

Abstract

Justices of the Peace (JPs), and county governance in Early Modern England were subjects which received significant scholarship for many decades but have recently stagnated. This field remains incomplete, with many counties with unique characteristics being ignored, powerful magistrates forgotten, and important questions around the factors which influenced who was appointed a JP unanswered. This thesis focuses on how education, religion, alliances, and economic status influenced the careers of JPs in Elizabethan Nottinghamshire and Derbyshire (1558-1603). It addresses the careers of these early modern magistrates who dominated county administration, law and order, local politics, and the gentry community within the counties. Through the alumni of the universities of Oxford and Cambridge, or the Inns of Court like Gray's Inn, this thesis addresses the early modern education of the gentry, and its effects on their careers. It analyses the religious spectrum of Reformation England, through the careers of conservative, traditionalist, Catholic, conformist, Protestant, Puritan, reformer, and pragmatist JPs. It also addresses the unique population, geographic, and economic demographics of the counties of Elizabethan Nottinghamshire and Derbyshire, two otherwise ignored Midlands counties. Through economic status it addresses the estates, income, and social status of the gentry, or professionals like lawyers or merchants to understand how wealth influenced a gentlemen's likelihood for appointment to county office, or promotion to higher office like Deputy Lieutenant, *Custos Rotulorum*, High Sheriff, or MP. Through debt and inflation, it addresses the economic climate of the early modern gentry in England, and their estates, previously expanded by the Dissolution of the Monasteries. Finally, this thesis addresses the effect of lobbying through alliances, early modern friendship, political ambitions, blood connections, marriage, and kinship in influencing why and how a JP was appointment. Overall, this thesis addresses what factors influenced the appointment of JPs in Elizabethan Nottinghamshire and Derbyshire.

What makes a JP? A socio-economic and character study of Justices of the Peace in Elizabethan Nottinghamshire and Derbyshire

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Introduction

The office of Justice of the Peace (JP) is central to understanding county government under Queen Elizabeth I. The factors which influenced who was appointed a JP affected the social and political climate of the counties. Yet, the study of JPs has in recent years stagnated, and their importance to local government ignored or criticised. This thesis will focus upon Elizabethan JPs from 1558-1603 in Nottinghamshire and Derbyshire, two Midlands counties which have gone mostly unstudied. It will address the various factors (religion, education, wealth, and lobbying) which influenced who was appointed a JP, and how these factors affected their careers. JPs were legal and administrative officers, chosen by the Crown, mostly from amongst the local gentry. They were wealthy landowners, granted powers by royal commission to administer justice, local governance, and keep the peace in the counties, overseeing numerous responsibilities, primarily maintaining law and order.¹ The depth of their importance can be understood through the two guidebooks written for JPs: Anthony Fitzherbert's *New Boke of Justices of the Peace* from 1551, and William Lambarde's 1581 *Eirenarcha*. Fitzherbert and Lambarde were trained lawyers, with Lambarde serving as a JP in Kent from 1579-1601. They compiled an extensive portfolio of the responsibilities of JPs, including specific procedures, so that JPs could better undertake the duties of their office. These responsibilities included overseeing local disputes and disorder, arresting criminals, and collecting evidence and testimony. JPs were ordered to ensure those charged attended Quarter Sessions, held four times a year, where JPs would rule upon these cases.² However, Michael Braddick has furthermore highlighted the role of JPs in dearth and local employment, alongside the Elizabethan Poor Laws.³ Their importance to the Poor Laws, and the

¹ Anthony Fletcher, *Reform in the Provinces: The Government of Stuart England*, (Yale University Press, New Haven and London, 1986), p.3.

² Anthony Fitzherbert, *New Boke of Justices of the Peace*, (London, 1551); William Lambarde, *Eirenarcha, or, Of the Office of the Justices of the Peace: in Foure Bookes*, (London, 1581).

³ Michael Braddick, *State Formation in early modern England, c.1550-1700*, (Cambridge University Press (CUP), Cambridge, 2000), pp.122-6.

regulation of local markets and industry led Joel Hurstfield to claim that 'their responsibilities extended widely and deeply into the whole fabric of the county'.⁴ Although Penry Williams called JPs amateurs, he nevertheless highlighted how 'the authority of JPs extended over every sort of criminal offence except treason', with Anthony Fletcher detailing the expanded administrative role of the JPs by 1603, in keeping the peace, enforcing statute, and acting on the varied tasks which they were increasingly given.⁵

In 1618 Michael Dalton compiled the Parliamentary legislation referring to JPs from their creation in 1327 to his day as part of his guidebook, which aimed to 'Help of such Justices of the Peace as have not been much conversant in the Study of the Laws of this Realm'.⁶ As Steve Hindle highlighted, by 1603 JPs were 'increasingly burdened by stacks of statutes... no fewer than 309', and these responsibilities were so diverse that the author of a revised edition of the handbooks of Lambarde and Dalton 'was worried by his own inability to discover which pieces of legislation they discussed were still active'.⁷ Their importance also grew through special commissions like Recusancy or Musters, which also gave them authority over religious nonconformity, raising and training soldiers, collecting subsidies, and maintaining roads and bridges.⁸ The duties given to JPs continued to grow which, Roger Manning suggested made JPs the 'most important figure in local government'.⁹ Thus, the stagnation in the study of JPs has become a detriment to the understanding of Elizabethan England. Any study of Elizabethan policy which does not address local factors, or as Braddick focused upon, the relationship between the 'centre' and the

⁴ Joel Hurstfield, *Freedom, Corruption, and Government in Elizabethan England*, (Jonathan Cape, London, 1973).

⁵ Penry Williams, *The Tudor Regime*, (Clarendon Press, Oxford, 1979), pp.9, 218; Fletcher, *Reform in the Provinces*, pp.3-5.

⁶ Michael Dalton, *Country Justice: Containing the Practice, Duty and Power of the Justices of the Peace, as Well in as Out of Their Sessions*. (London, 1666).

⁷ Steven Hindle, *The State and Social Change in Early Modern England, c.1550-1640*, (Palgrave, Hampshire, 2000), pp.10-11.

⁸ Alfred Hassell-Smith, *County and Court: Government and Politics in Norfolk, 1558-1603*, (Clarendon Press, Oxford, 1974), pp.114-6.

⁹ Roger Manning, *Religion and Society in Elizabethan Sussex*, (Leicester University Press (LUP), Leicester, 1969), p.10.

‘institutions of local government’, as this thesis shall, will inevitably misunderstand the enforcement of national policy on the localities.¹⁰

Literature Review

The historiography of Elizabethan JPs is limited in several ways. Firstly, previous studies have focused mostly upon the south, ignoring midland and northern counties, leaving a significant historiographical gap. The few northern counties that have received dedicated studies include J.T. Cliffe’s study of the early modern gentry of Yorkshire, and J.H. Gleason choosing the North Riding of Yorkshire as one of the six counties within his study of JPs, alongside the Midland counties of Northamptonshire and Worcestershire.¹¹ Two previous studies of Cheshire are limited, with Abby Lagemann focusing specifically on the performance of justice by JPs in the 1590s, while Tim Thornton’s work on the relationship between Cheshire and the Tudor state ended in 1560.¹² Finally, there is S.J. Watts on the administration and defence of Northumberland and the East March.¹³ The study of Midlands JPs is equally limited, with only a PhD thesis on Nottinghamshire and Derbyshire 1590-1640 by Jill Dias, and the most recent, but expansive work by Peter Seddon on Seventeenth century Nottinghamshire.¹⁴ There has also been a study of local life in Nottinghamshire by Beryl Cobbing and Pamela Priestland, but this focuses entirely on the life of Sir Thomas Stanhope, and thus its scope is limited.¹⁵ Much of the North and Midlands remains ignored by major historical studies.

¹⁰ Braddick, *State Formation*, pp.13-16.

¹¹ J.T. Cliffe, *Yorkshire Gentry from the Reformation to the Civil War*, (Athlone Press, London, 1969); J.H. Gleason, *Justices of the Peace in England, 1558-1640: A later Eirenarcha*, (Oxford University Press (OUP), Oxford, 1969).

¹² Abby Lagemann, ‘A Decade of Disorder? The Performance of Justice in Cheshire in the 1590s’, *Journal of the Wooden O*, Vol. 10, (2010), pp.49-59; Tim Thornton, *Cheshire and the Tudor State, 1480-1560*, (Boydell and Brewer, Royal Historical Society, 2000).

¹³ S.J. Watts, *From Border to Middle Shire: Northumberland 1586-1625*, (LUP, Leicester, 1975).

¹⁴ Jill Dias, ‘Politics and administration in Nottinghamshire and Derbyshire, 1590-1640’ (Unpublished DPhil Thesis, Oxford University, 1973); Peter Seddon, *Change and Continuity in seventeenth-century Nottinghamshire*, (Merton Priory Press, Chesterfield, 2025).

¹⁵ Beryl Cobbing and Pamela Priestland, *Sir Thomas Stanhope of Shelford: Local life in Elizabethan times*, (Ashbracken, Radcliffe-on-Trent, 2003).

Secondly, the last two decades have seen few studies of Elizabethan JPs. The most recent research which focused on the JPs of individual counties are Michael Zell's work on Kent from 1999, Thornton on Cheshire from 2000, and Eugene Bourgeois on Cambridgeshire from 2003.¹⁶ The majority of similar studies come from between 1969-1986, including: Gleason's foundational work on the JPs of six counties from 1969, Manning's work on religion in Sussex from 1969, Joel Samaha on law and order in Essex from 1974, Alfred Hassell-Smith's brilliant work on Norfolk from 1974, Watt's work on administration of Northumberland from 1975, Peter Clark on provincial society in Kent 1500-1640 from 1977, Diarmaid MacCulloch's work on the JPs of Norfolk and Suffolk from 1981 and 1986, and Ron Fritze on family and religion in 1560s Hampshire from 1982.¹⁷ These studies highlight different local factors, and how national policy affected the JPs of each county differently. However, one common trend shows the appointment of JPs was based on many interacting considerations, with no single factor determining the suitability, nor disqualifying an individual. The effect of these factors changed between counties, between JPs, and over time.

Alongside county-specific studies of JPs, there have been many studies which focused upon the relationship between the national government and local administration. These works are important as JPs were chosen by the central government, as integral parts of local government under Elizabeth. Some of this research on the state was concurrent with the golden age of county-studies in the 1970s-80s, including Hurstfield on corruption and clientage networks between Court and the counties from 1973, and Williams' work on the networks, administration, and polity of the

¹⁶ Michael Zell, 'Kent's Elizabethan JPs at Work', *Archaeologia Cantiana*, Vol. 119, (1999); Thornton, *Cheshire and the Tudor State*; Eugene Bourgeois, *Ruling Elite of Cambridgeshire, England 1520-1603*. (Edwin Mellen Press, New York, 2003)

¹⁷ Gleason, *Justices of the Peace*; Manning, *Religion and Society*; Joel Samaha, *Law and Order in Historical Perspective: The Case of Elizabethan Essex*, (Academic Press, New York and London, 1974); Hassell-Smith, *County and Court*; Watts, *From Border to Middle Shire*; Peter Clark, *English Provincial Society from the Reformation to the Revolution: Religion, Politics and Society in Kent, 1500-1640*, (Harvester Press, Brighton, 1977); Diarmaid MacCulloch, 'Catholic and Puritan in Elizabethan Suffolk: A county community polarises', *Archive for Reformation History*, Vol. 72, (1981), pp.232-289; MacCulloch, *Suffolk and the Tudors: Politics and Religion in an English County 1500-1600* (Clarendon Press, Oxford, 1986); Ronald Fritze, 'The Role of Family and Religion in the Local Politics of Early Elizabethan England: The Case of Hampshire in the 1560s', *The Historical Journal*, Vol. 25, No. 2, (June 1982), pp.267-287.

Tudor Regime from 1979 and 1983.¹⁸ The most recent work on the Tudor state are Braddick's study of state formation and the use of political influence, and Steven Hindle's *State and Social Change*, both from 2000.¹⁹ Alongside two books by Neil Younger on the office of Lord Lieutenant in the counties from 2012, and the political influence of the Councillor Sir Christopher Hatton from 2022.²⁰ While these works provide an insight into the national policies of the government which can contextualise the appointment of JPs, they must be used alongside county-specific studies to understand both the national and local influences upon JPs. This is crucial as there remains a debate highlighted by Braddick around whether JPs should be understood to be 'component parts of a centralised state', or as Anthony Fletcher suggested, they were instead local officers chosen by the Crown, but able to act independently on their own initiative.²¹ This question was also debated by JPs and Councillors in the sixteenth century.

Alison Wall attempted to connect county-specific studies of JPs to a national understanding which addressed the crucial role that national politics played, while retaining the focus on local factors. Her work highlighted the importance of lobbying and Council initiatives to the regular 'purges' of JPs seen throughout the counties, yet due to the national focus she was not able to address any single county in the detail that the county-specific studies have, and this thesis shall.²² Gleason provided a good balance between local detail and national trends, focusing instead on six sample counties (Kent, Norfolk, Northamptonshire, the North Riding of Yorkshire, Somerset, and Worcestershire). However, the length of his study from 1558-1640, and his methodology of focusing on certain dates, sometimes decades apart, led to some mistaken conclusions, or missed

¹⁸ Hurstfield, *Freedom, Corruption, and Government*; Williams, *The Tudor Regime*; Williams, 'Court and Polity under Elizabeth I', *Bulletin of the John Rylands University Library of Manchester*, Vol. 65, No. 2, (Spring, 1983).

¹⁹ Braddick, *State Formation*; Hindle, *State and Social Change*.

²⁰ Neil Younger, *War and politics in the Elizabethan counties*, (Manchester University Press, Manchester, 2012); Younger, *Religion and Politics in Elizabethan England: The Life of Sir Christopher Hatton*, (Manchester University Press, Manchester, 2022).

²¹ Braddick, *State Formation*, p.14; Anthony Fletcher, *Reform in the Provinces: The Government of Stuart England*, (Yale University Press, New Haven and London, 1986).

²² Alison Wall, 'The Greatest Disgrace, Making and unmaking of JPs in Elizabethan and Jacobean England'. *English Historical Review*, Vol. 119, Issue 481, (2004), pp.312-332.

complexities. He focuses on only two Elizabethan commissions of the peace from 1562 and 1584. While both were important, Gleason ignored several important commissions in 1559, 1564, 1569, 1587, and 1596, each of which greatly affected the appointment, removal, promotion, and retention of JPs.²³ This thesis was inspired by the structure of Gleason's research, and the factors and focus of Wall's study, which influenced the broad aims of this thesis in understanding why individuals were appointed JPs.

Wall focused on the reasons behind the various 'purges' of JPs seen throughout Elizabeth's reign, which has informed the structure of several chapters within this thesis, specifically the dates 1587 and 1595-6, which Wall suggests saw drastic changes in the county benches (the body of JPs), and were dates missed by Gleason. This thesis will determine how drastic these apparent purges were in Nottinghamshire and Derbyshire, addressing the reasons behind these changes whether due to education (Chapter One), religion (Chapter Two), economic and social status (Chapter Three), or lobbying and factionalism (Chapter Four). Wall mentions the importance of education and religion to changes of the county benches, yet she places greater emphasis on the ever-present factionalism and lobbying both in the counties via local magnates, and at Court through Councillors, particularly Lord Burghley.²⁴ However, alongside lobbying, religion has come to dominate discussion of Elizabethan England, particularly the research of Manning in Sussex, Fritze in Hampshire, MacCulloch in Suffolk, and Wall's most recent research on the religious composition of the commissions of the peace.²⁵ While lobbying and religion were important, and compose two of the chapters within this thesis, less focus has been placed on economic status and education, despite both being important considerations in the appointment of JPs.

²³ Gleason, *Justices of the Peace*.

²⁴ Wall, 'Making and Unmaking', pp. 312-332.

²⁵ Manning, *Religion and Society*; Fritze, 'Family and Religion', pp.267-287; MacCulloch, 'Catholic and Puritan in Elizabethan Suffolk', pp.232-289; MacCulloch, *Suffolk and the Tudors*; Wall, 'Religion and the Composition of the Commissions of the Peace, 1547-1640', *Journal of the Historical Association*, Vol. 103, Issue 355, (April 2018), pp223-242.

Gleason's research from 1969 remains foundational for the study of JPs. He lambasted how stagnant the study of JPs was prior to his work. Other than Bertha Putman on pre-Elizabethan JPs from the 1930s, and W.B. Wilcox's 'Gloucestershire a Study of Local Government 1590-1640' from 1940, he says none tackled the office of JP in sufficient detail.²⁶ Yet, since the year 2000, the study of JPs, which remains incomplete, has once again stagnated. Only Bourgeois and Wall have written recent scholarship specifically on JPs beyond Master's or PhD level. Recent historiography has instead focused on other county officers like the Lord Lieutenants, downplaying or criticising the role of JPs. W.K. Williams and Younger have placed increasing emphasis on the growing power and influence of Lord Lieutenants between 1585-1603. Williams highlighted the role of George Talbot 6th Earl of Shrewsbury as Lord Lieutenant of Derbyshire, and how he worked with his Deputy Lieutenants Sir John Manners and Sir John Zouche, although primarily their military, not administrative duties.²⁷ Furthermore, Younger's more extensive work has been highly critical of JPs, suggesting that the Crown centralised more power into a small number of trusted men in each county through the Lord Lieutenants and special commissions to oversee matters like Recusancy, due to the failures of the office of JP. However, he allows that JPs remained active agents in the counties, working with the Lieutenants, and able to exert local initiative.²⁸ The increased role of a small number of Lieutenants, chosen from amongst first-rate aristocrats and Councillors, was done, Hurstfield argues, so that 'the bond between central and local government was truly personal'. This was something that could not be achieved through the less personal, and more numerous office of JP.²⁹

Recent Master's and PhD scholarship on local government has referred to JPs, either as the nucleus of their study, or in comparison to other county offices. Richard Bullock's study of High

²⁶ Gleason, *Justices of the Peace*, pp.1-8.

²⁷ W.K. Williams, 'The military function of the office of Lord Lieutenant 1585 – 1603 with special emphasis on Lord Burghley', (Unpublished Doctoral Thesis, University of Leicester, 2002)

²⁸ Younger, *War and politics*, pp.11-39, 58-90.

²⁹ Hurstfield, *Freedom, Corruption, and Government*, p.285.

Sheriffs in the Midlands has some overlap with the scope of this thesis, as many JPs were High Sheriffs, although like Gleason and Wall, his work is primarily post-1580s.³⁰ Rebecca Zmarzly, supervised by Bourgeois, worked on Devon JPs, a previously unstudied county with distinct local factors around unique administrative structures, and its importance as a maritime county. Although the nature of the work as a Master's thesis may limit its usefulness, it is of a good academic standard, with Bourgeois as supervisor providing it more weight. Her work highlights unique factors seen in Devon, illuminating trends in the composition of the gentry and the relationship with Court, local politics, and religion seen in many counties. Although used cautiously, as one of the most modern works of the JPs of a specific county, as this thesis aims for Nottinghamshire and Derbyshire, it can provide a useful contextualisation.³¹

Particularly important for this thesis will be Dias's PhD thesis from 1973, which focused on the JPs of Nottinghamshire, although mostly Derbyshire from 1590-1640. Although her work only includes the last decade of Elizabeth's reign, geographically it is closely related to this thesis's scope, with many of the same JPs, families, geographic aspects, and the political climate continuing from Elizabethan into Jacobean Nottinghamshire and Derbyshire. Dias focused mostly on the political role of JPs, highlighting factionalism and how politics affected the composition of the county benches. This thesis will correct many inaccuracies in Dias's work, especially the dates of appointments and terms of service of pre-1580s Derbyshire JPs, mistakes born from her focus mostly on Jacobean, not Elizabethan JPs.³² This is a similar fault that Gleason came across, as he focused on key dates, sometimes decades apart, he wrongly assumed that JPs served for life, which Wall directly challenged by her suggestion of the many 'purges' of JPs under Elizabeth which led to JPs being removed, then returned, sometimes after less than a year.³³ In Norfolk,

³⁰ Richard Bullock, 'The High Sheriffs in Early Modern England', (Unpublished Doctoral Thesis, Nottingham Trent University, 2021).

³¹ Rebecca Zmarzly, 'Justices of the Peace in Mid-Tudor Devon, c1538-1570'. (Unpublished MA Thesis, Texas State University, 2007).

³² Jill Dias, 'Politics and administration'.

³³ Gleason, *Justices of the Peace*, p.57; Wall, 'Making and Unmaking', pp. 312-332.

which has significantly better survival of sources than Nottinghamshire or Derbyshire, Hassell-Smith found that some JPs served for only a few months, often removed and returned, seemingly arbitrarily.³⁴ However, Clark suggests a different interpretation, that while many JPs like Martin Barnham in Kent were often removed repeatedly, these dismissals were often brief, and Barnham was always returned, with those who only served for a few months not indicative of the main body of the county bench which saw 'few instances of permanent or lengthy exclusion'.³⁵

Gleason and Samaha were both highly critical of inferences of nationwide trends from the studies of individual counties, thus why Gleason focused his study on six diverse counties, and Samaha stressed repeatedly his findings in Essex should not be assumed were indicative of national trends.³⁶ The uniqueness of a county's identity differed greatly, with certain counties having unique structures and institutions of power. For example, the administration of Northumberland was dominated by the influence of the East March, the issue of the Scottish border, and the influence of the Percy family as Earls of Northumberland.³⁷ Cheshire had unique Courts and institutions not seen in any other county, alongside being influenced by the Council in the Marches, and their special relationship with the often vacant office of Prince-Earl.³⁸ Norfolk had between 1558-1572 the last surviving Duke in England, whose influence was greater than any other magnate in any county, and after the Duke's fall, had a political vacuum which led to intensive factionalism.³⁹ Sussex had the highest number of resident nobility, alongside distinct geography and high levels of Catholic survival, all of which influenced local government.⁴⁰ Cliffe highlighted the uniqueness of the gentry of Yorkshire, focusing on their socio-economic, political and educational composition, alongside bitter divisions over religion and split political loyalties.⁴¹

³⁴ Hassell-Smith, *County and Court*, pp.51-87.

³⁵ Clark, *English Provincial Society*, pp.127-8.

³⁶ Samaha, *Law and Order*, pp.7-8; Gleason, *Justices of the Peace*, p.4.

³⁷ Watts, *From Border to Middle Shire*.

³⁸ Thornton, *Cheshire and the Tudor State*

³⁹ Hassell-Smith, *County and Court*.

⁴⁰ Manning, *Religion and Society*.

⁴¹ Cliffe, *Yorkshire Gentry from the Reformation to the Civil War*, pp.5-17, 26-29, 67-77, 189-255.

To infer nationwide trends from the unique political, social, and economic situations within any of these counties would inevitably be inaccurate.

Alan Everitt's studies of administration in early modern Kent from the 1950s-60s were highly influential, inspiring Gleason's own research which focused specifically on JPs. Yet, Everitt's work has been criticised by Clive Holmes. He credited Everitt as the 'progenitor and leading exponent of the concept of the county community' which Holmes himself adopted. Yet, he also states repeatedly that while the trends of: the political awareness of the local gentry, inter-county marriages, the power of local aristocrats, and the presence of many merchants within the county governance, were found in Kent, they are not indicative of the county community of England as a whole, and Everitt's assertions of such 'goes beyond the evidence'.⁴² Everitt's assertions around JPs were not necessarily applicable in Nottinghamshire and Derbyshire, including: the commissions being administratively split into two, the presence of yeomen and merchant JPs, and lawyer JPs settling in the counties they represented. The trends Everitt highlighted were present in Kent, however as Gleason suggested in his own study, the administration of Kent was perhaps the most unique in England.⁴³

Holmes, while dealing with Stuart, not Elizabethan England, is still important in understanding the interactions between the localities and the central government. He addresses the forms their relationships (both positive and negative) could take. His discussions about the historiography of local government highlight many persistent problems. Although some of Holmes's conclusions are not necessarily accurate for every county, like the political awareness of the gentry or choice of marriage outside one's home county, Holmes' work is nevertheless crucial to understanding the relationship between the local and national government, particularly the individuals and rivalries

⁴² Clive Holmes, 'County Community in Stuart Historiography', *Journal of British Studies*, Vol. 19, No. 2, (1980), pp.54-73.

⁴³ Alan Everitt, *County Committee of Kent in the Civil War*, (University College, Leicester, 1957); Gleason, *Justices of the Peace*, p.4.

of Court which spilt out into the localities.⁴⁴ As Williams said, Court was 'a theatre of display' it was the stage on which 'political decisions emerged and in which political rivalries were conducted', and was 'an all-important link connecting the Crown and the shires, resolving local grievances and preserving by personal contacts the loyalty of the county families'.⁴⁵

County studies have sadly declined in recent decades, with the subject falling out of fashion compared to social or post-modern history which focuses either on overarching factors or devolves research into social classes less affected by geography. However, a recent trend in history on the study of space as a 'connection of entities, actions, and ideas' as described by Paul Stock, suggests county history still has an importance place in modern historical study, because of how geography and county identity informed the creation of social connections, shared identity, and shared socio-political and economic atmospheres.⁴⁶ Braddick has highlighted the importance of space through the way the national government communicated with the localities, 'Conceiving of the state as the whole network of political institutions coordinated in London' which 'reveals how they served to integrate central and local interests. The state as defined here was distinct from the locality, not by being central but by being more extensive than the locality'.⁴⁷ Rather than geographic space, several of the historians focused on the state such as Williams have instead stressed that England was governed by personal connections and networks of communication, as these personal networks stretched across geographic space.⁴⁸ As Hindle said, the state 'is not to be viewed exclusively as a set of institutions; rather, it is a network of power relations which become institutionalised to a greater or lesser extent over time'.⁴⁹ Particularly important for this thesis is how these networks stretched into the counties, and the role that JPs played in this form of government.

⁴⁴ Holmes, 'County Community in Stuart Historiography', pp.54-73.

⁴⁵ Williams, 'Court and Polity', p.260.

⁴⁶ Paul Stock, *Uses of Space in Early Modern History*, (Palgrave Macmillan, New York, 2015), pp.1-18.

⁴⁷ Braddick, *State Formation*, p.92.

⁴⁸ Williams, *The Tudor Regime*, p.1.

⁴⁹ Hindle, *State and Social Change*, p.19.

This thesis will avoid Everitt's mistake of assuming nationwide trends, instead focusing on the specific character of the JPs of Nottinghamshire and Derbyshire, with any comments on nationwide trends synthesised by comparison with existing studies on the JPs of individual counties, or those of the two nationwide studies of JPs by Wall and Gleason. Together, these studies will contextualise the findings within Nottinghamshire and Derbyshire, but also stress how these midlands counties were unique, and why other ignored counties deserve study. Beyond the local differences the studies by Samaha, Wall, Gleason, Bourgeois, MacCulloch, and Zell found, their studies also differed in focuses, methodologies, and goals. Bourgeois's study of Cambridgeshire from 1520-1603 for example focused significantly on the 'administrative unit' of the county and the competing influences of Cambridge University and local magnates like Roger Lord North. Bourgeois's example of the 'rule' of Lord North is a pertinent comparison for the Earls of Rutland in Nottinghamshire and the Earls of Shrewsbury in Derbyshire, as both were active in using their influence locally and at Court to control the county benches.⁵⁰ MacCulloch's study of Suffolk and Norfolk, and Manning's study of Sussex, were dominated by religious factionalism, conflict between Catholics and 'Puritans', the competing influences of lords, Councillors, and especially Bishops, and resistance to the Elizabethan Religious Settlement in the counties. Some of the religious trends in Sussex and Suffolk were also seen in Nottinghamshire and Derbyshire, like the level of Catholic retention amongst JPs, a link between geography and Catholic survival, and the relationship between religion and lobbying, which will be a point of comparison utilised in Chapter Two. However, other trends like the rise of a faction of 'Puritan' JPs was not necessarily seen in Nottinghamshire or Derbyshire.⁵¹

Samaha focused on crime and punishment in Elizabethan Essex, addressing JPs as overseers of law and order in the counties. Samaha identified trends which may be applicable in Nottinghamshire

⁵⁰ Bourgeois, *Ruling Elite of Cambridgeshire*, pp.60-1.

⁵¹ MacCulloch, 'Catholic and Puritan in Elizabethan Suffolk', pp.232-289; MacCulloch, *Suffolk and the Tudors*; Manning, *Religion and Society*.

and Derbyshire, like the effect of inflation on the wealth of the gentry, religious crime, and with an overlap of several *Ex-Officio* (non-local) JPs like Justice Gawdy who served both Essex and Derbyshire. Samaha's methodology and source basis of correspondences will also be used by this thesis, although Samaha also used Court Records which survived in greater number for Essex than either Nottinghamshire or Derbyshire. However, Essex was close to London, and received significant numbers of London merchants, land-speculators, and lawyers settling into the county. This is opposed to the Midlands where geography made this rarer. There were distinct differences in the socio-economic, political, and religious compositions between southern and Midland counties. Samaha's work is a detailed analysis of JPs as a legal office which this thesis cannot do as clearly because of the lack of surviving Quarter Session records in Nottinghamshire and Derbyshire.⁵² Zell's study of Kent focused primarily on the office itself, analysing their responsibilities and aspects like the importance of nepotism, lobbying, family inheritance, and geography in the appointment of JPs, although his study is heavily inspired by, and overshadowed in depth and scope by his former supervisor, Gleason.⁵³

Some studies have mentioned JPs as parts of English local government or research into other institutions. Younger in his work on war, politics, religion and administration in the counties refers to JPs because of their importance to county administration and national politics.⁵⁴ His work on the career of Sir Christopher Hatton referred repeatedly to Hatton's networks amongst Courtiers, local gentlemen, and JPs, some of which were directly connected to Derbyshire and Nottinghamshire gentlemen like Nicholas Longford, Thomas Markham, and Henry Pierrepont. These networks, Younger argues, had a strong correlation with religion, mostly although not limited to, conservative and Catholic connections.⁵⁵ As Braddick suggested, government was a

⁵² Samaha, *Law and Order*, pp.14-31.

⁵³ Zell, 'Kent's Elizabethan JPs at Work'.

⁵⁴ Younger, *War and politics*, pp.11-101; Neil Younger, *Religion and Politics in Elizabethan England: the life of Sir Christopher Hatton*, (Manchester University Press, Manchester, 2022).

⁵⁵ Younger, *Religion and Politics in Elizabethan England*.

‘network of offices wielding political power’, like Hatton as Lord Chancellor, although not all were successful.⁵⁶ Hurstfield highlights the importance of the networks of the Earl of Leicester and the Cecils, but suggests the Earl of Essex failed to do the same, as ‘When Essex lost the influence or position to promote men to office, he lost his power’.⁵⁷ Younger also focused on Lord Lieutenants and their importance to county governance. The administration of the counties that Younger highlights was dominated by war in the 1580s and 90s, with the Lieutenant like the Earls of Shrewsbury as hands-on, central figures to local administration, but also heavily involved in religion. Younger suggests that there was an attempt to remove Catholics and conservatives from positions of power in the counties, in favour of those loyal to the Protestant cause, although the lack of success in this led to more responsibilities being given to a select group of trusted gentlemen.⁵⁸ However, this thesis will highlight that this may not be case in every county, with a difference between what was desired by the Crown, their policy through JPs and Lord Lieutenants, and the realities in the localities.

Susan Wright’s work on the Derbyshire gentry in the fifteenth-century, particularly her directory which attempted to classify the gentry community of Derbyshire, is vital to understanding the social backgrounds of the families within the county, the classification of the gentry, and thus who was considered eligible for appointment as a JP.⁵⁹ However, this thesis must also address offices and institutions beyond JPs. Christopher Haigh’s work on religious resistance in Tudor Lancashire primarily focused on the church authorities, Catholic recusancy, and how Crown edicts on religion were enacted in Lancashire.⁶⁰ While his focus is not on JPs, many JPs were tasked with commissions overseeing Catholic Recusants and were integral in county administration of the English Reformation. Haigh argues Catholicism remained strong in Lancashire, with other studies

⁵⁶ Braddick, *State Formation*, pp.19, 45.

⁵⁷ Hurstfield, *Freedom, Corruption, and Government*, p.151.

⁵⁸ Younger, *War and politics*, pp.11-101.

⁵⁹ Susan Wright, *The Derbyshire Gentry in the Fifteenth Century*, (Derbyshire Record Society, Vol. 8, Chesterfield, 1983).

⁶⁰ Christopher Haigh, *Reformation and Resistance in Tudor Lancashire*. (CUP, Cambridge, 1975), pp.209-336.

by Fritze in Hampshire, Manning in Sussex, and Hassell-Smith in Norfolk showing that Catholicism survived, including within the office of JP, in various counties.⁶¹ However, this thesis will question to what extent this was seen in Nottinghamshire and Derbyshire, especially in places like High Peak in Derbyshire which geographically and religiously were similar to places like Sussex. Haigh also collaborated with Wall for a study of Clergy JPs from 1590-1640. However, most of this research is post-Elizabethan, thus the trends they suggest are not necessarily seen in Elizabethan Nottinghamshire and Derbyshire before clergy JPs became common under James I, with only 4/158 Elizabethan Nottinghamshire and Derbyshire JPs being clergy.⁶²

Although his study is relatively old, Geoffrey Elton's 1953 work on Tudor government stands as a basis for much of the institutional history which inspired the study of JPs. Elton focused on the central government, saying that the study of county government required dedicated study, which he suggests was popular in his time, although has recently stagnated. Yet, many of the trends he highlights through the Tudor government in Parliament, Court, and Council can also be seen amongst JPs. The change in the composition of the regime based on certain factors like religion, or rivalries will be highlighted in this thesis amongst Nottinghamshire and Derbyshire JPs.

Furthermore, the reforms of government Elton highlights under Elizabeth were particularly pronounced amongst the office of JP.⁶³ While Elton himself will not be heavily used in this thesis, his work inspired studies like Gleason and MacCulloch, who highlight similar trends that Elton uncovered, but more directly related these trends to county governance and JPs. Elton's focus on the state also inspired the work of Hindle, Hurstfield, and Braddick, all of which are integral in

⁶¹ Haigh, *Reformation and Resistance in Tudor Lancashire*. pp.209-336; Manning, *Religion and Society*; Fritze, 'Family and Religion'; Hassell-Smith, *County and Court*.

⁶² Haigh and Wall, 'Clergy JPs in England and Wales, 1590-1640', *Historical Journal*, Vol. 47, No. 3, (2004), pp233-259.

⁶³ G.R. Elton, *Tudor Revolution in Government*, (CUP, Cambridge, 1953).

understanding how the central government interacted with the locality, and thus how the Crown and Council influenced the office of JP.⁶⁴

Peter Seddon focused his research on Gervase Clifton (d.1666), and while not a JP by 1603, he was the grandson of Sir Gervais Clifton Snr (JP 1537-1588), one of the most important JPs within this thesis.⁶⁵ Many of the trends around the office of JP highlighted by Seddon are also seen in Elizabethan Nottinghamshire and Derbyshire. Seddon highlights the importance of Clifton's eight marriages and the motivations for each (relevant for Chapter Four), and his analysis of the attendance and service of JPs shows the split between the active JPs (those who regularly attended Quarter Sessions) and the inactive JPs like Clifton who attended only occasionally. As no Elizabethan Quarter Session records survive for Nottinghamshire, the first surviving being from April 1603, a month after Elizabeth's death, Seddon's use of these records post-1603 can help inform the lack of records pre-1603. He suggests the office of JP was desired, although mostly for social status not necessarily the powers it provided. However, as Seddon focuses primarily on the detailed career of only one JP, whereas this thesis will analyse a range of careers of the 158 JPs in Elizabethan Nottinghamshire and Derbyshire, Clifton's career will be shown to not be necessarily indicative of all JPs.⁶⁶ However, his most recent work on seventeenth-century Nottinghamshire will, like Wright's work on fifteenth-century Derbyshire, be important due to the continuation of family, politics, and socio-economic and geographic trends within these Midlands counties.⁶⁷

Seddon and Wright have also been active, alongside other local historians in providing detailed scholarship focused specifically on Nottinghamshire and Derbyshire contained within the *Derbyshire Archaeological Journal* and *Transactions of the Thorton Society*. These local studies

⁶⁴ Hindle, *State and Social Change*; Hurstfield, *Freedom, Corruption, and Government*; Braddick, *State Formation*.

⁶⁵ Peter Seddon, 'Sir Gervase Clifton and the Government of Nottinghamshire 1609-1640', *Transactions of the Thorton Society*, Vol. 97, (1993), pp88-98.

⁶⁶ Seddon, 'Marriage and Inheritance in the Clifton Family during the 17th century', *Transactions of the Thorton Society*, Vol. 84, (1980), pp33-43.

⁶⁷ Seddon, *Change and Continuity*.

are focused on certain individuals, issues, or events and are impressively detailed. For example, the in-depth research of the distribution of Catholics in Nottinghamshire by Keith Holland, or a detailed account of the career of the Derbyshire JP James Hardwick by Phillip Riden.⁶⁸ These local studies will be highly useful throughout this thesis as they stand as some of the only research into individual JPs, or provide a far deeper picture into the history of these counties.

Wallace MacCaffrey focused on the creation of the Elizabethan regime from 1558-1572.⁶⁹ Many of the trends he finds amongst Courtiers and Councillors, particularly dividing these gentlemen into separate groups depending on their actions in the Marian-Elizabethan transition, were also seen amongst JPs. However, this thesis will show the details of these groupings were different in the counties than the national government. MacCaffrey argued there were: those whose office was unaffected by the political or religious changes between monarchs, those whose political skills had allowed them to continue through the previous reign without losing position, and excluded under Mary who were now resurgent. He also highlights the importance of those who sacrificed religion for the sake of political position, and those who sacrificed their political position for the sake of their Catholic religion.⁷⁰ MacCaffrey also provides, alongside Cobbing and Priestland, the most detailed study of the feud between Sir Thomas Stanhope and Gilbert Talbot 7th Earl of Shrewsbury, a factionalised rivalry which highlighted the importance of influence at Court, lobbying, local animosity, and the use of the powers of local office.⁷¹

This thesis will provide an expansion, critique, contextualisation, and reanalysis of past biographies of the JPs of Elizabethan Nottinghamshire and Derbyshire which have been compiled

⁶⁸ Phillip Riden, 'The Hardwicks of Hardwick Hall in the 15th and 16th Centuries', *Derbyshire Archaeological Journal*, Vol. 130, (2010), pp.142-175; Keith Holland, 'The distribution of Catholic Communities in Nottinghamshire During the Reign of King James VI and I', *Transactions of the Thoroton Society*, Vol. 124, (2020), pp.112-127.

⁶⁹ Wallace MacCaffrey, *Shaping of the Elizabethan Regime, 1558-1572*, (Princeton University Press, Princeton, 1968).

⁷⁰ MacCaffrey, *Shaping of the Elizabethan Regime, 1558-1572*, pp.356-361.

⁷¹ MacCaffrey, 'Talbot and Stanhope: an Episode in Elizabethan Politics', *Bulletin of the Institute of Historical Research*, Vol. 33, Issue 87, (May 1960), pp.73-85; Cobbing and Priestland, *Thomas Stanhope*.

within the History of Parliament Journals, specifically the 1509-1558, 1559-1603, and 1604-1621 volumes. These journals provide short biographies of the MPs for each county, with work provided by several researchers. There was significant overlap between MPs and JPs, with only one MP for Elizabethan Nottinghamshire and Derbyshire not being a JP (Nicholas Longford) and roughly ¼ of Nottinghamshire and Derbyshire JPs serving as an MP. These short biographies are often the only existing literature for many of the individuals within this study, and were a starting point for this thesis which has reanalysed these biographies to determine accuracy, expanded upon them greatly, then used this new research to analyse the JPs of Nottinghamshire and Derbyshire together, whereas the History of Parliament Journals are focused on each MP as an individual, and do not discuss greater trends.⁷²

Methodology

There are several kinds of sources created by local JPs, or written about them from the Privy Council, Lord Chancellor, or Lord Lieutenants. The most widely used are the records of the quarterly meetings of JPs called Quarter Sessions, where JPs and Assize Judges (senior JPs who travelled on a circuit of several counties) would discuss local and national issues like recusancy or defence, and rule upon local criminal cases. These records dominate previous studies as they provide a window into the office of JP, with Cobbing and Priestland highlighting how Quarter Sessions 'were a forum for cementing alliances, with gentlemen asking for loans, arranging marriages, or for each other to be executors or supervisors of their wills', these sessions were the heart of the county community.⁷³ Fletcher describes the importance both socially and politically that JPs placed upon the Quarter Sessions, despite the business often being 'humdrum', as a court, a local parliament, and the basis which 'made possible the security of property and

⁷² S.T. Bindoff (ed.), *History of Parliament: the House of Commons 1509-1558*, Vol. 1-3, (Secker and Warburg, London, 1982); P.W. Hasler (ed.), *History of Parliament: the House of Commons 1559-1603*, Vol. 1-3, (Her Majesty's Stationery Office (HMSO), London, 1981); Andrew Thrush and J.P. Ferris (ed.), *History of Parliament: the House of Commons 1604-1629*, (CUP, Cambridge, 2010).

⁷³ Cobbing and Priestland, *Thomas Stanhope*, p.185.

inheritance and that held together a society'.⁷⁴ The procedures of a Quarter Session have been detailed by Hassell-Smith, highlighting the importance of JPs in these sessions to local law and order.⁷⁵ Gleason heavily utilised these records, stressing their substantial uses, but also their flaws. Attendance was not mandatory, and Gleason suggested many only attended the sessions closest to their residences. JPs also had substantial duties outside of these sessions, even when they did not attend, which are not reflected in the Quarter Session records.⁷⁶ Seddon, using the example of Gervase Clifton (d.1666), found he would often go a decade without attending any sessions, yet in some years he would be the most active, and even when absent, he remained an active Commissioner for Subsidies and Musters.⁷⁷ The Quarter Session records are the basis for most studies of JPs, but these records have not survived for Elizabethan Nottinghamshire and Derbyshire. Only a few scattered records survive for post-1580s Derbyshire, and none for Nottinghamshire under Elizabeth. This was a similar problem Hurstfield had to address, as in Wiltshire, 'crucial minutes of the justices of the peace are sadly lacking for the Tudor period' and thus he could 'only piece together from scattered references some impressionistic picture of these minor but important institutions and men'.⁷⁸ This thesis will therefore do the same, utilising a range alternative sources to alleviate this source gap.

Dias had access to a few Quarter Session records in her post-1580s study of Derbyshire JPs, yet used many alternative sources, particularly the *Libri Pacis*, or 'Peace Books', which were lists compiled by the Lord Chancellor of JPs in each county.⁷⁹ The records of the Council and Court are crucial to understanding the appointment of JPs, with the Lord Chancellor, upon the lobbying of local gentlemen, other Councillors, Assize Judges, Bishops, and the Queen herself, compiling the county benches and recording them. The Lord Chancellor oversaw the often chaotic and

⁷⁴ Fletcher, *Reform in the Provinces*, p.88.

⁷⁵ Hassell-Smith, *County and Court*, pp.90-5.

⁷⁶ Gleason, *Justices of the Peace*, pp.108-112.

⁷⁷ Seddon, 'Marriage and Inheritance', pp.33-43; Seddon, 'Gervase Clifton and Government', pp.88-98.

⁷⁸ Hurstfield, *Freedom, Corruption, and Government*, pp.236-7.

⁷⁹ Dias, 'Politics and administration'.

inconsistent process of selecting JPs via a commission under the great seal, although some counties like Lancashire were in some ways independent, chosen instead by the Chancellor of the Duchy of Lancaster. As Fletcher highlights 'Appointment was signified by inclusion in the list of names engrossed in the new commission, dismissal by exclusion from the list', although this process was 'liable to inaccuracy'. These *Libri Pacis* provide names, and occasionally marks indicating factors like religion, but not the activity of the JPs. They are also often messy, incomplete, or were updated over time, with those who died or were removed being crossed out and new names added, making understanding these *Libri Pacis* a difficult endeavour.⁸⁰ Hassell-Smith stressed their inconsistency in relation to the Quarter Session records of Norfolk, although his main criticism is the length of time between each *Liber Pacis*. While Hassell-Smith in his appendix highlights 44 different lists of JPs between 1558-1603, seven are limited to the JPs of Norfolk, and many of these lists are repeated copies. There are only distinct lists of JPs for roughly 15 dates under Elizabeth, mostly *Libri Pacis* or enrolled commissions.⁸¹ Gleason used five *Libri Pacis* between 1562-1636 as he was focused on key dates of major changes in the composition of JPs, not necessarily following the careers of JPs over time. The sometimes decades long gap between the *Libri Pacis* meant there was little continuity, and no indication of specific dates that JPs were appointed, removed, or returned.⁸² Wall criticised these gaps in Gleason's study, saying it wrongly led Gleason to believe JPs served for life, a mistake which Dias also made. Wall focused on the purges of JPs under Elizabeth, and suggests many JPs were removed before their deaths, and sometimes later returned, with Elizabeth never satisfied with the composition of her county benches.⁸³ As the more plentiful survival of commissions and Quarter Session records in Norfolk show, some JPs were listed only once, and were then absent from the following lists just a few months later.⁸⁴ JPs who were 'lopped off' the county bench often 'crept back', despite Lord

⁸⁰ Fletcher, *Reform in the Provinces*, pp.4-5.

⁸¹ Hassell-Smith, *County and Court*, Appendix I.

⁸² Gleason, *Justices of the Peace*, pp.1-6, 57.

⁸³ Dias, 'Politics and administration'; Wall, 'Making and Unmaking', pp.312-332.

⁸⁴ Hassell-Smith, *County and Court*, pp.74-7.

