sent to Ireland quite explicitly as ‘an advocate of conformity to the royal will in matters ecclesiastical and civil’ including prominent guardianships.¹⁵⁷

Hampton, a former royal chaplain, had asserted the primacy of Armagh over Dublin and his successor James Ussher (1625) consolidated this.¹⁵⁸ The crown was much more important to many areas of English life than Irish and the broader financial base in the almoner’s patent reflects the need for a local agent to extend the royal hand and strengthen Protestantism: there was more to do both in connecting centre and locality and in containing ideological divisions. Perhaps there was also awareness that poor relief in Ireland (covered by the same legislation as England, but never effectively implemented) was likely to need far more help. The grant of recusancy fines is unique to the Irish almoner and a possible outcome was to enhance rather than reduce sectarian tensions - as tithes did. Perhaps the almoner took from Catholics and gave to Protestants, but since his grant was also sine computo there is no way of telling. The primate nevertheless told a commission of inquiry sent into Ireland in 1622 that he received only £500 a year from these fines whereas the commissioners reckoned they could be worth £10,000 Irish if properly pursued and accounted for. Pursuing instructions to investigate how Ireland might ‘live of her own’, the commissioners thought the problem lay with Sheriffs, churchwardens and others charged with enforcement and collection. Initially Hampton had taken a moderate line, compounding with recusants in his own archdiocese, and it may be that he and his successors saw the tension between their Christian duty and attempts to use them as political tools, leaning more to the former than the latter.¹⁵⁹

If Ireland’s almoner was comparable with England’s, the same figure in Scotland was in important ways utterly different. The word ‘almoner’ was used similarly in late-medieval Scotland to describe a person charged with distributing to the poor from a great household.¹⁶⁰ A royal or general almoner is mentioned in the thirteenth century and Martin Wane was the king’s ‘grand almoner’ and ambassador in 1471.¹⁶¹ There are payments in alms detailed under ‘discharges: elimosina regis’ among the accounts of the Lord High Treasurer for 1507-8, 1511-12 and 1512-13.¹⁶² Payments appear occasionally thereafter. One in 1537 by dean John Wilson to the ‘master almosar’ (Sir James Haswell, who supervised James V’s chaplains), comes in 1537.¹⁶³ Sixteenth-century master almoners were usually lesser lay nobles: men of

ability, piety and learning who commonly sported the title ‘Mr’ (magister) to show they were university educated. The office reached its zenith under Mr Peter Young of Seton, appointed king’s ‘elemosinare’ in October 1577 when aged just 34. Young belonged to the king’s household: he ate at the gentlemen servants’ table after the king had dined. The queen’s almoner in the 1590s was Mr Steven Wilson, parson of Moffat, and master almoner to the children’s household was Sir William Laing.¹⁶⁴

Young was a firm Calvinist and a formidable political figure. He was the king’s tutor (1572-81, following the great George Buchanan), an ambassador (1587 – the same year he was made almoner for life), a Privy Councillor from 1593 (the same year he was charged with enforcing an act against beggars) and a Lord of Exchequer (1595); he was knighted in 1605.¹⁶⁵ Young was a shrewd tactician who won and retained the king’s favour even when distrusted by better-born counsellors. He elevated the almoner’s role through his personality, tailoring it as a conduit for his strong position with the king, while aware that his political and social standing was weaker among the traditional nobility. Thomas Randolph said that Young was ‘honest, wise and learned, but judged by some to be unfit to have a chief place, being of no great birth nor by office of any great calling’ – a statement that makes clear the lesser standing of the royal almoner in Scotland.¹⁶⁶ The Earl Marischal refused to travel with Young on a mission to Denmark, having been ‘perswaded, and it is true, that the sayd Peter will robbe him of all his honour, beinge an ambycyowse fellow, and aqaynted there, and specyally by his pryvy instruccyons’.¹⁶⁷ Young’s political strength lay with the royal households: his wife, Elspeth Gibb, was a gentlewoman in Anna’s household (the queen’s official almoner from 1603 was the famous historian and cleric John Spottiswoode) and his daughter Marie was a well-regarded servitor in the queen’s chamber.¹⁶⁸ During the 1590s his deputies were Mr John Scrimgeour and then Mr John Young.

As a multi-functionary with educational, ambassadorial and political roles, Young looks superficially like an early Tudor almoner. Yet Scotland’s royal almoner never had the same privileges over deodands (which were almost unknown there) or the goods of suicides as his English counterpart, a reminder that the nature of kingship and the use of the royal prerogative differed in the two countries. Very occasionally a pre-Reformation almoner received a grant of a specific forfeiture of goods following felony (known in Scotland as a ‘donation of escheat’), but this was not normal

practice. For example, in 1549 Mr Robert Auchmowtye, steward and master almoner, received the forfeiture of a fugitive killer and in 1550 that of a bastard (those not legitimated during their lifetime could not bequeath property).¹⁶⁹ Peter Young received wardships in 1578, 1580 and 1583.¹⁷⁰ These were more administrative tasks than payments, for analysis of the gifting of donations of escheats for suicide to courtiers and royal servants shows they were conceived as an extension of personal government rather than a means of personal enrichment. Young was certainly rewarded by James VI, but through direct personal grants of lands and titles rather than indirectly as some offshoot of ‘fiscal feudalism’. In 1580 he received a grant to buy land ‘in consideration of his lang trew and thankfull service’ and another substantial award in 1587; he also received a ‘feall’ or fee of £200 a year payable in equal instalments twice yearly by the king’s ‘comptrollare’ from ‘the reddiest of his hienes propertie’ to cover food and drink for his servants.¹⁷¹

Acts of beneficence took place most obviously at the point when forfeiture of a suicide was granted (both in who received it and how much composition they had to pay), rather than in the ultimate spending of any proceeds. What money was extracted in settlement went to ‘the procurator fiscal of the court for his majesties use’ or directly to the Scottish Exchequer or to a subordinate lord’s coffers, for as in England suitably franchised lords also had rights of forfeiture.¹⁷² Income from felony forfeiture in Scotland was a branch of the king’s ‘ordinary revenue’, also known as the ‘fisc’ or the sovereign’s public purse.¹⁷³ That incomes from escheats as well as payments to almoners ‘for the Kingis elimose deliverit to him and his servituris at diverse tymes be the comptgewar’ were commonly registered in central accounts distinguishes Scotland from England.¹⁷⁴ Scotland’s royal almoner was on a tighter rein and his budget more closely monitored. The late medieval and early modern Scottish Exchequer did, however, use income from feudal casualties and incidents or accidents to pay out ‘alms’, broadly construed to include gifts and royal household expenses.¹⁷⁵ Some of these may have been used for the same ends as the English almoner was obliged to do, though what little evidence there is points to giving on special occasions to specified causes without the large-scale, systematic and open-ended charitable remit that the Lord Almoner had south of the Border.¹⁷⁶

Scotland’s master almoner was therefore just another great lord’s charity giver. The conception of government was different in Scotland from other parts of the

British Isles and the master almoner illustrates this, remaining a shadowy household figure even when operating on an international stage. Peter Young was unusual because being royal master almoner was generally the highest office an incumbent ever held, whereas in England it was commonly a stage of advancement to greater things. John Guthrie, bishop of Moray, was made almoner in Scotland at Charles I's coronation at Edinburgh in 1633 so he could distribute specially coined silver 'in token of joy' – and preach in a surplice, to the scandal of Calvinists.¹⁷⁷ Part of Charles' disastrously ill-judged statement about a British monarchical church, he is the only known Episcopal royal almoner in Scottish history.

Understandings of Christian charity may well have been comparable, but the ways they were realised in practice differed profoundly between the component parts of Britain. Both institutional structures and social alliances played a part in this. Early modern Scotland never developed the system of generalised parish-based rating that was at the core of English poor relief from Elizabethan times. The impotent poor had to rely on neighbourly help or on the charity of the wealthy: crown policy towards its almoner and the poor did nothing substantially to change this.¹⁷⁸ Nor is it likely that the nobility would have brooked active social management of the kind the English almoner supervised. Nobles made the Scottish Reformation – and made it work for them. When lordship was needed it came from the crown or an aristocrat rather than a franchised cleric. The crown was every bit as important to Scottish life as it was to English, but it did not operate in the same way and the different roles of almoners demonstrate this. When allowances to the poor were made from Queen Anne's charity, they were charged to the civil list.¹⁷⁹ A further difference is that the transition from ecclesiastical to secular ways of handling debt and credit was achieved very quickly in the 1560s and 1570s, partly by allowing canon law influences to persist as the pre-Reformation church courts quickly changed into the post-Reformation Commissary Courts. The Lords of Session presided over the court of last resort in all civil cases well before the Reformation, combining Scotland's own common law with equity into a single system headed by 'the Session' or Court of Session.¹⁸⁰

After Young's death in 1628 the office was never the same again and became largely honorific, granted eventually to a prominent but politically insignificant clergyman (as also seems to have been the case in the late Middle Ages). For example, John Law, minister of St Giles (Edinburgh) replaced James Kirkton,

minister of the Tolbooth parish (Edinburgh) in 1700; the holder for Scotland from 1713 was Mr William Hamilton, professor of divinity in the University of Edinburgh, who was succeeded in 1727 by Mr James Hart, minister of Greyfriars Church, Edinburgh.¹⁸¹ As in later Stuart and Hanoverian England these men were important mainly for dispensing ecclesiastical patronage.¹⁸² Their financial base remained exiguous. Dr Alexander Carlyle was obliged to petition in 1777 for £167 he had lost as a result of his late deputy's incompetence.¹⁸³

The function and status of the royal almoner in Ireland and Scotland tells us much about the differences between the component parts of the British Isles. This article has focused primarily on England, where the almoner's role illuminates central issues of lordship, law and community in a period of social, legal, religious and political change. Chris Dyer writes of late medieval England: 'The strength of the village perhaps lay not in its organic harmony, but in its success as a coercive organization in containing the quarrels in its midst.'¹⁸⁴ Lords, church and community were the agencies that resolved conflict and recreated trust - often from within, but sometimes from without as the almoner did. Lordship remained important during the early modern period as recourse to the law grew, with early modern English and Welsh (and probably also Irish) almoners helping to design and stabilise what Muldrew terms a 'negotiated community' that required constant management in pursuit of harmony between members. It was only well into the seventeenth century, when legal changes made external manipulation of debt and credit relations less necessary, when provisions for the poor became increasingly based on parish rating and benevolence more discriminating and calculating, and when political and ideological changes reduced the acceptability of lordly intervention that figures like the English almoner became less important in enforcing 'charity'.¹⁸⁵

Religion too was changing. As John Bossy observes, the weakening of the idea that society is divided between friends and enemies (and the corresponding rise of the concept of independent actors) reduced the ideal and reality of charity. Practices of community were themselves increasingly difficult to maintain in the face of fragmented Protestantism.¹⁸⁶ Richard Wunderli writes of a growing assumption 'that secular authorities can and ought to solve certain legal problems which had formerly been ecclesiastical problems'.¹⁸⁷ He denies that this secularization is either

anti-religious or non-religious. ‘It may represent the desire to make the state a more active partner within the Christian body to enforce Christian norms.’¹⁸⁸ During the transition, secular and ecclesiastical agencies, feudal law and canon law were intertwined in pursuit of this goal.

Finally, society and politics were changing. During the seventeenth century the intervention of almoners and other lords as arbitrators, adjudicators and mediators altered, great lordship being replaced by lesser as the mighty became more focused on the royal court and their inferiors came to be seen as more knowledgeable, diligent and trustworthy agents. Thus early-Tudor lords and bishops gave way to Elizabethan and later gentry, judges and lawyers; from the mid-seventeenth century landed elites came largely to withdraw altogether from residence, local government and social engineering; nor was there a royal almoner between 1645 and 1660, obliging people to look for lordship and benevolence elsewhere.¹⁸⁹ The weakening of manorial structures and the corresponding emergence both of the parish as a secular administrative body and of the oligarchic vestry to run it changed the dialectic of lordship and community into an exercise in the imposition of state authority through lesser local agents.¹⁹⁰ With the development of what Muldrew terms a ‘juridical community’, the discretionary handling of forfeiture was augmented and then displaced by more impersonal legal ways of ensuring co-operation and settling disputes.¹⁹¹ From c.1650 law itself became less acceptable as a way of doing things and ‘the great litigation decline’ set in, leading eventually to the structured predictability of the ‘architectural community’ in the later eighteenth century and beyond.¹⁹² The idea that outsiders should play any role in many areas of life that were being re-construed as ‘private’ also gained ground and the change is reflected in a shift in coroners’ verdicts on suicide between c.1660 and 1760 from predominantly felo de se – which activated lordship - to largely non compos mentis – which required no external intervention. The almoner can still be found using the central courts in the late seventeenth century (except of course Star Chamber, abolished in 1641) but after the Restoration the crown began increasingly to assign forfeitures of felones de se using a warrant under the sign manual to church courts to grant letters of administration to creditors on their presenting a memorial requesting this.¹⁹³

The English almoner remained an important figure at court under the later Stuarts and Hanoverians. John Sharp (1703) enjoyed Queen Anne’s fullest

confidence, possibly because he confined himself to ecclesiastical matters; in contrast, his successor George Smalridge (1714) lasted less than a year under George I.¹⁹⁴ Almoners' patents continued to grant deodands and the goods of felones de se up to the appointment of Samuel Wilberforce on 15 December 1847.¹⁹⁵ Deodands had been actively awarded by coroners' inquests right up to their abolition in the previous year. Suicide forfeitures on the other hand had long ceased to be a significant source of income, even if forfeiture for felony was not ended until 1870. In any case later Georgian legal writers assumed that in practice proceeds of these feudal incidents no longer went to the almoner, but were 'appropriated as part of the casual revenues of the Crown' – as they always had been in Scotland and as they seem to have been in Ireland before 1617.¹⁹⁶ By the end of George III's reign, if not before, Lords Almoner had been reduced once more to their original role as simple household givers.

ENDNOTES

¹ The research for this article was done as part of a Leverhulme Major Research Fellowship on the history of suicide in England, Wales and Scotland, 1500-1830. It complements R. A. Houston, Punishing the dead? Suicide, lordship and community in Britain, 1500-1830 (Oxford, 2010). I am grateful to David Baldwin, Joel Berlatsky, Alan Ford, Steve Gunn, Paul Hammer, Fiona Kisby, David Loades, Peter McCullough and Jeri McIntosh for their help in its preparation – and to others like Toby Barnard who replied with a good-natured shrug to my largely fruitless quest for information on the Irish almoner.