Burghley's attempts to limit the number of JPs, and instead place more focus on a small number of trusted men in each shire.⁸⁵

This thesis will use *Libri Pacis* alongside enrolled commissions accurately transcribed within the Calendar of the Patent Rolls or located at the National Archives. These enrolled commissions provide names, and often the orders from the Crown which highlight the political context around these commissions.⁸⁶ However, Wall has once again criticised the Patent Rolls as being just as 'patchy, poorly maintained and scrappy' as the *Libri Pacis*. She rightly argued the use of such sources would leave out some JPs who served for only a year.⁸⁷ This is a flaw that Hassell-Smith also highlights with the use of Patent Rolls as 'Annual commissions can only provide a rough account of JPs'.⁸⁸ One example of this was Dias suggesting that Edward Cokayne was removed as a JP in 1601. However, this was wrong, with Cokayne serving as High Sheriff in 1601, with the High Sheriff often temporarily removed from lists of JPs during their term in office, then immediately returned, which Dias does not include.⁸⁹ This thesis will avoid similar mistakes by using the *Libri Pacis* and Patent Rolls as the foundation on which analysis of further sources will build upon. This increased frequency of lists of JPs compared to Gleason will provide a better understanding of the careers of individual JPs over time in relation to factors like religion and education. While there are gaps between the *Libri Pacis* and enrolled commissions, none are as long as within Gleason's work. The longest gap is in Nottinghamshire between 1564-1573, as several counties including Nottinghamshire are missing from the 1569 Patent Roll. The Appendix of this thesis will include twelve lists of JPs for Nottinghamshire and Derbyshire between 1547-1596, drawn from the *Libri Pacis* and enrolled commissions held by the National Archives and British Library. The dates of additional JPs service will be based on alternative sources like correspondences, Special

⁸⁵ Fletcher, *Reform in the Provinces*, p.6.

⁸⁶ R.H. Brodie (ed), *Calendar of the Patent Rolls (CPR), Edward VI*, Vol. 1-5, (HMSO, London, 1924-6); M.S. Giuseppi (ed.), *CPR, Phillip and Mary*, Vol. 1-4, (HMSO, London, 1937-9); J.H. Collingridge, C.S. Drew, Margaret Post, and N.J. Williams (ed.), *CPR, Elizabeth*, Vol. 1-8, (HMSO, London, 1939-1986).

⁸⁷ Wall, 'Making and Unmaking', pp. 312-332.

⁸⁸ Hassell-Smith, *County and Court*, p.74.

⁸⁹ Dias, 'Politics and administration'.

Commissions, and records of lobbying from Bishops, Councillors, or most importantly, the Lord Chancellor. Overall, for the purposes of this thesis in analysing the reasons JPs were appointed or removed, the variety of the abovementioned sources will allow for the reconstruction of the careers of Nottinghamshire and Derbyshire JPs in the absence Quarter Session records.

While there are no surviving Peace Commissions for Nottinghamshire between 1564-1573, Nottinghamshire JPs regularly communicated with the main aristocrat and Lord Lieutenant of Nottinghamshire, Edward Manners 3rd Earl of Rutland. Similarly, the Earls of Shrewsbury were Lord Lieutenants in Derbyshire and were equally active in corresponding with JPs, discussing local and national matters, special commissions, and sometimes lists of JPs given certain tasks, although not full records of the county benches. These letters between JPs and the Lord Lieutenants are collated in the Manuscript Collections of the His Grace the Duke of Rutland, and the Shrewsbury and Talbot Papers at Lambeth Palace and the National Archives.⁹⁰ These correspondences help alleviate the gap between Peace Commissions but can also provide further insight into the relationships and careers of these JPs. While these collections of thousands of letters are limited to the correspondences between JPs and the Earls, the number and variety will provide depth and contextualise this research.

The National Archives and British Library also hold letters from JPs to members of Court, especially Lord Burghley in the Burghley Papers, and the Lord Chancellor, who oversaw the county benches and actively lobbied for, and communicated between the Court and the counties (see Chapter Four).⁹¹ Because of the gaps between Peace Commissions and the limitations of the correspondences, this thesis cannot provide a complete list of the JPs of Elizabethan Nottinghamshire and Derbyshire. However, there are 158 JPs present in the existing evidence, and this wide range of JPs will allow this thesis to analyse the factors which influenced their

⁹⁰ J.H. Round (ed.), *Manuscript Collection of His Grace the Duke of Rutland*, Vol. 1, (Eyre and Spottiswoode, London, 1888); G. R. Batho, *Calendar of the Shrewsbury and Talbot Papers*, Vol. 2, (HMSO, London, 1971).

⁹¹ British Library (BL), Lansdowne, MS53/81, 85.

appointment and identify trends through the most comprehensive listing ever produced for these counties.

Other collections of sources used throughout this thesis to provide detailed information include the Visitations of Nottinghamshire 1569 and 1614 by William Flower and Richard St George Norroy, and the Derbyshire Visitation Pedigrees 1569 and 1611 by William Dugdale. These visitations provide extensive family trees for the gentry families of Nottinghamshire and Derbyshire, many of whom were JPs. They were written in the aforementioned years through interviews with the families, with the trees compiled from the records in the Harleian Library.⁹²

The accuracy of these collections are not perfect, with some family trees incomplete, or with inconsistent names and sometimes dubious claims of ancestry from centuries before the visitations, as they were designed to prove one was worthy of a coat-of-arms, and thus the social status of a gentleman.⁹³ However, as they were compiled concurrently with the dates of this study, the recent information for the time can be trusted with some accuracy. There will also be many wills used throughout this thesis from the collections of the Yorkshire Registry of Wills, the North County Wills collection, or the collection of Derbyshire wills provided in the prerogative Court 1393-1601.⁹⁴ These will provide further evidence relevant to certain chapters like: religious expressions for Chapter Two, the valuations of land and property for Chapter Three, or evidence of friendship and kinship for Chapter Four.

Local antiquarian studies for Nottinghamshire and Derbyshire can also provide depth of research for certain gentry families. For example, the four volumes by J.C. Cox on Derbyshire Churches (and

⁹² Marshall, G.W (ed.), 'William Flower and Richard St George Norroy, Visitations of the County of Nottingham in the Years 1569 and 1614' in *Publications of the Harleian Society*, Vol. 4, (London, 1871); William Dugdale, *Derbyshire Visitations Pedigrees 1569 and 1611*, (London, 1895).

⁹³ Cliffe, *Yorkshire Gentry from the Reformation to the Civil War*, pp.3-6.

⁹⁴ J.P. Earwaker (ed.), *Lancashire and Cheshire Wills and Inventories 1572-1696*, Cotham Society, Vol. 28, (Chetham Society, Manchester, 1893); J.W. Clay (ed.), *North Country Wills, 1558-1604*, Vol. 2, (Whitehead and Son, Leeds, 1912); *Wills in the York Registry*, Vol.19-22, (Yorkshire Archaeological Society, 1895-7); David Edwards (ed.), *Derbyshire wills proved in the Prerogative Court of Canterbury, 1393-1574*, (Derbyshire Record Society, Chesterfield, 1998); Edwards (ed.), *Derbyshire wills proved in the Prerogative Court of Canterbury, 1575-1601*, (Derbyshire Record Society, Chesterfield, 2003).

one less detailed volume on the country houses of Nottinghamshire) highlight the local gentry in impressive detail, with extensive research including visiting the churches and using the physical evidence of graves and monuments.⁹⁵ While Cox's work is old (1875-1879), it remains the most detailed study of the gentry families of Derbyshire. Robert Thoroton's *History of Nottinghamshire*, written around 1677 and furthered by John Throsby in 1790 provides a similarly detailed study of Nottinghamshire and the local families who dominated the county bench, but does not focus on JPs specifically. Furthermore, Thoroton's work is poorly organised and difficult to follow, although it is impressively detailed.⁹⁶ These centuries old studies are mostly collections of sources and biographical or geographical detail rather than modern works with comparable arguments to engage with. They do not argue a point, but compile information which will be used to add additional detail and contextualisation of JPs.

Aims

This thesis aims to show why JPs were important to the governance of the counties under Elizabeth, focusing upon the factors which influenced the composition of the county benches. It will address the impact of these factors based on the local and national level, with each chapter focused around each of the four primary factors of education, religion, wealth, and lobbying most referred to by contemporary legislation and the existing historiography. However, it will also address lesser factors like age, experience, and geography throughout. The selection of JPs was complex, and sometimes arbitrary, with these factors working alongside, or sometimes against one another based on changing national politics, local rivalries, differing socio-religious compositions between counties, and the unique body of gentlemen from which JPs were chosen. Unique local trends, and the differing ways national policy was enacted means each county had a unique character, and the selection of JPs changed notably between them. Gleason, and other

⁹⁵ J.C. Cox, *Notes on the Churches of Derbyshire*, Vol. 1-4, (Palmer and Edmunds, Chesterfield, 1875-1879); Cox, *Country Houses: Nottinghamshire*, (George Allen and Company, London, 1912).

⁹⁶ John Throsby (ed.), *Thoroton's History of Nottinghamshire*, (Nottingham, 1790).

county focused studies of JPs from MacCulloch, Manning, Watts, Dias, Bourgeois, Zell, and Zmarzly show why each county deserves attention because of the differences between them in the composition of the county benches, as this thesis aims to do for the understudied counties of Nottinghamshire and Derbyshire.

Elizabethan Nottinghamshire and Derbyshire were mostly rural, landlocked counties with a county town: Nottingham and Derby. Both had swathes of arable land, mixes of sparsely and densely populated areas, lead and coalmines, and smaller towns like Ashbourne, Chesterfield, Newark, and Mansfield with some degree of self-governance. The gentry of the two counties were linked by intermarriages and friendships, and many JPs owned land in both counties and appear across both county benches. There were differences within each county, such as the Hundred of High Peak in Derbyshire which was geographically distinct because of its remoteness, Catholic survival, and sparse population, or Retford in Nottinghamshire which for most of the Elizabethan period had no local JP.⁹⁷ Wright has also highlighted how Derbyshire was one of the poorest counties in England due to the lack of ecclesiastical estates and the dominance of Duchy of Lancaster land.⁹⁸ While the rule of a local magnate is seen in many counties, like the Duke of Norfolk in Norfolk and Suffolk, or Lord North in Cambridgeshire, the influence of the two local magnates in the Earls of Rutland and Shrewsbury, specifically their unique personalities and networks of local gentry, give Nottinghamshire and Derbyshire a distinct character.

Office of JP

JPs were administrative and legal agents, chosen from amongst the local gentry by the Lord Chancellor. JPs came from the wealthiest local landowning families or were trained lawyers. Residence within the county one represented was mostly required, except for these lawyers, alongside Privy Councillors, Aristocrats, or Bishops who represented several counties concurrently

⁹⁷ David Hey, *Derbyshire: A History*, (Carnegie Publishing, Lancaster, 2008); Throsby (ed.), *Thoroton's History of Nottinghamshire*.

⁹⁸ Wright, *Derbyshire Gentry*, p.12.

as *Ex-Officio* JPs. This thesis primarily addresses local JPs who composed the majority of the county benches, as they are more relevant to understanding JPs as local agents. However, this thesis will address *Ex-Officio* JPs in their context as central officers overseeing local government. The reasons behind the appointment of *Ex-Officio* JPs in Nottinghamshire and Derbyshire will help explain national policy, or how the Crown reacted to local factors. John Guy has argued the presence of Councillors and central officers on the county benches was an intentional move to ensure that the county benches were following national policies. He says between 60%-90% of Elizabethan Court officials were also JPs.⁹⁹ JPs were chosen by the Lord Chancellor, but as Hassell-Smith highlights, he often sought advice from a variety of sources, both local and at Court, to ensure that the JPs were reliable, but also to secure loyal followings in the counties for himself, and other Courtiers. Local magnates like Shrewsbury or Rutland lobbied the Lord Chancellor hard to secure their agents offices. However, the selection of JPs was also regularly affected by edicts, reports, and reforms led by the Lord Chancellor, or ordered by the Queen or Lord Burghley, which drastically affected the selection of JPs.¹⁰⁰ As this thesis aims to understand the factors which influenced the appointment of JPs, both local factors and national politics must be considered.

There were several other offices given to JPs which this thesis will refer to repeatedly. Firstly, the *quorum* referred to the most senior JPs 'in status or in legal training'.¹⁰¹ Their presence was often required for Quarter Sessions, and Special Commissions named at least one *quorum* JP who was required to be present when said Commission was being enacted. As Zell highlights, the *quorum* was a sign of social prestige and was lobbied for and desired, leading to the numbers of *quorum* JPs growing massively under Elizabeth. However, promotion to the *quorum* did not suggest increased responsibility or attendance.¹⁰² Both Hassell-Smith and Manning have suggested legal

⁹⁹ John Guy, *Tudor England*, (OUP, Oxford, 1988), pp.185-7.

¹⁰⁰ Hassell-Smith, *County and Court*, pp.90-2.

¹⁰¹ Hurstfield, *Freedom, Corruption, and Government*, p.253.

¹⁰² Zell, 'Kent's Elizabethan JPs at Work', p.6

education, or at least 'some training in the law' was required for promotion, although this thesis will show this not necessarily to be true.¹⁰³

JPs were often appointed to Special Commissions, ordered by the Council to address specific local or national issues, with at least 56 special commissions ordered by Elizabeth in Nottinghamshire and Derbyshire. These included: Commissions Post-Mortems which tasked JPs with investigating what land a deceased individual owned in a county, Commissions for Recusancy which oversaw local Catholic Recusants, and Commissions for Musters which raised and trained soldiers for war.¹⁰⁴ Hindle suggested that Elizabeth's Council increasingly relied on these special commissions, or as Williams said 'special men of trust' in each county, over the general county bench to tackle important matters.¹⁰⁵ Local gentlemen were constantly labouring to establish their social status, with appointment as a JP giving one prestige over the lesser gentry, while Special Commissions and the *quorum* gave JPs an increased position of importance over other JPs.¹⁰⁶ The order one was listed on Peace Commissions also suggested social status, with Councillors and aristocrats listed first, then the nobility, then the knights, then the esquires. However, who was listed first amongst the knights or esquires was another sign of social prestige which led to lobbying for JPs to be included before their local rivals, or gentlemen they considered lesser in status. Hassell-Smith uses the example of the declining in prestige Thomas Lovell and rising Francis Gawdy, who lobbied against one another, to secure a higher place on the Peace Commission.¹⁰⁷

The office of *Custos Rotulorum* was the most senior position in county administration. There was only one per county, an experienced and trusted JP chosen by the Crown. They oversaw the administrative duties including keeping the county records, the local special commissions, and their presence was required for Sessions of the Peace. The office of *Custos* 'was sometimes also

¹⁰³ Hassell-Smith, *County and Court*, p.48; Manning, *Religion and Society*, p.9.

¹⁰⁴ Brodie (ed.), *CPR, Edward VI*, Vol. 1-5; Giuseppi (ed.), *CPR, Phillip and Mary*, Vol. 1-4; Collingridge, Wernham, Drew, and Williams (ed.), *CPR, Elizabeth*, Vol. 1-8.

¹⁰⁵ Hindle, *State and Social Change*, p.5; Williams, *Tudor Regime*, p.416.

¹⁰⁶ Thornton, *Cheshire and the Tudor State*, p.29.

¹⁰⁷ Hassell-Smith, *County and Court*, pp.181-90.

the local aristocrat, or sometimes the most senior county gentleman', and due to the prestige and local power it brought, it was also desired.¹⁰⁸ Sir John Manners and Sir John Zouche bitterly feuded over the office in 1580 following the death of the previous *Custos* Sir Francis Leake (see Chapter Four). Assize Judges were legally trained, senior JPs who travelled on a circuit of counties, the Midlands Circuit for Nottinghamshire and Derbyshire. They oversaw Assize Sessions which tried more serious crimes, and they had influenced through recommending who should be appointed JPs.¹⁰⁹ Wall placed significant importance on the influence of the Assize Judges in the selection of JPs due to their local knowledge of the gentlemen on their circuit. However, Bishops, Earls, Councillors, and Lord Lieutenants all provided their own opinions which influenced who were appointed JPs.¹¹⁰

The only office more senior than *Custos* was the Lord Lieutenant, a title granted by the Queen to certain aristocrats or nobility. Originally a purely military office for times of national emergency, the office had stagnated but was restored around 1585 with fears of Spanish invasion and rebellion by English Catholics. The office was given more duties under Elizabeth, eclipsing the importance of JPs as the main link between the counties and Court. After 1585 they became more hands-on in overseeing the county benches.¹¹¹ George Talbot 6th Earl of Shrewsbury used the duties of his office in a campaign against Catholic Recusants in Derbyshire (see Chapter Two), which was reversed by his son Gilbert Talbot 7th Earl of Shrewsbury when he became Lord Lieutenant in 1590. The office of Lord Lieutenant was also fought over, with Gilbert Talbot using the minority of Roger Manners 5th Earl of Rutland to attempt to become Lord Lieutenant for both Nottinghamshire and Derbyshire, creating bitter factionalism (see Chapter Four). In 1585 a 14-point set of instructions was given to Lord-Lieutenants to raise militia, appoint Commissions of the

¹⁰⁸ Hurstfield, *Freedom, Corruption, and Government*, p.254.

¹⁰⁹ Hassell-Smith, *County and Court*, pp.61-2.

¹¹⁰ Wall, 'Making and Unmaking', pp.312-332; Lambarde, *Eirenarcha*.

¹¹¹ Williams, 'Military function of Lord Lieutenant', pp.79-87, 109-10; Younger, *War and Politics*, pp.11-39, 58-90.

Peace, and oversee recruitment. Younger highlights the office of Lord Lieutenant ‘eventually grew into sophisticated tools of county governance and took on a more administrative role, with their deputy lieutenants taking on the brunt of the workload’.¹¹² In Derbyshire the Lord Lieutenants were the Earls of Shrewsbury, who Younger and Williams placed significant importance as George 6th Earl of Shrewsbury held custody of Mary Queen of Scots, and suggests Derbyshire was seen as more dangerous because of her presence, compared to other inland counties which went decades without a Lord Lieutenant.¹¹³ In Nottinghamshire the Lord Lieutenants were the Earls of Rutland, until the death of John 4th Earl of Rutland in 1588 whereafter George 6th Earl of Shrewsbury became Lieutenant for both Nottinghamshire and Derbyshire until his death in 1590, then vacant until 1626.¹¹⁴ Lord Lieutenants were also aided by Deputy Lieutenants, usually experienced local JPs, who were chosen by the Crown to advise the Lieutenants and carry out much of the leg-work.¹¹⁵ However, as seen with Shrewsbury in Derbyshire, or highlighted by Manning in Sussex, the Lieutenants themselves had significant influence on the choice of Deputy.¹¹⁶ The office of Deputy Lieutenant was similarly desired, as in Derbyshire Sir John Manners and Sir John Zouche were both appointed deputies to George 6th Earl of Shrewsbury following their feud over the office of *Custos* (see Chapter Four).

Chapter Summaries

Each chapter within this thesis focuses upon different factors which influenced the appointment of JPs, although there was significant overlap between these factors. These chapters will use case studies of JPs in how these factors affected their appointments, promotions, careers, or removals from office. Some JPs like Sir Gervais Clifton, Sir Thomas Stanhope, Sir John Manners, Sir Francis

¹¹² Neil Younger, ‘Securing the Monarchical Republic: the remaking of the Lord Lieutenancies in 1585’, *Historical Research*, Vol. 84, Issue 224, (May 2011), pp.253-8.

¹¹³ Younger, ‘Securing the Monarchical Republic’, p.254; Williams, ‘Military function of Lord Lieutenant’, pp.31, 39-40, 50-2.

¹¹⁴ J.C. Sainty, ‘Lieutenants of Counties, 1585-1642’, *Bulletin of the Institute of Historical Research*, (Athlone Press, London, 1970).

¹¹⁵ Williams, ‘Military function of Lord Lieutenant’, p.258

¹¹⁶ Manning, *Religion and Society*, pp.81-4.

Leake, and Sir John Byron will be included in every chapter because of their importance to local politics. The selection of JPs was complex, and one cannot understand why a JP was appointed unless one also addresses all the factors, and how they changed over time, or between individuals. Furthermore, the importance of these factors was subject to several of the same key dates which changed the composition of JPs: 1547-1562, 1564, 1572, 1577, 1587, 1595-6. These dates saw either a new Peace Commission, or one of the many 'purgings' of JPs Wall highlighted, which were often motivated by several different factors.¹¹⁷

Chapter One focuses upon education to determine if those who attended university or gained legal education at an Inn of Court were more successful in gaining appointment or promotion. It will determine the proportion of JPs in Nottinghamshire and Derbyshire who were 'learned', and whether this changed over time. Through analysing the careers of several 'learned' and 'unlearned' JPs this chapter will establish the effect of education, and specifically legal education, on the suitability of JPs, which was a legal office which oversaw local law and order. This chapter seeks to answer why many 'unlearned' JPs may have survived throughout Elizabeth's reign, despite orders designed to remove them. It will address the relationship between education and wealth due to the appointment of lawyers from lower socio-economic classes, comparing their careers to the established landowners who dominated the county benches. There will be comparison within this chapter with existing studies of the education of JPs and the gentry by Samaha, Cliffe, Peter Clark, Watts, and Gleason, all having addressed to some extent the role of education to the appointment of JPs, sometimes with specific figures, like Gleason's for the proportion of learned JPs in his six counties.¹¹⁸ It will address whether education became more important due to national policy on securing more professional county benches, or the changes over time were instead the result of the perceived greater importance of education to the gentry.

¹¹⁷ Wall, 'Making and Unmaking', pp. 312-332.

¹¹⁸ Samaha, *Law and Order*, pp.72-76; Cliffe, *Yorkshire Gentry from the Reformation to the Civil War*, pp.67-77; Gleason, *Justices of the Peace*, pp.83-96.

It will address specific trends of which university, Inn, or college was most popular amongst the JPs of Nottinghamshire and Derbyshire, and personal links between alumni through marriage or political alliances.

There are several collections which list the past alumni of each educational institution, basic biographical information, and what other institutions and/or colleges they attended. These were the *Alumni Cantabrigienses* for Cambridge, edited by John Venn and John Archibald Venn, and the *Alumni Oxonienses* for Oxford, edited by Joseph Foster.¹¹⁹ The Inns of Court (the more law focused education institutions) also had alumni lists, although these survive in greater detail for the larger Inns like Foster's *Register of Admissions to Gray's Inn*, compared to smaller Inns.¹²⁰ Patrick Wallis and Cliff Webb, while using the alumni lists extensively, have cautioned their use due to the somewhat inconsistent names and information provided within, and with some alumni lists being incomplete. However, they have nevertheless asserted that they remain the most useful source for determining alumni.¹²¹ Also central will be Foster's research into the Inns of Court. This chapter will engage with the trends around attendance, graduation, and the connections created by shared attendance he highlighted, particularly his assertion of the unique character of each of the Inns.¹²² The importance of education under the Tudors is established by Williams, who called those with legal education the third great 'estate' alongside the nobility and clergy, and suggested they came to dominate Parliament, Justices of the Peace, and the Courts.¹²³

Chapter Two focuses upon the impact of religion to determine how important conformity was for the success of JPs. It will address the continued presence of traditionalists and Catholics, and whether there was a rise in the number of 'Puritans' on the county benches under Elizabeth. This

¹¹⁹ J.A. Venn, and John Venn (ed.), *Alumni Cantabrigienses: a biographical list of all known students, graduates and holders of office at the University of Cambridge*, Vol. 1-4, (CUP, Cambridge, 1922-54); Joseph Foster, *Alumni Oxonienses 1500-1714*. (OUP, Oxford, 1891).

¹²⁰ Foster, *Register of Admissions to Gray's Inn, 1521-1889*, (Hansard Publishing Union, London, 1889).

¹²¹ Patrick Wallis and Cliff Webb, 'Education and Training of Gentry Sons in Early Modern England', *Routledge Social History*, Vol. 36, No. 1, (Routledge, Milton Park, 2011), pp.36-53.

¹²² Foster, *Register of Admissions to Gray's Inn, 1521-1889*.

¹²³ Williams, *Tudor Regime*, pp.7-9.

analysis of religious demographics will allow one to understand how nonconformists survived, despite repeated attempts to remove those who refused to conform to the new Elizabethan religious settlement. It will seek to understand whether religion was as important a factor for the suitability of JPs as the historiography suggests. This chapter will uncover the religious beliefs of the JPs of Elizabethan Nottinghamshire and Derbyshire through a variety of sources from wills, correspondences, or official documents which mentions their religious beliefs or controversies. It will begin by defining the religious terminology this chapter will use to better understand the complex religious spectrum in Elizabethan England. This terminology will highlight several rough groups based on how religion affected their perceived suitability as JPs, and the effect religion would have on their careers. Whether an open Catholic, a loyal traditionalist, a Conformist, or a more zealous Protestant who wished for greater reform, this chapter seeks to answer whether religion could drastically change the careers of JPs. It will determine if there was a coherent strategy by the Crown to control the religious composition of JPs, and if so, how effective this was. It will question whether it was as simple as all Catholics were removed, and Protestants promoted. Religion has dominated several previous studies of JPs, usually alongside lobbying due to the religious motivations behind lobbying for or against individuals. Some of these studies by Manning, Fritze, or MacCulloch had to address religion due to the level of Catholic survival seen in Sussex and Hampshire, or the presence of Puritans and religious factionalism seen in Norfolk.¹²⁴ However, the nationwide studies by Wall and Gleason address the importance of religion either to the purges of Catholics or radical Protestants under Elizabeth, or because of the differing successes of the enforcement of the Elizabethan Religious Settlement in each county.¹²⁵ Despite this, Williams has stated the need for further study of the effects of religion on each county as 'it is unlikely there was a uniform effect or change across England', although Williams work predates

¹²⁴ Manning, *Religion and Society*; Fritze, 'Family and Religion'; MacCulloch, 'Catholic and Puritan in Elizabethan Suffolk', pp.232-289; MacCulloch, *Suffolk and the Tudors*.

¹²⁵ Wall, 'Making and Unmaking', pp.312-332; Gleason, *Justices of the Peace*, pp.69-82.

much of the recent scholarship of religion in Tudor England.¹²⁶ Nottinghamshire and Derbyshire with their own unique religious climate may therefore be significantly different than these past studies. Thorough engagement with the historiography will be required to understand the spectrum of religious beliefs through the different terminology each of these studies have utilised, and how previous studies illuminated an individual's religion, which remains a difficult endeavour.

Nonconformists leave greater evidence in Recusancy Commissions, Court records, or in records of their actions of nonconformity: like housing Jesuit priests, supporting Catholic rebellion, or previously supporting the Catholic Marian regime. However, conformist traditionalists, those who outwardly conformed, but had sympathies to Catholicism are harder to uncover, as they kept their nonconformity quiet. Furthermore, conformists, unless they express clear sympathy for aspects of the Protestant religion, leave little evidence of their religion. More zealous Protestants like Puritans leave greater traces as, like Catholics, they were seen as a threat to the Elizabethan Settlement. Once these terms have been defined, this chapter will then address the Peace Commissions in several key dates. The 1554, 1559, and 1562 Commissions will show how the religious composition of the county benches changed between Marian and Elizabethan regimes. The 1564 Peace Commission followed a specifically religiously motivated report by the bishops on the religious beliefs of all JPs in England, with the effects of this Bishops' Report a currently understudied aspect of the early Elizabethan regime, repeatedly referred to by past studies like Manning, but not addressed in significant detail. The Commissions between 1569-1577 will show how the composition of the county benches in Nottinghamshire and Derbyshire were affected by the arrival of the Catholic Mary Queen of Scots, who was imprisoned in Derbyshire under George 6th Earl of Shrewsbury, and the Northern Rising, a rebellion by northern Catholic aristocrats and gentry. Finally, this chapter will address the edicts seen between the 1584-1596 Commissions, which while addressing several factors like residence or negligence, were dominated by the issue

¹²⁶ Williams, *Tudor Regime*, pp.272-3.

of nonconformity, and inspired by the fears of Spanish invasion, increased presence of Jesuit priests, and Catholic plots. These edicts included an order to removal all JPs who were Catholic, who employed Catholics in their household, or who were married to Catholics.¹²⁷ As Gleason did over a longer timeframe, these key Commissions will allow this chapter to highlight how the religious composition of the county benches changed, and how the Elizabethan regime's religious policies changed over time.

Chapter Three will address the social and economic status of JPs, derived from income of estates, to determine whether the wealthiest landowners, family heads, and eldest sons necessarily gained appointment or promotion quicker than lesser gentlemen or younger sons. It will analyse the careers of professional JPs like lawyers compared to the landowners who dominated the county community, linking the influence of economic status and education. Gleason attempted a categorisation of social and economic backgrounds of JPs, attempting to understand the link between appointment and social status. However, he admitted this was difficult, and his methodology, while ambitious, was too broad and thus his analysis was confused. This chapter, learning from Gleason's mistakes, will analyse income alongside social status, addressing just two broad categories: the landowners and the professional. This will allow more concise analysis of the effect of economic and social status to JPs, using two counties which demographically were drastically different than those closest to London like Kent, which was the main county Gleason researched.¹²⁸

Firstly, this chapter will address the minimum wealth requirement of £20pa expected of all JPs.¹²⁹ It will illuminate some lesser local gentlemen who were appointed to Commissions, or appear in lists of the landed gentry, to determine if wealth was the reason they were never appointed JPs. It will then analyse a selection of JPs with lesser economic status, like those listed only as

¹²⁷ BL, Lansdowne, MS53/81, MS53/85.

¹²⁸ Gleason, *Justices of the Peace*, pp.47-66.

¹²⁹ Dalton, *Country Justice*, pp.573-5.

gentlemen, not knights or esquires, and whether this led to less successful careers. Beyond this minimum however, this chapter will then analyse the different economic status of JPs, with sometimes vastly different incomes. It will answer whether there was any trend between income, and the time/age of appointment or promotion. It will address the presence of JPs from the main aristocratic families like the Mannors, Talbots and Cavendishes. The income of JPs will be derived from a variety of sources, from Inquisitions Postmortems, wills, and records of land or property sale. Inflation will be considered, with figures calculated from a compilation of several studies of early modern inflation each with different methodologies, creating an average figure which will allow for comparison of economic status over time. The stigma of debt and declining family prospects will be addressed to understand why new families rose to high office, becoming JPs for the first time, as older families fell from prominence. Overall, this chapter will determine what role economic and social status born from wealth played on the suitability of JPs.

Finally, Chapter Four will address the impact of personal networks and lobbying. The importance of these personal and political connections have been established as the most important factor influencing local and national office under the Tudors. Whether through the networks of Councillors in the counties, or the connections that local JPs established at Court, this chapter will determine the role of these competing influences, factions, and allies to their careers in the county. While political connections were important, so were personal relationships established via marriage, family, or friendship. Wall suggested lobbying was ever-present, and highlights both local and national figures who lobbied to have their allies appointed to county benches, or who received correspondences lobbying these figures of influence for appointment.¹³⁰ Williams stressed how important local office was as an important link between the counties and the central government, influence derived from personal networks, while Hindle established the crucial the

¹³⁰ Wall, 'Making and Unmaking', pp.312-332.

role of patronage as 'The state was a reservoir of authority... a series of institutions in which they could participate, in pursuit of their own interests' and 'a network of power relations'.¹³¹

This chapter will evaluate the strength of certain connections through several example JPs connected by marriage or blood to determine if these connections always led to alliances, or whether local and national politics were greater influencers than family connections. The main questions this chapter will answer is whether in Nottinghamshire and Derbyshire lobbying and networks was as common as Wall, Williams, and Hindle suggest, and the main reasons behind this lobbying. The gentry community within a county was a complex web of connections, both familial and practical. Lobbying and factionalism was influenced by religion and support or opposition to the Elizabethan Settlement, friendships were formed at Court or at university, while economic and social status could determine if one was able to secure the powerful allies needed to succeed in lobbying for position. How lobbying was used in the appointment of JPs, the reasons behind this lobbying, and the factors which were mentioned by them from religion, geography, or education, are all important to understanding the role of networks and political influence to the appointment of JPs. The networks of Councillors like Elizabeth's Secretary of State Lord Burghley, and particularly the Lord Chancellors, or of those important local offices like the Lords Lieutenants, High Sheriffs, or *Custos*, will provide a detailed picture of the factionalism and competing influences which dominated the ever-present lobbying of JPs under Elizabeth.

Beyond appointment as a JP, this chapter will analyse the role of lobbying for promotion to the *quorum*, the removal of local enemies, or appointment to other county offices. Factionalism and local disputes will be as important to understanding the networks of local JPs as their connections to Court, especially in Nottinghamshire in the 1590s, or for certain local rivalries like between Sir John Zouche and George Talbot 6th Earl of Shrewsbury, or between Sir John Manners and his father-in-law Sir George Vernon. Evidence of marriage connections, while not complete, survive

¹³¹ Williams, 'Court and Polity', pp.260-6; Hindle, *State and Social Change*, pp.4, 16-19.

via the Visitations of Nottinghamshire and Derbyshire, or selected correspondences and legal documents. The web of marriage connections was complex, and thus this chapter will analyse the reasons behind these marriages, and whether it led to marriages within, or beyond the county borders. Some motivations included securing local allies, larger estates, or advancing socially, each of which could be used to secure greater networks.

Overall, this thesis will discover how these various factors determined the suitability of JPs for Elizabethan Nottinghamshire and Derbyshire. It will establish whether there was a consistent strategy for the selection of JPs and which of these factors was most important, or whether the reasons behind appointment were a complex series of contradictions and competing influences which changed over time, or between counties. Through the analysis of the careers of the 158 JPs in Elizabethan Nottinghamshire and Derbyshire, this thesis will uncover the unique character of these counties, while providing two additional counties to the existing historiography of JPs, which will compare, contrast, and contradict these previous studies. It will address whether education was desired for appointment, whether religious conformity was required or allowed Catholics and traditionalists survived. It will answer whether greater economic status benefited a JP's career, or whether lobbying from one's family, friends and political allies was a greater influence. In short, this thesis aims to understand how these factors influenced the appointment of Elizabethan JPs in Nottinghamshire and Derbyshire.

Chapter One: Learned and Unlearned: the influence of education on the careers of JPs

Introduction

Justices of the Peace were legal officers, therefore education, particularly legal education, should have been an important factor in their appointment. J.H. Gleason dedicated a chapter on the education of JPs, Peter Clark two on the progress of education and the profession of the law, while Alison Wall mentions several 'purges' resulting from legalisation which referred to 'unlearned' JPs.¹ S.J. Watts highlighted the growing favour given to educated men under the Tudors, and the increased proportion of Northumberland men who attended university in the 16th century, a trend Tim Thornton also found in Cheshire.² While Penry Williams suggested education was becoming increasingly important in securing offices at Court, although he says uneducated men remained more common amongst county officers.³ William Lambarde's *Eirenarcha*, a guidebook for JPs published in 1581, highlighted the importance of JPs as the main office for dealing with crime and overseeing the Courts in the counties. Lambarde was a lawyer, and a JP in Kent from 1579, and advocated for JPs to become more professional, and to gain legal education prior to appointment.⁴ However, Gleason has theorised the adoption of Lambarde's *Eirenarcha*, and the presence of legally trained Justices Clerks at Quarter Sessions, made it unneeded for all JPs themselves be legally educated. In all six of Gleason's sample counties, there remained a large proportion of 'unlearned' JPs.⁵ Even by 1615 Watts found just 7/89 family heads in Northumberland had

¹ J.H. Gleason, *Justices of the Peace in England, 1558-1640*, (Oxford University Press (OUP), Oxford, 1969), pp.83-93; Peter Clark, *English Provincial Society from the Reformation to the Revolution: Religion, Politics and Society in Kent, 1500-1640*, (Harvester Press, Brighton, 1977), pp.185-221, 271-300; Alison Wall, 'The Great Disgrace: Making and Unmaking of JPs in Elizabethan and Jacobean England', *English Historical Review*, Vol. 119, Issue. 481, (2004), pp.312-332.

² S.J. Watts, *From Border to Middle Shire: Northumberland 1586-1625*, (Leicester University Press, Leicester, 1975), pp.91-2; Tim Thornton, *Cheshire and the Tudor State, 1480-1560*, (Boydell and Brewer, Royal Historical Society, 2000), p.35.

³ Penry Williams, *The Tudor Regime*, (Clarendon Press, Oxford, 1979), pp.101-2.

⁴ P.W. Hasler (ed.), *History of Parliament Journal: 1558-1603, (HPJ)*, Vol. 2, (H.M. Stationery Office (HMSO), London, 1981), pp.429-432; William Lambarde, *Eirenarcha, or, Of the Office of the Justices of the Peace*, (London, 1581).

⁵ Gleason, *Justices of the Peace*, pp.83-93.

attended university, although 22/79 of the families with traceable male heirs sent their sons to university.⁶ Joel Samaha suggested 'Historically education was also a prerequisite to membership of the county bench, and statute had long attempted to set standards that Justices ought to be gentlemen learned in the law'. However, Samaha also points to William Harrison, who suggested that in Elizabethan England, any member of the gentry could earn a place on the county bench based on wealth, prestige, and influence.⁷ This chapter will determine the educational composition of the JPs of Nottinghamshire and Derbyshire, and how the proportion of 'learned' JPs may have changed over time. It will compare these findings with Gleason's six sample counties, county-specific work by Clark and Watts, and nationwide trends highlighted by Wall and Williams. Whether education was focused simply to appointment, continued to influence the advancement of JPs, or justified why some otherwise unsuitable JPs were retained, will establish the perceived importance of institutionalised education via university or the Inns of Court.

Despite legal education's importance according to Lambarde and Gleason, the 1587 *Remembrances*, a Crown edict, nevertheless ordered 'unlearned' JPs to be removed from office, and in 1595 Lord Keeper Sir John Puckering ordered a more substantial crackdown.⁸ The subsequent purge of unlearned JPs suggests a desire for more learned JPs, but also that many unlearned JPs continued in office after the purge of 1587. According to *The Country Justice*, a guidebook and compilation of legislation by Michael Dalton from 1618, there were few specific requirements around education prior to 1587.⁹ In 1345 it was ordered that the county benches must contain some men 'learned in the laws' and this was restated in 1361 and 1394. However, Samaha has suggested that exactly what 'learned in the law' meant was questionable, with no

⁶ Watts, *From Border to Middle Shire*, p.91.

⁷ Joel Samaha, *Law and Order in Historical Perspective: Case of Elizabethan Essex*, (Academic Press, New York and London, 1974), p.73.

⁸ Alison Wall, 'Religion and the Composition of the Commissions of the Peace', *Journal of the Historical Association*, Vol. 103, Issue. 355, (April 2018), pp.223-242; British Library (BL), Lansdowne, MS53/85.

⁹ Michael Dalton, *Country Justice: Containing the Practice, Duty and Power of the Justices of the Peace*, (London, 1618)

specific definition ever being given.¹⁰ Dalton highlights that in 1536 Henry VIII ordered every special commission must have at least one JP who was 'learned in the laws of London'. He also highlights some restrictions on JPs, like requiring residence within a county, or meeting the minimum income requirements, did not apply to men learned in the law. However, Dalton's *Country Justice* was specifically designed to help JPs who were 'not much conversant in the Laws of this Realm'.¹¹ That even by 1618 there remained a problem of JPs not being sufficiently learned to understand the law without guidebooks like Dalton's and Lambarde's suggest that unlearned JPs remained common. Legislation prior to 1587 shows a desire for a greater proportion of learned JPs, but not a blanket removal for all those who lacked an education. Gleason suggests more than half of Elizabethan JPs were unlearned in his six counties in 1562 and 1584, although there was a greater focus on education under Elizabeth.¹² This chapter will determine how strictly enforced the purges of unlearned JPs in 1587 and 1595 were, and what effect they had the retention and appointment of JPs. It will work alongside the following chapters to determine if education was as important a factor for the selection of JPs as the legislation and purges suggest, or whether it was overshadowed by issues of greater importance to national politics, like religion.

Rosemary O'Day and Helen Jewell agree on the structure of education for the early modern English gentry, and although focused primarily on the education of the lower classes, Peter Clark has highlighted the educational climate and the schools of Kent in equal detail.¹³ Tudor gentlemen received education beginning at home with personal tutors overseeing a basic course of learning. For the gentry, it was also common to send sons to learn in the house of trusted friend, for example John Stanhope was sent to learn in the household of Lord Burghley, and Clark highlighted this was especially used by Catholic families who were worried public and private grammar

¹⁰ Samaha, *Law and Order*, pp.73-4.

¹¹ Dalton, *Country Justice*, pp.8-9, 83, 574-5.

¹² Gleason, *Justices of the Peace*, pp.83-93.

¹³ Rosemary O'Day, *Education and Society, 1500-1800: Social Foundations of Education in Early Modern Britain* (Longman, New York, 1982), pp.1-9, 25-77, 106-132; Helen Jewell, *Education in Early Modern England* (Macmillan Press, London, 1998), pp.45-129; Clark, *English Provincial Society*, pp.185-221.

schools would corrupt their children.¹⁴ Until seven their education consisted of grammar, writing, reading, manners and religion. Afterwards, some gentlemen attended 'petty schools', at the house of a tutor or grammar schools until 14 which would teach Latin, religion, advanced readings of famous literary work, History, Philosophy, Languages, Rhetoric, and Theology.¹⁵ For the gentry, they often attended private grammar schools, especially in the later sixteenth century, although many children amongst the middling gentry, esquires, or yeomen attended public grammar schools open to everyone who could pay.¹⁶ Watts suggested these public grammar schools were particularly popular for the lesser gentry who could not afford a private tutor.¹⁷ J.T. Cliffe placed importance on grammar schools and the influence of schoolmasters in giving the gentry a high degree of general education, although Clark places significant doubt on the 'erratic' standard of academic teaching for many schools.¹⁸ At 14 children could attend university, either by scholarship or paying tuition, but this was not necessary. Even those JPs who did not attend university had some amount of education. O'Day and Jewel say universities were used to give children a general humanist education of art and philosophy, whereas the Inns of Court taught the law, although this did not mean they intended to become lawyers.¹⁹ Clark says the Inns were primarily a 'town club' for social occasions, and 'If they should pick up a working knowledge of the law, so much the better'.²⁰

This chapter will focus primarily on the effect of this institutional education on the careers of JPs, referring to those who attended a university or Inn as 'learned', and those who did not as

¹⁴ Beryl Cobbing and Pamela Priestland, *Sir Thomas Stanhope of Shelford: Local life in Elizabethan times*, (Ashbracken, Radcliffe-on-Trent, 2003), p.45; Clark, *English Provincial Society*, pp.198, 205.

¹⁵ O'Day, *Education and Society*, pp.1-9, 25-77, 106-132; Jewell, *Education in Early Modern England*, pp.45-129.

¹⁶ Clark, *English Provincial Society*, pp.197-8.

¹⁷ Watts, *From Border to Middle Shire*, p.91.

¹⁸ J.T. Cliffe, *Yorkshire Gentry from the Reformation to the Civil War*, (Athlone Press, London, 1969), pp.69-71; Clark, *English Provincial Society*, p.205.

¹⁹ O'Day, *Education and Society*, pp.1-9, 25-77, 106-132; Jewell, *Education in Early Modern England*, pp.45-129; Cliffe, *Yorkshire Gentry from the Reformation to the Civil War*, p.76.

²⁰ Clark, *English Provincial Society*, p.206.

‘unlearned’; the terms used by Dalton in 1618, and Lord Keeper Puckering in 1595.²¹ The phrase ‘unlearned’ is solely about attendance at an educational institution, not an indicator of intelligence. In England, the universities were Cambridge and Oxford, although some students went directly to the Inns of Court which did not require previous university attendance. Amongst the universities, it was incredibly rare under Elizabeth to attend either a Scottish, or continental university. Even by 1642, only four of Yorkshire’s 172 learned gentry heads did not attend either Oxford or Cambridge, with two being out of favour Catholics who attended continental universities, and the two who attended a Scottish university were from the Goodricke family who had links to St Andrews and Aberdeen University.²² There were also many forms which attendance could take, with some graduating with degrees, while others attended for a time, or ‘matriculated’, but did not graduate. Clive Holmes and Peter Seddon highlight graduation was not the goal for all students, and university was as much about making social connections as gaining education.²³ Shared attendance and alumni networks between local gentlemen and figures at Court led to lobbying, with education mentioned repeatedly in several surviving letters around the appointment of JPs (see Chapter Four).²⁴

The historiography on the education of JPs is limited, with Dereck Wilson focusing on institutions, or professionals like lawyers and statesmen who were sometimes JPs, but ignores the majority of JPs.²⁵ Even Patrick Wallis and Cliff Webb’s research on the education of the gentry focuses primarily on younger sons or apprenticeships rather than the Inns of Court, or the eldest sons who most often became JPs.²⁶ Cliffe focused a short chapter on education, but this is limited mainly to

²¹ The National Archives (TNA), SP13/F/11.

²² Cliffe, *Yorkshire Gentry from the Reformation to the Civil War*, p.74.

²³ Clive Holmes, ‘County Community in Stuart Historiography’, *Journal of British Studies*, Vol. 19, No. 2, (1980), pp.54-73; Peter Seddon, ‘Marriage and Inheritance in the Clifton Family during the 17th Century’, *Transactions of the Thoroton Society*, Vol. 84, (1980), pp.33-43.

²⁴ Wilfred Prest, *Inns of Court under Elizabeth I and the Early Stuart*, (Cambridge University Press (CPU), Cambridge, 1972), pp.57-65.