² L. E. Tanner, ‘Lord high almoners and sub-almoners, 1100-1957’, The Journal of the British Archaeological Association third series 20-1 (1957-8), 72-83. The list in E. Sheppard, The old royal palace of Whitehall (London, 1902), 369-72, is seriously defective. There is an updated list from 1661 in R. O. Bucholz, ‘The Chapel Royal: Lord Almoners and Sub-Almoners’, Office-Holders in Modern Britain: Volume 11 (revised): Court Officers, 1660-1837 (London, 2006), 245-247. C. Given-Wilson, The royal household and the king’s affinity: service, politics and finance in England, 1360-1413 (London, 1986), 69-70. P. A. Welsby, Lancelot Andrewes, 1555-1626 (London, 1958). T. A. Owen, Lancelot Andrewes (Boston: G. K. Hall, 1981). P. Lake, ‘Lancelot Andrewes, John Buckeridge, and avant-garde conformity at the court of James I’, in L. L. Peck, ed., The mental world of the Jacobean court (Cambridge, 1991), 113-33. P. McCullough, Lancelot Andrewes: selected sermons and lectures (Oxford, 2005). Even such good studies as these mention only in passing that Andrewes was royal almoner.

³ M. MacDonald and T. R. Murphy, Sleepless souls. Suicide in early modern England (Oxford, 1990).

⁴ MacDonald and Murphy, Sleepless souls, 25.

⁵ J. Hurstfield, ‘The profits of fiscal feudalism, 1541-1602’, Economic History Review 8, 1 (1955), 53-61, at p. 53.

⁶ MacDonald and Murphy, Sleepless souls, 25, 81. Deodands were animals or inanimate objects that moved to cause human death.

⁷ I am grateful to Joel Berlatsky (working on Nicholas Heath) and Peter McCullough (Lancelot Andrewes) for their help on this topic. A recent short article by C. Loar, 'Conflict and the courts: common law, Star Chamber, coroners' inquests and the king's almoner in early modern England', Proceedings of the South Carolina Historical Association (2005), 47-58, largely follows MacDonald and Murphy.

⁸ A. Murray, Suicide in the middle ages 2 vols. (Oxford, 1998, 2000), vol. 1, 399.

⁹ M. Foster, A report of some proceedings on the commission of oyer and terminer and gaol delivery for the trial of the rebels in the year 1746 in the county of Surry (Oxford, 1762), 266. W. O. Ault, Private jurisdiction in England (New Haven, Ct., 1923), 3. The crown could intervene directly if approached before other franchise holders had begun to assert claims. *Kingsmill v. Bishop of Rochester* (1682). W. H. Bryson, Equity cases in the Court of Exchequer, 1660-1714 (Tempe, Az., 2007), case 158 (pp. 166-8).

¹⁰ F. Heal, 'Reciprocity and exchange in the late medieval household', in B. A. Hanawalt and D. Wallace, eds., Bodies and disciplines: intersections of literature and history in fifteenth-century England (London, 1996), 179-98, at 180. C. Rawcliffe and S. Flower, 'English noblemen and their advisers: consultation and collaboration in the later Middle Ages', Journal of British Studies 25 (1986), 157-77.

¹¹ P. Vinogradoff, Outlines of historical jurisprudence 2 vols. (London, 1920-2), vol. 1, 157-60 (quotation at 157). P. Stein, Legal evolution: the story of an idea (Cambridge, 1980), 115-21.

¹² L. Andrewes, The pattern of catechistical doctrine at large (1650. 3rd edition, London: M. G., 1675), 405.

¹³ Vinogradoff, Historical jurisprudence, vol. 1, 159.

¹⁴ K. Mertes, The English noble household, 1250-1600: good governance and politic rule (Oxford, 1988), 50. C. M. Woolgar, The great household in late medieval England (London, 1999), 9, 18, 44, 87, 154, 157, 161-3, 176.

¹⁵ Northumberland R[ecord] O[ffice] SANT/BEQ/16/1/1, is a transcript of a medieval almoner's book of the convent of Durham. T. F. Tout, Chapters in the administrative history of mediaeval England 6 vols (Manchester, 1920-33), vol. 1, 245. M. Threlfall-Holmes, Monks and markets: Durham cathedral priory, 1460-1520 (Oxford, 2005), 11, 20, 29, 32, 54. E. Searle, Lordship and community: Battle Abbey and its banlieu, 1066-1538 (Toronto, 1974), 147, 250-1, 267, 271, 343. Woolgar, Great household,

157. I. W. Archer, The pursuit of stability: social relations in Elizabethan London (Cambridge, 1991), 155, 238.

¹⁶ G. Jacob, The law-dictionary ... enlarged and improved by T. E. Tomlins 2 vols. (London, 1797), 'almoner'. D. Baldwin, The chapel royal, ancient and modern (London: Duckworth, 1990), 374. W. J. Thoms, The book of the court (London, 1838), 310-15.

¹⁷ C[alendar of the] P[atent] R[olls] ... Henry V, 362-3.

¹⁸ CPR ... Henry VI, 47. CPR ... Henry VI, 182. Here 'deodand' meant any forfeiture dedicated to good causes. For later examples of this usage see G. Poulson, Beverlac; or, the antiquities and history of the town of Beverley ... (London, 1829), 11, 14.

¹⁹ CPR ... Henry IV, 417.

²⁰ Baldwin, Chapel royal, 376. CPR ... Edward IV, 296.

²¹ CPR ... Edward IV, 604.

²² Murray, Suicide, vol. 2, 82-3. S. Painter, Studies in the history of the English feudal barony (Baltimore, 1943), 116. R. N. Swanson, Church and society in late medieval England (Oxford, 1989), 136-9. The last was the bishop of Durham, whose powers were much reduced by 27 Hen. VIII c. 24.

²³ R. H. Helmholz, The Oxford history of the laws of England. Volume 1: the canon law and ecclesiastical jurisdiction from 597 to the 1640s (Oxford, 2004), 417. P. Fleming, Family and household in medieval England (London, 2001), 85. P. Vinogradoff, 'Reason and conscience in sixteenth century jurisprudence', Law Quarterly Review 24 (1908), 373-84.

²⁴ E. Dumont, 'La répression du suicide', Revue de Droit Pénal et de Criminologie 40, 6 (1960), 547-70, at 554.

²⁵ Quoted in S. M. Butler, 'Degrees of culpability: suicide verdicts, mercy, and the jury in medieval England', Journal of Medieval and Early Modern Studies 36 (2006), 261-88, at 269.

²⁶ P. A. Fideler, 'Societas, civitas and early Elizabethan poverty relief', in C. Carlton et al, eds., State, sovereigns & society in early modern England (Stroud, 1998), 59-69, at 62. N. S. Rushton, 'Monastic charitable provision in Tudor England: quantifying and qualifying poor relief in the early sixteenth century', Continuity and Change 16 (2001), 9-44.