²⁵ Derek Wilson, *Elizabethan Society: High and Low 1558-1603*, (Constable and Robinson, London, 2014), pp.1-18, 37-53, 99-118.

²⁶ Patrick Wallis and Cliff Webb, ‘Education and Training of Gentry Sons in Early Modern England’, *Routledge Social History*, Vol. 36, No. 1, (2011), pp.36-53.

the year of 1642, by which times the trends around the education of the gentry had changed notably.²⁷ Thornton and Watts only briefly discuss the education of the gentry and JPs, and while Williams and Hindle stress the growing importance of education, they do not address figures, or discuss the importance in any great detail.²⁸ Gleason's chapter on education is the most extensive, where he found relatively small proportions of learned JPs throughout his study from 1558-1640, although with fluctuations between commissions and especially between counties where he also found gentlemen of certain counties attending certain universities, a common trend mentioned in various aforementioned studies.²⁹ While the purges of JPs in 1587 and 1595 highlighted by wall mentioned education, they were also influenced by religion, wealth, and lobbying, not solely education. She furthermore focuses on the unsuitability of unlearned JPs, not if education was an important consideration in the appointment of JPs.³⁰ Samaha included a brief discussion of the education of JPs and its importance to appointment, but he also says any member of the gentry could be appointed a JP, regardless of their education. Unlike Gleason, in Essex Samaha found while only about 25% of newly appointed JPs in any Commission were university educated, almost half had attended an Inn of Court.³¹ The analysis of the education of JPs for Nottinghamshire and Derbyshire within this chapter will be the most comprehensive for any county since Gleason in 1969.

This chapter will begin by analysing the educational composition of all 158 JPs in Elizabethan Nottinghamshire and Derbyshire to determine what percentage were 'learned' or 'unlearned'. The past work by Gleason, Samaha, Watts, Clark, and Wall will contextualise the findings within Nottinghamshire and Derbyshire, providing a substantial body of evidence. Thereafter, the focus will be on determining how beneficial education was to the appointment of JPs to Special

²⁷ Cliffe, *Yorkshire Gentry from the Reformation to the Civil War*, pp.67-77.

²⁸ Thornton, *Cheshire and the Tudor State*; Watts, *From Border to Middle Shire*; Williams, *Tudor Regime*; Steven Hindle, *The State and Social Change in Early Modern England, c.1550-1640*, (Palgrave, Hampshire, 2000).

²⁹ Gleason, *Justices of the Peace*, pp.83-93

³⁰ Wall, 'Making and Unmaking', pp.312-332

³¹ Samaha, *Law and Order*, pp.73-6.

Commissions, retention in office, or promotion to the *quorum*. It will proceed chronologically to ascertain if education was always important, or became more desired over time, utilising several key dates: 1562 and 1584 (the two Elizabethan dates Gleason used), then the first commission which mentions education specifically in 1587, then 1595 when Lord Keeper Puckering ordered the removal of unlearned JPs. Beyond general education, this chapter will address county-specific trends in the choice of university, Inn, or college, establishing the groundwork for further analysis of alumni networks expanded upon in Chapter Four.

Methodology

Evidence of attendance at educational institutions are derived from the alumni records; the *Alumni Cantabrigienses*, *Alumni Oxonienses*, and *Register of Admissions to Gray's Inn*. These records list students' biographical information, graduation and matriculation status, and attendance at outside institutions like smaller Inns, or the Middle and Inner Temples.³² Wallis and Webb criticised the unquestioned use of these alumni lists, as these records were sometimes incomplete, with missing alumni, or inconsistent biographical detail, especially around students' social status. However, they agreed with Adrian Ailes who said despite their flaws, these alumni lists are 'probably the best representative sample' for the education of the gentry at these institutions.³³ Wilfred Prest questioned some of the inconsistencies of the alumni lists for the Inns, but suggested that after 1560, the accuracy improves greatly.³⁴ Gleason shared these concerns in differentiating between students who shared names, yet he also used them as the basis for his research into the education of JPs, understanding these flaws.³⁵ There may therefore be some missing names, or JPs who did not attend either Cambridge or Oxford, although O'Day suggested

³² J.A. Venn, and John Venn (ed.), *Alumni Cantabrigienses: a Biographical list of all known students, graduates and holders of office at the University of Cambridge*, Vol. 1-4, (CPU, Cambridge, 1922-54); Joseph Foster, *Alumni Oxonienses 1500-1714*, (OUP, Oxford, 1891); Foster, *Register of Admissions to Gray's Inn, 1521-1889*, (Hansard Publishing Union, London, 1889).

³³ Wallis and Webb, 'Education and training of gentry sons', pp.40-1.

³⁴ Wilfred Prest, *Inns of Court*, pp.21-5.

³⁵ Gleason, *Justices of the Peace*, pp.84-5.

for an English gentry son, attendance at a Scottish or Continental University was incredibly rare because it would not gain them advancement in the county or London legal community.³⁶

Although flawed, these records have been the bedrock for past studies of alumni.

For unlearned JPs there were several alternative courses to university: military, finance, Court, or travelling abroad, each providing reasons these unlearned gentlemen may have been appointed JPs. Furthermore, amongst the learned JPs, some returned to manage county estates, while others pursued careers in the law, being called to the bar, or maintaining positions within Inns as a Benchers of Principle, often while serving as JPs. This chapter will determine if these alternative courses like the military had a substantial effect on the careers of JPs, whether these lawyer JPs were more desired, or faced criticisms for being non-resident or absent in London, which affected their perceived suitability compared to local, perhaps unlearned, gentlemen.

Education of JPs

Between 1559-1603 there were 158 JPs appointed in Nottinghamshire and Derbyshire, according to the Peace Commissions and *Libri Pacis*. This includes both *Ex-Officio* and local JPs, therefore there will be some overlap for JPs who served both counties. Of these 158, 25 were local JPs who served both counties either concurrently or at separate times, while 40 were *Ex-Officio* JPs who served multiple counties.³⁷ For example, Gilbert Talbot, 7th Earl of Shrewsbury was an *Ex-Officio* JP for six counties, including his home county of Derbyshire.³⁸ Whereas, Sir John Manners was not *Ex-Officio*, but served as a JP for both Nottinghamshire (1559-1574, 1583-1592) and Derbyshire (1569-1611), being resident in both counties concurrently.³⁹ Figure 1.1 shows the proportion of learned and unlearned JPs in Nottinghamshire and Derbyshire from 1559-1603.

³⁶ O'Day, *Education and Society*, p.77-82.

³⁷ Appendix 1562-1596.

³⁸ BL, Lansdowne, MS/18/D/3.

³⁹ Appendix 1562-1596.

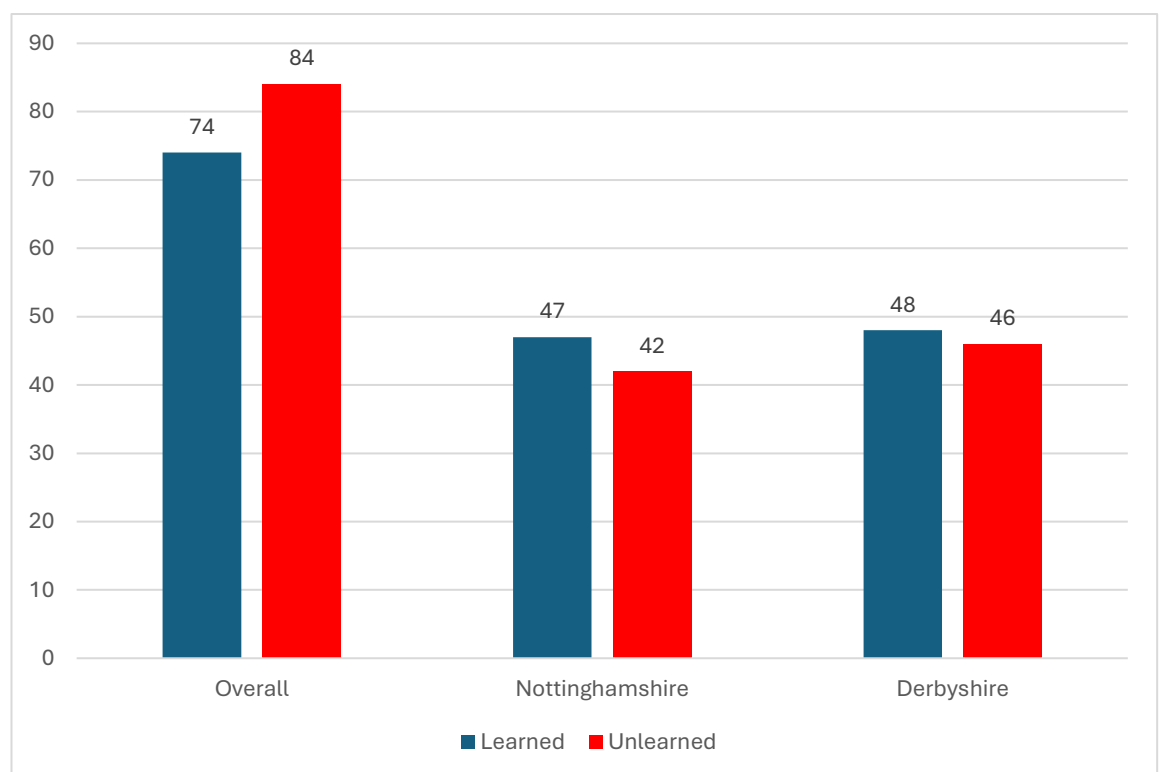


Figure 1.1: Overall educational status of JPs.

Figure 1.1 show 47% (74/158) of JPs in Nottinghamshire and Derbyshire were learned. The percentage for each county however shows a slight majority of learned JPs, 47/89 or 53% in Nottinghamshire, alongside 48/94 or 51% in Derbyshire. The higher proportion of learned JPs for each county is a result of the number of learned *Ex-Officio* JPs who served both counties. Thus, there was an overall majority of learned JPs in each county, although a large proportion of JPs were unlearned. This can also be understood from Lord Keeper Puckering's orders to remove unlearned JPs in 1595, which suggested that many remained present.⁴⁰ Yet, even with calls for more men learned in the law, under Elizabeth a majority of JPs were unlearned. Having an entirely learned bench was perhaps impractical when appointment was based on several factors including religion, wealth, and alliance. Furthermore, the use of Anthony Fitzherbert's *New Boke of Justices of the Peace* used since around 1551, and the adoption of Lambarde's *Eirenarcha* after 1581, could have lessened the necessity for learned JP.⁴¹

Wall pointed to the purges of unlearned JPs in 1587 and 1595 to show there was a clear attempt to make the county benches more 'educated'. However, she also highlights throughout Elizabeth's reign there remained a large proportion of unlearned JPs, likely from greater importance being placed on religious conformity or negligence. Wall does not provide any figures for the overall educational composition of Elizabethan JPs, nor educational breakdowns for individual counties.⁴² Gleason focused on two dates under Elizabeth, 1562 and 1584, predating the instructions of 1587 and 1595 around the education of JPs. He found only roughly 40% of JPs were 'formerly educated', although he does suggest this increased over time.⁴³ In Essex, Samaha found 40/141 Elizabethan JPs had attended an Inn of Court, although not necessarily spending enough time there to be called to the bar.⁴⁴ While in Northumberland in 1615, Watts uncovered only 7/89 family heads had

⁴⁰ Dalton, *Country Justice*, pp.8-9, 83, 574-5.

⁴¹ Anthony Fitzherbert, *New Boke of Justices of the Peace*, (London, 1551); Lambarde, *Eirenarcha*.

⁴² Wall, 'Making and Unmaking', pp.312-332.

⁴³ Gleason, *Justices of the Peace*, pp.83-93.

⁴⁴ Samaha, *Law and Order*, pp.73-4.

attended university, although as these family heads included non-JPs, and excluded non-resident lawyers and *Ex-Officio* JPs, the lower proportion compared to the figures within other studies is understandable. Watts also admits that while education was becoming more popular amongst the gentry of Northumberland, the proportions did not compare favourably to other counties like Yorkshire.⁴⁵ Clearly, education was not required for JPs, but how important education was to appointment compared to other factors is still questionable.

There were 40 *Ex-Officio* JPs amongst the 158 shown in Figure 1.1, of whom 29 (73%) were learned. The 11 unlearned *Ex-Officio* JPs were mainly aristocrats from early in Elizabeth's reign: Francis and George Talbot the 5th and 6th Earls of Shrewsbury, Henry Fitzalan 12th Earl of Arundel, and Henry Manners 2nd Earl of Rutland.⁴⁶ The number of JPs for each county individually is higher than the total due to these *Ex-Officio* JPs. There were thirteen local JPs who served both Nottinghamshire and Derbyshire, of whom eight were learned. Amongst these only Sir Thomas Stanhope was neither an aristocrat, nor *Ex-Officio* JP.⁴⁷ Stanhope was a powerful local landowner and had strong connections to Court, related to Secretary of State Lord Burghley through Burghley's second wife.⁴⁸ This may explain why Stanhope, despite never attending an educational institution, was appointed a JP for both counties in 1561, aged just 21, and was immediately listed amongst the *quorum*, a role he would keep until his death in 1596, despite local animosity (see Chapter Four).⁴⁹ Stanhope was a soldier from a family with an established military tradition. He served in Scotland under the Earl of Hertford in 1544 and became a regular Commissioner for Musters.⁵⁰ His allies at Court and military service influenced his appointment as a JP, despite his father's disgrace under Edward VI.⁵¹ Webb and Wallis identified a military career as one of the

⁴⁵ Watts, *From Border to Middle Shire*, p.91.

⁴⁶ Appendix 1562-1596; Venn and Venn (ed.), *Alumni Cantabrigienses*; Foster, *Alumni Oxonienses*; Foster, *Register of Admissions to Gray's Inn*.

⁴⁷ Appendix 1562-1596.

⁴⁸ A.M. Mimardiere, in Hasler (ed.), *HPI: 1558-1603*, Vol. 3, pp.441-2.

⁴⁹ Appendix 1562-1596.

⁵⁰ Mimardiere, *HPI: 1558-1603*, Vol. 3, pp.441-2.

⁵¹ Cobbing and Priestland, *Thomas Stanhope*, pp.27-43.

main alternatives to university for a gentlemen.⁵² Furthermore, while Stanhope was unlearned, Beryl Cobbing and Pamela Priestland have detailed how he sent all of his sons to university, two of whom would become JPs for Nottinghamshire and Derbyshire, and two would serve in influential positions at Court.⁵³ Other prominent unlearned JPs likely chosen for their military careers included Sir Nicholas Strelley, Sir John Markham, Sir Robert Constable, and even the *Custos* of Derbyshire Sir Francis Leake.⁵⁴

The Strelley family show a key reason why there remained a large proportion of unlearned JPs. Three Strelleys became JPs for Nottinghamshire between 1547-1593, yet none were learned. Sir Nicholas was, according to S.M. Thorpe, a famous soldier and Captain of Berwick, who by 1559 was promoted to the *quorum* for Nottinghamshire, having been a JP since at least 1547.⁵⁵ However, his son and grandson Sir Anthony and Sir Phillip, despite no service in war, and being unlearned, were appointed JPs, although never promoted to the *quorum* like Sir Nicholas had.⁵⁶ They had many allies amongst the gentry families of Nottinghamshire including the Byrons, Cliftons, and Willoughbys (see Chapter Four), and Jill Dias and Thorpe say these local allies were why Sir Phillip Strelley was chosen as a candidate for Parliament in 1593.⁵⁷ Yet, beyond this term in Parliament, both Anthony and Phillip had otherwise unremarkable careers, with Anthony Strelley removed as a JP around 1565, likely for religion (see Chapter Two).⁵⁸ Furthermore, as neither Anthony nor Phillip were ever promoted to the *quorum*, this suggests that under Elizabeth it became more desired for *quorum* JPs be learned, compared to the 1540s when Sir Nicholas was promoted.

⁵² Wallis and Webb, 'Education and training of gentry sons', pp.42-3.

⁵³ Cobbing and Priestland, *Thomas Stanhope*, pp.45, 143, 165-6.

⁵⁴ Appendix 1562-1596.

⁵⁵ S.M. Thorpe, in Hasler (ed.), *HPI: 1558-1603*, Vol. 3, pp.455-6; J.H. Collingridge and R.B. Wernham, *Calendar of the Patent Rolls (CPR), Elizabeth Vol. 2, 1560-1563*, (HMSO, London, 1948), pp.432-440; Appendix 1547.

⁵⁶ Thorpe, *HPI: 1558-1603*, Vol. 3, pp.455-6.

⁵⁷ Jill Dias, 'Politics and administration in Nottinghamshire and Derbyshire, 1590-1640', (Unpublished DPhil Thesis, Oxford University, 1973), pp.44-5.

⁵⁸ Appendix 1564-1573.

Between 1559-1603 there remained many unlearned JPs in Nottinghamshire and Derbyshire, some, unlike Sir Anthony and Sir Phillip Strelley, served in senior offices. Sir Francis Leake was a JP in Derbyshire for over forty years, named *Custos Rotulorum* for Derbyshire, the most senior administrative office in the county, despite being unlearned.⁵⁹ Of the eight *Custos Rotulorum*s for Nottinghamshire and Derbyshire under Elizabeth, three were unlearned (Sir Francis Leake in Derbyshire 1547-1580, Sir John Byron Snr in Nottinghamshire 1562-1567, and Sir Thomas Stanhope in Nottinghamshire 1594-1596).⁶⁰ Unlearned JPs represent a significant percentage of the county benches, even in the most senior offices, and this is seen throughout Elizabeth's reign.

Special Commissions

There were 58 Special Commissions ordered by the Crown for Nottinghamshire and Derbyshire compiled in the Calendar of the Patent Rolls between 1559-1582. These Commissions included diverse issues: Musters, Insanity, Postmortems, Recusants, Jesuits, and others. Each Special Commission appointed several JPs (at least three), including one 'learned in the law' by royal decree from 1536.⁶¹ Despite this, between 1559-1582, nine of these commissions had no learned JP, although all contained at least one *quorum* JP. These nine were all Postmortem or Lunacy Commissions within the towns of Nottingham and Derby.⁶² While a legal education was desired according to repeated orders by successive monarchs, there were also restrictions against common attorneys because of their social status, and the amount of legal education required to be 'learned in the law of London' was not specified.⁶³ The Derbyshire Commission for the goods of the Recusant JP John Sacheverell (Removed by 1561) from August 1565 appointed seven men,

⁵⁹ Brian Dietz, in Hasler (ed.), *HPI: 1558-1603*, Vol. 2, pp.446-7.

⁶⁰ J.C. Sainty, 'Custodes Rotulorum 1544-1646', [Accessed 30 October 2024], <https://web.archive.org/web/20161023051640/http://www.history.ac.uk/publications/office/custodes1544>

⁶¹ Dalton, *Country Justice*, pp.8-9, 83, 574-5.

⁶² *CPR 1560-1563, Elizabeth*, Vol. 2, pp.94, 611, *1563-1566, Elizabeth*, Vol. 3, pp.37-8, *1566-1569, Elizabeth*, Vol. 4, pp.130, 172, 240, 346, *1569-1572, Elizabeth*, Vol. 5, pp.32, 194, 432, *1572-3, Elizabeth*, Vol. 6, pp.168-9, 178, *1572-5, Elizabeth*, Vol. 7, pp.153, 353-4, 359-362, 439-41; J.H. Round (ed.), *Manuscript Collection of His Grace the Duke of Rutland*, Vol. 1, (Eyre and Spottiswoode, London, 1888), p.112.

⁶³ Dalton, *Country Justice*, pp.8-9, 83, 574-5.

none of whom were trained lawyers, although three (Sir Thomas Cokayne, Sir Thomas Gerrard, and Sir Richard Harpur) had attended an Inn of Court (Gray's Inn, Clement's Inn, and the Inner Temple).⁶⁴

Special Commissions between 1559-1582 usually included a lawyer, usually one per Commission. The 1570 Commission Postmortem for the influential Protestant JP Sir John Hercy had five JPs chosen, including the lawyer and Feodary of Nottinghamshire Ralph Barton. The Commission stated whenever an investigation would take place any 'Three of the Commissioners, Ralph Barton being one, must be present'.⁶⁵ All Special Commissions stated a trained lawyer or *quorum* JP must be present whenever an investigation is done, or evidence gathered. JPs dealt closely with the legal process and therefore required legal knowledge. However, the Elizabethan Special Commissions suggest only one legally educated JP was needed. This may be because of a shortage of lawyer JPs that were available to oversee these commissions, particularly if their presence was always required. There were just five professional lawyers who oversaw most of the Special Commissions in Nottinghamshire and Derbyshire between 1559-1582 (excluding Muster Commissions). This included William Bendlowes (JP 1562-1569) and Nicholas Powtrell (JP 1554-1579), both Serjeants-at-Law, the most senior office for a lawyer in England. The others were also senior lawyers: Sir James Dyer (JP 1547-1582) was Chief Justice of the Common Pleas and Speaker of the House of Commons, whereas Ralph Barton (JP 1569-1592) and Anthony Gell (JP 1562-1583) were Feodaries, appointees of the Court of Wards.⁶⁶ The legal expertise of these five JPs were relied upon throughout Elizabeth's reign, yet all five were *Ex-Officio* JPs, serving several counties, usually between three and twelve. Despite the need of these lawyer JPs, their prominent position was not universally supported. Robert Dudley, 1st Earl of Leicester vehemently opposed the appointment of attorneys as JPs when the issues came before the Privy Council, complaining

⁶⁴ CPR 1563-1566, *Elizabeth*, Vol. 3, p.260

⁶⁵ CPR 1566-1569, *Elizabeth*, Vol. 4, p.36

⁶⁶ Appendix 1554-1596.

lawyers without sufficient landholdings were overrepresented.⁶⁷ Leicester's complaints were ignored, and the presence of lawyer JPs continued to increase because of the need for those trained in law to advise those JPs who were unlearned. At Quarter Sessions, the JPs were advised by a Justice's Clerk, usually a trained lawyer or representative from Court, who was present to advise JPs on legal matters and national policy, who also attended the Assize Courts, overseen by the legally trained Assize Judges.⁶⁸ Many unlearned JPs survived under Elizabeth as education was not considered a requirement, likely due to the presence of these lawyer JPs who could advise those without legal education.

Quorum JPs

The most senior JPs were classified as being of the *quorum*, and their presence usually required for Quarter Sessions and Special Commissions. Promotion to the *quorum* was greatly desired according to Michael Zell, who suggested JPs lobbied for promotion as the *quorum* showed one's place at the height of the county society.⁶⁹ However, according to Lambarde and Dalton, promotion to the *quorum* was originally designed only for experienced, or otherwise qualified JPs whose legal expertise was thought needed for Quarter Sessions.⁷⁰ Furthermore, Manning stated that the *quorum* was composed only of those 'who were lawyers, or at least has some training in the law'.⁷¹ Therefore, one would expect to see a higher proportion of learned JPs amongst the *quorum*. Figure 1.2 shows the educational composition of *quorum* JPs (those who served at least some time amongst the *quorum*), and Figure 1.3 the composition of non-*quorum* JPs (those who were never promoted).

⁶⁷ TNA, SP12/155/42.

⁶⁸ Lambarde, *Eirenarcha*, pp.11-19.

⁶⁹ Michael Zell, 'Kent's Elizabethan JPs at Work', *Archaeologia Cantiana*, Vol. 119, (1999), pp.6-11

⁷⁰ Lambarde, *Eirenarcha*; Dalton, *Country Justice*.

⁷¹ Roger Manning, *Religion and Society in Elizabethan Sussex*, (Leicester University Press, Leicester, 1969), p.9.

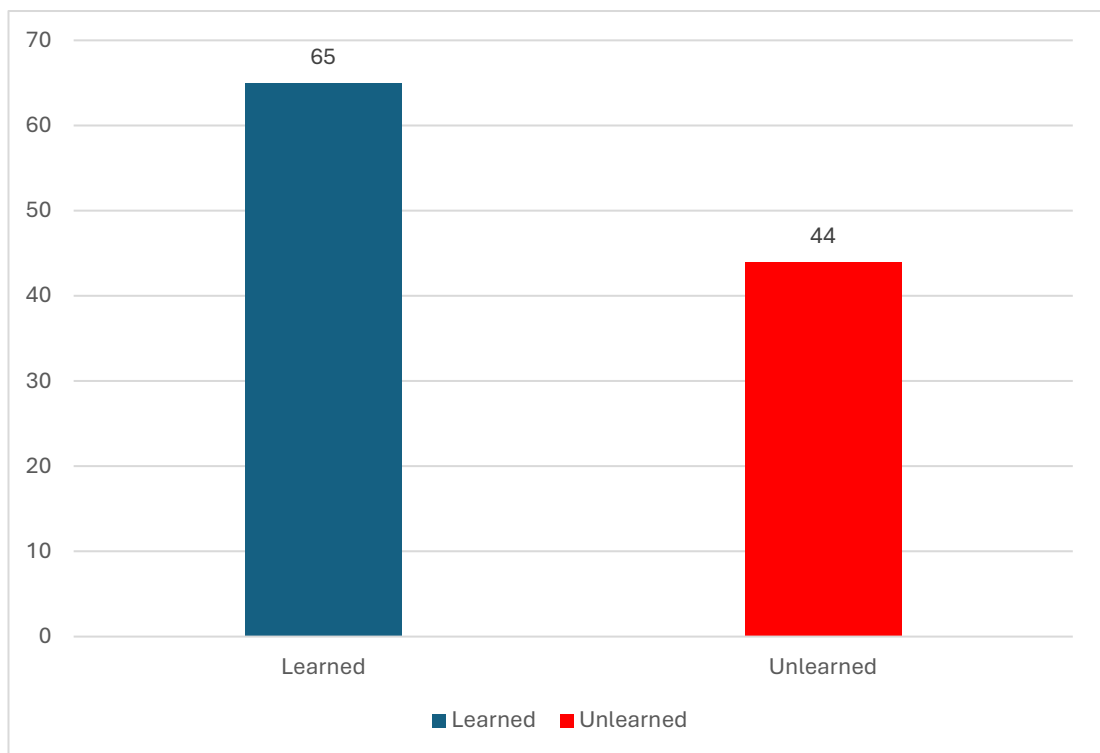


Figure 1.2: Educational composition of *quorum* JPs.

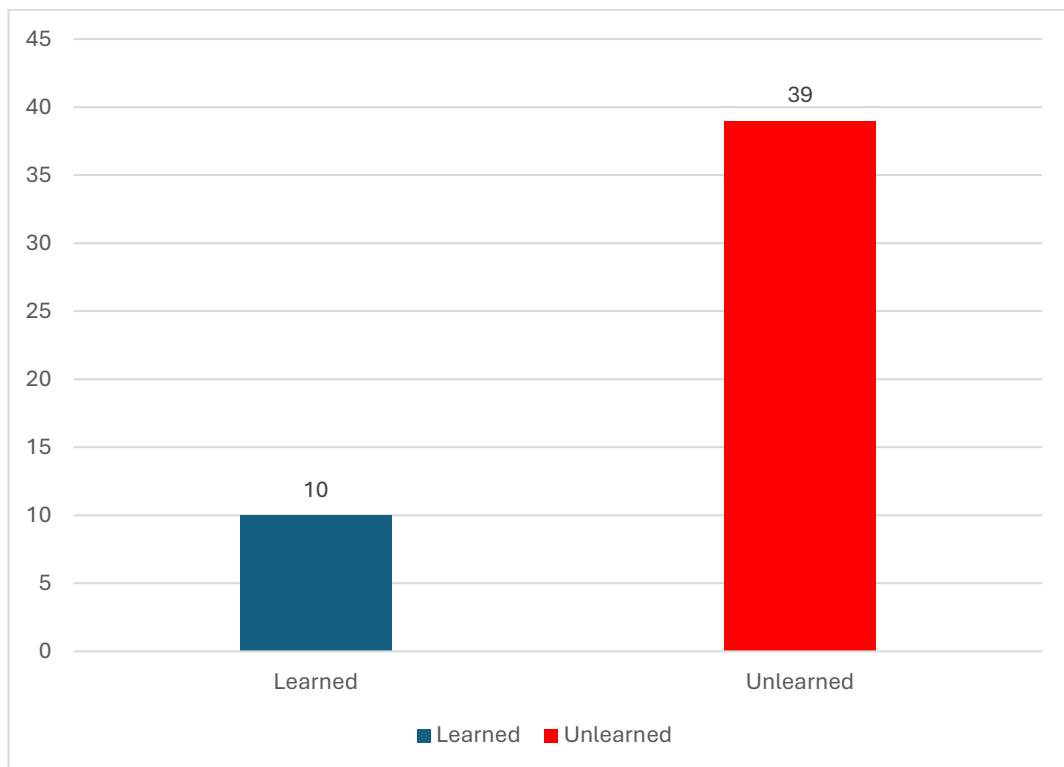


Figure 1.3: Educational composition of non-*quorum* JPs.

There were 109 *quorum* JPs in Elizabethan Nottinghamshire and Derbyshire included in Figure 1.2, from a total of 158. Roughly 69% of JPs were promoted to the *quorum*, and of these 65 (60%), were learned compared to 47% for JPs overall from Figure 1.1. Figure 1.3 shows the proportion of learned, non-*quorum* JPs was 20%, notably lower than for *quorum* JPs. This highlights a sizeable minority of JP were promoted to the *quorum*, despite being unlearned, contrary to Manning's assertion that education was the main requirement for promotion.⁷² Furthermore, ten learned JPs were never promoted, with 87% of learned JPs joining the *quorum*. Figures 1.2 and 1.3 shows while education greatly influenced promotion, it was no guarantee of such, and a lack of education did not disqualify a JP. Thus, other factors beyond religion must have played a considerable role in consideration for promotion.

The *quorum* was a social status symbol according to Zell, who suggested the increase in the size of the *quorum* was primarily due to increased lobbying from the senior landowners who expected promotion based on their economic and social status (see Chapter Three).⁷³ Hassell-Smith has highlighted a similar trend amongst the gentlemen of Norfolk, with separate factions lobbying intensely for promotion.⁷⁴ However, while social status was important for local landowners, education was clearly the primary factor which influenced the appointment and promotion of unlanded, or less wealthy lawyers. The likes of Ralph Barton and William Bendlowes were promoted immediately upon appointment, whereas local landowners often had to wait years.⁷⁵ Barton was a London lawyer with little property before his appointment as a *quorum* Nottinghamshire JP in 1569. Afterwards, in the 1580s he invested heavily into Nottinghamshire, purchasing significant property around Newark.⁷⁶ Barton's economic status alone was insufficient to be appointed (see Chapter Three), however he was a trained lawyer, called to the bar in 1545.⁷⁷

⁷² Manning, *Religion and Society*, p.9.

⁷³ Zell, 'Kent's Elizabethan JPs at Work', pp.6-11

⁷⁴ Alfred Hassell-Smith, *County and Court: Government and Politics in Norfolk, 1558-1603*, (Clarendon Press, Oxford, 1974), pp.29-38, 61-73, 199-206, 227-232.

⁷⁵ Appendix 1562-1596.

⁷⁶ Roger Virgoe, in Hasler (ed.), *HPI, 1558-1603*, Vol. 1, pp.400-401.

⁷⁷ Foster, *Register of Admissions to Gray's Inn*, p.16.

Bendlowes came from a family of yeoman in Essex, a class which Gleason says were not usually considered for appointment, although he finds some rare cases of yeomen JPs in Kent.⁷⁸ Tim Thornton suggests one of the benefits of the commissions of the peace for the gentry was that it 'differentiated them from the lesser gentry and yeomanry and gave due recognition to their higher status'.⁷⁹ Clark points to the law as the primary way many middling or lesser gentlemen increased their economic status, bringing new families into the counties.⁸⁰

Therefore, it was not Bendlowes's social status as the son of a yeoman, but his legal education at Lincoln's Inn, and appointment as Serjeant-at-Law and Justice of the Assize Court which influenced his appointment. Assize judges were trusted for their legal expertise, and travelled on a circuit of several counties, advising JPs at Quarter and Assize Sessions.⁸¹ Education allowed these lawyer JPs to be promoted despite their social status (see Chapter Three). The presence of these lawyers, and the *Ex-Officio* JPs who were 73% learned and always appointed to the *quorum*, explains the higher proportion of learned *quorum* JPs. Education was especially desired for these Assize Judges who oversaw the county benches, as Penry Williams highlights, despite religion, all the Marian Assize Judges were retained by Elizabeth, and only in the 1570s when these Marian Assize Judges died out, were loyal replacements found. William directly links the survival of these Assize Judges to their professional status and education as lawyers.⁸²

Whereas Barton and Bendlowes were promoted immediately despite their low economic status (see Chapter Three), many unlearned *quorum* JPs were promoted only after years of service. Sir John Byron Snr was the longest serving JP in Elizabethan Nottinghamshire, in office uninterrupted for 56-years from 1511-1567. However, records suggest he was not promoted to the *quorum* until

⁷⁸ Dalton, *Country Justice*, pp.574-5; Gleason, *Justices of the Peace*, pp.24-32.

⁷⁹ Thornton, *Cheshire and the Tudor State*, p.29.

⁸⁰ Clark, *English Provincial Society*, pp.126-7.

⁸¹ J.J. Goring, in S.T. Bindoff (ed.), *HPJ: 1509-1558*, Vol. 1, (Secker and Warburg, London, 1982), pp.416-417.

⁸² Williams, *Tudor Regime*, pp.272-3.

1554, 43-years after first being appointed.⁸³ By 1554 the number of JPs, and the size of the *quorum*, had increased significantly from the early 1500s, and would continue under Elizabeth.⁸⁴ In the 1511 Nottinghamshire Commission there were 3/12 *quorum* JPs (25%), in 1554 this had increased to 11/16 (69%), which may explain why Byron's promotion took four decades, compared to many JPs under Elizabeth like Sir Thomas Stanhope who were promoted immediately, despite being unlearned.⁸⁵ Byron was unlearned, but served as a JP from 1511, a Courtier and Esquire of the Body by 1519, and four-times High Sheriff between 1523-1551.⁸⁶ Other senior unlearned JPs under Elizabeth included Sir Gervais Clifton, promoted in 1554 after 17-years of service, and Sir Francis Leake, likely promoted around 1548 when he was also appointed *Custos* of Derbyshire, around nine years after first being appointed.⁸⁷ Clifton, Leake, and Byron were all major local landowners and long serving JPs, yet they were not promoted until years, or decades, after first appointment, compared to trained lawyers like Barton and Bendlowes who were promoted immediately.

However, not all learned JPs were promoted quicker than unlearned JPs, and some were never promoted at all. It took Sir Godfrey Foljambe eight-years of service after his appointment in 1561 before he was promoted, similar to the unlearned JP Sir Francis Leake.⁸⁸ Leake's son and heir Francis was appointed a JP in 1579, shortly after his return from St John's Cambridge and Lincoln's Inn, yet he was not promoted until 1593, after 14-years.⁸⁹ Sir John Manners also attended St John's, alongside the Inner Temple, and took 10-years before promotion, despite also having

⁸³ J.S. Brewer (ed.), *Letters and Papers, Foreign and Domestic, Henry VIII, (LP Henry VIII)*, Vol. 1, (HMSO, London, 1920), p.445; James Gairdner (ed.), *LP Henry VIII*, Vol. 10, (HMSO, London, 1867), pp.82-98; Appendix 1547-1564.

⁸⁴ Zell, 'Kent's Elizabethan JPs at Work', pp.6-11; Dalton, *Country Justice*, pp.13-35; Hassell-Smith, *County and Court*, p.52.

⁸⁵ Appendix 1554-62; Gairdner (ed.), *LP Henry VIII*, Vol. 1, Appendix.

⁸⁶ Brewer (ed.), *LP Henry VIII*, Vol. 1, pp.445, 487, 552-4, 706, 749, 992, Vol. 3, pp.15, 94, 241, 594, 1127, 1411-2, 1457; Appendix 1554.

⁸⁷ Gairdner (ed.), *LP Henry VIII*, Vol. 12, pp.251, 350, 368-9, 395, 515, 564; Appendix 1547-1591; Gairdner (ed.), *LP Henry VIII*, Vol. 21, Part. 2, (HMSO, London, 1910), p.432.

⁸⁸ Appendix 1562-1587.

⁸⁹ Dietz, in Hasler (ed.), *HPI: 1558-1603*, Vol. 2, pp.446-7; Venn, and Venn (ed.), *Alumni Cantabrigienses*, Vol. 3, part. 1, p.59.

significant social status as the son of the Earl of Rutland (see Chapter Four).⁹⁰ These three learned JPs were promoted faster than the unlearned JPs Clifton and Byron, but not Sir Francis Leake Snr. Others like Sir William Holles, an alumnus of Gray's Inn and JP from 1554, was not promoted until 1583, after 29-years of service.⁹¹ There were ten learned JPs who were never promoted, as seen in Figure 1.3, including several knights: Sir John Bentley, Sir John Rodes, and Sir John Thornhaugh, alongside Archdeacon John Walton, the lawyer Vincent Mundy, and John Zouche Jnr, the scion of the influential Sir John Zouche.⁹² The most obvious exclusion from the *quorum* is Sir George Vernon, a JP from 1539-1565, whose wealth and influence earned him the nickname 'King of the Peak' (see Chapters Three and Four). C.J. Black suggests he was an alumnus of Oxford, although this is likely mistaken. The George Vernon in the *Alumni Oxoniensis* was described as 'of Lincolnshire', and while Vernon owned property across the Midlands, his main seat was always Haddon Hall in north-west Derbyshire. Black perhaps fell into the trap Wallis and Webb warned against, of mistaking alumni who shared a name.⁹³ However, whether learned or not, Vernon, despite his wealth and influence, was never promoted to the *quorum*, nor pricked High Sheriff despite nine nominations.⁹⁴ In 1564 he was recommended for promotion by Bishop Thomas Bentham as a 'great justice in religion as in all other things', but died shortly thereafter.⁹⁵ Vernon's exclusion from the *quorum* and High Sheriff is the most difficult to understand of any JP within this thesis.

Despite Vernon's case, the powerful families of Nottinghamshire and Derbyshire were often promoted to the *quorum*, whether learned or not. Four members of the powerful Markham family were JPs under Elizabeth, all of whom would be promoted to the *quorum*, but none were learned.

⁹⁰ Appendix 1562-1577; Venn, and Venn (ed.), *Alumni Cantabrigienses*, Vol. 3, part. 1, p.134.

⁹¹ Appendix 1547-1584; Venn, and Venn (ed.), *Alumni Cantabrigienses*, Vol. 2, part. 1, p.396.

⁹² Appendix 1559-1596.

⁹³ C.J. Black, in Bindoff (ed.), *HPI: 1509-1558*, Vol. 3, pp.525-6; Wallis and Webb, 'Education and training of gentry sons', pp.36-7.

⁹⁴ Black, in *HPI: 1509-1558*, Vol. 3, pp.525-6

⁹⁵ M.A. Bateson (ed.), 'Letters of the Bishops' in *Camden Miscellany*, Vol. 9, (Camden Society, London, 1894-5), pp.43-44.

Sir John Markham was promoted in 1559 after 38-years of service, likely due to experience like Clifton and Byron.⁹⁶ His son 'Black' Thomas Markham (named for his swarthy appearance) however was appointed immediately to the *quorum* in 1561, as was his cousin Ellis in 1554.⁹⁷ Ellis was removed in December 1561 alongside many Catholics (see Chapter Two), but was returned in February 1562, again immediately amongst the *quorum*.⁹⁸ Lastly, Robert Markham was appointed a JP in 1564, and promoted by at least 1573.⁹⁹ The Markhams were wealthy and influential (see Chapters Three and Four), with both Thomas and Ellis promoted immediately despite being unlearned, suggesting wealth and allies at Court were perhaps as important as education, or at least provided an alternative path for unlearned JPs. This likely also explains Henry Vernon's appointment as a *quorum* JP for Derbyshire from 1559-1569.¹⁰⁰ Vernon was unlearned, but by 1559 he was notably older than the other JPs mentioned thus far at appointment, aged 36, and he had been a Staffordshire JP since at least 1554, when he also served as MP.¹⁰¹ Henry Vernon was also likely aided by powerful allies which included his cousin Sir George Vernon, and according to Black, also William Lord Paget, although Paget was mostly retired by 1559.¹⁰²

The role of education to promotion to the *quorum* was complicated. Trained lawyers like Bendlowes and Barton who lacked economic and social status were promoted immediately. However, so were unlearned, but wealthy and influential gentlemen like Thomas and Ellis Markham, Henry Vernon, or Sir Thomas Stanhope. Yet, several learned JPs who were similarly wealthy and allied, like Sir John Manners or Francis Leake Jnr, had to serve for years before promotion, and pre-Elizabethan JPs like the unlearned Clifton and Byron Snr had to wait decades. There were 75 learned JPs in Figures 1.2 and 1.3, around 87% of whom were promoted to the

⁹⁶ Brewer (ed.), *LP Henry VIII*, Vol. 4, p.84; Appendix 1559.

⁹⁷ *CPR 1563-66, Elizabeth*, Vol. 3, pp.18-24; Cobbing and Priestland, *Thomas Stanhope*, p.147.

⁹⁸ Appendix 1554-1587; Ronald Fritze, 'The Role of Family and Religion in the Local Politics of Early Elizabethan England: The Case of Hampshire in the 1560s', *The Historical Journal*, Vol. 25, No. 2, (June 1982), p.278.

⁹⁹ Appendix 1564-1573.

¹⁰⁰ Appendix 1562-1569.

¹⁰¹ *CPR 1554-1555, Phillip and Mary*, Vol. 2, p.89.

¹⁰² Black, *HPI: 1509-1558*, Vol. 3, p.526.

quorum, compared to only 53% of the 83 unlearned JPs. Education was clearly influential to promotion, but unlearned JPs could secure promotion after years of diligent service, whether due to experience, age, social status, religion, or lobbying.

1559-1562

Between 1559-1562 there were at least three Commissions of the Peace which survive, the first from around December 1558-January 1559, the second from December 1561, and the third from February 1562.¹⁰³ The first two Commissions under Elizabeth retained several Marian JPs who would after 1562 be entirely excluded from office. The 1562 Commission is perhaps the first definitively Elizabethan Commission, following the transitional period since 1559, thus provides the best picture for the character of an Elizabethan JP. 1562 was also the first Commission used by Gleason, who compiled a table using the alumni lists of the proportion of learned JPs in his six counties. Gleason divided his table between 'dignitaries' (mostly *Ex-Officio* JPs), and 'working' or local JPs. Figure 1.4 has done similar, with the proportion of learned *Ex-Officio* JPs for Nottinghamshire and Derbyshire, and the proportion of learned local JPs. Figure 1.4 also shows Gleason's data for his sample counties, divided between 'dignitaries' and 'working' JPs.¹⁰⁴ Nottinghamshire and Derbyshire JPs are combined due to the overlap between the county benches, and the number of JPs for both counties together close to the other counties.

¹⁰³ BL, Lansdowne, MS1218, ff.1-43v, 57-92v; Appendix 1562.

¹⁰⁴ Gleason, *Justices of the Peace*, pp.83-6.

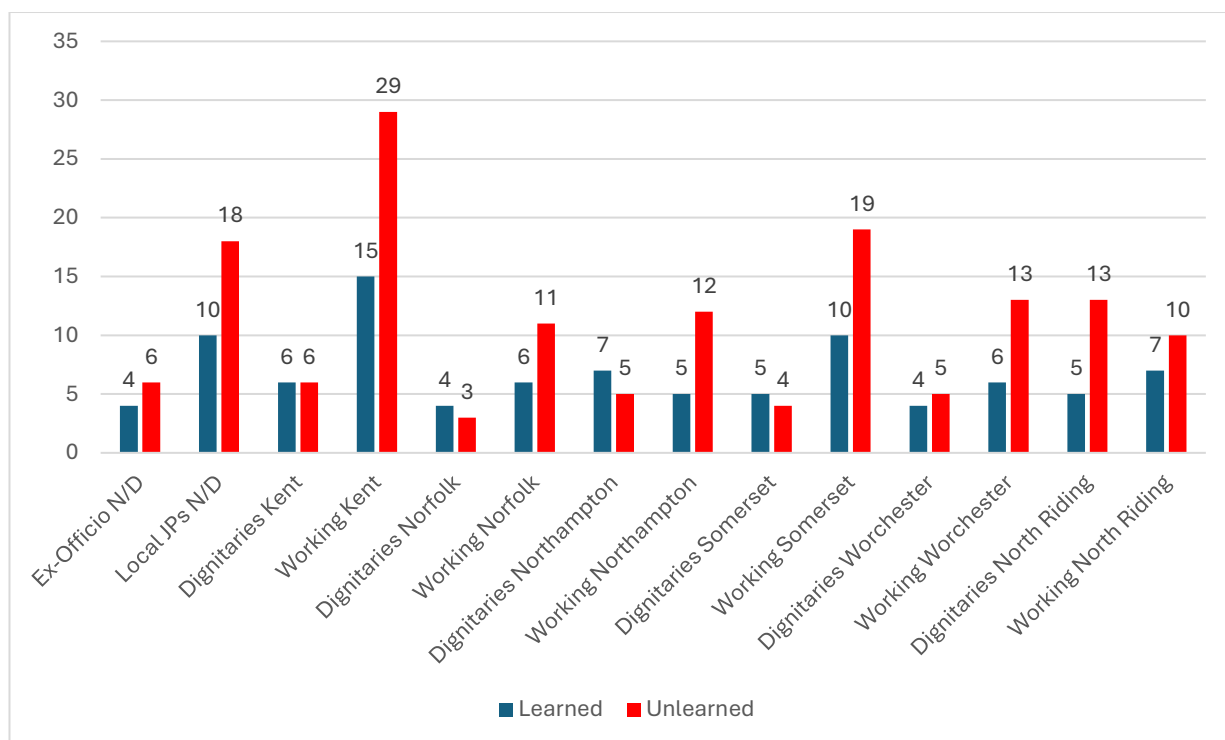


Figure 1.4: Educational composition of Ex-Officio and Local JPs in 1562.¹⁰⁵

¹⁰⁵ Gleason, *Justices of the Peace*, pp.83-6.