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- ²⁷ F. Heal, Hospitality in early modern England (Oxford: OUP, 1990), 122-40. I. W. Archer, 'The charity of early modern Londoners', Transactions of the Royal Historical Society 12 (2002), 223-44, at 232-3. G. Jones, History of the law of charity, 1532-1827 (Cambridge, 1969), 14-15.
- ²⁸ W. K. Jordan, Edward VI: the threshold of power (London, 1970), 235-9.
- ²⁹ T. G. Barnes, 'Star Chamber litigants and their counsel, 1596-1641', in J. H. Baker, ed., Legal records and the historian (London, 1978), 7-28.
- ³⁰ Woolgar, Great household, 163. T. More, 'A dialogue concernynge heresydes ... [1528]', in W. E. Campbell (ed), The English works of Sir Thomas More 2 vols (London, 1931), vol. 2, 164/2 (facsimile) and 105 (modern). CPR ... Henry VII, 108.
- ³¹ CPR ... Henry V, 414. CPR ... Edward IV, 296. CPR ... Edward V, 349. L[etters and] P[apers,] F[oreign and] D[omestic, of the reign of] Henry VIII, vol. 9, nos. 217-19, 493, 589.
- ³² R. O. Bucholz, Augustan court: Queen Anne and the decline of court culture (Stanford, 1993), 55. In the early eighteenth century the remuneration was £200 per annum, while the sub-almoner, appointed by warrant of the Lord Almoner, got £97-11-8. The present state of the British court: or an account of the civil and military establishment of England (London, 1720), 47.
- ³³ Baldwin, Chapel royal, 375-6. B. Robinson, Silver pennies and linen towels: the story of the royal Maundy (London, 1992), 74.
- ³⁴ R. Horrox, 'Service', in R. Horrox, ed., Fifteenth-century attitudes: perceptions of society in late medieval England (Cambridge, 1994), 61-78, at 63.
- ³⁵ D. Loades, The Tudor Court (1986. Third edition, Oxford, 2003), 28.
- ³⁶ W. C. Richardson, ed., The report of the royal commission of 1552 (Morgantown, West Va., 1974), 129. For a useful discussion of the commission and its effects see R. W. Hoyle, 'Introduction: aspects of the crown's estate, c.1558-1640', in R. W. Hoyle, ed., The estates of the English crown, 1558-1640 (Cambridge, 1992), 1-57, at 33-8.
- ³⁷ Acts of the Privy Council new series III (1550-2), 127.
- ³⁸ C[alendar of] S[tate] P[apers], Domestic, 1547-80, 56.
- ³⁹ CSP, Domestic, 1625-6, 532; 1631-3, 484; 1660-1, 560. An entry of 3s 4d to 'The Almeners' among disbursements 'Geuen amongs the kings offic's upon newyeres Daye' 1543 concerns menial almoners of the king's household rather than the Lord

High Almoner. F. Madden, ed., Privy purse expenses of the princess Mary (London, 1831), 103.

⁴⁰ James I's master of requests passed on appeals for handouts (notably from those coming from or going overseas) to the royal almoner. R. W. Hoyle and D. Tankard, eds., Heard before the king: registers of petitions to James I, 1603-1616 List and Index Society, special series, vols. 38-9 [consecutively numbered] (Kew, 2006), nos. 3, 5, 12, 21, 22, 1312, 1378, 1379, 1392-1417, 2576, 2581, 3020. CSP, Domestic, 1704-5, nos. 214, 1362. Queen Anne expected her almoner to field petitions for charity and manage applications to be touched for the King's Evil (scrofula). Bucholz, Augustan court, 210-12. CSP, Domestic, 1702-3, 10, 24, 26, 52.

⁴¹ I owe this information to Jeri McIntosh.

⁴² M. G. Brennan, The Sidneys of Penshurst and the monarchy, 1500-1700 (Aldershot, 2006), 20. He was probably de facto almoner from 1538.

⁴³ S. Wenig, 'The reformation in the diocese of Ely during the episcopate of Richard Cox, 1559-77', Sixteenth Century Journal 33 (2002), 151-80. Cox had been almoner before becoming dean of Westminster while a previous incumbent, Nicholas Heath, was almoner and archdeacon of Stafford before he became bishop of Rochester. LPFD Henry VIII, vol. 15, no. 436/91.

⁴⁴ Acts of the Privy Council new series III (1550-2), 137. M. L. Bush, The government policy of Protector Somerset (London, 1975), 56-7, 79.

⁴⁵ LPFD Henry VIII, vol. 9, nos. 58, 211-13, 563, 732. J. B. Trapp, 'Christopher Urswick and his books: the reading of Henry VII's almoner', Renaissance Studies 1 (1987), 48-70. S. Gunn, 'War, dynasty and public opinion in early Tudor England', in G. W. Bernard and S. J. Gunn, eds., Authority and consent in Tudor England (Aldershot, 2002), 131-49, at 133, 135. J. Bickersteth and R. W. Dunning, Clerks of the Closet in the royal household (Stroud, 1991), 12.

⁴⁶ M. Bateson, ed., Records of the borough of Leicester ... 1509-1603 (Cambridge, 1905), 262.

⁴⁷ Staffordshire RO D938/219

⁴⁸ Shropshire RO Phillipps collection 1/53.

⁴⁹ Lancashire RO DDHE 57/11.

⁵⁰ Cornwall RO AR/21/12/1, 2.

⁵¹ D. Loades, Tudor government: structures of authority in the sixteenth century (Oxford, 1997), 20, 78-9. S. J. Gunn, Early Tudor government, 1485-1558 (London, 1995), 81-9. L. M. Hill, ed., The ancient state, authority, and proceedings of the Court of Requests by Sir Julius Caesar (London, 1975), xl-xliii. C. M. Gray, 'The boundaries of equitable function', American Journal of Legal History 20 (1976), 192-226, at 198-202. M. L. Bush, 'Protector Somerset and Requests', The Historical Journal 17 (1974), 451-64. I. S. Leadam, Select cases in the Court of Requests, A.D. 1497-1569 Selden Society 12 (London, 1898), x-xii, lv.

⁵² DNB.

⁵³ R. Hoyle, 'Introduction', in Hoyle and Tankard, eds., Heard before the king, vii-x.

⁵⁴ Meanwhile the status and emoluments of the gentlemen of the privy chamber had declined from the mid-sixteenth century. N. Cuddy, 'Reinventing a monarchy: the changing structure and political function of the Stuart court, 1603-88', in E. Cruikshanks (ed.), The Stuart courts (Stroud: Sutton, 2000), 59-85, at p. 68.

⁵⁵ P. E. McCullough, Sermons at Court: politics and religion in Elizabethan and Jacobean preaching (Cambridge, 1998), 69-70, 150.

⁵⁶ N. Lossky, Lancelot Andrewes the preacher (1555-1626): the origins of the mystical theology of the Church of England trans. A. Louth (Oxford, 1991).

⁵⁷ J. Guy, 'The Elizabethan establishment and the ecclesiastical polity', in J. Guy, ed., The reign of Elizabeth I: court and culture in the last decade (Cambridge, 1995), 149.

⁵⁸ I. M. MacKenzie, God's order and natural law: the works of the Laudian divines (Aldershot, 2002), 59-66.

⁵⁹ S. Brigden, New worlds, lost worlds: the rule of the Tudors, 1485-1603 (London, 2000), 74.

⁶⁰ MacKenzie, God's order and natural law, 73.

⁶¹ W. Hudson, 'A treatise of the court of Star Chamber', in F. Hargrave, ed., Collectanea juridica. Consisting of tracts relative to the law and constitution of England 2 vols (London, 1791-2), vol. 2, 137.

⁶² Campbell, Works of Sir Thomas More, vol. 1, 13/B-C (facsimile) and 367 (modern).

⁶³ F. Heal, Of prelates and princes: a study of the economic and social position of the Tudor episcopate (Cambridge, 1980), 278. M. Dowling, Humanism in the age of Henry VIII (London, 1986).

⁶⁴ E. R. C. Brinkworth, ed., South Newington churchwardens' accounts, 1553-1684 Banbury Historical Society 6 (Oxford: 1964), 45.

⁶⁵ E. Duffy, The stripping of the altars: traditional religion in England, c.1400-c.1580 (London, 1992), 355-6. Fleta II.II.23 (first printed in 1647), describes the almoner acting to remind the king of his duty to give alms and guiding their destination.

⁶⁶ R. Rex, 'The crisis of obedience: God's word and Henry's Reformation', Historical Journal 39 (1996), 863-894.

⁶⁷ E. Duffy, 'The godly and the multitude in Stuart England', The Seventeenth Century 1 (1986), 31-55, at 48-9.

⁶⁸ J. A. Sharpe, "'Such disagreement betwix neighbours': litigation and human relations in early modern England", in J. Bossy, ed., Disputes and settlements: law and human relations in the west (Cambridge, 1983), 167-87, at 178-81.

⁶⁹ P. Slack, From reformation to improvement: public welfare in early modern England (Oxford, 1999), 1.

⁷⁰ The phrases come from James Harrington's Oceana (1656) and are based on Seneca. J. G. A. Pocock, 'The classical theory of deference', American Historical Review 516-23, at 519. Seneca, Moral essays trans. J. W. Basore (London, 1964), vol. 3, 21.

⁷¹ T[he] N[atational] A[rchives] STAC 8/1/7.

⁷² T. Arkell, 'The probate process', in T. Arkell, N. Evans and N. Goose (eds), When death do us part: understanding and interpreting the probate records of early modern England (Oxford, 2000), 12. Leicestershire RO DG9/2406. DG9/2407. DG9/2417. F. W. Moorman, Robert Herrick: a biographical & critical study (London, 1910), 15. Canterbury Cathedral Archives DCc/ChAnt/G/172. R. F. Hunnisett, Sussex coroners' inquests, 1603-1688 (Kew, 1998), no. 72.

⁷³ H. Smith, 'From deodand to dependency', American Journal of Legal History 11 (1967), 389-403, at 389. C. Loar, "'Go and Seek the Crowner": Coroners' Inquests and the Pursuit of Justice in Early Modern England', (Ph.D. Dissertation, Northwestern University, 1998), 153-74.

⁷⁴ Foster, A report of some proceedings, 265-7.

⁷⁵ H. Swinburne, A briefe treatise of testaments and last wils (1590. London, 1635), pt. 2, ch. 13. The word is deliberately similar to 'intestate'.

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- ⁷⁶ J. Bellamy, Crime and public order in England in the later middle ages (London, 1973), 190.
- ⁷⁷ F. J. C. Hearnshaw, Leet jurisdiction in England, especially as illustrated by the records of the court leet of Southampton (Southampton, 1908), 135-6.
- ⁷⁸ R. M. Wunderli, London church courts and society on the eve of the reformation (Cambridge, Mass., 1981), 115.
- ⁷⁹ Gloucestershire RO, GBR/B2/1, p. 79.
- ⁸⁰ Acts of the Privy Council new series X (1577-8), 272-3.
- ⁸¹ Gloucestershire RO, GBR/B2/1, p. 79. R. Tittler, Architecture and power: the town hall and the English urban community, c.1500-1640 (Oxford, 1991), 39, 123.
- ⁸² S. McSheffrey, 'Whoring priests and godly citizens: law, morality, and clerical misconduct in late medieval London', in D. Woolf and N. L. Jones (eds), Local identities in late medieval and early modern England (London, 2007), 50-70.
- ⁸³ R. H. Helmholz, 'Bankruptcy and probate jurisdiction before 1571', Missouri Law Review 48 (1983), 415-29, at 416-17.
- ⁸⁴ Duffy, The stripping of the altars, 358. Matthew 25:31-9, lists six such works, to which burial of the dead was added in the third century.
- ⁸⁵ Andrewes, The pattern of catechistical doctrine, 405.
- ⁸⁶ J. Taylor, The rule and exercises of holy living, etc (London, 1650). R. Baxter, A Christian directory: or, a summ of practical theologie, and cases of conscience ... (London, 1673).
- ⁸⁷ R. N. Swanson, 'Letters of confraternity and indulgence in late medieval England', Archives 25 (2000), 40-57. C. Wordsworth, 'On some pardons or indulgences preserved in Yorkshire, 1412-1527', Yorkshire Archaeological Journal 16 (1902), 378-81, 399-410, 415-23.
- ⁸⁸ M. Herzfeld, 'Pride and perjury: time and the oath in the mountain villages of Crete', Man new series 25 (1990), 305-22.
- ⁸⁹ C. Muldrew, The economy of obligation: the culture of credit and social relations in early modern England (London, 1998), 121-85.
- ⁹⁰ TNA STAC 5/A21/37. W. Coster, Family and kinship in England, 1450-1800 (London, 2001), 77-80.

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- ⁹¹ D. Reid, 'Thomas Aquinas and Viscount Stair: the influence of scholastic moral theology on Stair's account of restitution and recompense', Journal of Legal History 29 (2008), 189-214, at 194.
- ⁹² W. Lambarde, Eirenarcha: or, of the office of the justices of the peace (London, 1594), 10.
- ⁹³ J. Bossy, Peace in the post-Reformation (Cambridge: CUP, 1998), 73-96. C. Marsh, "'Common prayer" in England, 1560-1640: the view from the pew', Past & Present 171 (2001), 66-94.
- ⁹⁴ J. D. Harries, Law and empire in late antiquity (Cambridge: CUP, 1999), 192. J. A. Brundage, Medieval canon law (London, 1995), 12.
- ⁹⁵ Quoted in Bossy, Peace, 90.
- ⁹⁶ C. Muldrew, 'The culture of reconciliation: community and the settlement of economic disputes in early modern England', Historical Journal 39 (1994), 915-42.
- ⁹⁷ Marsh, 'Common prayer', 72.
- ⁹⁸ A. A. Chibi, Henry VIII's bishops: diplomats, administrators, scholars and shepherds (Cambridge, 2003), 257.
- ⁹⁹ LPFD Henry VIII, vol. 9, nos. 24, 121. Fox became bishop of Hereford in that year, but his patent as almoner was not issued until 1537. DNB.
- ¹⁰⁰ John, bishop of Rochester, A sermon preached at the funeral of ... Lancelot [Andrewes] bishop of Winchester ... 1626 (London, 1629), 20-1. H. Isaacson, An exact narration of the life and death of ... Lancelot Andrewes ... (London, 1650).
- ¹⁰¹ Loar, 'Conflict and the courts', 51. Manning writes of 'the Elizabethan spoliation of episcopal revenues'. R. B. Manning, 'The crisis of episcopal authority during the reign of Elizabeth I', Journal of British Studies 12 (1971), 1-25, at 7. C. Hill, Economic problems of the church from archbishop Whitgift to the Long Parliament (Oxford, 1956).
- ¹⁰² DNB. This may explain why Lancelot Andrewes advised that 'good husbandry was good divinity'. D. Lloyd, Memoires of the lives, actions, sufferings and deaths ... (London, 1668), 317.
- ¹⁰³ G. B. Harrison, The Elizabethan journals ... 1591-1603 (London, 1955), 222.
- ¹⁰⁴ E. J. Bourgeois, 'The queen, a bishop, and a peer: a clash for power in mid-Elizabethan Cambridgeshire', Sixteenth Century Journal 26 (1995), 3-15.