Figure 1.4 shows 10/28 (36%) of local JPs in Nottinghamshire and Derbyshire were learned in 1562, and similarly 4/10 (40%) of Ex-Officio JPs were learned. This aligns roughly with Gleason, with 50% of Kent dignitaries and 34% of working JPs learned, five of whom had attended university and 18 an Inn of Court, with 11 called to the bar as professional lawyers. For the learned JPs of Nottinghamshire and Derbyshire in 1562, seven attended university, 12 an Inn of Court, and 5 were called to the bar. Comparing the proportions of JPs between Nottinghamshire/Derbyshire and Kent show that Nottinghamshire and Derbyshire had double the proportion of university educated JPs (9% in Kent and 18% in Nottinghamshire and Derbyshire), the same proportion of alumni from the Inns of Court (32%), but a smaller proportion of JPs called to the bar (18% in Kent, and 13% in Nottinghamshire and Derbyshire). The proportion for Gleason's other five counties fall within this range. In Norfolk 57% of dignitaries, and 35% of working JPs were learned, as were 58% and 29% in Northamptonshire, 56% and 34% in Somerset, 44% and 32% in Worcestershire, and lastly 28% and 41% in the North Riding of Yorkshire. The proportion of learned dignitaries in these counties ranged from 28%-58%, although the North Riding of Yorkshire was a clear outlier, with the others between 44%-58%. Nottinghamshire and Derbyshire's 40% fell below the proportions found in five of Gleason's six counties, possibly due to geography. The North Riding of Yorkshire, Nottinghamshire, and Derbyshire were the three most northern of these eight counties. The proportion of learned 'working' JPs in Gleason's six counties ranged from 29%-41%, with the North Riding of Yorkshire having the lowest proportion of learned dignitaries, but the highest proportion of learned working JPs. Nottinghamshire and Derbyshire's 36% falls within the ranges for Gleason's six counties.

In 1562 there were 19 JPs in Derbyshire and 24 in Nottinghamshire, 36 including *Ex-Officio* JPs who served both counties. Derbyshire had the fewest JPs out of these eight counties, and Nottinghamshire tied second fewest alongside Worcestershire, less than half the number of Kentish JPs. Nevertheless, the proportion of learned JPs is similar. Furthermore, the 39% of learned JPs in 1562 is considerably smaller than the 52% found over the whole Elizabethan period

for Nottinghamshire and Derbyshire. This suggests the proportion of learned JPs increased over time, with Gleason finding this exact trend, where by 1636, 202 of the 240 JPs were learned within his sample counties (84%).¹⁰⁶

The transition from the reign of Mary in 1554 to Elizabeth by 1562 was stark for the Peace Commissions, as only eight of the 32 JPs for Nottinghamshire and Derbyshire under Mary remained JPs by 1562.¹⁰⁷ This was mainly motivated by changed in religious policy (see Chapter Two), however it meant several learned, but Catholic JPs like Vincent Mundy were excluded under Elizabeth.¹⁰⁸ Whether this affected the availability of learned gentlemen is questionable. The 1562 Commission did not mention education as a primary consideration, and the Crown edicts which removed unlearned JPs did not begin until around 1587.¹⁰⁹ According to legislation from 1536, JPs 'learned in law' were desired, and one was required for Special Commissions, but not every JP was required to be learned. This may explain the lower proportion of learned JPs in 1562 compared to later Commissions. Furthermore, this may have been influenced by the fewer responsibilities JPs had in 1562 compared to later years, especially after 1581, where JPs were given increasing authority over the ecclesiastical courts, and were tasked with other legal matters like the custody of bastards, regulations of alehouses, and religious nonconformity.¹¹⁰ Under Elizabeth JPs were given increasing responsibilities which led to an increase in the number of JPs by 1596, and perhaps an increase in the proportion of learned JPs to deal with these additional duties, alongside orders in 1587 and 1595 to remove unlearned and negligent JPs.

The proportion of learned JPs was also affected by the availability of learned gentlemen within a county. Mark Curtis has analysed the education of the gentry population in England through the universities of Oxford and Cambridge, with Gleason using Curtis's work to contextualise his

¹⁰⁶ Gleason, *Justices of the Peace*, p.84

¹⁰⁷ Appendix 1554-1562.

¹⁰⁸ Black, in *HPI: 1509-1558*, Vol. 2, pp.644-5.

¹⁰⁹ *CPR 1560-1563, Elizabeth*, Vol. 2, pp.432-440.

¹¹⁰ Dalton, *Country Justice*, pp.8-9, 19-21, 83, 574-5; Hassell-Smith, *County and Court*, pp.134-5.

findings within his six counties, saying Curtis's work held significant merit.¹¹¹ Curtis found there was a slow process between 1558-1642 which saw an increase in the number of gentry students attending Cambridge and Oxford, a similar trend mentioned by Watts in Northumberland.¹¹² This process began, according to Curtis, in the 1570s, and may explain why there were fewer learned JPs in 1562. Furthermore, with existing restrictions around the income required of gentlemen to be appointed a JP (see Chapter Three) the pool of gentlemen JPs could be chosen from was limited.¹¹³ Professionals like merchants and lawyers, who Wallis and Webb suggest were more likely to attend university than gentry sons, were restricted economic status.¹¹⁴ There were therefore many reasons which could explain why there were fewer learned JPs in 1562. There were fewer responsibilities expected of them, with the existing legislation suggesting a desire, but not a requirement for JPs to be learned. Furthermore, the pool of gentlemen was restricted by wealth and religion. In 1562, learned JPs were a minority in all eight discussed counties, and a minority even amongst the dignitaries for several, including Nottinghamshire and Derbyshire.

1584-7

Wall argued that Elizabeth was never satisfied with the composition of her county benches, which resulted in several 'purges'. Wall attributes Elizabeth's dissatisfaction to religion, slothfulness, corruption, and educational status.¹¹⁵ In 1587 Elizabeth gave her Assize Judges a list of instructions called the *Remembrances* to determine who was suitable to remain JPs. These restrictions included: no JP should be a Recusant, a son and father could not serve together, JPs must be resident within the county, and to remove unlearned justices. The 1587 *Remembrances* do not define unlearned, although previous and future mentions of this term focus on university and the

¹¹¹ Mark Curtis, *Oxford and Cambridge in Transition, 1558-1642*, (OUP, Oxford, 1959); Gleason, *Justices of the Peace*, p.89.

¹¹² Curtis, *Oxford and Cambridge in Transition, 1558-1642*; Watts, *From Border to Middle Shire*, pp.91-2.

¹¹³ Dalton, *Country Justice*, pp.573-5.

¹¹⁴ Wallis and Webb, 'Education and training of gentry sons', pp.37-43.

¹¹⁵ Wall, 'Making and Unmaking', pp.312-332.

Inns of Court.¹¹⁶ Following these instructions the Assize Judges and Lord Chancellor Sir Christopher Hatton, likely heavily influenced by lobbying and patronage networks (see Chapter Four), compiled a list of JPs for each county who should be removed from office.¹¹⁷

The Peace Commission prior to 1587 was recorded in a *Liber Pacis*, according to Hassell-Smith from between September 1583 or early 1584, although the National Archives lists it as both '1586-1591' and from 1584, with Dias suggesting it was from early 1583.¹¹⁸ Hassell-Smith also suggests the 1584 *Liber Pacis* was the same as the one included in the Cecil Atlas, although based on the names included in Nottinghamshire and Derbyshire, the dates of the JPs listed in the Cecil Atlas varied massively between counties.¹¹⁹ Two versions of the 1587 commission exists, one within the Lansdowne collection at the British Library, which in Norfolk was also the same as the Cecil Atlas, and the other at the National Archives. The copy held by the National Archives, while containing the same initial list of JPs, also includes many amendments, with names crossed out, repeated, or added. This suggests the *Liber Pacis* was regularly updated to reflect changes in the county benches. For example, John Manners was included four times, referencing Sir John Manners of Haddon who served irregularly for both Nottinghamshire and Derbyshire at various times, and John Manners 4th Earl of Rutland who died in February 1588, during the suggested date range by the National Archives. This Commission was likely updated until around late 1587, as some JPs like Sir Gervais Clifton who died in January 1588 are not crossed out.¹²⁰ This is likely because Sir Thomas Bromley, who as Lord Chancellor was charged by the Crown and Council with overseeing, reforming, and updating the commissions of the peace, died in April 1587. His successor Sir Christopher Hatton seemingly did not continue to update this *Liber Pacis*, beyond clearly adding his name in the upper margins of several counties, including Derbyshire.¹²¹ Alongside the 1584

¹¹⁶ BL, Lansdowne, MS53/81.

¹¹⁷ BL, Lansdowne, MS121/10.

¹¹⁸ TNA, E163/14/8; Dias, 'Politics and administration', pp.3-4; Hassell-Smith, *County and Court*, Appendix.

¹¹⁹ Hassell-Smith, *County and Court*, Appendix; BL, Lansdowne, MS18, D, 3, f52r-55v.

¹²⁰ TNA, E163/14/8.

¹²¹ John Lord Campbell, 'Sir Thomas Bromley', in *Lives of the Lord Chancellors and Keepers of the Great Seal of England*, Vol. 10 (London, 1845).

Peace Commission, the 1587 list of JPs to be removed according to the *Remembrances* allows one to clearly see how these instructions affected the county benches. Those removed included four JPs in Derbyshire and two in Nottinghamshire, although in other counties the effects were more radical. These removals were based on numerous factors including religion and education, and was likely the first major reform of the county benches overseen by Hatton, following Bromley's death.¹²²

Figure 1.5 shows the educational composition of JPs in 1586, immediately before the 1587 *Remembrances* and subsequent purge, with proportions including and excluding *Ex-Officio* JPs. These JPs are based on the updated version of the 1584 Commission, with those who died before 1586 not included, providing a snapshot of the county benches, not a complete list of JPs.

¹²² BL, Lansdowne, MS121/10.

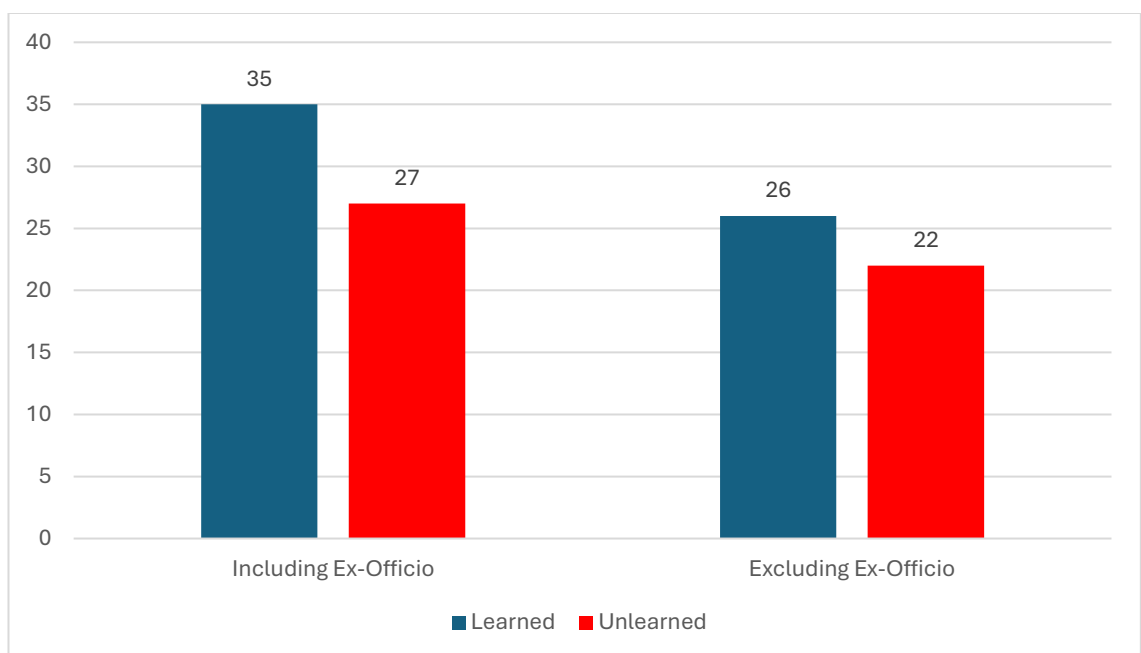


Figure 1.5: Educational composition of Nottinghamshire and Derbyshire JPs 1586.

Figure 1.5 shows 35/62 (56%) of JPs in 1586 were learned, a significant increase on the 39% from 1562. Excluding Ex-Officio JPs who were 71% learned, 26/48 (54%) of local JPs were learned in 1586. The 62 JPs from 1586 is also a marked increase in the number of JPs from the 36 in 1562. By 1586 many unlearned JPs from 1562 were deceased including Sir John Byron Snr and Sir Francis Leake Snr, although some like Sir Gervais Clifton remained in office. The heirs of Byron and Leake were both learned JPs (Byron Jnr appointed 1562, and Leake Jnr in 1579).¹²³ A notable proportion of the unlearned JPs in 1586 had served for over a decade and would continue to serve thereafter. The likes of Clifton were desired for their experience, as Archbishop Thomas Young admitted in 1564, calling Clifton 'necessary for service'.¹²⁴ The survival of these unlearned JPs could be explained by a desire for experience, although equally, the increased proportion of learned JPs by 1586 likely shows a strategy by the Crown to appoint learned JPs to replace the old, or an increasing trend for gentlemen to send their sons to university. Wall seemingly supports the former reason based on her focus on the orders to remove unlearned JPs, while Watts instead suggested gentry sons were becoming more educated because gentlemen were more often sending their sons to university, although this was likely also influenced by the increased importance of education to both local government, and as Williams suggested, to any position of influence or power at Court.¹²⁵ However, whether crown strategy or changing social trends amongst the gentry, the proportion of learned JPs grew. Yet, many unlearned JPs from amongst the wealthiest and most influential families of Nottinghamshire and Derbyshire continued to be appointed.

There was a marked increase in the number of *Ex-Officio* JPs from 8/36 (22%) in 1562, to 23/71 (32%) in 1584. The increase was significantly notable in Derbyshire where *Ex-Officio* JPs composed

¹²³ Appendix 1562-1580.

¹²⁴ Bateson (ed.), 'Letters of the Bishops', pp.72-73.

¹²⁵ Wall, 'Making and Unmaking', pp.312-332; Watts, *From Border to Middle Shire*, pp.91-2; Williams, *Tudor Regime*, p.101.

22/50 (44%).¹²⁶ Only the North Riding of Yorkshire in 1562 had a similar proportion of *Ex-Officio* JPs 18/35 (51%).¹²⁷ The presence of *Ex-Officio* JPs in Derbyshire and the North Riding of Yorkshire could be due to the gentry population being smaller in Derbyshire than Nottinghamshire, and the gentry of the North Riding of Yorkshire being heavily Catholic.¹²⁸ There were also political reasons Yorkshire and Derbyshire may have needed more *Ex-Officio* JPs. Mary Queen of Scots was held for many years in custody at Tutbury on the Derbyshire border, under George Talbot 6th Earl of Shrewsbury, Lord Lieutenant of Derbyshire. Furthermore, Yorkshire had been central during the Catholic inspired Northern Rising in 1569. Thus, both counties perhaps required more oversight from the Crown through *Ex-Officio* JPs.¹²⁹ Hassell-Smith and Neil Younger have suggested the rise of the Lord Lieutenants in the 1580s took power away from JPs towards agents more trusted by the Crown, which Williams says allowed greater communication and control of the localities through these trusted agents.¹³⁰ This is perhaps why counties like Yorkshire or Derbyshire with specific issues of national importance, or unique local difficulties, contained higher proportions of *Ex-Officio* JPs who the government could more easily engage with and control. As Steve Hindle highlights in the early 1600s, the Crown threatened repeatedly to send visitations into difficult counties to impose central control, their hand forced by negligent or recalcitrant JPs who without government oversight failed or refused to enact national policy or deal with local non-conformity.¹³¹ While there was an increased number of *Ex-Officio* JPs in 1586, the proportion of local JPs who were learned also rose between 1562-1586, leading to a notably more learned county bench. However, even before the 1587 *Remembrances* there was already a trend towards a more educated county bench. Figure 1.6 shows the educational composition of JPs in 1562, 1586, and 1587 following the *Remembrances* and the subsequent purge.

¹²⁶ Appendix 1584-91.

¹²⁷ Gleason, *Justices of the Peace*, pp.86-88.

¹²⁸ David Hey, *Derbyshire: A History*, (Carnegie Publishing, Lancaster, 2008), pp.1-8.

¹²⁹ John Guy, *Mary Queen of Scots*, (4th Estate, London, 2018), pp.437-460.

¹³⁰ Neil Younger, *War and politics in the Elizabethan counties*, (Manchester University Press, Manchester, 2012), pp.11-39, 58-90; Hassell-Smith, *County and Court*, pp.127-8; Williams, *Tudor Regime*, pp.408-9.

¹³¹ Hindle, *State and Social Change*, p.8.

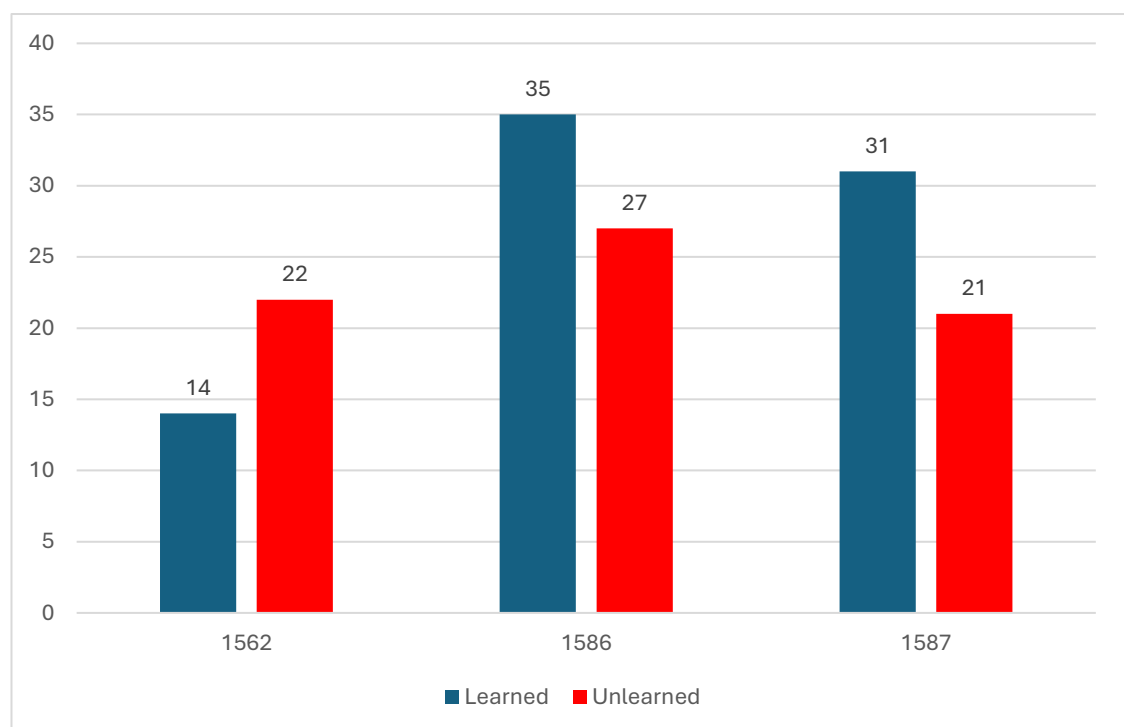


Figure 1.6: Educational composition of Nottinghamshire and Derbyshire JPs in 1562, 1586 and 1587.

Figure 1.6 shows the number of learned JPs in 1587 was 31/52 (60%), a slight increase on the 56% from 1586, and a significant increase on the 39% in 1562. The overall number of JPs also increased from 36 in 1562, to 62 in 1586, then decrease to 52 in 1587. Between 1586-1587 four JPs died, three of whom (Sir Thomas Bromley, Edward Manners 3rd Earl of Rutland, and Sir John Zouche) were learned, whereas John 2nd Lord Darcy was unlearned.¹³² In 1587 four JPs were removed in Derbyshire and two in Nottinghamshire, accounting for the ten fewer JPs in 1587.¹³³ Figure 1.6 shows two clear trends: an increased number of JPs between 1562-1580s, and a continued rise in the proportion of learned JPs, although there remained a sizeable number of unlearned JPs.

There were six JPs removed in 1587, of whom only Sir Henry Pierrepont in Nottinghamshire was learned. The other five were: Francis Cokayne, Ralph Sacheverell, Sir Robert Eyre, and Nicholas Browne in Derbyshire, and John Conyers in Nottinghamshire.¹³⁴ Pierrepont's removal, despite being learned, might be explained by his open adherence to Catholicism (see Chapter Two). As an alumnus of Trinity College Cambridge and Gray's Inn, a JP since 1573, and despite his removal in 1587, he would be returned to office by 1596, and even promoted to the *quorum*.¹³⁵ Although removed for religion, despite being learned, his education also likely influenced his return and promotion, alongside his powerful local allies including Sir Gervais Clifton and Sir John Manners (see Chapter Four). Shortly after 1587 Sir Thomas Manners was also removed following a writ outlawing him for debt (see Chapter Three). Manners attended St John's Cambridge, but only as an *impubes*, meaning a youth, and there is no record of graduation. This was not uncommon according to Holmes, with the sons of the gentry, and particularly sons of aristocrats like the Manners motivated by gaining social connections, not necessarily a degree.¹³⁶ However, Manners' education, or lack thereof, did not save him, as it had for Pierrepont. The other Nottinghamshire JP

¹³² Appendix 1584-1591.

¹³³ BL, Lansdowne, MS121/10

¹³⁴ BL, Lansdowne, MS121/10.

¹³⁵ Venn, and Venn (ed.), *Alumni Cantabrigienses*, Vol. 3, part.1, p.361; Appendix 1573-1596.

¹³⁶ Venn, and Venn (ed.), *Alumni Cantabrigienses*, Vol. 3, part.1, p.135; Holmes, 'County Community', pp.54-73.

removed in 1587 was John Conyers, an auditor to the Duchy of Lancaster, ally of the Earls of Rutland, and former schoolmaster of Lord Ros, later Henry Manners 2nd Earl of Rutland. Despite this, N.M. Sutherland found no evidence of attendance at university or an Inn, and he does not appear in any alumni list for Cambridge, Oxford, or the larger Inns. Sutherland has attributed his election as MP for East Retford in 1586 solely to the influence of Edward Manners 3rd Earl of Rutland, with his appointment as a JP likely also the result of Rutland's influence. Rutland died in April 1587, shortly before the *Remembrances*, and this loss of a local ally, perhaps rather than his lack of education, was likely what led to Conyers' removal.¹³⁷

The four JPs removed in Derbyshire were all unlearned, although they were removed for factors beyond education. Robert Eyre was a Catholic who after his removal for plotting against the Queen would aid in warning Jesuit priests of impending searches, and was buried as a 'excommunicate recusant' (see Chapter Two).¹³⁸ There were thirteen instructions in 1587, three of which were focused on religion. Although religion was more emphasised in 1587, Eyre's lack of education compared to the learned Pierrepont might explain why Eyre was thereafter excluded, whereas Pierrepont was returned and promoted, as both had, or would be arrested for attending mass while serving as JPs (see Chapter Two).¹³⁹ Less is known of Browne, Sacheverell, or Francis Cokayne, and education may have been the primary reason for their removal, although residence, negligence, or religion could have played an important part. The Cokaynes were a powerful family in Derbyshire, although Francis Cokayne's relation to them is uncertain, whether a younger son or a cousin. Cokayne thus could have been removed as Sir Thomas Cokayne was already a sitting JP until his death in 1592, with Francis Cokayne returned around 1591, despite being unlearned.¹⁴⁰ Hassell-Smith highlights that the purges in 1587 were rushed, and many JPs who were removed

¹³⁷ N.M. Sutherland, in Hasler (ed.), *HPI: 1558-1603*, Vol.3, pp.221-222.

¹³⁸ M.A.E. Green (ed.), *Calendar of State Papers Domestic, (CSP Dom), 1591-4*, (London, 1867), p.510; J.C. Cox, *Notes on the Churches of Derbyshire*, Vol. 2, (Palmer and Edmunds, Chesterfield, 1877), pp.135-9.

¹³⁹ BL, Lansdowne, MS121/10.

¹⁴⁰ Appendix 1584-1591.

based on residence or lack of status had been wrongly removed, and were later returned, likely explaining Cokayne and perhaps Pierrepont.¹⁴¹ Neither Browne nor Sacheverell were ever returned, although Sacheverell had been included in the 1564 Bishops' Report and recommended to be appointed a JP based on religion (see Chapter Two).¹⁴² In 1587, religion and lobbying influenced these removals more than education. In Norfolk, Hassell-Smith attributes the removal of Sir Thomas Lovell directly to lobbying from Sir Nicholas Bacon, with nine other JPs considered backwards in religion being removed, whereas in Sussex Edward Caryll, despite also being a Recusant, was removed because he was a follower of Phillip Earl of Arundell, and had thus made many local enemies.¹⁴³

Although the purge following the 1587 *Remembrances* removed five unlearned JPs, education was clearly not the only factor at play. Even after this purge 21 unlearned JPs from 1586 remained in office, comprising 40% of the Nottinghamshire and Derbyshire bench. Furthermore, the two JPs who would replace those purged in 1587 were both unlearned: James Abney and William Botham.¹⁴⁴ Abney is the last name added for Derbyshire to the 1584-1591 *Liber Pacis*, whereas Botham is absent.¹⁴⁵ Dias places Botham's appointment early in 1588, after Bromley's death when the 1584-1591 *Liber Pacis* was likely no longer updated.¹⁴⁶ Botham and Abney, being unlearned, questions further how strictly education affected the suitability of JPs. While Abney did not attend university, he sent four of his sons to university, which perhaps shows the increasing trend for gentry to send their sons to university, which also likely influenced the gradual trend towards more learned JPs, if the pool of gentlemen JPs were chosen from was becoming more learned.¹⁴⁷ This is certainly what Beryl Cobbing and Pamela Priestland found for the sons of Sir Thomas

¹⁴¹ Hassell-Smith, *County and Court*, p.84.

¹⁴² Bateson (ed.), 'Letters of the Bishops', pp.43-44.

¹⁴³ Hassell-Smith, *County and Court*, pp.62, 183-6; Manning, *Religion and Society*, pp.248-52.

¹⁴⁴ Dias, 'Politics and administration', pp.1-3.

¹⁴⁵ TNA, E163/14/8.

¹⁴⁶ Dias, 'Politics and administration', pp.1-3.

¹⁴⁷ J.C. Henderson, in Hasler (ed.), *HPI: 1558-1603*, Vol. 1, p.458; TNA, PROB 11/135/350; Venn, and Venn (ed.), *Alumni Cantabrigienses*, Vol. 1, part. 2, p.4.

Stanhope, and was also seen with Francis Leake Jnr, the sons of Henry Manners 2nd Earl of Rutland, and John Molyneux (son of the JP Francis Molyneux).¹⁴⁸ Gentry sons were more likely to be sent to university under Elizabeth than they had previously. Overall, while the lack of information on Francis Cokayne, Sacheverell, and Browne hinders what one can ascertain about the reasons for their removal, it is likely from the number of unlearned JPs removed (5/6) that education was at least partly responsible.

However, many unlearned JPs were retained and others continued to be appointed. Wall called 1587 a 'purge' of unsuitable JPs, with 330 being removed across England from a total of roughly 1600. In Nottinghamshire and Derbyshire, the removals accounted for only 6/62 (10%) of JPs, but the 'purge' was more drastic in other counties. Wall finds 'Thirteen in Somerset and thirteen in Devon. Nine from Norfolk... fourteen in Suffolk, eighteen in West Riding and twelve in Wiltshire', representing around 1/5th of JPs for those counties.¹⁴⁹ Nottinghamshire and Derbyshire therefore were significantly less affected than other counties. Education was clearly desired in 1587 based on the proportion of learned JPs which rose from 39% in 1562, to 60% in 1587. A lack of education influenced why five of the six JPs removed in 1587 were unsuitable, whereas Pierrepont was later returned, despite his religion, partly because he was educated. This shows that several factors worked together to determine the suitability of JPs, and while education alone was not a requirement, alongside religion, wealth, and alliances, it was a key consideration in 1587 and represented a trend towards increased numbers of learned JPs.

1595/6

According to Wall, Lord Keeper Puckering continued to complain about 'unlearned and negligent JPs' after 1587, and in 1596 one of the largest 'purges' followed, based on Puckering's instructions

¹⁴⁸ Cobbing and Priestland, *Thomas Stanhope*, pp.45, 108, 143, 165-6; Venn, and Venn (ed.), *Alumni Cantabrigienses*, Vol. 3, part. 1, pp.135, 358-3.

¹⁴⁹ Wall, 'Making and Unmaking', pp.312-332.

from July 1595.¹⁵⁰ Due to the lack of Quarter Session records for Nottinghamshire and Derbyshire, this thesis cannot analyse negligence as Samaha did in Essex or Gleason did in Kent.¹⁵¹ The purge in 1596, like the one from 1587, was not solely based on education, with negligence, religion, and residence also key considerations. Hurstfield begins his chapter on political corruption with quotes from Lord Keeper Puckering from 1595 about JPs being ‘insufficient, unlearned, negligent and indiscreet’, alongside similar criticisms by Lambarde and Sir Walter Raleigh. Hurstfield concludes that JPs were part of ‘one of the dark periods of political morality’. However, he also stressed that many of these criticisms, including the assertions of being unlearned, were ‘unsupported statements’ what he calls ‘literary sources’.¹⁵² Figure 1.7 shows the educational composition of JPs for three dates: 1587, 1595 before Lord Keeper Puckering’s instructions, and the 1596 Peace Commission, the last major *Liber Pacis* which survives under Elizabeth, excluding enrolled commissions. The 1596 Commission was drafted following Puckering’s instructions, and alongside other records like Pipe Rolls or special commissions, provides an excellent snapshot of the county benches in the final years of Elizabeth’s reign.

¹⁵⁰ Wall, ‘Religion and Composition’, pp.223-242.

¹⁵¹ Samaha, *Law and Order*, pp.76-89; Gleason, *Justices of the Peace*, pp.108-112

¹⁵² Joel Hurstfield, *Freedom, Corruption, and Government in Elizabethan England*, (Jonathan Cape, London, 1973), pp.137-8.

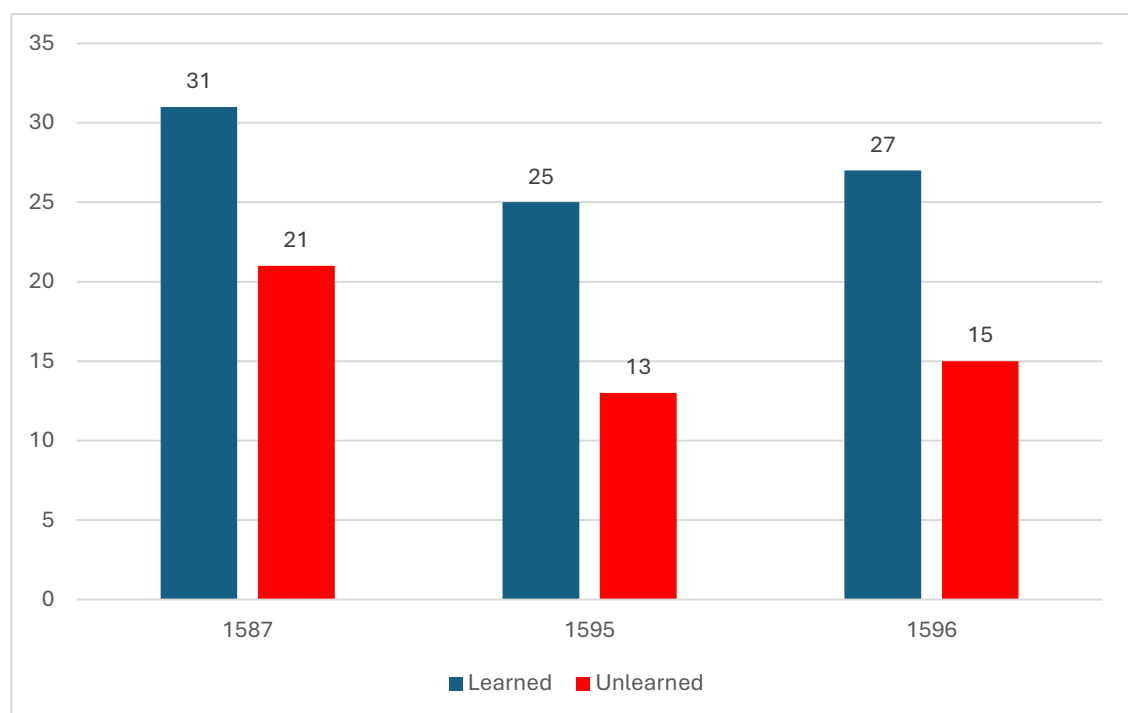


Figure 1.7: Educational composition of Nottinghamshire and Derbyshire JPs in 1587, 1595 and 1596.

Figure 1.7 shows 25/38 (66%) of JPs in 1595 were learned, an increase on the 31/52 (60%) from 1587, and significantly higher than the 14/36 (39%) in 1562. Following the 'purge' in 1596 however, the proportion of learned JPs was roughly the same, 27/42 (64%). This shows the trend towards more learned JPs continued after 1587, with the proportional height in 1595. Although there were two more learned JPs in 1596 compared to 1595, there was also two additional unlearned JPs, with rounding explaining the slight variation. The number of JPs also changed, with an increase between 1562-1587 from 36-52, which then fell to 38 in 1595, then rose to 42 in 1596. This is remarkable in two ways. Firstly, instructions from the Privy Council in 1587 declared that the optimal number of JPs for Nottinghamshire alone was 44, yet Nottinghamshire and Derbyshire together had just 42 JPs in 1596.¹⁵³ Furthermore, the increase in the number of JPs from 1595-6 seemingly goes against Lord Keeper Puckering's expressed desires in 1595 that the number of JPs was too high, and had become a 'hinderance of justice'.¹⁵⁴ According to Hassell-Smith, Lord Burghley in particular wanted to keep the county benches small, so the Council could better control them as agents of the Council in the counties. Yet, despite initial successes in 1558-1562, the number of JPs continued to mushroom.¹⁵⁵ Hurstfield highlighted the same, as despite 'intermittent purges' the Wiltshire bench 'showed a marked increase under Elizabeth. From 30 in 1562... By 1600 the number of JPs had increased to 52... By 1657 the number of JPs in Wiltshire reached 79'.¹⁵⁶ The increase was particularly pronounced in Kent, which by the reign of James I had over 100 JPs in the county, according to Gleason.¹⁵⁷

Between 1587-1595 seventeen JPs died and seventeen had been removed, yet only nineteen had been appointed to replace them. Ten of the seventeen deceased JPs from 1587 were learned, mostly *Ex-Officio* JPs, including the lawyer Ralph Barton and Lord Chancellor Hatton.¹⁵⁸ The

¹⁵³ BL, Lansdowne, MS53/91

¹⁵⁴ Hurstfield, *Freedom, Corruption, and Government*, p.137.

¹⁵⁵ Hassell-Smith, *County and Court*, pp.34, 81-2.

¹⁵⁶ Hurstfield, *Freedom, Corruption, and Government*, pp.253-4.

¹⁵⁷ Gleason, *Justices of the Peace*, pp.8-31.

¹⁵⁸ Virgoe, in Hasler (ed.), *HPJ: 1558-1603*, Vol. 1, pp.400-401; Hasler, in *HPJ: 1558-1603*, Vol. 2, pp.276-279.

unlearned JPs included the long-serving Sir Gervais Clifton, and George Talbot 6th Earl of Shrewsbury.¹⁵⁹ Seven of the seventeen JPs removed between 1587-1595 were learned, and all except Sir Roger Portington were *Ex-Officio* JPs who continued to serve other counties.¹⁶⁰ Portington was an alumnus of the Middle Temple, first appointed in 1590, and removed in 1593.¹⁶¹ This was likely due to his radical Protestantism, as his will of 1605 aligns strongly with examples of radical Protestants highlighted by Alec Ryrie (see Chapter Two).¹⁶² For Portington, his education was evidently not sufficient alone to stop his removal on religious grounds. The ten unlearned JPs removed between 1587-1595 were mostly lesser local gentlemen: James Abney, Henry Blundeston, William Daberingcourt, and John Sydenham. The *Ex-Officio* JPs George Clifford 3rd Earl of Cumberland and Cuthbert Lord Ogle were removed for Derbyshire, but continued to serve elsewhere. The most important JPs removed by 1595 were Robert and Thomas Markham.¹⁶³ The Markhams were a powerful family in Nottinghamshire, and both Robert and Thomas were religious conformists (see Chapter Two), and *quorum* JPs, despite Thomas's wife Mary Griffin being a Recusant. Their children would follow their mother into Recusancy, with Thomas's son Griffin Markham becoming a Catholic priest.¹⁶⁴ Both Markhams last appear in the 1584-1591 *Liber Pacis*.¹⁶⁵ Robert and Thomas Markham were unlearned, and while this may have influenced their dismissal, there are alternative reasons for both. Robert may have been removed for negligence, as according to A.M. Mimardiere he spent most of his time at Court, and although was well-liked by the Queen, he was also a 'spendthrift' who died in debt (see Chapter Three).¹⁶⁶ As for Thomas, age and illness, as much as his Catholic wife and children (see Chapter Two), influenced his

¹⁵⁹ Black, in *HPI, 1509-1558*, Vol. 1, pp.660-1; Thomas Seccombe, 'George Talbot, sixth Earl of Shrewsbury', in Sidney Lee (ed.), *Oxford Dictionary of National Biography*, Vol. 55, (Macmillan, New York, 1898), pp.314-16.

¹⁶⁰ Appendix 1587-1596.

¹⁶¹ Mimardiere, in *HPI: 1558-1603*, Vol. 3, p.238.

¹⁶² Alec Ryrie, *Being Protestant in Reformation Britain*, (OUP, Oxford, 2015), pp.27-32.

¹⁶³ Appendix 1587-96.

¹⁶⁴ Neil Younger, *Religion and Politics in Elizabethan England*, (Manchester University Press, Manchester, 2022), p.87; W.J. Tighe, 'A Nottinghamshire gentleman in Court and country: the career of Thomas Markham of Ollerton (1530-1607)', *Transactions of the Thoroton Society*, Vol. 90 (1986), pp.30-45.

¹⁶⁵ TNA, E163/14/8.

¹⁶⁶ Mimardiere, in Hasler (ed.), *HPI: 1558-1603*, Vol. 3, p.19; Dias, 'Politics and administration', p.43.

removal. Although he stood for election in Nottinghamshire in 1593, aged 70, by 1597 he was described as 'ill' in a letter to the Queen, and by 1601 he was reported as senile.¹⁶⁷ Both the Markhams also became embroiled in the factionalism which ruled Nottinghamshire in the 1590s, and according to Cobbing and Priestland, neither Markham came off better from these political machinations and rivalries (see Chapter Four).¹⁶⁸ Therefore, the Markhams were likely removed due to lobbying or negligence, either through attendance at Court, or through illness and age, rather than their lack of education.

The Markhams had remained JPs for decades despite being unlearned, and despite the trend towards more learned JPs by 1596, many other unlearned JPs continued to be appointed. Eight of the nineteen JPs appointed between 1587-1596 were unlearned, mostly local landowners except Sir Anthony Ashley. Ashley, although unlearned, had served as Clerk of the Privy Council from 1584, and received an honorary Master's degree from Oxford in 1592, a year before becoming a JP for Derbyshire.¹⁶⁹ This Master's degree likely did not influence his appointment however, with Gleason not including honorary degrees in his data tables for learned JPs, as they did not suggest the knowledge of the law desired from learned JPs.¹⁷⁰ Ten of the eleven learned JPs appointed between 1587-1595 had attended an Inn of Court, all except William Cartwright. Cartwright was an alumnus of Queen's College Cambridge, where he received a Bachelor's degree in 1583 and a Master's in 1584.¹⁷¹ Cartwright was highly educated, which was clearly desired as the reason Gilbert Talbot 7th Earl of Shrewsbury lobbied for Cartwright's appointment, even if he lacked the specific legal education gained from the Inns of Court.¹⁷² John Stanhope, an alumnus of Magdalen College Oxford and Gray's Inn, also received a Bachelor's degree in 1577, and a Master's in 1593, a

¹⁶⁷ N.M. Fuidge, in Hasler (ed.), *HPI: 1558-1603*, Vol. 3, pp.19-20.

¹⁶⁸ Cobbing and Priestland, *Thomas Stanhope*, pp.11-2, 147, 198.

¹⁶⁹ Foster, *Alumni Oxonienses*, pp.29-50; J.R. Dasent (ed.), *Acts of the Privy Council (APC)*, Vol. 14, (London, 1897), pp.24-5.

¹⁷⁰ Gleason, *Justices of the Peace*, pp.84-85.

¹⁷¹ Venn, and Venn (ed.), *Alumni Cantabrigienses*, Vol. 1, part. 1, p.303.

¹⁷² BL, Harleian Library, MS286, ff.199.

year before he was appointed a JP.¹⁷³ Stanhope's appointment was not solely due to education as it was at Gray's Inn that he entered the service of the Queen alongside his uncles, which secured him allies at Court. Cobbing and Priestland have detailed the extent of these Court connections, stressing how integral they were for the success of the Stanhopes under Elizabeth both at Court and in the counties (see Chapter Four).¹⁷⁴ The Stanhopes were so successful at Court that Williams included them alongside the Cecils as one of the few families with special contact with the Queen.¹⁷⁵

While honorary degrees were more for show than substance, those like Cartwright and Stanhope who earned degrees did seemingly benefit from them. Yet, education was not the only reason either man found success. Lobbying clearly aided the appointment of Cartwright, and another learned JP Sir Charles Cavendish. In 1593 Gilbert 7th Earl of Shrewsbury wrote to Lord Keeper Puckering, recommending Cartwright and Cavendish for being highly 'knowledgeable' in the law, and 'sufficient, both for living, discretion, and soundness in religion'. However, the letter mostly focuses on defending Cavendish against accusations by Sir Thomas Stanhope that he was a Catholic (see Chapter Two) and lacked sufficient residence to become an MP and JP (see Chapter Four).¹⁷⁶ Cavendish was an alumnus of Clare College Cambridge and Lincoln's Inn, although Shrewsbury's support was not based on education, but because Cavendish was Shrewsbury's brother-in-law (and step-brother).¹⁷⁷ While education was clearly used by Shrewsbury as a reason why Cavendish and Cartwright should be appointed, this letter also shows the influence of residence, lobbying (see Chapter Four), and religion (see Chapter Two).

¹⁷³ Foster, *Alumni Oxonienses*, pp.1394-1422.

¹⁷⁴ Cobbing and Priestland, *Thomas Stanhope*, pp.139-40, 241.

¹⁷⁵ Williams, 'Court and Polity under Elizabeth I', *Bulletin of the John Rylands University Library of Manchester*, Vol. 65, No. 2, (Spring, 1983), pp.270-1.

¹⁷⁶ BL, Harleian Library, MS286, ff.199.

¹⁷⁷ Venn, and Venn (ed.), *Alumni Cantabrigienses*, Vol. 1, part. 1, p.310; BL, Harleian, Special Collections, MSS6995/35; BL, Harleian, MS286, ff.199, 201-2.

Sir John Holles was also involved in Stanhope's attacks on Cavendish for religion and non-residence. Holles was an alumnus of Christ's College Cambridge since 1579, attending Gray's Inn in 1583, concurrently with Stanhope's son John, and this led to a marriage and political alliance between the families in the 1590s, against Shrewsbury, Cavendish, and Cartwright (see Chapter Four).¹⁷⁸ Holmes says one of the main goals of university was to establish political and social connections between local landowners, as it did for Stanhope and Holles.¹⁷⁹ Holles was appointed a JP in 1591, alongside Richard Whalley, both having entered Gray's Inn in 1583 and had worked alongside one another in London, and thereafter in Derbyshire as JPs.¹⁸⁰ By 1591 Holles was a wealthy landowner (see Chapter Three), and well-allied (see Chapter Four), therefore his appointment cannot alone be attributed to education. He also likely inherited his father's position, as Sir William Holles was a JP from 1554-1591.¹⁸¹ However, education was given as the reason for Holles being appointed as a JP for both Westminster and Middlesex concurrently with Derbyshire, and allowed him to serve at Court under James I.¹⁸² Holles's social status influenced his initial appointment more than education, but his legal qualifications did benefit his career.

Despite Lord Keeper Puckering's desire for learned JPs, eight of the nineteen appointed between 1587-1595 were unlearned.¹⁸³ The Nottinghamshire and Derbyshire bench was clearly more learned under Puckering than it had been in 1562, with eleven learned JPs appointed by 1595. However, this was not seen in every county. Samaha found in Essex between 1562-1571 that of the 44 newly appointed JPs 25% had attended a university, and 47% an Inn of Court. Yet in the following decades, while Nottinghamshire and Derbyshire, and Gleason's six sample counties all saw increased proportions of learned JPs, Essex saw a gradual decline. Between 1592-1601, of the 33 newly appointed JPs, 33% had attended a university, but only 27% had attended an Inn of

¹⁷⁸ Venn, and Venn (ed.), *Alumni Cantabrigienses*, Vol. 2, part. 1, p.396.

¹⁷⁹ Holmes, 'County Community', pp.54-73.

¹⁸⁰ Venn, and Venn (ed.), *Alumni Cantabrigienses*, Vol. 4, part. 1, p.376; Thomas Bailey, *Annals of Nottinghamshire*, Vol. 2, (Simpkin, Marshall and Co, 1852-5), pp.524, 559, 589; Appendix 1584-1596.

¹⁸¹ Appendix 1547-1562; *Wills in the York Registry*, Vol.22, (Yorkshire Archaeological Society, 1897), f.865.

¹⁸² Ferris and Coates, 'Holles, Sir John (c1567-1637)', in Thrush and Ferris (ed.), *HPI: 1604-1629*.

¹⁸³ Appendix 1587-1596.

Court, seemingly the opposite trend seen in most other counties.¹⁸⁴ In 1596 there was, according to Wall, a 'purge' of unlearned JPs, although any such large-scale act was influenced by several factors, and was not seen uniformly across England.¹⁸⁵ In the 1596 Peace Commission 27/42 (64%) were learned JPs (see Figure 1.7). One of the newly appointed unlearned JPs was George Hastings 4th Earl of Huntingdon, an *Ex-Officio* and *quorum* JP, who as *Ex-Officio* did not have to conform to the same requirements as local JPs.¹⁸⁶ Many long-serving unlearned JPs were retained based on other factors discussed throughout this thesis. The longest serving being: John Byron Jnr (Nottinghamshire JP from 1562), John Francis (Derbyshire JP from 1569), and Sir Thomas Stanhope (Nottinghamshire and Derbyshire JP from 1561).¹⁸⁷ Despite Lord Keeper Puckering's apparent orders to remove unlearned JPs, nine of the fifteen unlearned JPs in 1596 had been appointed post-1591, four of whom had been appointed in 1596 itself.¹⁸⁸ In 1596 there were seven learned and four unlearned JPs appointed. The three learned JPs added were *Ex-Officio*: Lord High Chancellor Sir Thomas Egerton, Chief Justice of the Common Pleas Sir Edmund Anderson, and the Bishop of Carlisle William Overton. Four local learned JPs were added: Henry Sacheverell, William Sutton, Richard Parkyns, and the previously discussed Henry Pierrepont (returned after dismissal in 1587).¹⁸⁹

Only four JPs from 1595 were removed in 1596, hardly the 'purge' Wall found in other counties where sometimes more than half of JPs were dismissed.¹⁹⁰ Two of the JPs removed in 1596 were learned: William Cartwright and Sir John Harpur. The two unlearned removals were William Botham and Sir Phillip Strelley, both only recently appointed (Botham in 1588, and Strelley in 1593). Cartwright, despite his education, was likely a victim of the factionalism between Stanhope and Shrewsbury (see Chapter Four) which led Wall to call Nottinghamshire the most factionalised

¹⁸⁴ Samaha, *Law and Order*, pp.73-5; Gleason, *Justices of the Peace*, pp.83-93.

¹⁸⁵ Wall, 'Making and Unmaking', pp.312-332.

¹⁸⁶ Appendix 1596.

¹⁸⁷ Appendix 1562-1569.

¹⁸⁸ Appendix 1584-1596.

¹⁸⁹ TNA, SP13/F/11.

¹⁹⁰ Wall, 'Making and Unmaking', pp.312-332.

county in England.¹⁹¹ Harpur's father Sir Richard had been a Justice of the Common Pleas and thus sent his son to the Inner Temple to gain a legal education, which John used to secure a prolific and successful career, being appointed to dozens of prominent local and legal offices, including as a Derbyshire JP from 1573, and amongst the *quorum* from 1584.¹⁹² However, Harpur was also a radical Protestant (see Chapter Two), and this, alongside earning the Queen's ire for refusing to assist Lord Cobham in investigating the local dispute between Stanhope and Shrewsbury, was what led to his removal in 1596.¹⁹³ Yet, despite these controversies, his friendship with Shrewsbury (see Chapter Four), and especially his legal education, allowed for his return by 1602, and his later prominent career under James I.¹⁹⁴ There were reasons for both Cartwright and Harpur to be removed despite their education, either factionalism or religion. Alongside Pierrepont, they show several ways in which factors influenced the career of even learned and highly qualified JPs. Education aided in Pierrepont and Harpur's return, as the unlearned JPs dismissed in 1596, Botham and Strelley, were thereafter excluded. Their removals had not been solely due to education, with economic status also key, as Strelley was in substantial debt by 1596 (see Chapter Three). The influence of education on retention was evidently lesser than its importance to who was suitable for appointment, or like Harpur and Pierrepont, who should be returned.

Overall, the 1596 Commission following Lord Keeper Puckering's 1595 orders suggests, in Nottinghamshire and Derbyshire at least, there was no great 'purge' of unlearned JPs as Wall found elsewhere. There were drastic changes in the composition of the county bench between 1587 and 1595, with seventeen JPs removed, compared to only four between 1595-1596. The 1596 Peace Commission appointed eleven new JPs, alongside the nineteen added between 1587-1595. Yet, as Figure 1.7 shows, the educational composition of JPs, while significantly increased by

¹⁹¹ Wall, 'Making and Unmaking', pp.324-5.

¹⁹² Moseley, 'Harpur, Sir John (c1546-1622)', in *HPI: 1604-1629*; Appendix 1573-1584.

¹⁹³ Cobbing and Priestland, *Thomas Stanhope*, p.285.

¹⁹⁴ Moseley, 'Harpur, Sir John (c1546-1622)', in *HPI: 1604-1629*.

1596 compared to 1562, retained a strong contingent of unlearned JPs (roughly one-third). The transition towards a learned county bench was gradual, enacted over decades, and following repeated purges and reforms. Furthermore, the number of JPs for Nottinghamshire and Derbyshire fluctuated significantly, from between 36-62. Wall was not wrong to suggest 1596 saw a 'purge' of unlearned JPs, as she shows there was in many counties.¹⁹⁵ But this was not universal, as in Nottinghamshire and Derbyshire religion in the cases of Pierrepont, Portington, and Harpur, or lobbying and factionalism for Cartwright, Holles, and Cavendish, had more influence than education. Being learned was never a requirement, despite Puckering's desire for more learned JPs, nor was it a guarantee of retention. Those gentlemen with wealth, influence, or who were religiously suitable survived, and continued to be appointed. While education had some impact on promotion to the *quorum* or allowed lawyers with lesser economic status to serve alongside the county magnates, education was only one consideration of many, often overshadowed by lobbying or matters of national policy, like religion.

Institutions

Educational institutions were an important part of creating social connections within a county. These institutions trained young gentlemen, preparing them for life as a county landowner, creating bonds between gentry sons. Holmes points to the friendships between alumni as an important aspect of his 'county community'.¹⁹⁶ Gleason expands on this idea, suggesting it was not unusual for the Kent commission to divide itself between professional men, and the relatively uneducated gentry.¹⁹⁷ However, as Michael Braddick has also highlighted 'the spread of magisterial government' relied upon 'on a mutuality of interests between crown and local elites' where the Inns of Court and universities could provide 'broader political interests', including securing the necessary connections to the networks of Court which were often vital to securing

¹⁹⁵ Wall, 'Making and Unmaking', pp.321-322.

¹⁹⁶ Holmes, 'County Community', pp.54-73.

¹⁹⁷ Gleason, *Justices of the Peace*, p.84.

political office.¹⁹⁸ This section addresses which institutions were most popular amongst JPs in Nottinghamshire and Derbyshire. It will analyse whether families trended to the same institutions, what connections were created between alumni, and whether this led to political alliances (expanded upon in Chapter Four). Figure 1.8 shows the number of JPs for Nottinghamshire and Derbyshire who attended each institution. It is split into three sections: Universities, Inns of Court, and the Temples.

¹⁹⁸ Michael, Braddick, *State Formation in early modern England, c.1550-1700*, (Cambridge University Press, Cambridge, 2000), p.355.

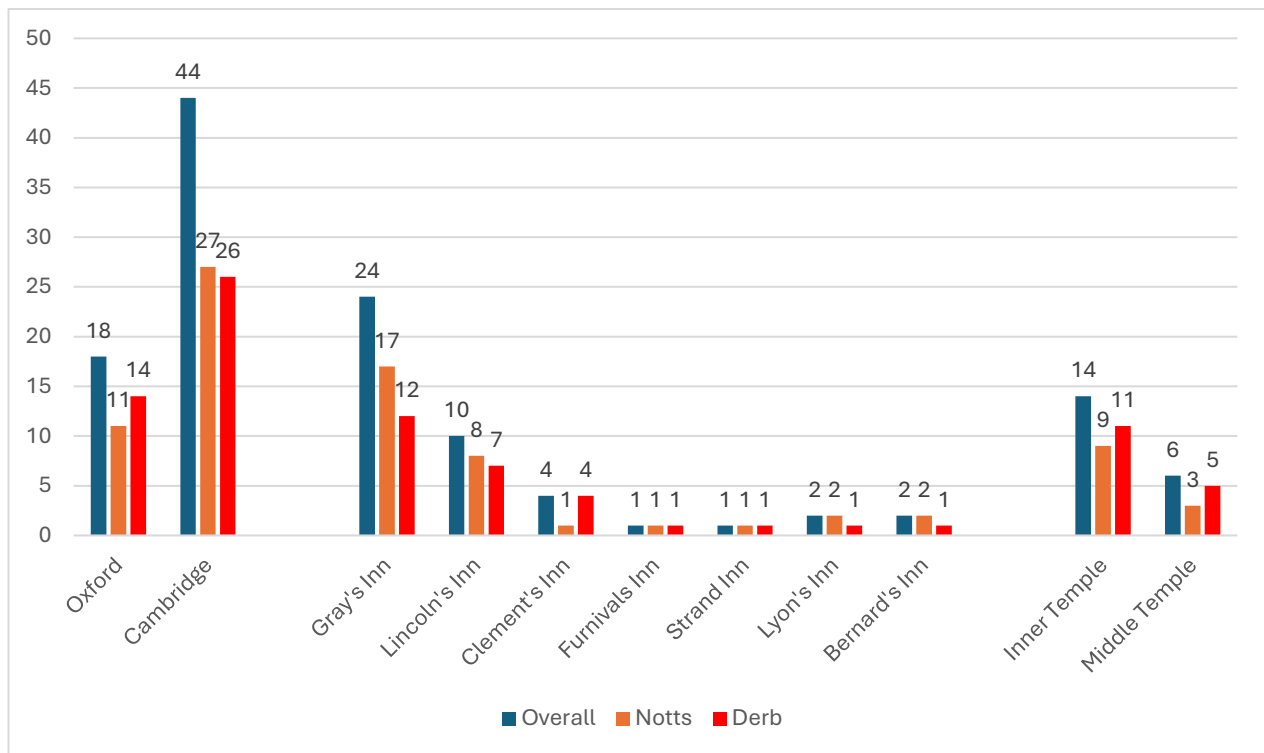


Figure 1.8: Number of JP alumni for each educational institution.

Certain institutions highlighted in Figure 1.8 were clearly favoured by Nottinghamshire and Derbyshire JPs. The two universities were unsurprisingly well-attended, although Cambridge was notably more popular. 44 JPs attended Cambridge compared to only 18 for Oxford. Excluding JPs who served both counties, seven Derbyshire JPs and three Nottinghamshire JPs attended Oxford. Oxford was thus more popular for Derbyshire JPs, yet Cambridge was still the preferred destination for both counties. Ten of the 44 Cambridge educated JPs served both counties, while 17 were solely Nottinghamshire JPs, and 17 were solely Derbyshire JPs. Addressing only the local JPs, 17/20 Nottinghamshire JPs chose Cambridge (85%), as did 17/24 Derbyshire JPs (71%).

Wilfred Prest suggested certain counties had preferences for attending certain Inns of Court, for example he shows Lincoln's Inn, and the Inner and Middle Temples were more popular amongst London gentleman than for most other counties, whereas Lincolnshire gentlemen preferred Gray's Inn. Prest's work is limited to the Inns of Court, and only begins in 1590.¹⁹⁹ However, the county-institutional preferences highlighted by Prest can be seen with the universities, as Nottinghamshire clearly favoured Cambridge, although it was more even for Derbyshire JPs. This is unsurprising as Gleason suggested only Somerset and Worcester favoured Oxford, while every other county he studied favoured Cambridge, although some, epicyclically Kent, were more balanced, like Derbyshire. He found a similar trend amongst the individual Inns and Colleges. Norfolk men, he suggested, went to Lincoln's Inn, Kent JPs to Gray's Inn, and Worcestershire men to the Inner Temple. While Gleason did not analyse education as thoroughly as Prest, his work is nevertheless important as he analysed specifically JPs not all gentlemen, and Gleason provides data pre-1590.²⁰⁰ Clark expanded upon this, showing the dominance of Gray's Inn amongst Kent gentry, and stating that Kent, London, and Yorkshire had by far the highest number of Gray's Inn attendants amongst the magistracy. Although correct in raw numbers, proportionally this is an exaggeration.²⁰¹ These county-specific trends are likely a result of the gentry choosing educational

¹⁹⁹ Prest, *Inns of Court*, pp.57-59.

²⁰⁰ Gleason, *Justices of the Peace*, pp.84-90.

²⁰¹ Clark, *English Provincial Society*, p.206.

institutions based on the social and political connections gained from shared attendance, and past and future alumni within the counties.

As Prest showed for Lincolnshire gentlemen, Gray's Inn was by far the most popular of the Inns of Court for both Nottinghamshire and Derbyshire JPs, with 24 alumni. Lincoln's Inn was also somewhat favoured with 10 alumni. According to Prest, Gray's and Lincoln's were the two largest Inns, with the smaller Inns often attached to the larger ones. Strand Inn was attached to the Middle Temple, and Barnard's Inn to Gray's Inn. In Prest's research from 1590-1639, he found that 44% of Derbyshire and 46% of Nottinghamshire learned gentlemen attended Gray's Inn. Amongst the JPs of Elizabethan Nottinghamshire and Derbyshire who attended an Inn highlighted in Figure 1.8, 54% attended Gray's Inn. Five of the 24 Gray's Inn alumni served both counties, 12 were solely Nottinghamshire JPs, and seven were solely Derbyshire JPs. Gray's Inn and Lincoln's Inn were the only institutions where more Nottinghamshire JPs attended than Derbyshire JPs. This is perhaps part of a trend Prest found between 1590-1639, where 78 Nottinghamshire gentlemen attended an educational institution, compared to 155 Derbyshire gentlemen, although amongst JPs in Figure 1.8 the number of learned gentlemen was much closer than Prest found for the overall gentry.²⁰² For Clement's Inn, the only Nottinghamshire alumnus was the *Ex-Officio* JP and judge Thomas Meade, with the other three being local Derbyshire gentlemen.²⁰³ There is a clear link between Cambridge and Gray's Inn amongst Nottinghamshire and Derbyshire JPs. 15 Cambridge alumni in Figure 1.8 also attended Gray's Inn, whereas only one Oxford alumnus did.²⁰⁴

Instead of Gray's Inn, Oxford alumni in Nottinghamshire and Derbyshire attended other Inns: four attended Lincoln's Inn, three the Inner Temple, two the Middle Temple, and one Strand Inn. The Inner Temple is the second most attended Inn, with 14 JP alumni, six of whom served both counties, three were local Nottinghamshire JPs, and five were local Derbyshire JPs. This shows a

²⁰² Prest, *Inns of Court*, pp.57-59.

²⁰³ Venn, and Venn (ed.), *Alumni Cantabrigienses*, Vol. 3, part. 1, p.170.

²⁰⁴ Foster, *Alumni Oxonienses 1500-1714*, pp.1533-1549.

similar trend to Prest, with 49/64 (76.5%) gentlemen in Nottinghamshire and Derbyshire choosing the Inner Temple over the Middle Temple. The majority of the JP alumni of the smaller Inns (Strand, Furnival's, Lyon's, and Bernard's) were *Ex-Officio* JPs, not native to Nottinghamshire or Derbyshire. These were trained lawyers, chosen for their legal expertise. This included two Chief-Justices of the Common Pleas Sir James Dyer and the Serjeant-at-Law Francis Gawdy, and two Justices of the Queen's Bench Robert Shute and the Serjeant-at-Law John Clench.²⁰⁵ As these four were not native to Nottinghamshire and Derbyshire, and attended smaller Inns, they are clear outliers. There were two local JPs who attended these small Inns: Richard Whalley at Bernard's Inn, and Sir John Thornhaugh at Lyon's Inn. Whalley also attended Trinity College Cambridge and Gray's Inn, whereas Thornhaugh attended King's College Cambridge and the Inner Temple.²⁰⁶ The reasons why they chose these smaller Inns is questionable, as neither had known relations or connections to the Inns, and as the only local JPs to attend, they lacked the chance at establishing local connections. As Bernard's and Lyon's Inn were daughter institutions of the larger Gray's Inn and Inner Temple, their attendance was likely part of their work at these Inns, which Prest suggests was common practice for those who sought to advance in the Inns.²⁰⁷

The exception to these smaller institutions was Clement's Inn. All four alumni JPs represented Derbyshire, three being local gentlemen: Richard Blackwell, Anthony Gell, and Richard Wennesley. Gell was a professional lawyer, serving as Principle of the Inn in 1545-6, and a Bencher at Clement's Inn's mother institution the Inner Temple. Gell was regularly appointed to Special Commissions in Derbyshire because of his legal experience, and his presence was required to advise the other commissioners on the law in every one to which he was appointed.²⁰⁸ Blackwell,

²⁰⁵ Prest, *Inns of Court*, pp.57-59; D.F. Coros, in *HPI: 1509-1558*, Vol. 2, pp.70-73; J.H. Baker, 'Clench, John (c1535-1607), judge' *Oxford Dictionary of National Biography Online (ODNB)*, [Accessed 20 September 2024], <https://www.oxforddnb.com/display/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-5608?rskey=5fqoBC&result=1>; Fuidge, in *HPI: 1558-1603*, Vol. 2, p.178; Pickering, in *HPI: 1558-1603*, Vol. 3, pp.379-80.

²⁰⁶ Venn, and Venn (ed.), *Alumni Cantabrigienses*, Vol. 4, part. 1, p.231, 376.

²⁰⁷ Prest, *Inns of Court*, pp.100-122.

²⁰⁸ Venn, and Venn (ed.), *Alumni Cantabrigienses*, Vol. 2, part. 1, p.205.

Gell, and Wennesley attended Clement's Inn concurrently, although they seemingly had little connections to one another, apart from serving together as JPs for many years.²⁰⁹ Overall, apart from Clement's Inn, or the case of Whalley and Thornhaugh, these smaller institutions were not a common destination for JPs from Nottinghamshire and Derbyshire, with most of the alumni of these Inns being *Ex-Officio* JPs. These smaller Inns benefited those who chose a career in the law like Dyer, Clench, Gawdy, and Shute, not local gentlemen who wished to establish connections.

Holmes suggests friendship between alumni cured 'parochialism', meaning a narrow focus on the local area, and university improved communication between the gentry, forming alliances and marriages beyond county borders.²¹⁰ This is perhaps a fanciful idea of the ambitions of the average county gentleman, with Gleason instead suggesting alumni connections were focused within the county, for example in Norfolk where there was only one Oxford alumni at any time, with all other learned JPs being alumni of Cambridge.²¹¹ Braddick has somewhat agreed with Holmes, suggesting university as one of the ways in which 'the institutions of royal government offered a means of cementing local social influence and status, and the resolution of local conflict'.²¹² As Williams said, education was becoming increasingly necessary to secure office at Court, as 'Very few wholly unqualified men were to be found at the summit of administration', thus gentlemen who wished to secure patent or office looked to the universities to gain the qualifications which were increasingly required for high office.²¹³ Prest also stressed the importance of alumni connections, although he focused on the London legal networks, not county governance. He argues the Inns were smaller, thus this made connections stronger between alumni, especially of the smaller

²⁰⁹ Venn, and Venn (ed.), *Alumni Cantabrigienses*, Vol. 1, part. 1, p.162, Vol. 2, part. 1, p.205, Vol. 4, part. 1, p.366.

²¹⁰ Holmes, 'County Community', p.54-73.

²¹¹ Gleason, *Justices of the Peace*, pp.90-1.

²¹² Braddick, *State Formation*, p.355.

²¹³ Williams, *Tudor Regime*, pp.101-2.

Inns.²¹⁴ Gray's Inn was the most popular for the JPs of Nottinghamshire and Derbyshire, but this doesn't necessarily suggest later connections between alumni.

The three earliest attendants of Gray's Inn were Lord Keeper Nicholas Bacon, Nicholas Powtrell, and Sir William Holles. Bacon, a graduate of Corpus Christi Cambridge, was called to the bar in 1533, and by 1552 was made Treasurer of Gray's Inn, overseeing many later alumni.²¹⁵ Hassell-Smith has elaborated significantly on the Bacon family and their rise to prominence, being a Norfolk gentry family. He specifically attributed their importance both locally in Norfolk and at Court to several generations of university educated gentlemen within the Bacon family.²¹⁶ As Lord Keeper, Bacon oversaw the appointment of JPs, receiving significant lobbying from a variety of sources (see Chapter Four) and this could partly explain the number of Gray's Inn alumni appointed under his tenure.²¹⁷ Powtrell entered Gray's Inn in 1531, while Bacon was still attending, and Holles was admitted shortly afterwards in 1534.²¹⁸ Holles and Powtrell were both appointed JPs for Nottinghamshire in 1554, and Black suggests both were servants Henry Manners 2nd Earl of Rutland, and friends with the Willoughby family of Nottinghamshire who supplied two unlearned JPs for Nottinghamshire and Derbyshire under Elizabeth.²¹⁹ Although Rutland was not learned, he sent his son John (later 4th Earl) to Gray's Inn. Similarly, the friendship between John Manners 4th Earl of Rutland and Henry Pierrepont was likely started, or continued, by their shared attendance at both Trinity College Cambridge and Gray's Inn in the mid-1560s.²²⁰ This friendship explains why John 4th Earl of Rutland, a Protestant, supported the return of Pierrepont, a Catholic, in 1593 (see Chapters Two and Four).²²¹ John Zouche Jnr and Richard Whalley II attended Gray's Inn in the early 1580s, and like Pierrepont and Manners, were also alumni of Trinity College

²¹⁴ Prest, *Inns of Court*, pp.44-46.

²¹⁵ Venn, and Venn (ed.), *Alumni Cantabrigienses*, Vol. 1, part. 1, p.65.

²¹⁶ Hassell-Smith, *County and Court*, pp.162-182.

²¹⁷ Appendix 1559-1580.

²¹⁸ Venn, and Venn (ed.), *Alumni Cantabrigienses*, Vol. 2, part. 1, p.396, Vol. 3, part. 1, p.388.

²¹⁹ Black, in *HPI: 1509-1558*, Vol. 2, pp.377-8; Black, in Bindoff (ed.), *HPI: 1509-1558*, Vol. 3, pp.144-5; Appendix 1554, 1580-1596.

²²⁰ Venn, and Venn (ed.), *Alumni Cantabrigienses*, Vol. 3, part. 1, pp.134, 361.

²²¹ Appendix 1587-1596.

Cambridge.²²² The connection between Zouche and Whalley predates their education, as Whalley's aunt Eleanor married Zouche's father, who was also a Derbyshire JP and Gray's Inn alumnus.²²³ These families sent their children to the same institutions they studied at, and maintained connections over generations through university and the Inns of Court.

Many other JPs attended the same institutions as their fathers. Both William and John Holles attended Gray's Inn, as did John Zouche Snr and Jnr, and Francis Rodes and Sir John Rodes. Both William Lord Burghley and his grandson William Cecil attended Gray's Inn, as did Henry Cavendish and his brother William.²²⁴ Excluding alumni with no children, about 2/3 of Gray's Inn alumni in Nottinghamshire and Derbyshire had relations who also attended Gray's Inn. Prest attributes this to the large discount for the family of alumni and the connections formed at the Inn, where many alumni remained in contact and influential within Gray's Inn.²²⁵ However, this is not seen as strongly in other institutions. Among the ten alumni of Lincoln's Inn, only Gilbert 7th Earl of Shrewsbury and his half-brother and close associate Sir Charles Cavendish were related by blood or marriage.²²⁶ In the Inner Temple, Sir Richard Harpur and his sons John and Richard Jnr (both Derbyshire JPs) were alumni, but these cases are much rarer outside Gray's Inn.²²⁷ Shared attendance at an Inn of Court created alliances like Pierrepont and Manners, and Holles and Powtrel, or strengthened existing connections like Whalley and Zouche. Family often attended the same Inns, although this is most strongly seen in Gray's Inn, which contributed to its popularity among Nottinghamshire and Derbyshire JPs. Establishing local connections therefore influenced the choice of institution for several local gentlemen and explains why Gleason and Prest found the gentry of certain counties favoured certain institutions.²²⁸

²²² Venn, and Venn (ed.), *Alumni Cantabrigienses*, Vol. 4, part. 1, pp.376, 496

²²³ William Dugdale, *Derbyshire Visitation Pedigree 1569 and 1611*, (London, 1895), pp.86-7.

²²⁴ Venn, and Venn (ed.), *Alumni Cantabrigienses*, Vol. 1 part. 1, Vol. 2, part. 2, Vol. 3, part. 1, Vol. 4, part. 1.

²²⁵ Prest, *Inns of Court*, pp.68-69.

²²⁶ Venn, and Venn (ed.), *Alumni Cantabrigienses*, Vol. 1, part. 1, p.310, Vol. 4, part. 1, p.197; Round (ed.), *HMC Rutland*, Vol. 1, pp.146-7; Fudge, in *HPI: 1558-1603*, Vol. 3, pp.471-2.

²²⁷ Venn, and Venn (ed.), *Alumni Cantabrigienses*, Vol. 2 part. 1, p.309.

²²⁸ Gleason, *Justices of the Peace*, pp.86-7; Prest, *Inns of Court*, pp.57-65.

Just as the Inns of Court were influenced by family connections, the choice of which college a gentleman attended could also help create and cement these connections. Figure 1.9 shows the number of Nottinghamshire and Derbyshire JPs who were alumni of the colleges of Cambridge and Oxford.

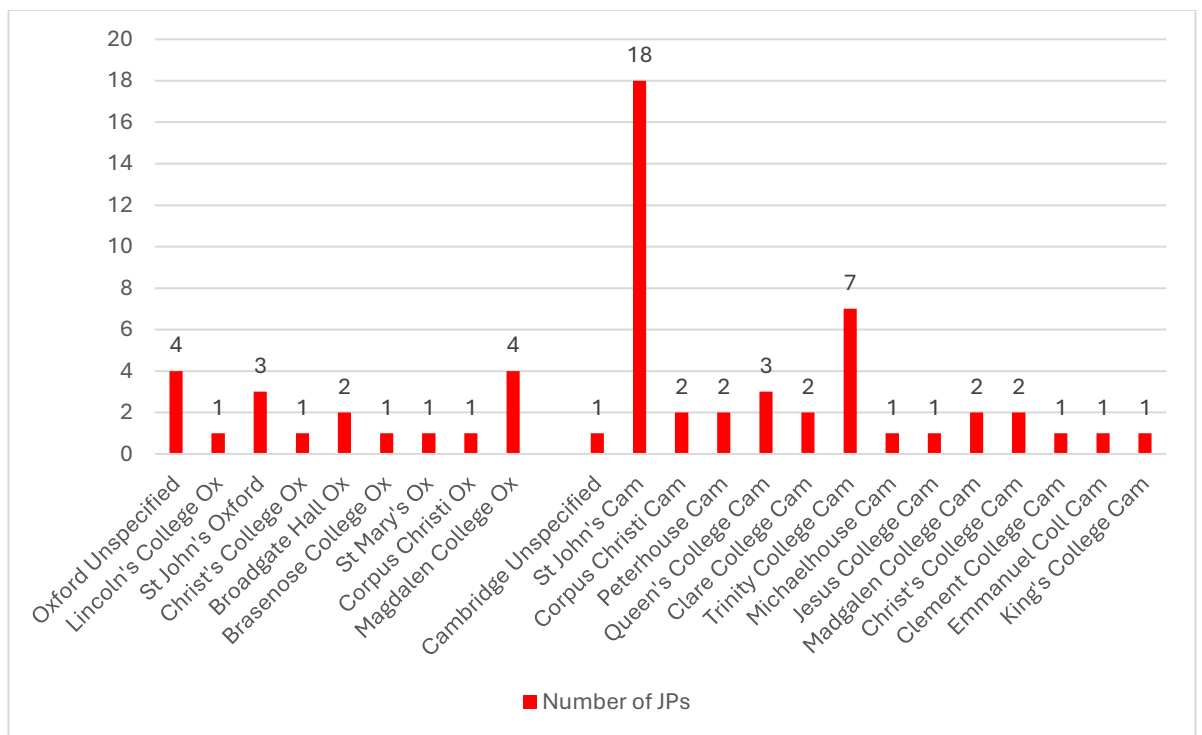


Figure 1.9: Number of JP alumni for colleges of Oxford and Cambridge.

The most obvious trend in Figure 1.9 is St John's Cambridge, with 18 JP alumni, well above second place Trinity College Cambridge with seven, and no other college having more than four. Thornton found that St John's Cambridge was also the most popular destination for Cheshire gentlemen, although unlike Cheshire, Brasenose College Oxford was not favoured in Nottinghamshire or Derbyshire.²²⁹ According to Clark, St John's Cambridge was the most 'elitist' of all the colleges, dominated by the sons of gentry, and with the fewest attendants of the lower classes, although Williams says it was popular because it had the least amount of monastic foundations, and in the 1560s it was a hotbed for Puritanism, although this did not last.²³⁰ There is no clear trend among Oxford colleges, although Magdalen College Oxford was most popular with four alumni. The Oxford and Cambridge unspecified are for those with no evidence of their college. Unlike for Gray's Inn where shared attendance by family contributed to its popularity, and despite the number of St John's alumni, this is seen in only two cases. One was the previously mentioned Francis and John Rodes. The other was the Manners family who had three JP alumni: Sir John Manners of Haddon Hall, Sir Thomas, and Edward 3rd Earl of Rutland. John and Thomas were younger sons of Thomas 1st Earl of Rutland, and uncles to the 3rd Earl. Although a Courtier, not a JP, their younger brother Roger was also a St John's alumnus. John, Thomas, and Roger Manners attended St John's concurrently, and as brothers, they worked closely together as JPs, and with Roger at Court, communicating regularly over decades, discussing political matters.²³¹

John Zouche Snr and Richard Whalley I were both St John's alumni, although not concurrently. Their shared attendance at St John's and later Gray's Inn likely influenced Zouche to marry Whalley's sister Eleanor.²³² One cannot attribute the Whalley-Zouche alliance alone to being alumni, but their choice to send their sons to Gray's Inn together suggests shared attendance was

²²⁹ Thornton, *Cheshire and the Tudor State*, p.35.

²³⁰ Clark, *English Provincial Society*, p.201; Williams, *Tudor Regime*, pp.296, 301-2.

²³¹ Venn, and Venn (ed.), *Alumni Cantabrigienses*, Vol. 3, part. 1, p.134; Round (ed.), *HMC Rutland*, Vol. 1.

²³² Venn, and Venn (ed.), *Alumni Cantabrigienses*, Vol. 4, part. 1, pp.376, 496; Dugdale, *Derbyshire Visitations Pedigrees 1569 and 1611*, pp.86-7.

important. This is possibly also seen in the factionalism in Nottinghamshire in the 1590s, where three Trinity College Cambridge alumni were part of Shrewsbury's faction against Sir Thomas Stanhope. These three were: Henry Pierrepont, William Cecil, and Sir George Charworth. While these three did not attend college concurrently, Prest highlighted earlier entrants to university remained in contact with the college or Inns and often attended gatherings at these institutions.²³³ While these three may have come into contact at Trinity College, their part in Shrewsbury's faction was politically motivated, supporting Shrewsbury against the unpopular Stanhope (see Chapter Four), or in Pierrepont's case, motivated by religion (see Chapter Two). Nevertheless, the alumni connection should be considered.²³⁴

Cobbing and Priestland's excellent work on the life and career of Sir Thomas Stanhope details the educational background of the family of one of the most important JPs in Elizabethan Nottinghamshire and Derbyshire. Stanhope himself was unlearned, although in 1578 he was 'specially admitted' into Gray's Inn alongside Thomas Molyneux and Robert Markham. All four of Stanhope's brothers were sent to Cambridge: Edward Younger, Michael, and John to Trinity, and Edward Elder to St John's, three of whom (Edward Elder, John, and Michael) also attended Gray's Inn. Stanhope would send his sons to university as well, first to Eton, then Magdalen College Oxford, then to the Inner Temple for Edward and Gray's Inn for John. Thus, through the brothers and sons of the unlearned Sir Thomas Stanhope there was a clear trend towards the same institutions, especially Gray's Inn, although Thomas's sons attended Oxford over Cambridge, unlike their uncles.²³⁵

Apart from local JPs, many important *Ex-Officio* JPs and Privy Councillors also attended these institutions, allowing for the networks of these powerful magnates to stretch across county borders via alumni. This, Holmes argues, was a primary motivation for the choice of college or Inn,

²³³ Prest, *Inns of Court*, pp.21-22, 42-44, 68-72.

²³⁴ Dias, 'Politics and administration', p.52.

²³⁵ Cobbing and Priestland, *Thomas Stanhope*, pp.45, 108, 143, 165-6.

part of the anti-parochialism that he stressed was an important result of institutional education.²³⁶

Clark suggested similar, using the example of Thomas Godfrey, the son of a Kent gentleman, who used his attendance at the Middle Temple to secure a place in the household of the Earl of Northampton.²³⁷ St John's had many important magnates amongst its alumni: Sir Edmund Anderson (Chief-Justice of the Common Pleas), William Bendlowes (Serjeant-at-law and Assize JP), William Lord Burghley (Secretary of State), Sir Francis Leake (*Custos* of Derbyshire), Edwin Sandys (Archbishop of York), and Francis Rodes (Serjeant-at-Law).²³⁸ However, Holmes overstates how important forming these national political connections were for most JPs. Holmes believed the early modern gentry were all motivated by political ambition beyond their county borders, whereas in many cases shown in this chapter, local connections were the motivation for many JPs, not national political ambition.²³⁹ Clark has provided a more balanced understanding, suggesting that education became more important due to the 'expanding openings in royal employment'. Gentry sons went to university to secure political office, and make the social connections needed to advance. However, these motivations were primarily to secure office in local government, and attendance at university 'they passed through the formative years of adolescence in close proximity to their social peers and in an atmosphere designed to enhance awareness of their county community', and this strengthened county identity and pride, with alumni from the same county creating social cliques against those from outside counties.²⁴⁰ University was useful for creating connections to the networks of powerful magnates, at Court and within the county, both of which could aid a JP's career.

Overall, St John's Cambridge was clearly the most popular college among Nottinghamshire and Derbyshire JPs, although this was not directly due to the number of legacy alumni, and instead

²³⁶ Holmes, 'County Community', p.54-73.

²³⁷ Clark, *English Provincial Society*, p.206.

²³⁸ Venn, and Venn (ed.), *Alumni Cantabrigienses*; Foster, *Alumni Oxoniensis*; Foster, *Register of admissions to Gray's Inn*.

²³⁹ Holmes, 'County Community', p.54-73.

²⁴⁰ Clark, *English Provincial Society*, pp.186, 204-5.

was likely because St John's was favoured by the gentry. There were some connections either within St John's through Zouche and Whalley and the Manners family, between the sons and brothers of Sir Thomas Stanhope, or through a possible connection between Trinity College alumni and the Shrewsbury faction of the 1590s, although other factors, mainly politics, also influenced them. The alumni of the other colleges in Cambridge and Oxford had less to do with local connections between alumni, although could have been a part of entering the networks of magnates. Cambridge was clearly the more popular university among Nottinghamshire and Derbyshire JPs, although the balance between the universities was closer in Derbyshire. Shared attendance was clearly desired for some families which formed generational, local alliances, especially prevalent in Gray's Inn. Others, according to Holmes, chose university for national political connections, although he too often ignores the desire for local connections.²⁴¹

Conclusion

In conclusion, this chapter has shown the proportion of learned and unlearned JPs in Nottinghamshire and Derbyshire, showing that there was a clear trend under Elizabeth for a greater proportion of learned JPs, increasing from 39% in 1562 to 66% in 1596. However, there remained a significant minority of unlearned JPs. Education was not the only factor which influenced who was appointed, retained, or removed. Learned JPs were not excluded from removal like Henry Pierrepont or Roger Portington, both removed for religion (see Chapter Two). Furthermore, unlearned JPs continued to be appointed even after the 1587 *Remembrances*, and Lord Keeper Puckering's orders of 1595 to remove unlearned JPs. In Nottinghamshire and Derbyshire there was no 'purge' of unlearned JPs as Wall found in other counties in 1587 or 1596. There were six removals in 1587, five of whom were unlearned, however the 1584-1591, and 1596 Peace Commissions appointed new unlearned JPs. In 1562 the proportion of learned and unlearned JPs compared to those in the six counties Gleason focused upon was similar, although

²⁴¹ Holmes, 'County Community', p.54-73.

with some important outliers. Nottinghamshire and Derbyshire had a high number of university educated JPs compared to other counties, but fewer who had been called to the bar.

Nottinghamshire and Derbyshire had a smaller proportion of learned dignitaries or *Ex-Officio* JPs than most other counties (except North Riding) with 40% compared to the range of 44%-58% in other counties. However, Nottinghamshire and Derbyshire were on the higher end of the range for learned working or local JPs, 36% compared to the range of between 29%-41%. Furthermore, some of the trends of a more proportionally learned county bench was not seen in other counties, specifically Essex. Derbyshire also had the fewest number of JPs, with Nottinghamshire tied for second fewest. The educational composition of Nottinghamshire and Derbyshire in 1562 was similar, but in many ways distinct, then what was found in other counties.

Lord Keeper Puckering's orders show a desire for more learned JPs after 1562, which was intended partly to deal with the increasing responsibilities given to JPs. This resulted in around two-thirds of JPs being learned by 1596. However, the continued presence of unlearned JPs may suggest a lack of suitable learned JPs, possibly also attributing to the number of *Ex-Officio* JPs in Derbyshire, who were 71% learned, and included senior lawyers like Dyer who achieved high office and are the only alumni of several smaller Inns. Unlearned JPs also survived as some were too wealthy, influential, or powerful to be removed, like Sir John Byron and Sir Gervais Clifton. Powerful families like the Markhams or Strelleys also kept their traditional positions on the county benches, despite being unlearned, although both families would see JPs removed for religion, lobbying, or negligence. Pierrepont was learned, but religiously unsuitable, which led to his removal in 1587, but also his return and promotion to the *quorum*. Byron and Clifton were religiously conservative and unlearned, but experienced, powerful, and trusted (see Chapter Four). Levels of education were higher amongst the *quorum*, who included trained lawyers like Dyer, Bedlowes, Gell and Barton, and these legally trained men oversaw the majority of special commissions, as their legal knowledge and experience was needed. However, even promotion to the *quorum* relied on several factors other than education, with powerful local landowners desiring promotion for social

status, and resulting in 40% of *quorum* JPs being unlearned, like the aforementioned Byron and Clifton.

There is also a clear link in several cases of shared attendance at a university or an Inn of Court being desired by gentlemen to form lasting alliances like Whalley and Zouche which lasted several generations and resulted in marriage. Pierrepont was returned as a JP not only because of education, but because he attended Trinity College Cambridge and Gray's Inn, where John Manners 4th Earl of Rutland also attended, and this formed a friendship which aided in Pierrepont's return. However, shared attendance was mostly seen in Gray's Inn and had less impact elsewhere. Gray's Inn and St John's Cambridge had by far the most JP alumni in Nottinghamshire and Derbyshire, showing a county-specific trend which Gleason and Prest highlighted for several other counties. Education was an increasingly desired factor for JPs over Elizabethan Nottinghamshire and Derbyshire, with repeated orders, an increased presence of lawyer JPs, and a clear trend towards a mostly learned county bench. However, education worked alongside religion, wealth, and alliances, all determining who was suitable to carry out the varied and important duties expected of JPs. University or an Inn of Court was not the only course which could lead a gentleman to be appointed, and many unlearned JPs like Stanhope and the Markhams, or Sir Anthony Ashley, earned their place either by being powerful and wealthy local landowners, or serving the Elizabethan regime in a military or administrative capacity, which did not necessarily require institutional education. Furthermore, compared to some of the other factors discussed in this thesis, it was not necessary to be learned, as it supposedly was to be religiously suitable (see Chapter Two), or meeting the minimum income requirement (see Chapter Three).

Chapter Two: Catholics, Conformists, and Reformers: How religion influenced the careers of JPs

Introduction

Education was not the only factor which influenced the suitability of JPs. Religion dominated Elizabeth's reign, with legislation enforcing conformity among JPs. The Tudor period saw sharp changes in religious policy, with Elizabeth's reign marking a transition from Catholicism and Papal authority under Mary, to the Protestant Elizabethan Settlement. Diarmaid MacCulloch suggests the Elizabethan Settlement was less radical than some in Parliament wanted, and as Joel Hurstfield highlighted, this caused the rise of 'Puritans' in the counties who wanted further reform, and later became an increasingly dangerous opposition to the Elizabethan Church.¹ Michael Braddick suggested the Settlement 'had opponents, both Catholic and Protestant, since it represented something of a via media between available forms of religion'.² Nevertheless, the new Elizabethan regime was dominated by Protestants, with Catholic presence limited, including in local administration.³

JPs were tasked in ensuring the 1558-9 Acts of Supremacy and Uniformity were followed, and the new Book of Common Prayer was used in all churches.⁴ Christopher Haigh highlighted the challenges in strongly traditionalist counties like Lancashire. Many northern JPs had supported the Pilgrimage of Grace in 1536, an armed Catholic rebellion, and would support the 1569 Northern Rising.⁵ The implementation of the Settlement, a task increasingly given to JPs, was often hindered in places like Sussex or Hampshire by geographic difficulties, the refusal of JPs to persecute their

¹ Diarmaid MacCulloch, *Later Reformation in England, 1547-1603*, (Macmillan Publishers, London, 1990), pp.11-24; Joel Hurstfield, *Freedom, Corruption, and Government in Elizabethan England*, (Jonathan Cape, London, 1973), pp.81-2.

² Michael Braddick, *State Formation in early modern England, c.1550-1700*, (Cambridge University Press (CUP), Cambridge, 2000), p.293.

³ MacCulloch, *Later Reformation*, pp.11-24.

⁴ Michael Dalton, *Country Justice: Containing the Practice, Duty and Power of the Justices of the Peace, as Well in as Out of Their Sessions*. (London, 1666), pp.205, 397.

⁵ Christopher Haigh, *Reformation and Resistance in Tudor Lancashire*, (CUP, Cambridge, 1975), pp.98-118, 225-247.

neighbours, or the office itself still being dominated by Catholics.⁶ Even in Nottinghamshire and Derbyshire, which J.C. Cox stated had no strong traditionalist elements, there were pockets of Catholic survival, especially in High Peak, in north-west Derbyshire.⁷ High Peak was similar to parts of the North Riding of Yorkshire, which J.T. Cliffe described as 'a wild and inaccessible county', with Richmondshire particularly 'evil in religion', according to Sir Thomas Gargrave.⁸ Geographic challenges hindered the implementation of the Settlement in Sussex due to a lack of roads, dispersed towns, and surviving Catholic manors in the countryside.⁹ Geography and religion were closely related, influencing the levels of Catholic survival amongst the gentry.

Under Elizabeth JPs were given increasing religious responsibilities, with the prosecution of religious crimes like heresy taken from the Church authorities and given to secular JPs to be tried at Quarter Sessions. They were appointed to Special Commissions to oversee religious issues: Recusancy, Jesuit and 'Seminarist' priests, and investigations into breaches of the Act of Uniformity by Protestants.¹⁰ Therefore, it became more vital that JPs were religiously reliable to the new Elizabethan regime. Neil Younger stressed how closely linked religion and local politics were, with the Elizabethan regime calling for 'loyalty not only to the state, but to the Protestant cause'. However, he also suggested that the attempts to 'institute a national Protestant regime' to the exclusion of Catholics, mostly failed. By the 1570s the county benches were 'still not purged of Catholics', which he also said led to religious responsibilities to be taken away from JPs in the

⁶ Roger Manning, *Religion and Society in Elizabethan Sussex*, (Leicester University Press, Leicester, 1969), pp.34-45; Ronald Fritze, 'The Role of Family and Religion in the Local Politics of Early Elizabethan England: The Case of Hampshire in the 1560s', *The Historical Journal*, Vol. 25, No. 2, (June 1982), p.268.

⁷ J.C. Cox, *Notes on the Churches of Derbyshire*, Vol. 2, (Palmer and Edmunds, Chesterfield, 1877), pp.249-258.

⁸ J.T. Cliffe, *Yorkshire Gentry from the Reformation to the Civil War*, (Athlone Press, London, 1969), pp.169-170.

⁹ Manning, *Religion and Society*, pp.34-45.

¹⁰ Dalton, *Country Justice*, pp.40-41, 66-68, 86, 190; The National Archives (TNA), Exchequer, Pipe Office, Recusant Rolls, E376/1-12; Penry Williams, *The Tudor Regime*, (Clarendon Press, Oxford, 1979), p.262; Alfred Hassell-Smith, *County and Court: Government and Politics in Norfolk, 1558-1603*, (Clarendon Press, Oxford, 1974), p.134.