¹⁰⁵ Smith, 'Deodand to dependency', 391. Cheshire and Chester Archives ZA/B/3/1v-4v.

¹⁰⁶ Richardson, ed., Royal commission of 1552, 170, 224.

¹⁰⁷ F. C. Dietz, 'The Exchequer in Elizabeth's reign', Smith College Studies in History 8 (1923), 65-118.

¹⁰⁸ A. L. Brown, The governance of late medieval England, 1272-1461 (London, 1989), 63.

¹⁰⁹ C. McNeill, ed., The Tanner letters: original documents and notices of Irish affairs in the sixteenth & seventeenth centuries (Dublin, 1943), 1. Acts of the Privy Council new series III (1550-2), 127.

¹¹⁰ M. Dalton, The countrey justice ... (London, 1626), 246. Alton Woods case, 1595-1600: 1 Co. Rep. 26b; Dyer 107, 108 [76 ER 64]. Bishop of Chichester v. Webb: 2 Dyer 107b [73 ER 238].

¹¹¹ Isaacson, Lancelot Andrewes, np. The first grant 'without rendering any account' seems to have been made to Thomas Danett in 1476, with the king pardoning him for outstanding debts and accounts. CPR ... Edward IV, 604.

¹¹² T. Gorringe, God's just vengeance: crime, violence and the rhetoric of salvation (Cambridge, 1996), 18.

¹¹³ Certaine sermons or homilies appointed to be read in churches (1563), quoted in A. Walsham, Charitable hatred: tolerance and intolerance in England, 1500-1700 (Manchester, 2006), v.

¹¹⁴ H. Potter, An introduction to the history of equity and its courts (London, 1931), 84.

¹¹⁵ Gorringe, God's just vengeance, 13.

¹¹⁶ Loades, Tudor government, 7-9.

¹¹⁷ L. A. Pollock, 'Childbearing and female bonding in early modern England', Social History 22 (1997), 286-306.

¹¹⁸ Leicestershire RO DE1431/295. See also House of Lords RO HL/PO/JO/10/1/64.

¹¹⁹ See for example two patents to John Snell in 1421, which look like part of a quo warranto campaign. CPR ... Henry V, 362, 390. Two centuries later an intervention may again have been associated with a quo warranto summons to the corporation of Reading, which claimed the right to such forfeitures. J. M. Guilding, ed., Reading

records. Diary of the corporation 4 vols. (London, 1892-6), vol. 2, 121. Ibid., 129, 381, 382, 421, 422, 442, 443, 446. Ibid., vol. 3, 280, 311.

¹²⁰ TNA STAC 5/A19/8.

¹²¹ TNA STAC 5/A38/20.

¹²² TNA STAC 8/3/13:2.

¹²³ TNA STAC 8/3/29. STAC 8/24/10.

¹²⁴ This issue is discussed at some length in Houston, Punishing the dead, section 2.

¹²⁵ R. B. Dobson, ed., York city chamberlains' account rolls, 1396-1500 (Gateshead, 1980), 198. A. Raine, ed., York civic records, vol. II (Wakefield, 1941), 139-41.

¹²⁶ Somerset RO DD/MI/18/77.

¹²⁷ C. J. Ribton-Turner, A history of vagrants and vagrancy and beggars and begging (London, 1887), 125-8, 491-2, and F. Aydelotte, Elizabethan rogues and vagabonds (Oxford, 1913), 168-73. R. A. Houston, 'Vagrants and society in early modern England', Cambridge Anthropology (1980), 18-32.

¹²⁸ T. G. Barnes, Somerset 1625-1640. A county's government during the 'Personal Rule' (London, 1961), 126n. L. Haward, The charges issuing forth of the crown revenue ... (London, 1660), 31. T. Delaune, Angliae metropolis: or, the present state of London ... (London, 1690), 93, has only two feed yeomen while J. M. Beattie, The English court in the reign of George I (Cambridge, 1967), 282, reports only a single yeoman and groom. In the fifteenth century there had been a valet and two clerks 'pur garder lasmoigne'. British Library Lansdowne MS 1/37, f. 90a.

¹²⁹ Helmholz, Canon law, 317-21, 409. C. I. A. Ritchie, The ecclesiastical courts of York (Arbroath, 1956), 40-5. R. B. Outhwaite, The rise and fall of the English ecclesiastical courts, 1500-1860 (Cambridge, 2006), 9, 10, 21, 64, 66, 100. R. Wunderli, 'Pre-reformation London summoners and the murder of Richard Hunne', Journal of Ecclesiastical History 33 (1982), 209-224.

¹³⁰ B. L. Woodcock, Medieval ecclesiastical courts in the diocese of Canterbury (London, 1952), 49.

¹³¹ Ritchie, Ecclesiastical courts of York, 40-5, 172-3. Woodcock, Medieval ecclesiastical courts, 48, 112. J. Hurstfield, The queen's wards: wardship and marriage under Elizabeth I (London, 1958), 238. TNA STAC 2/17/123.

¹³² Cumbria RO (Whitehaven) D/LEC 265, no. 267. D/AY/1/293. TNA STAC 8/3/16. The duties often overlapped. H. A. Lloyd, The gentry of south-west Wales, 1540-

1640 (Cardiff, 1968), 26-9. The feodary was abolished by the Statute of Tenures of 1660, rendering the already declining office of escheator even less important. Lords like the earls of Northumberland also employed feodaries. B. English, The great landowners of east Yorkshire, 1530-1910 (London, 1990), 155.

¹³³ A. J. L. Winchester, 'Regional identities in the Lake Counties: land tenure and the Cumbrian landscape', North History 42 (2005), 29-48, at 34-5.

¹³⁴ TNA STAC 3/4/73. STAC 4/3/57. STAC 5/A17/37(17)

¹³⁵ Hurstfield, Queen's wards, 44. W. J. Jones, 'The foundations of English bankruptcy: statutes and commissions of the early modern period', Transactions of the American Philosophical Society 69 (1979), 5-61, at 6-7. R. M. Smith, '“Modernization” and the corporate medieval village community in England: some sceptical reflections', in A. R. H. Baker and D. Gregory, eds., Explorations in historical geography: interpretative essays (Cambridge, 1984), 140-79, at 169, 171. There was a more elaborate bureaucratic personnel to keep track of the lands of tenants-in-chief through inquisitions post mortem and of minors and others by the court of wards and liveries. H. E. Bell, An introduction to the history and records of the court of wards & liveries (Cambridge, 1953), 16-45.