1590s, and given instead to Special Commissions, overseen by a trusted few.¹¹ Alfred Hassell-Smith highlights repeated attempts in 1558-9, 1582, and 1595 to remove 'papists' in Norfolk.¹² Yet, many Catholics remained on the commission of the Peace according to Roger Manning, even late into Elizabeth's reign, 'for the price of occasional conformity'.¹³ This chapter will determine which JPs in Elizabethan Nottinghamshire and Derbyshire were religiously reliable, analysing their careers to address whether religion influenced appointment or dismissal. Religion had been an important consideration under Mary and Edward VI, and while the 1564 Bishops' Report was the first nationwide act to secure religious conformity of JPs, religion had influenced the county benches from 1559.¹⁴ This chapter will examine several important Commissions which focused upon the religion of JPs addressed in several previous county-specific studies: 1558/9, 1562, 1564, and the 1587 and 1595 instructions discussed in Chapter One.¹⁵

Alison Wall analysed the religious composition of the county benches in detail, and attributed several 'purges' of JPs under Elizabeth to religion.¹⁶ Religion was also the central factor which MacCulloch focused upon in his research on the JPs of Suffolk and Norfolk, suggesting a clear movement towards a Protestant dominated county bench, with the mass removal of Catholic JPs, although there remained a strong Catholic population which lobbied for return.¹⁷ This was also seen in Devon where Rebecca Zmarzly suggests the 'conservative gentry soon gave way to a younger, radically Protestant gentry under Elizabeth'.¹⁸ Roger Manning's study of the JPs of Sussex

¹¹ Neil Younger, *War and politics in the Elizabethan counties*, (Manchester University Press, Manchester, 2012), pp.13-14, 36.

¹² Hassell-Smith, *County and Court*, pp.82-3.

¹³ Manning, *Religion and Society*, pp.81-2.

¹⁴ M.A. Bateson (ed.), 'Letters of the Bishops' in *Camden Miscellany*, Vol. 9, (Camden Society, 1894-5), pp.43-44, 72-73.

¹⁵ Appendix 1569-1591; British Library (BL), Lansdowne, MS53/85.

¹⁶ Alison Wall, 'Religion and the Composition of the Commissions of the Peace, 1547-1640', *Journal of the Historical Association*, Vol. 103, Issue 355, (2018), pp.223-242; Wall, 'The Greatest Disgrace: making and unmaking of JPs in Elizabethan and Jacobean England', *English Historical Review*, Vol. 119, Issue 481, (2004), pp.312-332.

¹⁷ MacCulloch, 'Catholic and Puritan in Elizabethan Suffolk: A county community polarises', *Archive for Reformation History*, Vol. 72, (1981), pp.232-289.

¹⁸ Rebecca Zmarzly, 'Justices of the Peace in Mid-Tudor Devon, c1538-1570'. (Unpublished MA Thesis, Texas State University, 2007), pp.7-10.

was entirely dominated by the high-level of Catholic survival amongst the county governors, while Ron Fritze addressed another heavily Catholic county in Hampshire, although found the implementation of conformity amongst the JPs far more successful than in Sussex or Lancashire.¹⁹ Eugene Bourgeois found a complex situation in Cambridgeshire, with politics as important as religion, alliances formed between reformers and Catholics, and many of the removals early in Elizabeth's reign being newly appointed JPs, removed for reasons beyond religion.²⁰ J.H. Gleason dedicated a chapter to religion, suggesting there was initial continuity that was replaced by the dominance of the issue of religion, although the effects were radically different between counties.²¹ In Northumberland, S.J. Watts suggested that the county gained a reputation for Catholicism due to Jesuit priests, but also stresses a strong and independent Puritan faction which openly opposed the Elizabethan Settlement, an issue which only stoked the factionalism of Northumberland further with the intervention of the Puritan Earl of Huntingdon.²² Wallace MacCaffrey highlighted two groups in Parliament and Court with their religion affecting their political careers differently. There were those who sacrificed religion for their political positions, and those who sacrificed office for religion. Although focused on the central Court, these groups also formed amongst the county JPs.²³ Religion has thusly been accepted as central to the careers of JPs, although in comparison to education, economic status, and especially lobbying, its influence on the county benches are perhaps overstated.

This chapter will begin with analysing the transition from Marian to Elizabethan Commissions from 1554-1562. It will evaluate how religion affected the turnover or exclusion of Marian JPs. It will

¹⁹ Manning, *Religion and Society*, pp.34-45; Fritze, 'Family and Religion', pp.268-286; Haigh, *Reformation and Resistance in Tudor Lancashire*, pp.98-118, 225-247.

²⁰ Eugene Bourgeois, *Ruling Elite of Cambridgeshire, England 1520-1603*, (Edwin Mellen Press, New York, 2003), pp.139-152.

²¹ J.H. Gleason, *Justices of the Peace in England, 1558-1640: A later Eirenarcha*, (Oxford University Press (OUP), Oxford, 1969), pp.69-82.

²² S.J. Watts, *From Border to Middle Shire: Northumberland 1586-1625*, (Leicester University Press, Leicester, 1975), pp.76-83.

²³ Wallace MacCaffrey, *Shaping of the Elizabethan Regime, 1558-1572*, (Princeton University Press, Princeton, 1968), pp.22-44.

address the survival of JPs from across the ‘traditionalist’ spectrum, from open Catholics who resisted, to those with conservative beliefs who openly conformed. After these initial commissions, it will then address the important, but understudied, 1564 Bishops’ Report. This report classified the religion of JPs, dividing them between the suitable, and those: ‘meet to be omitted’, ‘adversaries in religion’, or ‘no favourers of religion’.²⁴ How these JPs were classified in comparison to their careers in the 1560s, and thereafter into the 1570s following the unsuccessful Northern Rising of 1569, will allow this chapter to address the importance of religious conformity to continuation in office, especially in relation to surviving Catholic or traditionalists JPs. It will then follow chronologically to the 1587 *Remembrances*, to address which of the thirteen instructions on education, religion, and residence most affected the careers of JPs. Religion was the most numerous of these instructions, but not the only factor which influenced the dismissal of JPs in 1587.²⁵ Finally, it will address Lord Keeper Puckering’s orders from 1595 and the 1596 *Liber Pacis*, what Hassell-Smith calls the last Elizabethan purge of JPs, comparing the religious composition of the county benches from 1558/9-1596, allowing for a complete picture of the religion of the JPs of Elizabethan Nottinghamshire and Derbyshire.

Methodology

To ascertain a JP’s religious beliefs, both public and personal expressions of religion must be used. The public expressions are seen in Heresy and Recusancy Commissions, or in reports on religion by Assize Judges, or the Bishops in 1564. The Heresy and Recusancy Commissions focus specifically on Catholic nonconformity, although the Bishops’ Report, Assize Judges’ reports, and Commissions into breaches of the Act of Uniformity also highlight Puritanism. Because these sources focus on nonconformity, it skews the data towards nonconformists, especially as many JPs have no evidence to confidently suggest their religion. However, this chapter will alleviate this gap through

²⁴ Bateson (ed.), ‘Letters of the Bishops’, pp.43-44, 72-3.

²⁵ BL, Lansdowne, MS53/81.

an intensive analysis of a wider range of sources. The Bishops' and Assize Judges' Reports specifically mention those JPs who were 'favourable in religion'. They were written by agents trusted by the Crown and advised by religiously reliable JPs or agents of Secretary of State Sir Francis Walsingham.²⁶ Correspondences compiled in the Rutland, Burghley, and Talbot and Shrewsbury Papers also mention religion when it intersected politics.

Wills often contained religious expressions, bequests, and religiously influenced preambles. These wills can give greater insight into religious positions, as correspondences and Commissions were influenced by politics.²⁷ J.D. Alsop rightly cautioned against reading too deeply into the religious expressions within the preambles of wills, as they were influenced by the authorities and often written by testators, although as JPs were literate, this was less common than the lay wills Alsop mostly focused upon.²⁸ The bequests within wills often provide more substantial evidence of religion, with Catholic wills leaving money for the hearing of mass (even into Elizabeth's reign), and 'Protestant' wills often leaving money for reformed sermons. Alec Ryrie and Max Weber agree on aspects of religious expression within 'Reformist' wills, yet they also disagree on whether emotions like despair and a foresight to imminent apocalypse present within many Protestant wills is characteristic of them all.²⁹ Caroline Litzenberger analysed the religious expressions of lay wills in Gloucestershire, categorising them into 'Traditionalist or Catholic; evangelical or Protestant; and ambiguous'.³⁰ This categorisation will also be used within this chapter to broadly define the religion of JPs by how their religion would be seen by the authorities. The careers of JPs were influenced differently depending on whether the Crown saw them as unreliable for holding traditionalist sympathies, were traditionalist but publicly conformed, whether they wished for

²⁶ Bateson (ed.), 'Letters of the Bishops', pp.43-44, 72-3.

²⁷ MacCaffrey, *Shaping of the Elizabethan Regime*, pp.22-44.

²⁸ J.D. Alsop, 'Religious Preambles in Early Modern English Wills as Formulae', *Journal of Ecclesiastical History*, Vol. 40, Issue 1, (1989), pp.19-27.

²⁹ Alec Ryrie, *Being Protestant in Reformation Britain*, (OUP, Oxford, 2015), pp.27-48; Max Weber, *Protestant Ethic and the Spirit of Capitalism*, Translated by Talcott Parsons, (Routledge, Oxford, 2005), pp.56-80.

³⁰ Caroline Litzenberger, *English Reformation and the laity: Gloucestershire, 1540-1580*, (CUP, Cambridge, 1997), p.7

further reformation of the Church, or were a moderate Protestant, a conformist, or pragmatic in accepting whatever the official religious policy was.

Wills survive for many JPs in Nottinghamshire and Derbyshire, mostly transcribed by David Edwards, and have been heavily utilised, where they survive, by the *History of Parliament Journals*, although often bereft of intensive analysis of the religious expressions within.³¹ Gleason, while using wills for evidence of wealth (see Chapter Three), focused his chapter on religion entirely on notes written within some *Libri Pacis* which mark religious nonconformity, the removal of JPs like in 1587, or public expressions of conformity like swearing the oath of Supremacy. Gleason's study was too broad in scope to allow for intensive analysis of individual JPs, as this thesis does.³² Eamon Duffy utilised Elizabethan wills, highlighting the bequest of money, and instructions on how prayer 'before his grave' should be done. He identified some difficulties in the religious expressions within wills, as through the confines of conformity to the Elizabethan church some could express traditionalism, and they require an intensive reading to understand the subtle differences.³³ Personal correspondences often express only the beliefs one wished to be known, although the unwilling testimony can be uncovered. As this chapter focuses on the effect of religion on the careers of JPs, minor doctrinal differences were less important than how nonconformist JPs were seen by the Crown. Questions of loyalty and willingness to conform were more important than specific doctrine.

The religious terminology for JPs is important to differentiate them. MacCulloch criticised the term 'Protestant' in England, preferring the term 'Reformers' or 'Evangelicals' for English Protestants, although this can cause confusion with others like Braddick using 'evangelists' as a synonym of

³¹ S.T. Bindoff (ed.), *History of Parliament: House of Commons 1509-1558*, (HPJ), Vol. 1-3, (Secker and Warburg, London, 1982); P.W. Hasler (ed.), *HPJ 1559-1603*, Vol. 1-3, (Her Majesty's Stationery Office (HMSO), London, 1981); David Edwards (ed.), *Derbyshire wills proved in the Prerogative Court of Canterbury, 1393-1574*, (Derbyshire Record Society, Chesterfield, 1998).

³² Gleason, *Justices of the Peace*, pp.69-82.

³³ Eamon Duffy, *Reformation Divided: Catholics, Protestants and the conversion of England*, (Bloomsbury Continuum, London, 2017), pp.202-4.

Puritan.³⁴ There is also criticism of the term 'Puritan' for radical reformers, because of the ambiguity over the definition and its original and modern use as derogatory. Nevertheless, the term was heavily used by many religious studies, although Hurstfield cautioned that the meaning of 'Puritan' changed drastically under Elizabeth, from at first an attempt to further reform the Church, to later open opposition to the Elizabethan Settlement.³⁵ This chapter will use 'Protestant' for the broader Reformation, but for English Protestants it will use either 'Conformist' for those who accepted the Elizabethan Settlement, or 'Reformer' for those who actively supported the Reformation, although there will be some overlap between them. For those traditionally called 'Puritans' who saw the Elizabethan Settlement as only half-reformed, this chapter will utilise the term 'Zealous Reformers', to avoid negative connotations from the term 'radical'. While Conformists and Reformers were broadly those who were acceptable to the Elizabethan regime, the Zealous Reformers were considered a similar threat to the Catholics, for example in 1583 when Bishop Whitgift was ordered to tackle their growing presence in Norfolk, coming into conflict with the local 'Puritan' faction.³⁶ A.G. Dickens identified their presence in Parliament, and highlighted the Queen's opposition to them for wanting to further reform her church, opening debates on issues the Queen wanted settled.³⁷ MacCulloch focused on the presence of the Marian exiles, which he suggests brought radical ideas from the continent, and he suggests Elizabeth struggled to find Reformers who hadn't been radicalised. Some of these Marian exiles had influence over the county benches or were JPs themselves.³⁸ This chapter will whether conformists and reformers benefited from their conformity, or Zealous Reformers were hindered due to their religion, and how local religious demographics influenced the composition of the county benches.

³⁴ MacCulloch, *Later Reformation in England*, pp.11-24; Braddick, *State Formation*, p.307.

³⁵ Hurstfield, *Freedom, Corruption, and Government*, pp.81-2.

³⁶ Williams, 'Court and Polity under Elizabeth I', *Bulletin of the John Rylands University Library of Manchester*, Vol. 65, No. 2, (Spring, 1983), pp.266-7.

³⁷ A.G. Dickens, *English Reformation*, (Pennsylvania University Press, Pennsylvania, 1964), pp.367-378.

³⁸ MacCulloch, *Later Reformation*, pp.26-30.

The Catholics who survived under Elizabeth took many forms. Alexandra Walsham criticised John Bossy for ignoring the presence of Catholic Recusants under Elizabeth, and the surviving traditionist practices maintained even by those who outwardly conformed.³⁹ There was strong Catholic survival under Elizabeth, with Haigh in Lancashire, Manning in Sussex, and Fritze in Hampshire highlighting Catholic resistance and Recusancy. Specifically, all three highlight the difference between passive and active resistance by these traditionalists. This division affected how the Elizabethan authorities dealt with them differently depending on if their nonconformity was a threat.⁴⁰ Like in Lancashire or Sussex, some areas of Nottinghamshire and Derbyshire, like High Peak, retained strong traditionalist populations amongst the gentry. Some openly rebelled, while others were what Walsham called 'Church-Papists' or Manning classified as 'Crypto-Catholics', denoting traditionalists who openly conformed and attended reformed Church services, even if they maintained private Catholic practice.⁴¹ This distinction is important as conformity was required for JPs. Walsham cautioned that identifying these 'Church-Papists' can be difficult, as they benefited from keeping their nonconformity private, especially for JPs who risked losing their office. Rather than 'Church-Papist' which Walsham used, this chapter will instead use 'conformist traditionalist', as Walsham admits 'Church-Papist' was often a term of abuse, and could suggest wrongly that all traditionalists supported the return of the Pope.⁴² Peter Marshall stressed a distinction, also referred to by Dalton, between Popish Recusants (those who wanted a return of the Pope) and Sectarian Recusants (those who wished to retain traditional practices, but did not call for the Pope's return).⁴³ This distinction influenced whether a JP was religiously suitable, for as Marshall suggests, the Popish Recusants were a greater threat. He highlighted several examples of

³⁹ Alexandra Walsham, *Church Papists: Catholicism, Conformity and Confessional Polemic in Early Modern England*, (Boydell and Brewer, London, 1999), pp.72-75.

⁴⁰ Haigh, *Reformation and Resistance*, pp.209-333; Haigh, *Plain Man's Pathways to Heaven: Kings of Christianity in Post-Reformation England, 1570-1640*, (OUP, Oxford, 2007); Manning, *Religion and Society*, pp.34-45; Fritze, 'Family and Religion', pp.268-286.

⁴¹ Manning, *Religion and Society*, pp.63-88.

⁴² Walsham, *Church Papists*, pp.5-22, 73-100.

⁴³ Peter Marshall, *Heretics and Believers: A History of the English Reformation*, (Yale University Press, New Haven and London, 2018); Dalton, *Country Justice*, pp.205, 397.

these 'Church-Papists' (the term he uses), in Parliament and Court. Some secretly heard mass or wrote personal correspondences which expressed sympathies to the old traditions, or distaste for the new practices like married clergy. Nonconformity could also manifest itself in confessions within wills, or expressed regret within correspondences such as Cuthbert Tunstall's opposition to the tearing down of church altars and defacing of churches which Marshall used to highlight even those who accepted the new regime like Tunstall, could be opposed to the 'Protestant' aspects.⁴⁴ Perhaps the most quintessential of the 'Crypto-Catholics' Manning highlighted was Lord Montague, who retained strong private Catholic worship, and who aided other Catholics in Sussex, but who remained unswervingly loyal to the Queen, allowing him to weather 'the storms of religious change remarkably well'.⁴⁵

Christopher Marsh attempted to understand how a country which in J.J. Scarisbrick's words was 'addicted to the old ways' came to accept the Elizabethan Settlement.⁴⁶ He criticised those who ignored Catholic survival like Bossy, alongside Haigh who underestimated the popular appeal of Protestantism. However, Marsh focused on 'layfolk', therefore his understanding of the appeals of Protestantism and the retention of traditionalism may have been different amongst the gentry. JPs were more educated than most layfolk, could read and travel, and communicated across the country. However, Marsh's work highlighted trends on the importance of religious conformity, and the perceived threats of nonconformity seen amongst JPs and layfolk.⁴⁷ Duffy also criticised William Allen, who suggested the majority of England remained Catholic, with their conformity forced, with Duffy instead advocating the strength of the Elizabethan Church. Most parishioners 'conformed to the new order, serving Elizabeth as they had once served Mary'.⁴⁸ This was why the Elizabethan Church was so easily accepted, and except for places with stubborn traditionalist

⁴⁴ Marshall, *Heretics and Believers*, pp.356-89, 438.

⁴⁵ Manning, *Religion and Society*, pp.40-1.

⁴⁶ Christopher Marsh, *Popular Religion in Sixteenth-Century England*, (Palgrave Macmillan, London, 1998), pp.197-8.

⁴⁷ Marsh, *Popular Religion in Sixteenth-Century England*.

⁴⁸ Duffy, *Reformation Divided*, pp.139-141.

populations like Lancashire and Oxford University, which Prest noted for having many Catholic scholars and alumni, the majority of England, including JPs, accepted the Elizabethan Church.⁴⁹

114 of the 158 JPs in Elizabethan Nottinghamshire and Derbyshire have sufficient evidence to position their religion. Assumptions could be made for the others based on service to the Henrician, Edwardian or Marian regimes, or whether they profited from the Dissolution of the Monasteries, however these alone are not sufficient, for many traditionalists served Edward VI, actively took part in the Reformation, and did not allow their religious beliefs to hinder their opportunity to purchase estates during the Dissolution. This chapter will analyse the effect of religion on the county bench, addressing case-studies of the 114 JPs, focusing on how religion affected their careers over the Elizabethan period.

Transition 1554-1562

Between 1559-1562 there was, according to Wall, 'a large turnover of Catholic JPs' across England.⁵⁰ The Peace Commissions accurately transcribed within the *Calendar of the Patent Rolls* show just 18 of the 56 Edwardian JPs in Nottinghamshire and Derbyshire were retained by Mary in 1554. Although death attributes for several of these dismissals, 1547-1554 saw a radical shift in the Crown's religious policy and the composition of local government.⁵¹ Clark suggests in 1554 Queen Mary 'sought to exclude... most notable Protestants', and the number of JPs fell to the lowest in three decades, with old Catholic families returned.⁵² In Nottinghamshire and Derbyshire, influential reformers were removed: Sir John Hercy, Sir Thomas Cokayne, and the Neville and Merring families, all later returned under Elizabeth.⁵³ The same occurred between 1554-1559,

⁴⁹ Wilfred Prest, 'Legal education of the gentry at the Inns of Court, 1560-1640', *Past and Present*, Vol. 38, (1967), pp.20-39.

⁵⁰ Wall, 'Religion and the Composition of the Commissions of the Peace', pp.223-242.

⁵¹ Appendix 1547-1554.

⁵² Peter Clark, *English Provincial Society from the Reformation to the Revolution: Religion, Politics and Society in Kent, 1500-1640*, (Harvester Press, Brighton, 1977), p.98.

⁵³ *Journal of the House of Commons: Volume 1, 1547-1629*. (HMSO, London, 1802), pp.27-32; C.J. Black, in Bindoff (ed.), *HPI: 1509-1558*, Vol. 2, pp.495-6, 596.

where 14/33 JPs in Nottinghamshire and Derbyshire were removed, and by 1562 only 15/33 JPs from 1554 remained in office, two (Sir George Pierrepont and Ellis Markham) having been removed in 1559, but returned in 1561.⁵⁴ The number of JPs decreased in Nottinghamshire and Derbyshire from 56 in 1547 to 36 by 1562, a trend also seen in all of Gleason's sample counties. He theorised this was due to a lack religiously suitable replacements, although Hassell-Smith has attributed this fall (from 37-24 JPs in Norfolk, 45-31 in Sussex, and 60-45 in Essex) to official policy by Cecil and Sir Nicholas Bacon to decrease the size of the county benches.⁵⁵

The first Elizabethan Peace Commission came from December 1558-January 1559, seeing a drastic transformation of the county benches in most counties. In Norfolk, 22/42 JPs lost their place, with only six attributed to death, while the other sixteen were dismissed, likely for religion. Similar 'purges' were found in both Northamptonshire and Sussex.⁵⁶ In Nottinghamshire and Derbyshire, 14/33 Marian JPs were dismissed, although at least six (Sir William Cavendish, Sir William Bassett, Sir John Foljambe, Sir Anthony Neville, Sir John Charworth, and Thomas Powtrel) died before 1559.⁵⁷ Despite the dismissal of Catholic sympathising JPs in 1559 like Serjeant-at-Law Ralph Rokeby and William Dethick, others were initially retained. At least four of the JPs in 1559 were clearly Catholic (Thomas Babington, John Sacheverell, Vincent Mundy, and Henry Babington).⁵⁸ Penry Williams found the same trend, that despite how many JPs were removed in 1559, 'The survival of prominent Catholics on the commissions of the peace in many shires provoked complaints from bishops, Protestant gentlemen, and reforming clerics'. The survival of Catholics was particularly pronounced amongst the highly educated Assize Judges, with all Marian Assize Judges remaining in office under Elizabeth, although two Chief Justices (Browne and Saunders) were demoted to normal judges. Williams theorised their survival was primarily due to their legal

⁵⁴ Appendix 1554-1562; BL, Lansdowne, MS1218, ff.57-92v.

⁵⁵ Gleason, *Justices of the Peace*, pp.49-50; Hassell-Smith, *County and Court*, p.34; Appendix 1547-1562.

⁵⁶ Hassell-Smith, *County and Court*, p.81.

⁵⁷ Appendix 1554-1559.

⁵⁸ Appendix 1559.

expertise which could not easily be replaced.⁵⁹ Hassell-Smith declared that 'political and religious considerations weighed heavily on this purge' in 1559, however not all Catholics were removed, and those replacements chosen in Norfolk at least were not necessarily Protestants, simply supporters of the Duke of Norfolk.⁶⁰

By December 1561 a new *Liber Pacis* had been written, with another to follow in February 1562. These commissions took place after JPs were ordered to swear the oath of Supremacy, and this led to several Catholics who had initially survived to be removed.⁶¹ By February 1562, only one definitively Catholic JP survived, Sir George Pierrepont (removed between 1559-1561), and only 15/33 Marian JPs from 1554 retained their place on the county bench, although many who had survived were traditionalists who openly conforming but held sympathies to Catholicism.⁶² All those JPs removed for refusing to swear the oath were Derbyshire JPs like Vincent Mundy or Thomas Babington, as Beryl Cobbing and Pamela Priestland highlighted how none of the Nottinghamshire JPs refused to swear the oath, and thus 1559-1562 saw little change to the Nottinghamshire bench.⁶³ In Hampshire, Ron Fritze found five Catholic or Marian appointed JPs were removed between 1561-2, replaced by seven noted Protestants.⁶⁴ Norfolk saw a further 14 JPs dismissed in 1561, although several had only been appointed in 1559.⁶⁵ Yet, many Catholic JPs survived in Yorkshire, as Manning highlights complaints between Archbishop Thomas Young and Cecil around none of the JPs of Yorkshire having been given the oath.⁶⁶ The removal by 1562 of those who refused to swear the oath, Neil Younger suggests, led to the removal of the most 'obvious leading Catholics in many counties', but this was limited, as 'there were at least seven

⁵⁹ Williams, *Tudor Regime*, pp.271-3.

⁶⁰ Hassell-Smith, *County and Court*, p.81.

⁶¹ BL, Lansdowne, MS1218, ff.57-92v; Appendix 1562.

⁶² Appendix 1562.

⁶³ Beryl Cobbing and Pamela Priestland, *Sir Thomas Stanhope of Shelford: Local life in Elizabethan times*, (Ashbracken, Radcliffe-on-Trent, 2003), p.197.

⁶⁴ Fritze, 'Family and Religion', p.278.

⁶⁵ Hassell-Smith, *County and Court*, pp.81-2.

⁶⁶ Roger Manning, 'Elizabethan Recusancy Commissions', *History Journal*, Vol. 15, Issue. 1, (March 1972), pp.23-36.

further purges throughout the reign'.⁶⁷ Manning suggests these initial years were focused on the oath of supremacy, and only after 1562 did the Elizabethan regime move their focus towards uniformity of religion.⁶⁸ Several JPs died between 1554-1562, and religion was not the only factor on which JPs were chosen as 1561 also saw an order by Lord Keeper Bacon for the Assize Judges to name negligent JPs.⁶⁹ However, important Catholic JPs who had served Mary were removed under Elizabeth, replaced by conformist JPs.

The scale of this turnover was not uniform across the country. In Devon, Rebecca Zmarzly found a clear transition from now out of favour Catholic families, replaced by those who supported the new monarch.⁷⁰ However, Eugene Bourgeois suggested the years between 1559-1562 was more complex in Cambridgeshire, describing the religious policy of the county benches as a balancing act. While there was a greater turnover of Catholic JPs under Elizabeth, many conservatives survived throughout Elizabeth's reign, which he attributes to an attempt to secure stability amongst the county community.⁷¹ MacCulloch found religion directly impacted JPs in Suffolk, but this was gradual due to the influence of the conservative Duke of Norfolk, with the major changes following the Duke's fall around 1569-72.⁷² In Derbyshire, the main aristocratic power was Francis Talbot 5th Earl of Shrewsbury, a conservative, whereas in Nottinghamshire it was Henry Manners 2nd Earl of Rutland, a reformer.⁷³ Religion clearly impacted Nottinghamshire and Derbyshire, with many Catholic JPs removed, and families like the Babingtons and Dethicks thereafter excluded. However, those conservatives who openly conformed would survive for decades under Elizabeth,

⁶⁷ Younger, *War and Politics*, p.36.

⁶⁸ Manning, *Religion and Society*, pp.49-50.

⁶⁹ Steven Hindle, *The State and Social Change in Early Modern England, c.1550-1640*, (Palgrave, Hampshire, 2000), p.7.

⁷⁰ Zmarzly, 'Justices of the Peace in Mid-Tudor Devon', pp.40-52.

⁷¹ Bourgeois, *Ruling Elite of Cambridgeshire*, pp.56-60.

⁷² MacCulloch, 'Catholic and Puritan in Elizabethan Suffolk', pp.232-289.

⁷³ G.W. Bernard 'Talbot, Francis, fifth earl of Shrewsbury (1500-1560), magnate', *Oxford Dictionary of National Biography (ODNB)*. [Accessed 9 August 2024], <https://www.oxforddnb.com/display/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-26926>; M.M. Norris, 'Manners, Henry, second earl of Rutland (1526-1563)', *ODNB*. [Accessed 9 August 2024], <https://www.oxforddnb.com/display/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-17955?rskey=y62eqo&result=5>

although almost all new families appointed were conformists and reformers. There was a pronounced exclusion of JPs first appointed under Mary in 1554. Two-thirds of Marian appointments were removed by 1562, with only six retained, two of whom were removed by 1563.⁷⁴ Twenty-six JPs were appointed between 1559-62, four of whom were JPs previously removed under Mary.

Sir James Dyer, a trained lawyer and Serjeant-at-Law, was one of the few Marian appointments retained in 1559. As an MP in 1547 and March 1553 he had supported the Edwardian regime, signing the succession and religious laws which strengthened the English reformation and excluded Princess Mary as heir.⁷⁵ However, after Mary's accession he became an important legal servant to the Crown, and was part of the heresy trial against Sir Nicholas Throckmorton (later Elizabeth's Ambassador to France). However, his part was purely factual, according to John Campbell, not openly hostile like the other judges. Campbell attributes this to Dyer's 'indifference' to the Marian regime's religious policies.⁷⁶ Dyer was pragmatic, serving both Edward and Mary, and this likely allowed for his retention under Elizabeth, who appointed him Chief Justice of the Common Pleas, replacing the Catholic Anthony Browne.⁷⁷ Dyer remained an *Ex-Officio* JP for several counties until his death in 1582.⁷⁸ Dyer embodies the politician who prioritised politics over religion, suggested by MacCaffrey, a conformist to whatever the Crown's religious policies were, which benefited his career while other Marian JPs lost favour.⁷⁹ He was what Watts and Hassell-Smith called 'Trimmers', those who toed the official line, either because of a desire for political advantage, a sense of duty to serving the monarch, or for the likes of Sir Christoph

⁷⁴ Appendix 1554-1562.

⁷⁵ TNA, E179/82/213.

⁷⁶ John Campbell, *Lives of the Chief Justices of England*, Vol. 1 (F.D. Linn and Company, Jersey, 1881), pp.183-4.

⁷⁷ Campbell, *Lives of the Chief Justices*, Vol. 1, pp.180-183; Appendix 1562-1584; J.H. Baker, 'Dyer, Sir James', *ODNB*. [Accessed 1 July 2023], <https://www.oxforddnb.com/display/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-8349#odnb-9780198614128-e-8349>

⁷⁸ Appendix 1562-1584.

⁷⁹ MacCaffrey, *Shaping of the Elizabethan Regime*, pp.22-44.

Heydon in Norfolk because he was weak-willed man controlled by his recusant wife.⁸⁰ Dyer's will from 1582 expressed clear reformist beliefs: giving money for reformed preachers to give sermons, and attacking the 'corruptions' of the old Church, thus he was likely a pragmatic reformer who had agreed to serve under Mary, not a conservative.⁸¹

The most famous religious pragmatist under Elizabeth was William Paulet the Marquis of Winchester. He was a Derbyshire JP from 1547-1569, had served at Court from 1526-1572, and was Lord High Treasurer from 1550-1572, supporting several monarchs.⁸² Alan Davidson concurred with the assessment of Sir Robert Naunton Paulet, a descendant and family historian, who said Paulet began as a Catholic, but was quickly persuaded to accept Henry VIII's Church. Afterwards he was a reformer under Edward, a zealous prosecutor of Protestants under Mary, and finally a moderate reformer under Elizabeth. This Paulet defended poetically, by referring to himself as a 'pliable willow... not the stubborn oak'.⁸³ Elizabeth accepted pragmatists like Dyer and Paulet, if they conformed and served her loyally. However, Fritze has highlighted that while Paulet himself was a loyal conservative, his family remained mostly Catholic, and the high levels of Catholic survival seen in Hampshire was at least partly due to Paulet's defence of local Catholics.⁸⁴ In Kent several conservatives like Sir Thomas Cheyney regularly 'changed sides and accepted the new regime... to maintain their offices', with Peter Clark suggesting this was mainly to rekindle Cheyney's 'dwindling power'.⁸⁵

Unlike Dyer and Paulet, Sir William Holles and Nicholas Powtrell were local JPs first appointed by Mary, then retained in 1559. They were conservatives, yet Powtrell was retained as a *quorum* JP

⁸⁰ Watts, *From Border to Middle Shire*, p.116; Hassell-Smith, *County and Court*, pp.164-5.

⁸¹ TNA, PROB 11/64/305.

⁸² L.L. Ford, 'Paulet, William, first marquess of Winchester', *ODNB*. [Accessed 9 August 2024], <https://www.oxforddnb.com/display/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-21622?rskey=S27A4j&result=7>

⁸³ Alan Davidson, in *HPJ: 1509-1558*, Vol. 3, pp.72-75; Robert Naunton, *Fragmenta regalia, or, Observations on the late Queen Elizabeth, her times and favourites*, (London, 1641), p.25.

⁸⁴ Fritze, 'Family and Religion', pp.269-70, 275-8.

⁸⁵ Clark, *English Provincial*, pp.70-5.

from 1559 until his death in 1579, and Holles was promoted by 1584.⁸⁶ Both had been Marian MPs, Holles in October 1553 when a group of reformists (including Holles fellow MP John Hercy) stood 'for the true religion' against the Marian religious policies. However, Holles did not, and both he and Powtrell would support the Marian restoration in Parliament.⁸⁷ C.J. Black described Holles as 'an enthusiast for the Catholic restoration', and both were listed as 'unfavourable in religion' in 1564.⁸⁸ Yet, Powtrell disinherited his Recusant nephew from his will in 1579 after repeated cautions by the Recusancy Commissions, which included housing the infamous Jesuit Edmund Campion.⁸⁹ Powtrell, despite traditionalist sympathies, openly conformed, yet his loyalty was questioned because of his nephew's recusancy which likely forced him to distance himself. The religious preamble of Powtrell's will was short and formulaic, giving one's soul to God and criticising sin. Alsop suggested this kind of preamble could infer religious conservatism, but outward conformity.⁹⁰ Despite holding traditionalist sympathies Holles and Powtrell found success under Elizabeth. Powtrell's retention can be explained as he was a Serjeant-at-Law and trained lawyer (see Chapter One), thus highly desired. After 1559 neither Holles nor Powtrell expressed anything but conformity, although the Bishops' Report still highlighted suspicions against them, it did not hinder their careers significantly. In the 1560s Catholics were not seen as major a threat as they would later become during the Spanish Armada, Ridolfi Plot, and the Babington Plot (organised by a Derbyshire gentleman, Anthony Babington). Duffy suggests conformity was evident amongst many traditionalists, who stressed their loyalty, and would later oppose the likes of William Allen who called for the overthrow and assassination of Elizabeth.⁹¹ Many traditionalist JPs like Powtrell and Holles were loyalists, and pragmatic in wanting to keep their political positions, even if they retained traditionalist sympathies.

⁸⁶ Appendix 1562-1591; TNA, PROB 11/70/343.

⁸⁷ Oxford Bodleian Library (OBL), Special Collections, MS. e Mus. 17, ff.1-2.

⁸⁸ Black, in *HPJ: 1509-1558*, Vol. 2, pp.377-8; Bateson (ed.), 'Letters of the Bishops', pp.43-44, 72-3.

⁸⁹ TNA, PROB 11/70/343; Cobbing and Priestland, *Thomas Stanhope*, pp.199-200.

⁹⁰ TNA, PROB 11/70/343; Alsop, 'Religious Preambles', pp.20-3.

⁹¹ Duffy, *Reformation Divided*, pp.139-141, 154.

Francis Curzon and Vincent Mundy were Marian appointments initially retained in 1559, but soon thereafter removed.⁹² Both had been MPs who supported the Marian restoration in Parliament, and this past association likely influenced their dismissal.⁹³ Mundy was clearly removed for publicly refusing the swear the oath of supremacy, although as Williams highlights, it was not until 1569 that JPs were required to swear the oath before the Assize judges.⁹⁴ Manning illuminates many ways in which JPs could avoid the oath, either by false certification by sympathetic JPs, or laxity in persecuting recusants if they were friends or family.⁹⁵ However, the oath of supremacy was seemingly stringently enforced in Derbyshire following the death of the conservative Francis Talbot 5th Earl of Shrewsbury in 1560, replaced by his anti-Catholic son George Talbot. While Shrewsbury's main campaign against Derbyshire Catholics came in the 1580s, he had throughout his life complained to the Queen about the presence of Catholics in the county undermining the Elizabethan Settlement.⁹⁶ Counties which retained a strong Catholic presence usually also had a conservative local magnate, whether Lords Montague, Arundel, and Lumley in Sussex, the Duke of Norfolk in Norfolk, or the Marquess of Winchester in Hampshire.⁹⁷ However, unlike Mundy who after 1560 refused to conform, Curzon was eventually returned in 1569 when he publicly swore the oath of supremacy before the Assize Judges, serving thereafter until his death in 1592, surviving several purges of Catholic JPs.⁹⁸ The Elizabethan regime was willing to accept traditionalists, especially legally trained JPs like Dyer and Powtrell, if they openly conformed.

Duffy cautioned that conformist traditionalists like Powtrell and Holles did not necessarily abandon their traditional religious practices, yet their outward conformity was sufficient for retention.⁹⁹ These JPs show the pragmatism that MacCaffrey found amongst Courtiers, sacrificing

⁹² Appendix 1554-1562.

⁹³ Alsop, 'Act for the Queen's Regal Power, 1554', *Parliamentary History*, Vol. 13, Issue. 3, (1994), pp.261-276.

⁹⁴ Black, in *HPJ: 1509-1558*, Vol. 2, pp.644-5; Williams, *Tudor Regime*, p.271.

⁹⁵ Manning, *Religion and Society*, pp.146-7.

⁹⁶ N.M. Fudge, in Hasler (ed.), *HPJ: 1558-1603*, Vol. 1, p.689; G.R. Batho (ed.), *A Calendar of the Shrewsbury and Talbot Papers (HMC Shrewsbury and Talbot)*, Vol. 2, Vol. E/G, ff.91-5.

⁹⁷ Manning, *Religion and Society*; Fritze, 'Family and Religion'.

⁹⁸ Appendix 1569; Black, in *HPJ: 1509-1558*, Vol. 1, p.742.

⁹⁹ Duffy, *Reformation Divided*, pp.139-141.

their religious traditionalism for political advancement.¹⁰⁰ The reason these traditionalists could survive is because, as Duffy said 'In the early 1560s the loyalty of Catholics was hardly an issue' as for several reasons they did not openly oppose the Elizabethan regime, because 'the possibility of the death (of the Queen), the Catholic marriage or the conversion of the Queen had not yet been ruled out'. However, he says, 'the arrival of Mary Queen of Scots in England in 1568, the Rising of the Northern Earls in 1569 and the excommunication of the Queen the following year changed all that', and thus Catholics became a greater threat, and the response to Catholics and conformist traditionalists changed.¹⁰¹ Williams concurred, suggesting that open recusancy (refusal to take part in the Elizabethan church) was relatively rare in all except Lancashire before 1570, until the Catholics were stirred to action between 1569-1572.¹⁰² However, from the removal of Marian JP between 1559-1562 seen across the country, there was a clear opposition to Catholics from the beginning, although many traditionalists survived these early years.

Another Marian appointed JP, Ellis Markham, was initially removed in 1559, but was returned by 1561, removed again in 1563, then returned in 1573.¹⁰³ He came from the powerful Markham family, whose patriarch was the reformer Sir John Markham (d.1559), a leading figure of the Henrician and Edwardian Reformations. Black suggested Ellis Markham's return in 1561 was due to his acceptance of the Elizabethan regime, and he was possibly one of the Markhams who were members of the household of Princess Elizabeth in 1558, although Black admits the evidence of which of the Markhams served at Hatfield is tenuous.¹⁰⁴ Ellis Markham was absent from the 1564 Bishops' Report, suggesting he was removed around 1563, alongside Francis Curzon.¹⁰⁵ His career aligns strongly with Sir Thomas Lovell of East Harling, a Norfolk JP until 1559, then returned in 1561, but dismissed by 1564. Hassell-Smith highlights several reasons for Lovell's repeated

¹⁰⁰ MacCaffrey, *Shaping of the Elizabethan Regime*, pp.22-44.

¹⁰¹ Duffy, *Reformation Divided*, p.154.

¹⁰² Williams, *Tudor Regime*, p.264.

¹⁰³ Appendix 1554-1573; BL, Lansdowne, MS1218, ff.57-92v.

¹⁰⁴ Black, in *HPI: 1509-1558*, Vol. 2, pp.567-570.

¹⁰⁵ Bateson (ed.), 'Letters of the Bishops', pp.43-44, 72-3; Appendix 1564.

dismissals, including failing social status, factionalism, and particularly his 'undoubted Catholic sympathies'.¹⁰⁶ For Markham, his removal was either because his religious sympathies were less certain than Black suggested, or perhaps a result of his lesser economic and social status, coming from a smaller branch family of the main Markhams (see Chapter Three).

Traditionalists were not only retained by Elizabeth, but appointed to office, like John Sacheverell, brother of the Catholic Marian JP Sir Henry Sacheverell. Although appointed a JP by Elizabeth in 1559, John Sacheverell would be removed from office in 1561 and arrested alongside his brother-in-law Sir Thomas Fitzherbert for refusing the swear the oath of supremacy. Sacheverell would flee overseas, and in his absence in 1565 his estate was assessed by several Derbyshire JPs including Sir Thomas Gerrard, appointed in 1564, who would himself be arrested for his part in a Catholic plot against Queen Elizabeth in 1571.¹⁰⁷ In 1562 the traditionalist Henry Fitzalan 12th Earl of Arundel was appointed an *Ex-Officio* JP and Privy Councillor.¹⁰⁸ MacCulloch suggests Arundel's religious conservatism was known, but not a major problem until 1568 when there was 'a diplomatic crisis' around the 'presence of Mary Queen of Scots and continued problems with the church', which led to the Duke of Norfolk leading a conservative faction of nobles and gentry (including Arundel) which ended in 1572 with the Duke's execution and Arundel's house arrest.¹⁰⁹ Arundel's removal from the county bench coincided with his fall from grace and dismissal from the Privy Council. Manning said that his influence over the Sussex bench, which had been important to Catholic survival in the 1560s, was entirely reliant on service at Court, thus once he was removed from office, his influence in Sussex waned.¹¹⁰ Arundel was a traditionalist, but was appointed because of his political power as an aristocratic, like the traditionalist Francis Talbot 5th Earl of Shrewsbury

¹⁰⁶ Hassell-Smith, *County and Court*, pp.166-7.

¹⁰⁷ Cobbing and Priestland, *Thomas Stanhope*, p.197.

¹⁰⁸ Appendix 1562-1569.

¹⁰⁹ MacCulloch, *Later Reformation*, pp.29-31.

¹¹⁰ Manning, *Religion and Society*, p.226.

who was retained in Derbyshire in 1559, and the reformist Henry Manners 2nd Earl of Rutland who was retained by Mary in 1554.¹¹¹

Sir George Pierrepont was by his death in 1564 the last surviving of the clearly Catholic JPs in Nottinghamshire, having served since at least 1547. In 1559 he was removed by Elizabeth, but was returned in 1561 and served until his death, despite never having sworn the oath of supremacy.¹¹² The Pierreponts would become leading Recusants who, according to repeated Recusancy Commissions in the 1570s, allowed mass to be heard at their manor of Holme Pierrepont and regularly refused to accept Elizabethan church services.¹¹³ Pierrepont had two Catholic wives, Elizabeth Babington and Winifred Thwaites, who according to Black was the most infamous Recusant in Nottinghamshire.¹¹⁴ Illness prevented Pierrepont from swearing the oath of supremacy in 1559, with J.T. Cliffe suggested feigning illness was a common tactic for Catholics to avoid having to participate in church service.¹¹⁵ Nevertheless, recusancy would hinder George's son Henry, a JP himself from 1573, who was arrested for attending mass in 1567, and later housing the Jesuit Edmund Campion for Christmas.¹¹⁶ Despite clear Catholic sympathies, both Arundel and Pierrepont served as JPs for several years, until rebellion or open non-conformity forced their dismissals.

After 1559 there remained several traditionalist JPs, although most survived by outwardly conforming. Ryrie suggested Catholics under Elizabeth 'appear to history as a doomed community of exiles and rural gentry, powerless and divided' and Catholics were 'frozen out of power'.¹¹⁷

¹¹¹ Bernard, 'Talbot, Francis', *ODNB*. [Accessed 9 August 2024], <https://www.oxforddnb.com/display/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-26926>; Appendix 1554; Charles Mosley, *Burke's Peerage, Baronetage and Knightage*, 107th edition, (Genealogical Books Ltd, Delaware, 2003).

¹¹² Appendix 1547-1564.

¹¹³ TNA, Recusant Rolls, E376/1, 7, 8, 11.

¹¹⁴ Black, in *HPI: 1509-1558*, Vol. 1, pp.660-1.

¹¹⁵ J.T. Cliffe, *Yorkshire Gentry from the Reformation to the Civil War*, (Athlone Press, London, 1969), pp.168-187.

¹¹⁶ A.D.K. Hawkyard, in *HPI: 1509-1558*, Vol. 3, pp.108-9; Cobbing and Priestland, *Thomas Stanhope*, p.200.

¹¹⁷ Ryrie, *Age of Reformation: Tudor and Stewart Realms 1485-1603*, (Routledge, London, 2009), pp.245-7.

However, Ryrie stresses this image is retrospective, and in the early years under Elizabeth Catholics remained in positions of power, like Arundel.¹¹⁸ While several Catholic JPs were removed between 1559-1562, many others survived, and formed a network between those traditionalist JPs still in power, and those excluded from office (see Chapter Four). Traditionalists were not 'powerless', and some who initially did not conform like Curzon were eventually returned to office, and others like Arundel, Dyer, Paulet, Powtrel, and Holles remained powerful for as long as they remained loyal and openly conformed. The number Marian JPs removed in 1559 shows a change in the political and religious governance in the counties, but this 'purge' did not exclude all traditionalists.

Conformity, although no guarantee of survival, could benefit a JP's career. George Talbot had been a *quorum* JP since 1547, and although retained in 1554, was removed from the *quorum*. He was promoted by Elizabeth in 1559, and in 1560 became Earl of Shrewsbury and later Lord Lieutenant of Derbyshire.¹¹⁹ His conformity was recognised as he was trusted with guardianship of the Catholic Mary Queen of Scots during her English imprisonment. Furthermore, his persecution of Catholic Recusants in Derbyshire was so harsh that Cox said about him 'the Protestants seem to have found an apt instrument of oppression'.¹²⁰ Whether his strict anti-Catholic sentiment was known in 1554 is unclear, but religion could explain his demotion from the *quorum*. Like Henry Manners 2nd Earl of Rutland, George Talbot could have been too powerful to remove as the heir to Francis Talbot, 5th Earl of Shrewsbury, a Privy Councillor under Mary. Similarly, Sir Francis Leake had been a JP since 1539, promoted to *Custos* of Derbyshire in 1548, the most senior administrative office in the county, and was retained in both *quorum* and *Custos* by Mary and later Elizabeth.¹²¹ However, while Leake had previously been a prolific member of several special commissions under Henry VIII and Edward VI, he was entirely excluded from special commissions

¹¹⁸ Ryrie, *Age of Reformation*, pp.245-7.

¹¹⁹ Appendix 1554-1562.

¹²⁰ Cox, *Notes on Derbyshire Churches*, Vol. 2, pp.249-258.

¹²¹ Appendix 1547-1562.

under Mary, despite being *Custos*.¹²² His exclusion was likely a result of reformist sympathies, made worse after his servants performed 'seditious, lewd and anti-Catholic plays' insulting Mary and King Phillip for which Leake was reprimanded.¹²³ Leake and Talbot were retained under Mary, but excluded from roles of responsibility, likely due to religion, just as some conformist traditionalists were under Elizabeth, with those excluded under Mary later profiting under Elizabeth.

Twenty-six JPs were appointed between 1559-1562, although at least eight of those appointed in 1559 were removed by 1561. They were almost all known reformers, many of whom were from families who had lost favour under Mary, or new families with no previous JPs. Sir John Hercy had been a Nottinghamshire JP from 1521-1554, and although removed by Mary, was returned in 1559 and promoted to the *quorum*, where he would serve prominently until his death in 1570.¹²⁴ He was highly influential amongst local reformers, related through marriage to the powerful Manners, Neville, Clifton, and Merring families, all important JPs under Elizabeth.¹²⁵ Hercy had been a Commissioner for the Dissolution of the Monasteries, and an agent of former Lord Chancellor and Principle Secretary Thomas Cromwell.¹²⁶ As an MP for Derbyshire in 1554 he was amongst sixty members marked on the Crown Office list who professed that they 'stood for the true religion' against the Marian religious policies. Immediately thereafter, Hercy and the other rebels were removed as JPs and arrested.¹²⁷ Black said upon Elizabeth's accession Hercy was 'once again able to support the Crown's ecclesiastical policy', and this led to his return as a JP, and

¹²² James Gairdner (ed.), *Letters and Papers of Henry VIII* (LP Henry VIII), Vol. 8, pp.1-31; Black, in *HPI: 1509-1558*, Vol. 2, pp.518-520.

¹²³ Batho (ed.), *HMC Shrewsbury and Talbot*, Vol. 2, Vol. P, ff.129, 902-5; TNA, SP12/67/44-61.

¹²⁴ Appendix 1547-1569.

¹²⁵ Francis Collins (ed.), *Index of Wills in the Yorkshire Registry, 1568-1585*, Vol. 19, (Yorkshire Archaeological Society, 1895), f.482.

¹²⁶ Gairdner (ed.), *LP Henry VIII*, Vol. 13, part. 2, pp.263-285.

¹²⁷ OBL, Special Collections, MS. e Mus. 17, ff.1-2.

appointment as a trusted Commissioner against Recusancy and Heresy in Derbyshire until his death.¹²⁸

However, while conformity to the Elizabethan Church did benefit the careers of many JPs, including Hercy, it was no guarantee of success. Thomas Kniveton, appointed in 1559, was removed in 1563, despite a year later Bishop Thomas Bentham listing him as 'meet to be called to office'.¹²⁹ Kniveton was returned by 1569 and would serve until his death in 1591.¹³⁰ By 1589 he was clearly trusted religiously as he was ordered to house the Recusant Richard Fenton. He complained about Fenton repeatedly to Lord Burghley, particularly about Fenton's religious practices.¹³¹ Kniveton was religiously reliable, yet was removed in 1563, although neither A.M. Mimardiére nor P.W. Hasler could determine a suitable reason, but clearly religion was not the only factor which influenced his career.¹³² Similarly, the reformer Richard Whalley was retained as a Derbyshire JP in 1559, having been, according to Black 'a reluctant supporter of the Marian regime', serving in Parliament in April 1554.¹³³ However, Cobbing and Priestland attributed his position under Mary to the favour Mary felt towards Whalley, whose father alongside Sir Michael Stanhope had defended her position as heir during the chaotic reign of Edward VI.¹³⁴ Bryson says Whalley was a committed Protestant, and entertained the Evangelical scholar William Ford, described as a 'great enemy of Papism in Oxford'.¹³⁵ In 1559 Whalley was promoted to the *quorum*, which Bryson attributes to his 'Protestantism'. However, his rise was short lived due to massive debts (see Chapter Three), which led to his removal by 1562.¹³⁶ According to Black and

¹²⁸ Black, in *HPJ: 1509-1558*, Vol. 2, pp.345-6.

¹²⁹ Bateson (ed.), 'Letters of the Bishops', pp.43-44, 72-3.

¹³⁰ Appendix 1562-1596.

¹³¹ J.H. Round (ed.), *Manuscript Collection of His Grace the Duke of Rutland (HMC Rutland)*, Vol. 1, (Eyre and Spottiswoode, London, 1888), pp.239-240, 302-3.

¹³² A.M. Mimardiére and Hasler, in *HPJ: 1558-1603*, Vol. 2, pp.407-8.

¹³³ Black and R.J.W. Swales, in *HPJ: 1509-1558*, Vol. 3, pp.594-596.

¹³⁴ Cobbing and Priestland, *Thomas Stanhope*, p.33, 153, 188.

¹³⁵ Alan Bryson, 'The special men in every shere: the Edwardian regime, 1547-1553', <http://hdl.handle.net/10023/2645>, (PhD Thesis, University of St Andrews, 2001), pp.65, 187, 214.

¹³⁶ Appendix 1562; Bryson, 'Whalley, Richard, 1498/9-1583', in *ODNB*, [Accessed 4 November 2024], <https://www.oxforddnb.com/display/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-29161?rskey=qDlcCy&result=2>.

Bryson, Whalley was a reformer, yet had served the Marian regime. Although never returned to office after 1562, his reformist grandson Richard would become a JP by 1596.¹³⁷ Despite being conformists both Kniveton and Whalley were removed for reasons beyond religion.

Between 1554-1562 many Marian, traditionalist, or Catholic JPs were removed, and replaced by reformers and conformists. However, some Marian appointed JPs survived as did traditionalists like Powtrell and Holles, or pragmatists like Dyer, and Paulet, if they showed conformity. Those who refused to conform like Mundy were removed, but Curzon was returned once he swore the oath of Supremacy. Religion played a key role in the selection of JPs, but it was not alone.

Education influenced the retention of Powtrell and Dyer who were trained lawyers, with alliances and wealth aided Holles, while debt hindered Whalley despite religious conformity. Reformists benefited under Elizabeth, with Hercy and others returned, and Talbot promoted. Loyalty to the new regime was the main ambition for these early Peace Commissions. If there was a consistent strategy for selecting JPs based on religion it was nuanced, influenced by a range of factors beyond religion.

1564 Bishops' Report

In 1564 JPs and Bishops complained that the Elizabethan Settlement was being undermined by fellow JPs. Some had been retained, despite refusing to sign the oath of supremacy, like George Pierrepont, and others refused to attend Elizabethan Church service. Therefore, the Crown ordered a nationwide Commission to determine the religious favourability of JPs in each county. This report would be overseen by the bishops who would seek the advice of trusted men in each county.¹³⁸ Thus, while religion was the dominant factor, local factionalism, lobbying, and personal intervention also influenced this report (see Chapter Four). Fritze placed significant importance on the classification of religion within the 1564 Bishops' Report, however others like Tim Thornton

¹³⁷ Appendix 1596.

¹³⁸ Bateson (ed.), 'Letters of the Bishops', pp.1-84.

and Manning, while referencing the report within their studies, placed doubt on how impactful it was to the composition of the county benches in the following years.¹³⁹ Furthermore, while these studies have addressed the influence of the report on each individual county, there remains no sufficient research into the effects of the report overall, and this has led to significantly different interpretations between counties.

The two bishops who oversaw this report in the Midlands was the Archbishop of York Thomas Young in Nottinghamshire, and the Bishop of Coventry and Lichfield Thomas Bentham in Derbyshire.¹⁴⁰ Both were Marian exiles, those who fled England upon Mary's accession, avowing their adherence to the Reformation, and joining the continental centres of Protestantism, namely Zurich, Basel, and Frankfurt.¹⁴¹ When Bentham and Young returned to England, they were soon made Bishops, despite fears they had been radicalised abroad. However, according to MacCulloch, 'Elizabeth was forced to rely on Protestant exiles returning from the continent, possibly bringing radical ideals'.¹⁴² While both Young and Bentham were advised by trusted individuals, only Bentham names them in his letter. Firstly, there were two officers of his diocese (The Dean of Lichfield Laurence Nowell and Bentham's Registrar James Weston). Secondly, Bentham names three local gentlemen he consulted: Sir Thomas Cokayne of Ashbourne, Walter Horton of Catton, and Aden Beresford of Bentley. Bentham judged both Nowell and Weston as 'men godly and zealous', both words which Bentham would have used to signify their strong Protestant convictions. He also explains that Nowell and Weston were of 'longer continuance, and therby of

¹³⁹ Fritze, 'Family and Religion', pp.267-87; Manning, *Religion and Society*, pp.242-3; Thornton, *Cheshire and the Tudor State*, pp.236-7.

¹⁴⁰ Bateson (ed.), 'Letters of the Bishops', pp.1-84.

¹⁴¹ Andrew Pettegree, 'Young, Thomas, 1507-1568', in *ODNB*, [Accessed 4 November 2024], <https://www.oxforddnb.com/display/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-30280?rskey=8y6khd&result=2>; Joel Berlatsky, 'Thomas Bentham and the Plight of Early Elizabethan Bishops', *Historical Magazine of the Protestant Episcopal Church*, Vol. 43, No. 4, (December 1974), pp.317-340; Rosemary O'Day, 'Bentham, Thomas, 1513/14-1579', in *ODNB*, [Accessed 4 November 2024], <https://www.oxforddnb.com/display/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-2156?rskey=pCwSgk&result=1>.

¹⁴² MacCulloch, *Later Reformation in England, 1547-1603*, pp.28-32.

more knolege and experience in my Dioces than I'.¹⁴³ Rosemary O'Day stressed that Bentham was more active in Staffordshire and Shropshire and less knowledgeable about Derbyshire, where his interactions with the local JPs was less extensive.¹⁴⁴ The Derbyshire report is divided into sections: firstly, are those 'miet to continew in office', then two JPs identified as 'adversaries to religion' (Sir Humphrey Bradbourne and Henry Vernon), then two JPs who were 'miet to be omitted' (Richard Blackwell and Godfrey Boswell). Finally, there is a list of local gentlemen who Bentham says are 'good men and miet to be called to office'. Bentham provides an afterword, explaining his decisions, and making further personal recommendations.¹⁴⁵ Young's report is simpler, with seven JPs listed as 'favorers of religion', two as 'good subjectes and necessarie for service in their countrie but in religion vearie cold' (Sir Gervais Clifton and Sir John Byron Snr), and lastly seven JPs who were 'no favorers of religion', including the aforementioned William Holles and Nicholas Powtrell.¹⁴⁶ Importantly, a formatting error in the transcribed version of the report in the *Camden Miscellany* has led to confusion about which group in Nottinghamshire was unfavourable, a mistake Cobbing and Priestland made in their otherwise excellent research.¹⁴⁷ However, the original version kept at Hatfield House clearly indicates the group led by 'Sir John Herrsyne (Hercy), knight' as the favours.¹⁴⁸

Only one of Bentham's three advisors was a JP by 1564, Sir Thomas Cokayne. Appointed in 1547, he was removed in 1554, but returned in 1555 and retained by Elizabeth.¹⁴⁹ Cokayne was a reformer, as he lambasted the 'vain pomp' of traditional church service in his will 'which I have

¹⁴³ Bateson (ed.), 'Letters of the Bishops', pp.43-44; Retha Warnicke, 'Nowell, Laurence (1530-c.1570)', *ODNB*, [Accessed 30 July 2025], <https://www.oxforddnb.com/display/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-69731?rskey=E5tEiH&result=2>; A.M. Mimardiere, *HPI: 1558-1603*, Vol. 3, p.605.

¹⁴⁴ O'Day, 'Bentham, Thomas, 1513/14-1579', in *ODNB*, [Accessed 4 November 2024], <https://www.oxforddnb.com/display/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-2156?rskey=pCwSgk&result=1>.

¹⁴⁵ Bateson (ed.), 'Letters of the Bishops', pp.43-44.

¹⁴⁶ Bateson (ed.), 'Letters of the Bishops', pp.72-3.

¹⁴⁷ Bateson (ed.), 'Letters of the Bishops', pp.72-3; Cobbing and Priestland, *Thomas Stanhope*, pp.198-9.

¹⁴⁸ Hatfield House, MS, C.C. 5.

¹⁴⁹ Appendix 1547-1562

always accounted superstitious'.¹⁵⁰ Cokayne was repeatedly a Commissioner for Recusancy and to Investigate Jesuits and Seminarist Priests, commissions only granted, according to Manning by 1583, to known Protestants, 'often notorious puritans'.¹⁵¹ This explains his retention by Elizabeth, and likely why Bentham sought his advice. Although not amongst the premier families of Derbyshire as they had been in the 15th century, the Cokaynes retained significant social status (see Chapter Three).¹⁵²

While not JPs in 1564, both Horton and Beresford would be recommended for appointment by Bentham, although only Horton was appointed, in 1565.¹⁵³ Aden Beresford came from one of the many branch families of the Beresfords of Staffordshire, established at Fenny Bentley since the 15th century.¹⁵⁴ They were of sufficient status to be included amongst the gentry families within the Derbyshire Visitation Pedigree.¹⁵⁵ However, they were a minor family who had been almost entirely absent from local administration. Wright's 'directory of Derbyshire landed and political society' determined which families should be considered amongst the gentry based on whether they were appointed to offices like Sheriff, MP, or JP, or had an inquisition postmortem. The Beresfords met these criteria only in 1450 and were otherwise absent from local administration.¹⁵⁶ Aden Beresford was chosen either for religious convictions, or due to personal relations to either Bentham or the other advisors, as all three of the advisors chosen in Derbyshire lived on the Derbyshire-Staffordshire border. Three of the four other gentlemen recommended for appointment by Bentham were eventually appointed. Thomas Kniveton was returned in 1569, after his removal in 1563, Ralph Sacheverell was appointed in 1576, and Richard Wennesley in 1577. However, George Curzon (a distant relative of the previously mentioned Francis Curzon),

¹⁵⁰ TNA, PROB 11/81/390.

¹⁵¹ TNA, Recusant Rolls, E376/1, 7, 8, 11; Manning, 'Elizabethan Recusant Commissions', pp.23-36.

¹⁵² Susan Wright, *The Derbyshire Gentry in the Fifteenth Century*, (Derbyshire Record Society, Vol. 8, Chesterfield, 1983), pp.3-9.

¹⁵³ Bateson (ed.), 'Letters of the Bishops', pp.43-44; Appendix 1564-1569.

¹⁵⁴ Cox, *Notes on Derbyshire Churches*, Vol. 2, pp.463-9.

¹⁵⁵ William Dugdale, *Derbyshire Visitations Pedigrees 1569 and 1611*, (London, 1895), pp.8-10.

¹⁵⁶ Wright, *Derbyshire Gentry*, Appendix 1.

was like Beresford, never appointed.¹⁵⁷ In Hampshire, none of the three men recommended by Bishop Horne were immediately appointed, with two added by 1566, and one, Henry Clifford of Fawley, never appointed.¹⁵⁸ Therefore, the immediate impact of the Bishops' Report for appointing new JPs was limited, as there was no guarantee of appointment for those recommended for being religiously reliable.

In 1564 Henry Vernon and Humphrey Bradbourne were classified as 'adversaries to religion', whereas Richard Blackwell and Godfrey Boswell were 'mied to be omitted'. The likely difference was that Vernon and Bradbourne were traditionalists, whereas Blackwell and Boswell were zealous reformers. Hassell-Smith said the main intention of the Bishops' Report was to remove those with 'popish inclinations', and although Bishop Robert Horne in Hampshire and Bishop William Barlow in Sussex focused on Catholic nonconformity, both Bentham and Young seemingly included those considered too radically protestant in their reports.¹⁵⁹ Williams highlights that many of those considered unfavourable in 1564 were radical Protestants, which he says was a growing worry for the Elizabethan regime.¹⁶⁰ Vernon had been a Staffordshire JP since 1554, and was appointed in Derbyshire in 1559.¹⁶¹ He was listed among the 'adversaries to religion' in both Staffordshire and Derbyshire, both overseen by Bentham.¹⁶² His conservatism was clear from his participation in the heresy trial of Joan Wastes in 1556, a 22-year-old blind woman burnt in Derby, memorialised in John Foxe's book of Protestant martyrs.¹⁶³ However, while he was removed in Staffordshire, where he was also stated to be part of a 'hurtfull knot' of conservatives in the county, he remained a JP for Derbyshire until his death in 1569.¹⁶⁴

¹⁵⁷ Appendix 1564-1580.

¹⁵⁸ Fritze, 'Family and Religion', p.279.

¹⁵⁹ Hassell-Smith, *County and Court*, pp.34-5; Fritze, 'Family and Religion', p.278.

¹⁶⁰ Williams, *Tudor Regime*, p.259.

¹⁶¹ Appendix 1554-1562.

¹⁶² Bateson (ed.), 'Letters of the Bishops', pp.43-44, 72-73.

¹⁶³ John Foxe, *Fox's Book of Martyrs, or a History of the Lives, Suffering, and Triumphant Deaths of the Primitive Protestant Martyrs*, (Originally Published 1563), (John Winston Co, Chicago, 2007), pp.249-250.

¹⁶⁴ Black, in *HPI: 1509-1558*, Vol. 3, p.526; Bateson (ed.), 'Letters of the Bishops', pp.42-3.

Sir Humphrey Bradbourne was also retained, and while demoted from the *quorum*, he was returned to it in 1579.¹⁶⁵ Bradbourne had served twice in Parliament where he opposed the disinheritance of the Princess Mary. Black stressed his conservatism, as although Bradbourne had been a JP since 1538, and promoted to the *quorum* in 1559, likely due to experience, he was excluded from Special Commissions under Elizabeth until 1578.¹⁶⁶ Despite being listed as ‘adversaries’ in 1564, supporting the Marian regime in Parliament, and persecuting Protestants in Derby, Bradbourne and Vernon remained JPs in Derbyshire after 1564. Vernon had a powerful ally in his cousin, Sir George Vernon (see Chapter Four), and Bradbourne was amongst the most experienced JPs in Derbyshire by 1564, and both outwardly conformed after 1559. However, their survival does question whether the Bishops’ Report had a significant effect on traditionalist JPs. Bradbourne was demoted from the *quorum*, and Vernon removed in Staffordshire, but they continued as JPs in Derbyshire. In Norfolk, despite Hassell-Smith highlighting the survival of many Catholics, Bishop John Parkhurst nevertheless acquiesced to the Duke of Norfolk’s advice. Parkhurst, despite his own ‘radical religious persuasions’, recommended no JPs for removal, and only four of questionable attitudes who should nevertheless be retained. Only after the Duke’s fall in 1572 did Parkhurst move against the traditionalist JPs in Norfolk.¹⁶⁷ Watts also attributes the survival of Catholics in Northumberland in the 1580s-90s to the protection, or lax persecution, of the Earl of Huntingdon, despite Huntingdon’s apparent ‘puritanism’.¹⁶⁸

Whereas Bradbourne and Vernon were traditionalists, Blackwell and Boswell, listed as ‘miet to be omitted’, were zealous reformers. Blackwell was called a ‘Puritan’ by Black, who highlighted how Blackwell threatened to disinherit his heir unless he chose a godly lifestyle to cure his ‘lewd condition’. The lengthy preamble of his will from 1568 expresses self-loathing at his and the world’s inherent sin, followed by a call for his ‘body to be buried without pomp’ and ‘a godly

¹⁶⁵ Appendix 1576-1584.

¹⁶⁶ Black, in *HPI: 1509-1558*, Vol. 1, pp.480-481.

¹⁶⁷ Hassell-Smith, *County and Court*, pp.34-5.

¹⁶⁸ Watts, *From Border to Middle Shire*, pp.77-9.

sermon to be preached at my burial', then going into detail on clear Protestant doctrine on the repentance of sin.¹⁶⁹ Blackwell, a Derbyshire JP since 1543, was removed in 1554, likely due to his reformist beliefs as he refused to attend mass under Mary and kept in contact with Marian exiles in Geneva.¹⁷⁰ Blackwell was returned as a JP in 1559, and would serve until his death. While classified as 'miet to be omitted' in 1564, Bentham (a Marian exile) wrote an afterword personally vouching for Blackwell, a man 'of good learning' as an alumnus of the Inner Temple and Clement's Inn (see Chapter One), 'whom I have diverse tymes talked and so do lyke well of him and think him miet to continew in office'.¹⁷¹ Blackwell had publicly criticised some aspects of the Elizabethan Settlement for retaining too many Catholics elements, but Bentham insisted Blackwell was reliable, and this lobbying meant he was never removed.¹⁷²

The other JP 'miet to be omitted' was Godfrey Boswell, a Yorkshire gentleman with lands in Derbyshire.¹⁷³ He had been a JP in Derbyshire since 1563, only a year prior to the Bishops' Report. However, he was seemingly removed from office by 1565 according to his absence from Special Commissions, and a note by Bateson that he did not sign the Supremacy until 1569.¹⁷⁴ Yet, once he publicly swore the oath, he was returned as a JP and promoted to the *quorum*.¹⁷⁵ Boswell's will seemingly aligned with aspects of Protestant wills, although by his death in 1580 it was more common to see conformist wills.¹⁷⁶ Boswell was the only Derbyshire JP removed following the Bishops' Report, with the traditionalists Vernon and Bradbourne retained.¹⁷⁷ This questions how damaging religious conservatism was for JPs who outwardly conformed, compared to zealous

¹⁶⁹ Black, in *HPJ: 1509-1558*, Vol. 1, pp.440; TNA, PROB 11/45/246.

¹⁷⁰ Black, in *HPJ: 1509-1558*, Vol. 1, pp.440; Appendix 1547-1554.

¹⁷¹ Bateson (ed.), 'Letters of the Bishops', pp.43-44

¹⁷² Black, in *HPJ: 1509-1558*, Vol. 1, pp.440.

¹⁷³ Joseph Hunter, *South Yorkshire*, (EP Publishing, South Yorkshire, 1974).

¹⁷⁴ Bateson (ed.), 'Letters of the Bishops' in *Camden Miscellany*, Vol. 9, pp.39-44.

¹⁷⁵ Appendix 1569.

¹⁷⁶ J.J. Boswell, *History and Genealogical Tables of the Boswells*, (Genealogical Society, Utah, 1906); TNA, C142/189/46; J.W. Clay (ed.), *North Country Wills, 1558-1604*, Vol. 2, (Whitehead and Son, Leeds, 1912), pp.97-8; Caroline Litzenberger, 'Local responses to changes in religious policy based on evidence from Gloucestershire wills (1540-1580)', *Continuity and Change*, Vol. 8, Issue 3, (1993), pp.417-439.

¹⁷⁷ Bateson (ed.), 'Letters of the Bishops', pp.43-44, 72-73; Appendix 1564.

reformers like Boswell. MacCulloch highlighted how those pushing for further reformation of the Elizabethan Settlement slowly became a greater enemy than conformist traditionalists. He says by 1565 the Queen 'ordered the bishops to bring nonconforming Protestants to heel', likely why Blackwell and Boswell were recommended for removal.¹⁷⁸

Unlike Derbyshire, the majority of those hindered by the Bishops' Report in Sussex, Cheshire, and Hampshire were traditionalists. Yet, the proportions identified as unfavourable were similar. In Hampshire 7/30 (23%) were 'mislikers of the present estate of religion', three of whom were members of the aforementioned Paulet family and the other four were 'carried over from the Marian regime'.¹⁷⁹ While it is uncertain how many were immediately removed in Hampshire, in Sussex at least nine JPs were removed (around ¼ of the county bench) and replaced by seven Protestant JPs.¹⁸⁰ Finally, Thornton downplays the effect of the report in Cheshire, as 'the positively unfavourable numbered only nine', despite this being 45% of the county's JPs, yet the number of JPs removed was also uncertain.¹⁸¹ Derbyshire therefore, with 4/14 (29%) saw similar levels of nonconformity as Sussex or Hampshire, although compared to Sussex, the number of JPs removed was minimal.¹⁸² Elizabeth considered the matter of religion settled by 1564 and opposed those who pushed for further reformation. Traditionalists who conformed, like Bradbourne, Vernon, Powtrel, and Holles, were not as great a threat. However, by 1569, when tensions with Catholic aristocrats in the north were growing, some zealous reformers, like Boswell, were returned. In Derbyshire at least there was no 'purge' of traditionalist JPs in 1564.

Alongside advising Blackwell's retention, Bentham also recommended that Sir George Vernon should be promoted to the *quorum*, as he was 'known to be a great Jester at Religion'. However, the transcription within the *Camden Miscellany* is likely wrong, and instead it should read 'Justice

¹⁷⁸ MacCulloch, *Later Reformation*, pp.27-9.

¹⁷⁹ Fritze, 'Family and Religion', p.278.

¹⁸⁰ Hassell-Smith, *County and Court*, pp.82-3; Manning, *Religion and Society*, pp.242-3.

¹⁸¹ Thornton, *Cheshire and the Tudor State*, p.236.

¹⁸² Bateson (ed.), 'Letters of the Bishops', pp.43-44.

at Religion', a more positive phrase in line with Bentham's recommendation that Vernon be promoted.¹⁸³ Vernon had served uninterrupted as a JP since 1539, and was the richest man in Derbyshire, his large estate in High Peak earning him the name 'King of the Peak' (see Chapter Three). He was nominated nine times for High Sheriff between 1539-1565, yet was never pricked, nor appointed to the *quorum*.¹⁸⁴ Bentham's recommendation may suggest Vernon was a reformer, but no evidence in his letters with the Earl of Shrewsbury, or his will of 1565, suggest any clear religious expressions beyond the conformity one would expect.¹⁸⁵ Vernon's absence from the *quorum* despite Bentham's recommendation, his length of service, his great wealth (see Chapter Three), and many allies (see Chapter Four), questions the impact all these factors.

Four JPs were recommended for dismissal in Derbyshire, of whom only Boswell, a reformer, was removed. In Nottinghamshire, Archbishop Young recommended nine JPs as religiously unsuitable, of whom only Sir Anthony Strelley was removed, sometime between 1564-1569.¹⁸⁶ Young included both reformers and traditionalists together under 'no favorers of religion'. However, he highlighted two traditionalists should be retained; Sir John Byron Snr and Sir Gervais Clifton.¹⁸⁷ Clifton and Byron were the most senior JPs in Nottinghamshire: Clifton a JP from 1537-1547, 1554-1588, and Byron serving uninterrupted since 1511.¹⁸⁸ They were classified as 'good subjects and necessarie for service... but in religion vearie cold'.¹⁸⁹ 'Cold' evokes a lack of enthusiasm for the Elizabethan Settlement, which both men showed. Clifton's conservatism is suggested by his removal under Edward in 1547, and his return by Mary in 1554.¹⁹⁰ Clifton married the Recusant Winifred Thwaites (previously the wife of the conservative George Pierrepont), and Clifton's eldest son was subject to a Recusancy Commission in the 1570s for following his mother's example into

¹⁸³ Bateson (ed.), 'Letters of the Bishops', pp.43-44

¹⁸⁴ Black, in *HPI: 1509-1558*, Vol. 3, pp.525-6; Cox, *Notes on Derbyshire Churches*, Vol. 2, pp.87-94.

¹⁸⁵ Batho (ed.), *HMC Shrewsbury and Talbot*; TNA, PROB 11/48/273.

¹⁸⁶ Appendix 1564-1573.

¹⁸⁷ Bateson (ed.), 'Letters of the Bishops', pp.43-44, 72-73.

¹⁸⁸ J.S. Brewer (ed.), *LP Henry VIII*, Vol. 1, p.445; Appendix 1547-1569.

¹⁸⁹ Bateson (ed.), 'Letters of the Bishops', pp.43-44, 72-73.

¹⁹⁰ Appendix 1547-1554.

recusancy.¹⁹¹ Clifton was embroiled in a local religious dispute in May 1584 with the reformist Nottinghamshire JP Sir Thomas Stanhope, himself considered unsuitable in 1564 for his forceful reformist beliefs. Clifton complained to the Earl of Rutland that Stanhope had threatened to drag Clifton and his family to church in chains if they refused to attend willingly. However, his position was hindered as his wife continued to practice mass at Clifton Hall, and his step-son Henry Pierrepont's had earlier been arrested for the same.¹⁹² Manning highlights the danger of JPs having Recusant wives, pointing to the concerns of the Earl of Kent in Bedfordshire, where 'obstinate' recusant wives were often a greater danger than their conformist husbands, and threw suspicion on their husbands that their conformity was just for show.¹⁹³ Despite these suspicions, and his wife's open Catholicism, Clifton remained a *quorum* JP until his death in 1588.¹⁹⁴ He retained a regular place on Special Commissions, including in 1587 when Clifton and Stanhope investigated which houses in Nottinghamshire the Jesuit Edmund Campion had visited, including Clifton's step-son's manor of Holme Pierrepont.¹⁹⁵ Clifton was retained despite his conservatism because, as Young admitted, his experience and local influence was 'necessarie for service'. He was also in royal favour, with the Queen calling him 'Gervais the Gentle' for his trustworthiness, in a poem about Nottinghamshire JPs.¹⁹⁶ According to Cobbing and Priestland, Clifton was renowned for his integrity and was a man of universal esteem, greatly commended by the Nottinghamshire historian Robert Thoroton.¹⁹⁷

Byron, although openly a conformist, expressed clear traditionalist sentiments in the remarkable confession within his will. Byron was a JP uninterrupted for 56-years, from 1511-1567, and in 1562

¹⁹¹ TNA, Recusant Rolls, E376/1, 7, 8, 11.

¹⁹² Round (ed.), *HMC Rutland*, Vol. 1, p.166; Cobbing and Priestland, *Thomas Stanhope*, p.202.

¹⁹³ Manning, 'Elizabethan Recusant Commissions', pp.23-36.

¹⁹⁴ Appendix 1554-1591.

¹⁹⁵ Cobbing and Priestland, *Thomas Stanhope*, p.200.

¹⁹⁶ 'Biography of Sir Gervase Clifton (d1588)', University of Nottingham. [Accessed 9 August 2024], [https://www.nottingham.ac.uk/manuscriptsandspecialcollections/collectionsindepth/family/clifton/biographies/biographyofsirgervaseclifton\(d1588\).aspx#:~:text=Clifton%20Family%20biographies&text=Gervase%20was%20a%20favourite%20of,in%20the%20seige%20of%20Boulogne](https://www.nottingham.ac.uk/manuscriptsandspecialcollections/collectionsindepth/family/clifton/biographies/biographyofsirgervaseclifton(d1588).aspx#:~:text=Clifton%20Family%20biographies&text=Gervase%20was%20a%20favourite%20of,in%20the%20seige%20of%20Boulogne)

¹⁹⁷ Cobbing and Priestland, *Thomas Stanhope*, p.186.

he was promoted to *Custos* of Nottinghamshire by Elizabeth.¹⁹⁸ He had been a Commissioner for the Dissolution of the Monasteries and an agent of the Edwardian and Elizabethan reformations, yet also the Marian restoration.¹⁹⁹ He initially seems a pragmatist like Paulet and Dyer, but Byron never abandoned his Catholicism. In his will, written in the last months of Mary's reign, he asks for God to 'forgyve me all my offences and synnes whiche I have committed against thee', linking these sins to his part in the Reformation. The expression of regret and a lengthy section where Byron expresses his Catholicism clearly aligns with the 'traditionalist or Catholic' wills highlighted by Litzenberger in Gloucestershire, although this will is remarkable in the detail of this Catholic expression.²⁰⁰ Byron mentions the Eucharist, in which he says the bread and wine by 'invisible power of God is altered... into the verie bodie of Christ', referring approvingly to the Catholic interpretation where the bread is physically changed into the flesh of Christ. He then calls for the return of mass and 'all th'other blessed sacramentes' many of which reformers opposed. He continues 'I fyrmelie and stedfastlie beleve... in all and everye other poynte and article of our faithe, as the hollie Catholique and known churche dothe beleave' for he says without 'the churche ther is no salvacion'. He then leaves £10pa to priests at Colwick for the hearing of mass, should the practice be made legal again.²⁰¹ Byron's will clearly expressed Catholic sentiment, yet he survived despite traditionalism due to his outward conformity and decades of loyal service. However, while known to be conservative, the open Catholicism of his will was likely not known and may have hindered his career if it had been. Byron, while holding Catholic sympathies, was a pragmatist, but his pragmatism was not an easy decision for him. Even those who sacrificed religion for politics, as MacCaffrey highlighted, still held their religion as important.²⁰² There is also no surviving evidence of a scandal caused by Byron's will, and his son John was a conformist,

¹⁹⁸ Appendix 1547-1569.

¹⁹⁹ Gairdner (ed.), *LP Henry VIII*, Vol. 10, pp.82-98.

²⁰⁰ Alsop, 'Act for the Queen's Regal Power', pp.261-276; Litzenberger, *English Reformation: Gloucestershire 1540-1580*, pp.83-103.

²⁰¹ J.P. Earwaker (ed.), *Lancashire and Cheshire Wills and inventories, 1572 to 1696*, (Cheetham Society, Manchester, 1893), pp.133-6.

²⁰² MacCaffrey, *Shaping of the Elizabethan Regime*, pp.22-44.

serving as a JP from 1562-1609.²⁰³ In 1564 John Byron the younger was categorised amongst the 'favorers of religion' and after his father's death he would replace him as *quorum*, and in 1573 was appointed a Commissioner to investigate breaches of the Acts of Uniformity and Supremacy.²⁰⁴ Byron Snr and Clifton were too important for Nottinghamshire administration to remove, and as they outwardly conformed and served loyally for decades they were retained, despite their traditionalist views.

The only Nottinghamshire JP removed following the Bishops' Report was Sir Anthony Strelley, likely for being a conservative.²⁰⁵ Strelley was closely associated with the aforementioned Sir John Byron, with Strelley's father (a JP until his death in 1563) being called 'my brother' by Byron.²⁰⁶ He had served Queen Mary in war in 1555, writing to the Earl of Rutland while preparing to assault a fortress that he was a loyal servant of the Queen.²⁰⁷ Yet, this service under Mary and his exclusion from Special Commissions under Elizabeth (except Commissions of Musters) are the only indications of being out of favour.²⁰⁸ However, even Strelley's removal may have been for reasons beyond religion as his family was in deep debt by 1559, which would only continued to worsen under Elizabeth (see Chapter Three). It is difficult to ascertain a concrete reason for his dismissal, whether for religion or wealth. However, as Manning highlighted, 1564 did not necessarily hinder a JP's career, as in Sussex Thomas Lewkenor was appointed a JP in 1575, despite being listed as unfavourable in 1564.²⁰⁹

Those listed as 'no favorers of religion' by Archbishop Young were both traditionalists like Holles, Strelley, and Powtrell, and zealous reformers like Stanhope and Sir John Manners. Stanhope, a *quorum* JP for Nottinghamshire and Derbyshire since 1561, was listed by Bentham as 'miet to

²⁰³ Appendix 1562-1596.

²⁰⁴ Bateson (ed.), 'Letters of the Bishops', pp.43-44, 72-73; *CPR Elizabeth*, Vol. 7, pp.168-9.

²⁰⁵ Bateson (ed.), 'Letters of the Bishops', pp.72-73.

²⁰⁶ Round (ed.), *HMC Rutland*, Vol. 1, p.67.

²⁰⁷ Round (ed.), *HMC Rutland*, Vol. 1, p.66.

²⁰⁸ Round (ed.), *HMC Rutland*, Vol. 1, pp.124-5.

²⁰⁹ Manning, *Religion and Society*, pp.83-4.

continue in office', but Young disagreed.²¹⁰ Young provided no personal comments as Bentham did, nor listed advisors, thus his reasons are unknown, although it should be noted that Stanhope was not popular amongst many of his neighbours in Nottinghamshire and is to blame for much of the factionalism seen in the county in the 1580s-90s (see Chapter Four).²¹¹ Nevertheless, Stanhope was retained as a *quorum* JP for both counties until his death in 1596.²¹² After 1564 Stanhope became an important agent of the Crown's religious policies. Alongside Manners he oversaw most Recusancy Commissions in Nottinghamshire, and in 1587 led a raid on Padley Hall. The treatment of the Recusant Fitzherbert family of Padley was so harsh that Cox called Manners and Stanhope amongst the most ardent and prolific persecutors of Catholics in Derbyshire.²¹³ This harshness to Catholics, early in Elizabeth's reign, may be the reason Stanhope was considered unsuitable, as 'The primary aim of Elizabeth's government was the preservation of national unity at all costs'.²¹⁴ Sir John Manners was a JP for both Nottinghamshire and/or Derbyshire from 1559-1611, and despite being listed as 'no favorer of religion' in 1564, his career would flourish due to his economic and social status (see Chapters Three and Four), becoming Deputy Lieutenant and then *Custos* of Derbyshire.²¹⁵ Manners, Stanhope, Blackwell, and Boswell were all considered unsuitable despite being reformers, yet only Boswell was removed, likely because he lacked the powerful allies these other reformist JPs had (see Chapter Four). The Bishops' Report did not hinder most of these reformist JPs who remained important local agents of the Crown.

Most of the JPs considered 'favorers of religion' found success after 1564. Robert Markham was a JP from 1563, until his death in 1591, after 1573 alongside his cousin Ellis Markham.²¹⁶ After 1564 he was appointed to several Recusancy Commissions, although his success was not solely due to

²¹⁰ Bateson (ed.), 'Letters of the Bishops', pp.43-44, 72-73.

²¹¹ Cobbing and Priestland, *Thomas Stanhope*.

²¹² Appendix 1564-1596.

²¹³ TNA, Recusant Rolls, E376/1, 7, 8, 11; Cox, *Notes on Derbyshire Churches*, Vol. 2, pp.249-258.

²¹⁴ Manning, *Religion and Society*, p.281.

²¹⁵ Appendix 1562-1596; Bateson (ed.), 'Letters of the Bishops', pp.43-44, 72-73; Round (ed.), *HMC Rutland*, Vol. 1, pp.120-123.

²¹⁶ Appendix 1564-1584.

religion. The Markhams were a powerful family, although their reformist beliefs likely did aid in securing four Derbyshire JPs under Elizabeth.²¹⁷ Other reformist families including the Nevilles and Merrings benefited from religion under Elizabeth. Francis Merring and Robert Neville had been JPs until being removed by Mary in 1554 on religious grounds.²¹⁸ In 1564 their sons George Neville and William Merring were listed as ‘favorers of religion’, and had successful careers thereafter.²¹⁹ George Neville’s uncle Sir Anthony Neville, a JP from 1538 until his death in 1557, was an agent of Archbishop Thomas Cranmer, who proposed he be promoted to *Custos* of Nottinghamshire.²²⁰ Black classified William Merring as a conformist, although this is only derived from the 1564 Bishops’ Report and later service as an ecclesiastical Commissioner in 1568.²²¹ Judith Maltby highlighted the challenges of identifying conformity, as it left less evidence than nonconformity which benefitted from Recusancy Commissions.²²² However, even the favourable were not above later suspicion, as in Sussex in 1564 Sir Thomas Palmer was classified as favourable, yet would be found housing a deprived Marian priest as Chaplin in 1569, although this did not exclude his appointment as Deputy Lieutenant. Manning called Palmer ‘a weak man for whom the lure of public office proved irresistible’ in abandoning his conservatism for conformity.²²³ In 1572 Sir Thomas Gargrave attempted to analyse the religion of the Yorkshire gentry, finding there were 43 Protestants, 40 Catholics, and 38 who were ‘doutfull or newtor’. However, Cliffe found upon further study that most of those classified as ‘doufull’ were ‘crypto-Catholics’ who openly conformed, as apparently were several of the gentlemen classified as Protestant.²²⁴ Nevertheless, both Merring and Neville came from reformist families and after 1564 found success as JPs and

²¹⁷ TNA, Recusant Rolls, E376/1, 7, 8, 11.

²¹⁸ Appendix 1547-1554.

²¹⁹ Appendix 1564.

²²⁰ Black, in *HPI: 1509-1558*, Vol. 3, p.6.

²²¹ Black, in *HPI: 1509-1558*, Vol. 2, p.596; Bateson (ed.), ‘Letters of the Bishops’, pp.43-44, 72-73; *CPR Elizabeth*, Vol. 4, 1566-69, pp.172-3.

²²² Judith Maltby, *Prayer Book and People in Elizabethan and Early Stuart England*, (CUP, Cambridge, 2009), pp.1-12.

²²³ Manning, *Religion and Society*, pp.82-3.

²²⁴ Cliffe, *Yorkshire Gentry from the Reformation to the Civil War*, p.168.

Commissioners, both later promoted to the *quorum* around 1580, thus their conformity can be established with some degree of certainty.²²⁵

Wall suggests in 1564 'the bishops were reporting on benches already drastically purged', with the majority of those who refused to conform to the Elizabethan Settlement already removed between 1559-1563, although some counties like Sussex and Lancashire had strong Catholic populations which made it impossible to remove all traditionalists, as there were too few suitable replacements.²²⁶ Similarly, by 1572 in Hampshire, 143/245 nobles, gentlemen, yeomen and franklins had 'Catholic leanings' which made them unsuitable as JPs.²²⁷ As Joel Hurstfield said, the 'periodic purges of the commissions of the peace... had none the less failed to break through the strategically powerful defences of Catholicism in the shires'.²²⁸ While open Catholics who refused to conform were purged by 1564, many conservatives remained in office. Even in Sussex, which by 1570 Manning says had removed all 'open or suspected' Catholics from the county bench, there remained two exceptions 'Sir Thomas Palmer of Parham and William Dawtrey, both of whom had powerful friends'.²²⁹ In Nottinghamshire and Derbyshire, only two JPs were removed, the reformer Boswell and the traditionalist Strelley. The 1564 Bishops' Report had little effect on Nottinghamshire and Derbyshire, although this is in stark contrast to other counties which saw significant 'purges'. Wall addressed the classification of the 1564 Bishops' Report across England, although not in sufficient detail to ascertain which of the unfavourable JPs were removed in each county. Yet, compared to most of the counties she highlighted, Nottinghamshire and Derbyshire were amongst the least affected.²³⁰

While religion was the primary concern for the 1564 Bishops' Report, the personal intervention and lobbying by the bishops who oversaw this report also significantly influenced the outcomes.

²²⁵ Appendix 1562-91; TNA, C142/202/196.

²²⁶ Wall, 'Making and Unmaking', pp.319-20.

²²⁷ Fritze, 'Family and Religion', p.268.

²²⁸ Hurstfield, *Freedom, Corruption, and Government*, p.118.

²²⁹ Manning, *Religion and Society*, p.244.

²³⁰ Wall, 'Making and Unmaking', pp.312-332.

Both traditionalists and zealous reformers were seen as unsuitable by Bentham and Young, yet many from both camps like Holles and Powtrel, or Manners and Stanhope, found success under Elizabeth. Conformity, rather than removing Catholics, was the goal of the Bishops' Report. Wall suggested 'loyalty to new religion remained an important criterion for membership'.²³¹ Younger expands upon this by saying the Elizabethan regime wanted JPs who were not only conformist, but actively supported the Elizabethan Settlement.²³² This suggestion is perhaps too strong, as many traditionalists who may not have actively supported the Settlement survived in Nottinghamshire and Derbyshire, and in his book of the career of Sir Christopher Hatton, Younger highlights how many Catholics linked to Hatton or his networks remained in positions of power.²³³ However, it is also clear that the traditionalists who did survive like Byron, Clifton, and Bradbourne, while remaining JPs, were also excluded from Special Commissions. Younger highlights this, suggesting that under Elizabeth responsibilities were taken away from JPs (whose religious reliability could not be made certain) and given instead to a few trusted gentlemen who oversaw these more precarious issues.²³⁴ For JPs there was a focus on open conformity from both traditionalists and zealous reformers which allowed both to survive, even if they were sometimes disadvantaged by demotion from the *quorum* or exclusion from Special Commissions.