¹³⁶ CSP, Domestic, 1665-6, 159.

¹³⁷ Hunnisett was able to link many inquests with King's Bench indictment files and rolls (TNA KB9 and KB29). R. F. Hunnisett, Sussex coroners' inquests, 1485-1558 (Lewes, 1985). R. F. Hunnisett, Sussex coroners' inquests, 1558-1603 (Kew, 1996). Hunnisett, Sussex coroners' inquests, 1603-1688.

¹³⁸ T. G. Barnes, List and index to the proceedings in Star Chamber for the reign of James I (1603-1625) in the Public Record Office, London, class STAC 8 3 vols (Chicago, 1975), vol. 1, 32. Helmholz, Canon law, 409-10.

¹³⁹ T. G. Barnes, 'Due process and slow process in the late Elizabethan – early Stuart Star Chamber', American Journal of Legal History 6 (1962), 331. J. A. Guy, 'Law, equity and conscience in Henrician juristic thought', in A. Fox and J. A. Guy, eds., Reassessing the Henrician age: humanism, politics and reform, 1500-1550 (Oxford, 1986), 179-98, at 190.

¹⁴⁰ Northumberland RO 1/DE/8/110.

¹⁴¹ J. P. Dawson, A history of lay judges (Cambridge, Mass., 1960), 169. S. Walker, 'Order and law', in R. Horrox and W. M. Ormrod, eds., A social history of England, 1200-1500 (Cambridge, 2006), 91-112, at 108.

¹⁴² TNA C1/1372/27.

¹⁴³ A. H. Marsh, History of the court of Chancery and of the rise and development of the doctrines of equity (Toronto, 1890), 101-2.

¹⁴⁴ J. M. Holden, The history of negotiable instruments in English law (London, 1955), 66. W. M. McGovern, 'The enforcement of informal contracts in the later middle ages', California Law Review 59 (1971), 1145-93. R. H. Helmholz, 'Assumpsit and *fidei laesio*', Law Quarterly Review 91 (1975), 406-32. R. H. Helmholz, 'Debt claims and probate jurisdiction in historical perspective', American Journal of Legal History 23 (1979), 68-82.

¹⁴⁵ A. K. Kiralfy, The action on the case: an historical survey ... (London, 1951). A. W. B. Simpson, A history of the common law of contract: the rise of the action of assumpsit (Oxford, 1987).

¹⁴⁶ W. M. McGovern, 'Contract in medieval England: wager of law and the effect of death', Iowa Law Review 54 (1968-9), 19-62. D. Ibbetson, A historical introduction to the law of obligations (Oxford, 1999), 32-3, 134. P. Maddern, 'Friends of the dead: executors, wills and family strategy in fifteenth-century Norfolk', in R. E. Archer and S. Walker, eds., Rulers and ruled in late medieval England (London, 1995), 155-74. There were ways of recovering debts owed by or to the dead, such as manor court litigation. E. Clark, 'Debt litigation in a late medieval English vill', in J. A. Raftis, ed., Pathways to medieval peasants (Toronto, 1981), 247-79.

¹⁴⁷ J. H. Baker, ed., Reports of cases from the time of King Henry VIII 2 vols (London, 2003-4), vol. 2, 342.

¹⁴⁸ Jones, 'English bankruptcy', 18, 30-1, 44. E. Christian, The origin, progress, and present practice of the bankrupt law, both in England and Ireland 2 vols (1816. London, 1818), vol. 1, 5-7, 18-20, 29-30.

¹⁴⁹ T. G. Barnes, 'Star chamber and the sophistication of the criminal law', Criminal Law Review (1977), 316-26, at 324. W. Blackstone, Commentaries of the laws of England 4 vols. (Oxford, 1765-9), vol. 2, 421.

¹⁵⁰ J. Hoppit, Risk and failure in English business, 1700-1800 (Cambridge, 1987), 18-28. M. Quilter, 'Daniel Defoe: bankrupt and bankruptcy reformer' Journal of Legal History 25 (2004), 53-73.

¹⁵¹ Jones, 'English bankruptcy', 18, 30-1, 44.

¹⁵² Simpson, Assumpsit, 558. McGovern, 'Informal contracts', 1192. W. J. Jones, The Elizabethan Court of Chancery (Oxford, 1967), 410-16. O. W. Holmes, 'Executors in early English law', Harvard Law Review 9 (1895), 42-8. Ibbetson, Law of obligations, 32-3.

¹⁵³ Muldrew, Economy of obligation, 206-9. D. Ibbetson, 'Assumpsit and debt in the early sixteenth century: the origins of the indebitatus count', Cambridge Law Journal 41 (1982), 142-61. S. P. De Cruz, 'Assumpsit, consideration and third party rights', Journal of Legal History 7 (1986), 53-67. V. V. Palmer, 'The history of privity – the formative period (1500-1680)', Journal of Legal History 33 (1989), 3-52. D. H. Sacks, 'The promise and the contract in early modern England: Slade's case in perspective', in V. Kahn and L. Hutson, eds., Rhetoric and law in early modern Europe (London, 2001), 28-53. Potter, Equity, 41, 54, 60-1, 101-3.

¹⁵⁴ Wunderli, London church courts, 138-9. C. Brooks, Pettyfoggers and vipers of the commonwealth. The 'lower branch' of the legal profession in early modern England (Cambridge, 1986), 93-111. K. Wrightson, 'The "decline of neighbourliness" revisited', in D. Woolf and N. L. Jones, eds., Local identities in late medieval and early modern England (London, 2007), 19-49, at 37, 39.

¹⁵⁵ McNeill, ed., Tanner letters, 1. CSP, Ireland, 1615-25, 151-2.

¹⁵⁶ McNeill, ed., Tanner letters, 2. As in England, suitably franchised lords or towns in Ireland had rights of forfeiture. R. Day, 'Cooke's memoirs of Youghal, 1749', Journal of the Cork Historical and Archaeological Society 9 (1903), 34-63, at 47. V. Treadwell, ed., The Irish commission of 1622 (Dublin, 2006), 260-1, 469-70. The commissioners thought that the grant to the almoner (which they dated to 1616) superseded these patents or charters, but in England this was not the case.

¹⁵⁷ DNB. V. Treadwell, Buckingham and Ireland, 1618-1628. A study in Anglo-Irish politics (Dublin, 1998), 119, 187, 221-2.

¹⁵⁸ A. Ford, James Ussher: theology, history, and politics in early-modern Ireland and England (Oxford, 2007), 134.

¹⁵⁹ Treadwell, ed., Irish commission of 1622, 16, 249, 266. Treadwell, Buckingham and Ireland, 221-2. CSP, Ireland, 1615-25, 186. For an idea of the potential significance of this income see the breakdown of Irish revenues 1614-5 in J. McCavitt, Sir Arthur Chichester: Lord Deputy of Ireland, 1605-1616 (Belfast, 1998), 39.

¹⁶⁰ The almoner; or sketches of the Scottish poor (Edinburgh, 1825). Register of the Privy Council of Scotland II, 489-90. N[ational] A[rchives] of S[cotland] GD76/219; GD76/230; GD76/246; GD76/269. The parish of Linlithgow had an almoner who looked after its poor into the eighteenth century. GD215/807-63.

¹⁶¹ M. Bateson, ed., 'The Scottish king's household and other fragments from a 14th century manuscript', Miscellany of the Scottish History Society II (Edinburgh, 1904), 3-43, at 40-1. J. B. Paul, ed., The register of the great seal of Scotland, A.D. 1424-1513 (Edinburgh, 1882), no. 1020. NAS GD1/93/2.

¹⁶² Accounts of the treasurer of Scotland, IV, 34-43, 174-91, 437-9. The 'almessar' to the queen mentioned in 1503 in Accounts of the treasurer of Scotland, II, 336, is actually an Englishman.

¹⁶³ DNB 'James V'. Accounts of the treasurer of Scotland, V, 75; VI, 199; VII, 475; XI, 93, 197. R. Pitcairn, Criminal trials in Scotland, from A.D. MCCCLXXXVIII to A.D. MDCXXIV 3 vols. (Edinburgh, 1833), vol. 1, 289.

¹⁶⁴ A. L. Juhala, 'The Household and Court of King James VI of Scotland, 1567-1603', (Edinburgh University Ph.D., 2000), appendix 1.

¹⁶⁵ The earl of Stirling's register of royal letters 2 vols. (Edinburgh: privately printed, 1885), vol. 1, 311. W. Fraser, Memorials of the Montgomeries of Eglinton 2 vols. (Edinburgh, 1859), vol. 2, 197. Register of the Privy Council of Scotland III, 56, 136-8, 200. The historie and life of king James the sext (Edinburgh, 1825), 226, 359. A[cts of the] P[arliament of] S[cotland] III, 491b. APS IV, 34a, 42-3.

¹⁶⁶ CSP, Scotland, VIII, no.362.

¹⁶⁷ Willson, James VI & I, 19-25. CSP, Scotland, X, no.116.

¹⁶⁸ E21/68, f. 84v. CSP, Scotland, XI, no. 466. Juhala, appendix 1. DNB.

¹⁶⁹ R[egister of the] P[ri]v[ate] S[eal of] S[cotland] IV, nos. 222, 946.

¹⁷⁰ RPSS VII, nos. 1416, 2403; VIII, no. 1656.

¹⁷¹ E21/61, f. 42v. Register of the Privy Council of Scotland XIV, lxxxii, 354-5. APS III, 491b. RPSS VI, no. 2404; VII, no. 1231; VIII, no. 282. NAS PS1/45, f. 3v. The

pension was paid only intermittently and was in arrears when he died. Exchequer Rolls of Scotland, xx, 360; Exchequer Rolls of Scotland, xxi, 152; Exchequer Rolls of Scotland, xxiii, 211. DNB.

¹⁷² Quotation in NAS SC54/10//2/1/1.

¹⁷³ Dickinson, ed., Sheriff court book of Fife, xlvi. J. A. Clyde, The Jus Feudale of Sir Thomas Craig of Riccarton ... (Edinburgh, 1934), 1.16.46. Extraordinary revenue was taxation.

¹⁷⁴ Accounts of the treasurer of Scotland, IV, 174.

¹⁷⁵ An introductory survey of the sources and literature of Scots law Stair Society 1 (Edinburgh, 1936), 95.

¹⁷⁶ For example, Register of the Privy Council of Scotland III, 136-7; IV, 629-30; VI, 516. Given-Wilson, Royal household, 69-70.

¹⁷⁷ J. Spalding, Memorialls of the trubles in Scotland and England. A.D. 1624 – A.D. 1645 2 vols. (Aberdeen, 1850-1), vol.1, 36-9.

¹⁷⁸ R. A. Houston, 'Poor relief and the dangerous and criminal insane in Scotland, c.1740-1840', Journal of Social History 40, 2 (2006), 453-76.

¹⁷⁹ APS XI, 490b.

¹⁸⁰ A. M. Godfrey, Civil justice in Renaissance Scotland: the origins of a central court (Leiden, 2009).

¹⁸¹ CSP, Domestic, 1700-2, 2. NAS PS3/7, 65, 507; E407; E408. Hart died in 1729.

¹⁸² Bucholz, Augustan court, 162, 173-4.

¹⁸³ TNA T 1/531/233-4.

¹⁸⁴ C. Dyer, 'The English medieval village community and its decline', Journal of British Studies 33 (1994), 407-29, at 421.

¹⁸⁵ Muldrew, Economy of obligation. S. Hindle, On the parish. The micro-politics of poor relief in rural England, 1550-1750 (Oxford, 2004).

¹⁸⁶ J. Bossy, 'Postscript', in J. Bossy, ed., Disputes and settlements: law and human relations in the west (Cambridge, 1983), 287-93, at 288. Wrightson, 'Decline of neighbourliness', 39-40.

¹⁸⁷ Wunderli, London church courts, 137.

¹⁸⁸ Wunderli, London church courts, 137. M. Ingram, 'Regulating sex in pre-reformation London', in G. W. Bernard and S. J. Gunn, eds., Authority and consent in Tudor England (Aldershot, 2002), 79-95, at 91.

¹⁸⁹ Gunn, Early Tudor government, 87. J. M. Rosenheim, The emergence of a ruling order: English landed society, 1650-1750 (London, 1998), 115-19. Winchester,

‘Regional identity’, 34-7. Post-Restoration English almoners still acted as adjudicators in disputes between clergy. Bucholz, Augustan court, 173-4.

¹⁹⁰ S. Hindle, ‘The political culture of the middling sort in English rural communities, c.1550-1700’, in T. Harris, ed., The politics of the excluded, c.1500-1850 (London: Palgrave, 2001), 125-52.

¹⁹¹ C. Muldrew, ‘From a “light cloak” to the “iron cage”’: an essay on historical changes in the relationship between community and individualism’, in A. Shepard and P. Withington, eds., Communities in early modern England (Manchester, 2000), 156-77, at 161-6.

¹⁹² C. W. Brooks, ‘Interpersonal conflict and social tension: civil litigation in England, 1640-1830’, in A. L. Beier, D. Cannadine and J. M. Rosenheim, eds., The first modern society (Cambridge, 1989), 357-99. W. A. Champion, ‘Recourse to the law and the meaning of the great litigation decline, 1650-1750: some clues from Shrewsbury local courts’, in C. Brooks and M. Lobban, eds., Communities and courts in Britain, 1150-1900 (London, 1997), 179-98.

¹⁹³ The reports of the most learned Sir James Saunders, Knt. ... of several pleadings and cases in the Court of King’s Bench, in the time of the reign of ... Charles the second 2 vols. (1686. 5th edition based on the 3rd edition of 1799, translated from the French and with added notes, London, 1824), vol. 1, 271a-b. The notes were introduced between the Latin, French and English edition of 1722 and the English edition of 1799, making the timing of the change difficult to determine. 1 Wms. Saund. 271. CSP, Domestic, 1689-90, 328.

¹⁹⁴ Bucholz, Augustan court, 173-4, 323.

¹⁹⁵ TNA C66/4830/23.

¹⁹⁶ J. Scriven, A treatise on copyholds, customary freeholds, ancient demesne, and the jurisdiction of courts baron and courts leet (1816. London, 1823), 761.