1569-1576

Several 'purges' followed 1564, many of which focused on religion.²³⁵ The Northern Rising from 1569-70 was a Catholic rebellion led by the traditionalist Earls of Westmorland and Northumberland. Nottinghamshire and Derbyshire were heavily involved, with Mary Queen of Scots, a focal point for Catholic resistance, housed at Tutbury Castle on the Derbyshire border. During the rebellion the Privy Council communicated with local JPs to assess the religious and

²³¹ Wall, 'Making and Unmaking', pp.319-20.

²³² Younger, *War and Politics*, pp.13-14.

²³³ Younger, *Religion and Politics in Elizabethan England: the life of Sir Christopher Hatton*, (Manchester University Press, Manchester, 2022).

²³⁴ Younger, *War and Politics*, pp.36-7.

²³⁵ Wall, 'Making and Unmaking', pp.312-332.

political situation in Derbyshire and Nottinghamshire, in case the northern rebels marched south. The Council worried local Recusants would join the rebellion, particularly after Elizabeth's excommunication, and the Ridolfi Plot in 1571 which intended to assassinate Elizabeth.²³⁶ On 4th November 1569 a Peace Commission included many changes from the previous Commission from 1564. This occurred five days before the Northern Rising, thus was not a response to the rebellion. However, the tensions which led to the rebellion, with traditionalist opposition rising and instability within the Privy Council, informed this commission to strengthen the county benches with more religiously reliable JPs. Furthermore, this commission was the first since JPs were required to publicly swear the oath of Supremacy before the county bench.²³⁷ MacCulloch suggests Elizabeth initially wished to avoid 'antagonising' Catholics in the 1560s, but the Northern Rising 'forced her hand'.²³⁸ Afterwards, Parliament passed new laws to address conservative resistance, including the Treason Act of 1571, and this Williams suggests is what caused the rise in Recusancy in the 1570s which informed many subsequent commissions.²³⁹ The enforcement of this penal legislation would be mostly overseen by JPs.

Unfortunately, the 1569 Nottinghamshire Commission is lost, although the Derbyshire one survives. The next full commission for Nottinghamshire was not until 1573, leaving a 9-year gap between commissions.²⁴⁰ Reports about the Northern Rising, letters to and from the Earl of Rutland or the Privy Council, and Special Commissions can provide evidence of individuals remaining in office, but not a full list of JPs for Nottinghamshire in this lost decade. In 1562, there had been eleven roughly traditionalist JPs in Nottinghamshire and Derbyshire, around 31%. In 1564 13/38 JPs (34%) were identified as unreliable, although this included both traditionalists and at least four zealous reformers. In 1569, excluding *Ex-Officio* JPs, 4/19 JPs for Derbyshire (21%)

²³⁶ Marshall, *Heretics and Believers*, pp.356-89, 438.

²³⁷ Williams, *Tudor Regime*, p.271.

²³⁸ MacCulloch, *Later Reformation*, pp.34-6.

²³⁹ Adrian Morey, *Catholic Subjects of Elizabeth I*, (George Allen and Unwin, London, 1978), pp.1-22; Williams, *Tudor Regime*, p.264.

²⁴⁰ TNA, SP12/93.

were traditionalist, with 12 being conformists. Nottinghamshire in 1564 had a higher proportion of unreliable JPs, therefore the 21% in 1569 does not necessarily show a move to exclude traditionalists. Several previously mentioned JPs were returned in 1569: the traditionalist Francis Curzon, the conformist Thomas Kniveton, and the zealous reformer Godfrey Boswell.²⁴¹ By 1569 the political situation had changed, and therefore non-traditionalists like of Kniveton and Boswell were perhaps more desired as suspicions against traditionalists grew, and although Curzon remains an outlier, he did agree to swear the oath of supremacy. In 1569 the Earl of Arundel was removed alongside two other traditionalists, William Bendlowes and Sir Anthony Strelley, both of whom had been recommended for removal in 1564.²⁴² Bendlowes was an *Ex-Officio* JP and remained in office in several counties, although far fewer than in 1564, whereas Strelley was removed and never returned.²⁴³ As Manning highlighted, by 1569 'Catholics were not wholly excluded from public office and the penal laws against Recusants were laxly enforced', however this would change in the following years, leading to further purges against Catholics.²⁴⁴

In 1569 Sir Godfrey Foljambe was promoted to the *quorum*.²⁴⁵ He had been a JP since 1561, and although a conformist, members of his family appear regularly in Recusancy Commissions throughout Elizabeth's reign.²⁴⁶ This included his kinswoman Lady Constance Foljambe, who Godfrey was ordered to house and ensure her prayers, said in Latin, did not challenge the Elizabethan Settlement.²⁴⁷ Manning said 'It was common for troublesome Catholics to be confined to the houses of trustworthy Protestants'.²⁴⁸ In 1573 he was listed second after the knights among the Derbyshire JPs, only behind Thomas Stanhope, a place which signified his importance.²⁴⁹ This shows, despite his family's recusancy, Godfrey Foljambe was highly trusted, which benefited his

²⁴¹ Appendix 1569.

²⁴² Bateson (ed.), 'Letters of the Bishops', pp.43-44, 72-73.

²⁴³ Appendix 1564-1569.

²⁴⁴ Manning, *Religion and Society*, pp.223-4.

²⁴⁵ Appendix 1569.

²⁴⁶ Appendix 1562; TNA, Recusant Rolls, E376/1, 7, 8, 11.

²⁴⁷ Cox, *Notes on Derbyshire Churches*, Vol. 1, pp.124-139.

²⁴⁸ Manning, *Religion and Society*, p.142.

²⁴⁹ TNA, SP12/93.

career as a *quorum* JP after 1569.²⁵⁰ The lack of the 1569 Commission for Nottinghamshire hinders analysis of the religious changes by 1569, but in Derbyshire at least, if there was a transition towards a more reformed county bench under Elizabeth after the initial changes in 1559-1562, it was gradual. Some traditionalist JPs were removed in Derbyshire like Arundel, Strelley, and Bendlowes, with conformist JPs returned like Kniveton and Boswell, or Foljambe promoted for his reliability. However, the overall religious composition of the Derbyshire bench was relatively stable. There remained several traditionalist JPs like Holles, Powtrell, and Clifton, although these traditionalists outwardly conformed, and their loyalty ensured their retentions despite religion. It was only in the late 1580s when the Spanish threatened invasion that loyal traditionalists or conformist Catholics like Lord Montague in Sussex found their positions hindered.²⁵¹ In 1569, the Derbyshire bench resembles the 'balancing act' between conservatives and reformers that Bourgeois suggests characterised the Cambridgeshire county bench, and far more stable than the regular purges that Wall found in many counties.²⁵²

However, this stability was shaken by conservative resistance. In 1571 Sir Thomas Gerrard was removed from the Derbyshire bench for participating in a Catholic plot to free Mary Queen of Scots. Gerrard had been appointed in 1564, after the Bishops' Report, despite not being recommended for appointment by Bentham, and was retained in 1569.²⁵³ Gerrard's son (born 1564) would become an infamous Jesuit priest, and Gerrard hired two Recusant Catholic tutors to teach his children.²⁵⁴ Reports in the Recusancy Rolls sent to the Privy Council by local agents accused his family and wife of being devout Papists, and Gerrard had been charged with Recusancy in 1561, although he was allowed freedom upon agreeing to attend Church.²⁵⁵ N.M. Fudge said his traditionalism was well known, but he had outwardly conformed after 1561 and

²⁵⁰ Appendix 1569.

²⁵¹ Manning, *Religion and Society*, pp.154, 160, 229.

²⁵² Bourgeois, *Ruling Elite of Cambridgeshire*, pp.138-152; Wall, 'Making and Unmaking', pp.312-332.

²⁵³ Appendix 1564-1569; Bateson (ed.), 'Letters of the Bishops', pp.43-44.

²⁵⁴ Fudge, in *HPI: 1558-1603*, Vol. 2, p.186.

²⁵⁵ TNA, Recusant Rolls, E377/1-10; Cox, *Notes on Derbyshire Churches*, Vol. 3, pp.161-170; Cobbing and Priestland, *Thomas Stanhope*, pp.196-7.

was appointed a JP in 1564 because he lived in a remote part of Derbyshire with no other suitable gentlemen.²⁵⁶ Wall highlighted the importance of geography, as some places were left without a JP for decades, and in others the standards for appointment, like religion, were modified.²⁵⁷ The 1575 Peace Commission suggests the importance of geography further, as unlike the others for Nottinghamshire and Derbyshire, this commission split JPs into the hundreds of the counties in which they were resident. Sir John Zouche was identified as the only JP in the Hundred of Morleston, which was identified as a problem which threatened the peace.²⁵⁸ Gerrard was likely appointed due to geography, although he was also brother-in-law to the reformer Thomas Stanhope, both having married daughters of the Catholic Sir John Port, and despite disagreement over the Port inheritance, their relationship was sufficient for Stanhope to send his son to be educated at Etwall by Gerrard and his wife.²⁵⁹ After his arrest Gerrard gave testimony that his motives were due to his debts, not religion. Although true that he was in serious debt, he also had clear Catholic sympathies as his recusancy showed.²⁶⁰ Gerrard was appointed due to economic status (owning a large estate despite debts), or because of geography, despite having clear Catholic sympathies.

Younger highlighted how by the 1570s the county benches were 'still not purged of Catholics and Conservatives and staffed with acceptably zealous adherents of the regime'.²⁶¹ This was evidently true with the number of traditionalists that survived as JPs even into the 1570s and afterwards. Yet, these traditionalists could only survive if they outwardly conformed and remained loyal. The 1570s saw several new traditionalist JPs appointed, including: Robert Eyre, Henry Pierrepont, and Gilbert Talbot. Talbot's traditionalism would not become apparent until after he succeeded to the Earldom of Shrewsbury in 1590, however Pierrepont's Catholic sympathies were apparent

²⁵⁶ Fudge, in *HPJ: 1558-1603*, Vol. 2, p.186.

²⁵⁷ Wall, 'Making and Unmaking', pp.312-332.

²⁵⁸ TNA, SP12/104.

²⁵⁹ Cobbing and Priestland, *Thomas Stanhope*, pp.46-7, 54, 166.

²⁶⁰ *Calendar of the Cecil Papers in Hatfield House, 1306-1571*, Vol. 1 (London, 1883), pp.491-572.

²⁶¹ Younger, *War and Politics*, p.36.

immediately.²⁶² His father George had been a traditionalist JP until his death in 1564, and his mother Winifred Thwaites was an open Recusant. He became a ward of his stepfather Sir Gervais Clifton, himself a conformist traditionalist.²⁶³ Pierrepont was appointed in 1573, likely influenced by Clifton who was High Sheriff when Pierrepont was appointed.²⁶⁴ However, in 1567 Pierrepont had been arrested for attending mass at the house of the Spanish Ambassador. It is therefore strange he was appointed a JP only six-years after arrest.²⁶⁵ In 1581 he was arrested again, for allowing his younger brother Jervis to entertain the Jesuit priest Edmund Campion and other Catholics at Holme Pierrepont for Christmas. Despite this, Pierrepont was not removed until 1587.²⁶⁶ Pierrepont was openly a Catholic sympathiser, yet he was returned by 1593, despite continued association with Recusants. Sir Thomas Stanhope lobbied for Pierrepont's removal and the arrest of Pierrepont's wife, Frances Cavendish. However, Gilbert Talbot intervened, either because he was the stepbrother and brother-in-law of Frances Cavendish, or because he was himself suspected of Catholicism.²⁶⁷ Pierrepont was promoted to the *quorum* in 1596, likely on Shrewsbury's orders (see Chapter Four), despite twice being arrested on religious grounds. Pierrepont's career was temporarily hindered due to religion, but he survived, as did other traditionalist JPs who continued to be appointed. Gerrard was removed for plotting against the Queen, but Pierrepont was retained despite two arrests. The difference between their careers, despite being traditionalists, was Pierrepont had many powerful allies in Nottinghamshire including Clifton and Shrewsbury (see Chapter Four), and like Holles and Powtrell he was learned (see Chapter One).

²⁶² Michael Hicks, 'Talbot, Gilbert, seventh earl of Shrewsbury', *ODNB*. [Accessed 9 August 2024], <https://www.oxforddnb.com/display/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-26930?rskey=PKI9We&result=3>

²⁶³ Marshall, G.W (ed.), 'William Flower and Richard St George Norroy, Visitations of the County of Nottingham in the Years 1569 and 1614' in *Publications of the Harleian Society*, Vol. 4, (London, 1871), p.50

²⁶⁴ J.R. Dasent (ed.), *Acts of the Privy Council 1571-1575 (APC)*, Vol. 8, pp.151-176.

²⁶⁵ *Publications of the Catholic Record Society, Miscellanea*, Vol. 1. (Art and Book Company Ltd, London, 1905), p.49

²⁶⁶ *Catholic Record Society, Miscellanea*, Vol. 2, (Arden Press, London, 1906), p.231; Dasent (ed.), *APC 1581-1582*, Vol. 13, pp.170-1.

²⁶⁷ Dietz, in *HPI: 1558-1603*, Vol. 3, pp.221-2; Cobbing and Priestland, *Thomas Stanhope*, p.242.

Between 1569-1576 there was a large turnover of JPs, mostly due to deaths. By 1576 around 1/5 JPs in Nottinghamshire and Derbyshire were known traditionalists. There were fourteen JPs appointed between 1569-1576, of whom most were conformists or reformers. This included the reformist judge Sir John Harpur, who left money for 'godly preachers' to give sermons in his will, and had sent a letter to the Privy Council where he boasted of converting at least forty Recusants into the Elizabethan Church.²⁶⁸ Another conformist appointed was Thomas Markham, and although his Catholic wife and the presence of Catholics in his household led to suspicions against him, he never lost the support of the Queen.²⁶⁹ However, traditionalists also continued to be appointed by 1576. This included John Molyneux and his father Francis, both Nottinghamshire JPs, with John promoted to the *quorum* in 1577.²⁷⁰ Their traditionalism has been theorised by M.R. Pickering, who suggested John Molyneux was accused of housing a Catholic priest at Thorpe manor in the mid-1580s. Furthermore, they argue several branches of the Molyneux family were known Recusants, as would John's sons. However, Pickering rightly suggests his conservative views would not in themselves be sufficient for exclusion.²⁷¹ Moreso than the accusation of housing a Catholic priest, it was his feud with Sir Thomas Stanhope that likely led to his dismissal by 1584.²⁷² Traditionalist JPs could survive under Elizabeth, but only if they took no actions against the Elizabethan regime, like Gerrard's plotting or Molyneux's housing of a Catholic priest, although Pierrepont shows even this was not always enforced consistently.

Following the religious and political upheaval caused by the Northern Rising the county benches of Nottinghamshire and Derbyshire underwent several changes by 1576. Traditionalist prospects were mixed, with Strelley, Bendlowes, and Arundel removed, but others like Pierrepont, Molyneux, and Gerrard appointed, and Holles and Powtrell not only retained as JPs, but also

²⁶⁸ Appendix 1576; TNA, PROB 11/139/452; *Calendar of the Cecil Papers in Hatfield House, 1306-1571*, Vol. 1, v.276.

²⁶⁹ Appendix 1569-1576; Cobbing and Priestland, *Thomas Stanhope*, pp.198, 226-7.

²⁷⁰ Appendix 1577.

²⁷¹ M.R. Pickering, in *HPI: 1558-1603*, Vol. 3, pp.60-2.

²⁷² Cobbing and Priestland, *Thomas Stanhope*, p.131; Appendix 1584-91.

members of the *quorum*. Around a fifth of JPs in Nottinghamshire and Derbyshire were traditionalist in 1576, while zealous reformers like Boswell were returned and John Harpur appointed, the gradual nature of the move towards a more reformed county bench was, as Bourgeois said, a balancing act which retained traditionalist elements.²⁷³ Nottinghamshire and Derbyshire were relatively stable after the initial changes in 1559-1562. In Suffolk, MacCulloch found by 1578 the county government had 'transferred into the hands of a group of gentry... Protestants to the exclusion of Catholics'. However, he suggests this was more due to local pressure from local magnates, rather than pressure from the central government.²⁷⁴ The influence of the Duke of Norfolk allowed many more traditionalist JPs to be appointed after 1564 in Norfolk, until his downfall in the 1570s, whereafter a local 'Protestant' gentry under Bishop Parkhurst oversaw significant changes. Parkhurst 'influenced Protestants onto the county benches, in this he was aided by Lord Keeper Sir Nicholas Bacon', another reformer and *Ex-Officio* JP for Derbyshire.²⁷⁵ The Council could also act as a major balancing factor in local religious disputes, as was seen in Suffolk in 1583 when both traditionalists and 'Puritans' appealed to the Council, who intervened and stopped the feud growing more bitter.²⁷⁶

Religion continued to influence the county benches, but the focus remained on outward conformity. Wall said most dismissals in the 1570s-80s were 'due to religion, national politics, or local politics'.²⁷⁷ Religion was important, but it was not the only factor, as has been shown repeatedly throughout this chapter, where wealth, alliance, and legal education allowed outwardly conformist traditionalists to survive. Religion influenced every county bench differently, thus why Wall and Gleason found radical shifts in the composition of the county benches, Fritze and Manning saw initial successes in heavily Catholic counties, and Hassell-Smith and MacCulloch saw

²⁷³ Bourgeois, *Ruling Elite of Cambridgeshire*, p.152.

²⁷⁴ MacCulloch, *Suffolk and the Tudors*, pp.1-3.

²⁷⁵ MacCulloch, *Catholic and Puritan in Elizabethan Suffolk*, pp.49; Hassell-Smith, *County and Court*, pp.208-26.

²⁷⁶ Williams, 'Court and Polity', pp.266-7.

²⁷⁷ Wall, 'Making and Unmaking', pp.319-320.

religious changes in their counties entirely reliant on local magnates. In Nottinghamshire and Derbyshire, the change in the religious composition of the county benches was a gradual balancing act between reformers and traditionalists.

1587

The 1580s saw increased tension with Catholic Spain, fugitive Jesuit priests present in England, and suspicions of English Catholics growing.²⁷⁸ In response, the Privy Council sent instructions called the *Remembrances*, to establish various factors which would make a JP 'considered for disallowance'. The most numerous of these instructions were focused on religion, declaring: no JP should be a Catholic, the wives of JPs may not be Catholic, nor may JPs employ any Catholics.²⁷⁹ Furthermore, all JPs were required to swear the oath of Supremacy, attend reformed church service, listen to sermons, and read from the Book of Common Prayer.²⁸⁰ Following these instructions a mark was affixed to each JP signifying their suitability. 'P' signified they had 'sufficient qualification both for religion and other ways'. 'F' indicated they were 'formally fit and good qualification of *habilité* and discretion'. 'L' meant they were 'not otherways thought to be sound in religion, yet do they live orderly' (meaning a conformist traditionalist). Lastly 'D' meant they were 'both of good religion and discretion, but other ways defective', mainly via economic status. These latter instructions established the importance of several factors like wealth, geographic distribution, and local opinion.²⁸¹ Following these instructions and the assessment of the Assize Judges, the Privy Council ordered a nationwide purge of JPs. The previous Peace Commission was in 1584, overseen by Lord Chancellor Sir Thomas Bromley, and regularly updated until his death in 1587, whereafter his successor Sir Christopher Hatton stopped updating this commission, which remained in use until around 1591. This is proved by the date of death for several JPs in the Commission, like Gervais Clifton (d.1588) who was never crossed out as other

²⁷⁸ Marshall, *Heretics and Believers*, pp.447-483.

²⁷⁹ BL, Lansdowne, MS53/81.

²⁸⁰ Morey, *Catholic Subjects of Elizabeth*, pp.1-22.

²⁸¹ BL, Lansdowne, MS53/85.

deceased JPs were prior to Bromley's death.²⁸² Hatton oversaw the Peace Commissions from 1587-1591, and according to Younger, Hatton 'did not share the relatively hot Protestantism' of many on the Privy Council, as 'At the very least, his religion was conservative', although he was 'anti-Puritan'.²⁸³

In 1584 there had been a large increase in the number of JPs: 45 in Derbyshire and 37 in Nottinghamshire. There remained a notable traditionalist presence, although now greatly outnumbered by conformists. In 1584 there were at least seven traditionalist JPs in Derbyshire, and six in Nottinghamshire.²⁸⁴ Even after 1587 traditionalists continued to be appointed, with around one fifth of the county bench traditionalist. This was likely at least partly a result of Hatton as Lord Chancellor, as while Younger says his networks were 'lesser than Burghley or Leicester', he had connections through politics, family, and marriage to several *Ex-Officio* JPs like Robert Shute and Francis Gawdy (both of whom became Derbyshire JPs in 1584), and had connections to both Catholic networks and families of mixed conservative and reformist religion. However, Younger stresses that while as Lord Chancellor he was 'potentially in a position to moderate the legal system's rigour towards Catholics' he instead 'followed Andrew Perne's advice' to rule on cases (and perhaps oversee Peace Commissions) without respect to religion.²⁸⁵ 1587 was particularly important to the religious composition of the county benches, with several nonconformist, traditionalist, and especially Catholic JPs removed. In 1587 there were 330 JPs listed to be removed from a total of roughly 2,000.²⁸⁶ Four JPs were listed for Derbyshire and two for Nottinghamshire. These numbers are relatively small compared to other counties where Wall said

²⁸² Appendix 1584-91; N.G. Jones, 'Bromley, Sir Thomas', *ODNB*. [Accessed 9 August 2024], <https://www.oxforddnb.com/display/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-3513?rskey=km41HN&result=2>; MacCaffrey, 'Hatton, Sir Christopher', *ODNB*. [Accessed 9 August 2024], <https://www.oxforddnb.com/display/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-12605?rskey=s2UbTF&result=3>

²⁸³ Younger, *Religion and Politics*, p.5

²⁸⁴ Appendix 1584-91.

²⁸⁵ Younger, *Religion and Politics*, pp.59-61, 182-3.

²⁸⁶ BL, Lansdowne, MS121/10; George Sipek, *Elizabethan Justices of the Peace: an image inspected, 1558-1603*, (Unpublished MA Thesis, Loyola University Chicago, 1965), pp.31-3.

there was a major 'purge' of JPs. This included 13 JPs removed in Somerset and Kent, 12 in Wiltshire and Essex, and 11 in Shropshire. In these counties around a quarter to a fifth of JPs were removed, although Yorkshire had the most JPs removed with 18 in the West Riding and 15 in the East Riding.²⁸⁷ Yorkshire had been strongly traditionalist for decades, a focal point for several past Catholic uprisings, and continued resistance by the conservative gentry.²⁸⁸ Cliffe found that in 1570, 368 of the 567 gentry families in Yorkshire were classified as Recusants.²⁸⁹ In Nottinghamshire and Derbyshire only roughly 7% of JPs were removed, similar to the four JPs removed in Berkshire, six in Hertfordshire, and five in Staffordshire.²⁹⁰ Nottinghamshire and Derbyshire were both on the Midlands Assize circuit, the same circuit as Lindsay which had 16 removals, so there is no skewing of the data because of the particular Assize Judges.²⁹¹ One reason Derbyshire was less affected than average was because of the number of *Ex-Officio* JPs. Usually, they composed around one fifth of the county bench, but in Nottinghamshire it was one third and in Derbyshire half the JPs were *Ex-Officio* between 1584-1591.²⁹² The only county close to Derbyshire's proportion of *Ex-Officio* JPs was Northumberland, where Watts suggested a lack of Protestant families forced the Crown to appoint members of the Council of the North or other non-resident gentlemen of means as JPs.²⁹³

Several of the JPs removed in 1587 were religious conservatives, particularly Sir Henry Pierrepont and Robert Eyre. Pierrepont (discussed earlier) was removed in 1587, several years after his arrest in 1581 for housing a Jesuit priest. His removal is understandable, although it is surprising he continued in office for so long, and would be returned by 1593, and made *quorum* in 1596.²⁹⁴ Pierrepont raises questions about how strictly religiously reliability was enforced in relation to

²⁸⁷ Wall, 'Making and Unmaking', pp.312-332; BL, Lansdowne, MS121/10.

²⁸⁸ Dickens, *English Reformation*, pp.365-367, 391-397.

²⁸⁹ Cliffe, *Yorkshire Gentry from the Reformation to the Civil War*, p.169.

²⁹⁰ Wall, 'Making and Unmaking', pp.312-332; BL, Lansdowne, MS121/10.

²⁹¹ J.H. Baker, *An Introduction to English Legal History*, (Butterworths, Oxford, 1990), p.25.

²⁹² Appendix 1584-91.

²⁹³ Watts, *From Border to Middle Shire*, pp.65-6.

²⁹⁴ Dasent (ed.), *APC 1581-82*, Vol. 13, pp.170-1; BL, Lansdowne, MS121/10; Appendix 1584-96.

factors like alliances (see Chapter Four). For example, in Sussex Edward Caryll was removed in 1587, based on the *Remembrances*, but not because of his recusancy, but because of his complicity as a follower of Phillip Earl of Arundel, and like Pierrepont, Caryll was later returned in 1591.²⁹⁵ Furthermore, Hassell-Smith says that in 1587 Bishop Edmund Freke actually lobbied for the appointment of several conservatives, attempting to balance against the presence of the 'Puritans' in Norfolk. Following the *Remembrances*, only one Norfolk JP was removed for being a 'papist', the others were removed for residence, lack of status, or geography.²⁹⁶ Robert Eyre, a Derbyshire JP since 1573, was a member of a large Recusant family, several branches of which appear in repeated Recusancy Commissions.²⁹⁷ He was removed as a JP in 1587, and by 1591 he was reported to the Privy Council for helping Jesuit priests flee to safety, and an investigation of his manor found several 'false vaults' used to hide priests.²⁹⁸ Jill Dias suggested Eyre was nevertheless returned soon thereafter, although this is questionable. Dias repeatedly assumed JPs served continuously and she seemingly ignored Eyre's removal in 1587, saying he served uninterrupted.²⁹⁹ There is no evidence Eyre was returned and after his death.

The presence of Pierrepont and Eyre seriously questions how traditionalist religious beliefs influenced a JP's career. Pierrepont had been arrested as a JP, but continued in office for six years afterwards, and Eyre was arrested shortly after removal, yet had served as a JP for fourteen-years. Other traditionalists like Francis Curzon had been removed in 1562 but were returned by 1569. Furthermore, traditionalists continued to be appointed, including Francis Beaumont and William Bassett, both of whom were suspected of Catholic sympathies.³⁰⁰ Manning argued that Catholics,

²⁹⁵ Manning, *Religion and Society*, pp.248-52.

²⁹⁶ Hassell-Smith, *County and Court*, pp.62-3, 84.

²⁹⁷ Appendix 1569-1587; TNA, Recusant Rolls, E376/1, 7, 8, 11; Cobbing and Priestland, *Thomas Stanhope*, pp.196-7.

²⁹⁸ Sipek, *Elizabethan Justice of the Peace*, pp.31-3; M.A.E. Green (ed.), *Calendar of the State Papers Elizabeth: 1591-94*, (London, 1867), p.510.

²⁹⁹ Jill Dias, 'Politics and administration in Nottinghamshire and Derbyshire, 1590-1640' (Unpublished DPhil Thesis, Oxford University, 1973).

³⁰⁰ Appendix 1584-91; Cox, *Notes on Derbyshire Churches*, Vol. 4, pp.15-28; J.E. Mousley and Hasler, *HPI: 1558-1603*, Vol. 1, pp.404-5.

or at least religious conservatives, continued in office for almost every Peace Commission under Elizabeth, even into the 1580s and 90s, although this could vary widely from county to county, with Yorkshire a particular example Manning uses for Catholic survival.³⁰¹ This is clearly seen in Nottinghamshire and Derbyshire, despite what the 1587 *Remembrances* suggest. Religion was an important consideration, yet the effect of religion on a JP's career was less clear. Despite the instructions Sir Gervais Clifton and Gilbert Talbot were retained, despite being married to Recusants, whereas Ralph Sacheverell, also married to a Recusant (Emma Dethick), was removed, despite in 1564 being listed under 'good men and miet to be called to office'.³⁰² Furthermore, Talbot employed several Recusants at his residence at Sheffield Castle according to Recusancy Commissions.³⁰³ The *Remembrances*, while focusing several instructions on religion, did not just remove Catholics. The reformer Francis Cokayne was removed in 1587 due to another instruction which said fathers and sons could not serve on the same county bench, and Cokayne was returned shortly after his father's death.³⁰⁴

MacCulloch suggested the last decade of Elizabeth's reign 'saw the fading of religion as a major divisive issue among Suffolk's ruling gentry, just as it did on a national level', where he says reformers established themselves as the leaders of county governance.³⁰⁵ The Marprelate Controversy in the late-1580s soured the Elizabethan regime on zealous reformers who pushed for further reform of the Elizabethan Church. By 1596 the threat of the Spanish Armada was gone, and religious tensions were lessening, allowing conformist traditionalists to retain and strengthen their positions, so long as they outwardly conformed.³⁰⁶ Eight of the 48 Nottinghamshire and Derbyshire JPs in 1596 were traditionalists, most of whom have been discussed.³⁰⁷ Francis

³⁰¹ Manning, 'Elizabethan Recusancy Commissions', pp.24-5.

³⁰² Bateson (ed.), 'Letters of the Bishops', pp.43-44, 72-3.

³⁰³ Flower, *Visitations of Nottingham*, pp.16-18; Hicks, 'Talbot, Gilbert', *ODNB*. [Accessed 9 August 2024], <https://www.oxforddnb.com/display/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-26930?rskey=PKI9We&result=3>.

³⁰⁴ TNA, PROB 11/81/390; Appendix 1596.

³⁰⁵ MacCulloch, *Suffolk and the Tudors*, pp.55-7.

³⁰⁶ Ryrie, *Age of Reformation*, pp.225-233.

³⁰⁷ Appendix 1596.

Fitzherbert was appointed around 1593, a cousin of the Fitzherberts of Padley Hall who in 1587 were raided by Sir John Manners and the zealous reformer Roger Columbello. They found several priest holes at Padley, designed to hide fugitive Jesuit priests. In 1588 Padley was raided again, this time by George Talbot 6th Earl of Shrewsbury, who found two Seminarist priests: Nicholas Garlick and Robert Ludlam.³⁰⁸ Despite the arrest of his cousins, Francis was appointed on the personal recommendation of Gilbert Talbot, 7th Earl of Shrewsbury. Unlike his anti-Catholic father, Gilbert Talbot was married to the Recusant Mary Cavendish, and oversaw the appointment of several traditionalist JPs in Derbyshire and Nottinghamshire.³⁰⁹ These appointments were vehemently opposed by the reformers, especially Sir Thomas Stanhope, who in a letter to the Privy Council accused Shrewsbury of treason and heresy, which included filling the county benches with Catholics, all accusations which Shrewsbury dismissed.³¹⁰ Manning argues the 1591 Peace Commission, and those that followed, were often rushed, and led to several 'unworthy men or men not sound in religion' to be added to the Commissions, where Wall also highlights similar complains in the 1580s of good men being removed unjustly, leading to complaints to the Privy Council.³¹¹ Traditionalists continued to be appointed between 1587-1596, although this was not uncontroversial and these appointments were partly due to the influence of magnates like Gilbert Talbot (see Chapter Four).

Overall, the 1587 *Remembrances* and the dismissals that followed did not affect Nottinghamshire and Derbyshire as majorly as many other counties. The number of JPs removed was comparatively small, perhaps due to the number of *Ex-Officio* JPs. The effect of religion on these removals was inconsistent, with traditionalists like Pierrepont and Eyre removed, but Pierrepont later returned. Furthermore, conformists were also removed, some for non-religious reason like Cokayne, or

³⁰⁸ Cox, *Churches of Derbyshire*, Vol. 2, pp.249-258; Dias, 'Politics and administration'.

³⁰⁹ Hicks, 'Talbot, Gilbert', *ODNB*. [Accessed 9 August 2024], <https://www.oxforddnb.com/display/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-26930?rskey=PKI9We&result=3>.

³¹⁰ Batho (ed.), *HMC Talbot and Shrewsbury*, pp.164-185.

³¹¹ Manning, 'Elizabethan Recusant Commissions', pp.23-36; Wall, 'Making and Unmaking', pp.312-332.

some for marrying Recusants like Sacheverell, while traditionalists like Clifton and Talbot, also married to Recusants, were retained. After 1587 there remained a strong contingent of traditionalist JPs who continued to be appointed, like Francis Fitzherbert. While religion was an important part of the *Remembrances*, JPs were clearly judged on a variety of criteria. In the 1580s and thereafter, Nottinghamshire and Derbyshire had amongst the most stable county benches in England.

Conclusion

In conclusion, while repeated attempts in 1562, 1564, and 1587 to secure favourable county benches shows religion was a key consideration, the religious composition of JPs was complex. Strong traditionalist elements survived in many counties, including 1/5 JPs in Nottinghamshire and Derbyshire, even as late as 1596. Yet, those traditionalists that survived did so only by openly conforming. The 'purges' seen throughout Elizabeth's reign were not intended to remove all JPs with conservative sympathies, simply those who refused to conform or through their actions posed a threat. Several of these surviving traditionalists were amongst the most senior JPs in the county, like Byron and Clifton, retained due to their experience and social status, despite Byron's remarkable confession of Catholicism in his will or Clifton's recusant wife. Learned, but conservative JPs like Holles and Powtrell survived alongside the Marian Assize Judges because their legal expertise was desired. Geography also meant that in remote parts of the country with few economically and socially suitable gentlemen, traditionalists like Gerrard were often appointed, despite past recusancy and future Catholic plotting. Social status, education, and lobbying by local or Court magnates rather than religion influenced the retention or appointment of Bradbourne, John Molyneux, Henry Pierrepont, and Fitzherbert. Pierrepont directly challenges whether the Crown had a consistent, universally enforced policy to deal with traditionalists, being appointed, returned, and promoted despite repeated arrests.

In the first decade of Elizabeth's reign from 1559-1569 there was a clear move to exclude openly Catholic or Marian appointed JPs like Vincent Mundy, John Sacheverell, or Francis Curzon. Yet, those reformers who pushed for further reformation of the Church, beyond the Elizabethan Settlement, were in 1564 also recommended for removal. Blackwell was saved due to the personal intervention of Bishop Bentham, and while removed following the Bishops' Report, when the religious climate in England moved against traditionalists by 1569, Boswell was returned and promoted. However, the Crown's strategy for establishing religious favourability of the county benches was inconsistent. The conformist Thomas Kniveton was removed in 1563, but returned by 1569, alongside the traditionalist Curzon, once he publicly swore to the oath of supremacy. Gerrard and Eyre served as JPs for years despite taking actions which threatened the stability of the Elizabethan Settlement in Derbyshire, yet when Eyre was removed in 1587 alongside Pierrepont, several other JPs were excluded for geography, family, or social status, not just religion.

There was a gradual transition towards county benches dominated by conformists or reformers under Elizabeth, although not consistently and often only after drastic purges of JPs. The overriding trend for the religious composition of Elizabethan JPs was inconsistency, either between commissions, or between counties. Throughout this chapter there has been comparisons between Nottinghamshire and Derbyshire, and other county-focused studies like Manning in Sussex, Fritze in Hampshire, Gleason in Kent (and five other sample counties), Bourgeois in Cambridgeshire, Hassell-Smith in Norfolk, and MacCulloch in Suffolk. The religious climate amongst the JPs of these counties were often vastly different, whether in the level of Catholic survival, religious factionalism between traditionalists and 'Puritans', or the role of local magnates like the Duke of Norfolk. Even within Nottinghamshire and Derbyshire, in comparison amongst the most stable county benches in England, there was inconsistency. JPs with Recusant wives should have been removed in 1587, but while Sacheverell was removed, Clifton and Gilbert Talbot both survived. The 1564 Bishops' Report identified 13 religiously unsuitable JPs in Nottinghamshire and Derbyshire, yet only two were removed, one a traditionalist, the other a zealous reformer. There

were clearly several purges of JPs throughout Elizabeth's reign, but when one looks at each county individually, the effects were often vastly different. Only by analysing each JP individually can one gain a full understanding of how complex the system of choosing suitable JPs was, for on the national scale Pierrepont should have never been appointed, let alone returned, nor should any of the other traditionalists have thrived for as long as they did.

Compared to other counties therefore, religion in Nottinghamshire and Derbyshire was either not considered as major a threat, or simply the traditionalist JPs in these counties had more allies, were more conformist than other counties, or did not face opposition from local magnates as Suffolk JPs did with the Duke of Norfolk or Bishop Parkhurst. One should not assume religious tolerance for Catholics in the Elizabethan regime, as the Recusancy Commissions, the exclusion of open Catholics, and the removal of those considered dangerous like the Earl of Arundel, Gerrard, or Eyre shows. However, the focus of the Elizabethan regime was conformity and there were allowances for traditionalists who did not act against the Elizabethan regime. Religion was perhaps the most important consideration, seen in the number of orders and legislation around the religious reliability of JPs, which is also why religion has dominated much of the historiography of Elizabethan England. However, while there was a trend towards a more reformist bench, with many Catholics removed, religion was not the only, nor necessarily the primary factor which influenced who was appointed, removed, retained, or promoted.

Chapter Three: Income, Estates, and Debt: the economic and social status of JPs

Introduction

While education and religion influenced the careers of JPs, previous chapters have shown they were not necessarily requirements. There remained many unlearned or traditionalist JPs throughout Elizabeth's reign. However, economic status via incomes, estates, and social status had specific minimum requirements for JPs. This chapter will begin by examining the minimum wealth and property requirements established by legislation, questioning how strictly these requirements were enforced, and whether they changed over time. It will address the economic status of both JPs and non-JP local gentlemen to determine what effect wealth had on appointment or exclusion. Chapter Three will address the influence of the prestige of the JPs through economic and social status, with Chapter Four examining the role of lobbying and how this was influenced via social status.

This analysis will be influenced partly by Susan Wright's *Directory*, which established which families had sufficient social prestige to be included amongst the gentry, and which of these gentry families had the sufficient economic status to be appointed to high office.¹ Wright has also gone into great detail analysing the estates of the 15th century Derbyshire gentry, addressing many of the same families who remained important under Elizabeth.² Furthermore, J.H. Gleason divided JPs through their professional and personal backgrounds to understand how wealth influenced their careers, although he admits his categorisation of social status was difficult to express clearly.³ However, he did find clear changes in the social and economic composition of the county benches, caused partly by the increased number of JPs under Elizabeth, with a growing presence of lawyers,

¹ Susan Wright, *The Derbyshire Gentry in the Fifteenth Century*, (Derbyshire Record Society, Vol. 8, Chesterfield, 1983), Appendix 1.

² Wright, *Derbyshire Gentry*, pp.1-29.

³ J.H. Gleason, *Justices of the Peace in England, 1558-1640: A later Eirenarcha*, (Oxford University Press (OUP), Oxford, 1969), pp.47-66.

lesser landowners, and even merchants and yeomen.⁴ The increased presence of lawyers, who often owned less property than traditional landowners, shows a link between education and wealth for JPs. Peter Clark suggests this trend became increasingly dominant over the political climate of England in the 16th and 17th century.⁵ This chapter will then ascertain the influence of lobbying by *quorum* JPs, Sheriffs, Lord Lieutenants, or the *Custos*, linking social and political influence to economic status. Similarly, it will then address professional JPs, the lawyers, churchmen, and merchants from lesser economic backgrounds to determine whether economic status influenced their careers in relation to other factors like education. Debt will also be crucial to understand the economic status of JPs and how this could impact their careers, although as Craig Muldrew rightly asserts, debt was not necessarily as 'stigmatised' as we might see it today.⁶

Alan Everitt suggested 1560-1700 was a time of 'social transformation' where economic mobility thrust lesser men into powerful positions while older families became encumbered by debt.⁷ Steven Hindle found this same trend, linking inflation to the rise of smaller yeomen and freeholders over the 40 shillings minimum to vote, while the landed gentry and lawyers expanded their estates in relation to the old aristocracy.⁸ Joel Samaha highlighted upstarts in Essex, addressing the conflict between newly wealthy gentlemen and those from established families.⁹ Eugene Bourgeois stressed the importance of JPs establishing county estates either before or after appointment in securing their careers in Cambridgeshire, as it was considered necessary to become a part of the counties landed gentry if one wished for a successful local career.¹⁰ This

⁴ Gleason, *Justices of the Peace in England*, pp.47-66.

⁵ Peter Clark, *English Provincial Society from the Reformation to the Revolution: Religion, Politics and Society in Kent, 1500-1640*, (Harvester Press, Brighton, 1977), pp.271-88.

⁶ Craig Muldrew, *Economy of Obligation: The Culture of Credit and Social Relations in Early Modern England*, (Palgrave Macmillan, London, 1998).

⁷ Alan Everitt, 'Social Mobility in Early Modern England', *Past and Present*, Vol. 33, (1966), pp.56-73.

⁸ Steven Hindle, *The State and Social Change in Early Modern England, c.1550-1640*, (Palgrave, Hampshire, 2000), pp.41-6, 226.

⁹ Joel Samaha, *Law and Order in Historical Perspective: The Case of Elizabethan Essex*, (Academic Press, New York and London, 1974), pp.30-32, 70-2.

¹⁰ Eugene Bourgeois, *Ruling Elite of Cambridgeshire, England 1520-1603*. (Edwin Mellen Press, New York, 2003), pp.137-48.

thesis will analyse how social and economic status affected the careers of JPs, in this chapter through the income of estates, and in Chapter Four through ancestry, family, and political influence. The relationship between economic status and educational status, religious reliability, and their political and social allies will allow this thesis to understand the complex ways a JP's career was influenced by these varied factors.

Methodology

Many records of estate ownership, sale, and inheritance have survived, which give valuations for these properties. These documents follow common formats showing the estates being exchanged, the people involved, the amount paid, and the yearly income expected from these estates. Many are collated in the *Calendar of the Patent Rolls*, and others at the National or local Archives. They have been heavily used by Robert Thoroton and J.C. Cox in their previous studies of Nottinghamshire and Derbyshire.¹¹ These records survive only for property sold or purchased, although Inquisitions Post Mortems can provide valuations of estates of the deceased, and were heavily used by Wright and S.J Watts alongside tax assessments and subsidy rolls to determine the income of estates.¹² Will also provide details of wealth through inheritance and money spent on charity, executors, and bequests. Debts are also well documented as there were written records of who owed what amount to whom, particularly if it led to warrants for arrest, imprisonment, or legal suits.

There are limitations on what records have survived and difficulty in determining valuation for property that was never exchanged. However, the abundance of evidence this chapter uses will provide estimations which can allow for the analysis of the effects of economic status to the careers of JPs. This will be contextualised by previous studies of the incomes of JPs or gentry. For

¹¹ John Throsby (ed.), *Thoroton's History of Nottinghamshire*, (Nottingham, 1790); J.C. Cox, *Notes on the Churches of Derbyshire*, Vol. 1-4, (Palmer and Edmunds, Chesterfield, 1875-1879).

¹² The National Archives (TNA), Court of Wards, 9/129-130; Wright, *Derbyshire Gentry*, pp.1-29; S.J. Watts, *From Border to Middle Shire: Northumberland 1586-1625*, (Leicester University Press, Leicester, 1975), p.62.

example, Gleason claimed the JPs Leveson and Boyton were 'rich' for 'ascribing £30 and £25' to the 1609 subsidy, compared to 'impoverished JPs' who gave just £3.¹³ J.T. Cliffe used the terms upper, middling, and lesser in his work on the gentry of Yorkshire, with rough estimations of income based on these categories. However, he quotes Thomas Wilson's *The State of England* from 1600, which says knights had an income of between £1000-£2000pa, yet Cliffe warns that many knights in Yorkshire and other northern counties lived comfortably of far less, around £300-£400pa. He also included indicators of social status like coat-of-arms which were necessary to be considered amongst the gentry.¹⁴ Wright not only analysed economic status but divided the families of Derbyshire into social categories which influenced to which office they were considered suitable. These were: the aristocracy, the nobles, the knights, the squires, and the gentlemen.¹⁵

The terminology this chapter uses to refer to the estates of these gentlemen will be based upon comparisons with previous studies like Cliffe, Wright, or Gleason, and compared to those who in documentation are referred to in certain ways. For example, Sir Gervais Clifton was repeatedly referred to as one of the leading men in Nottinghamshire, not only for his experience and connections, but because of his estate.¹⁶ Furthermore, Sir George Vernon was named 'King of the Peak' and referred to as the premier landowner in Derbyshire, based on his incredible wealth.¹⁷ 'Minor' or 'Lesser' gentry will refer to those who were either listed only as 'gentleman' in the Peace Commissions (lower than esquires), or whose incomes fell around the minimum yearly income required of JPs, £20pa.¹⁸ The 'middling' gentry will refer to those who are roughly average, or below the premier landowners in Nottinghamshire and Derbyshire. Finally, the 'upper' gentry

¹³ Gleason, *Justices of the Peace*, p.43

¹⁴ J.T. Cliffe, *Yorkshire Gentry from the Reformation to the Civil War*, (Athlone Press, London, 1969), pp.3-5, 26-29.

¹⁵ Wright, *Derbyshire Gentry*, pp.4-6.

¹⁶ J.H. Round (ed.), *Manuscript Collection of His Grace the Duke of Rutland (HMC Rutland)*, Vol. 1, (Eyre and Spottiswoode, London, 1888), pp.108-151.

¹⁷ C.J. Black, in S.T. Bindoff (ed.), *History of Parliament: House of Commons 1509-1558*, (HPI), Vol. 3, (Secker and Warburg, London, 1982), p.525-6

¹⁸ Michael Dalton, *Country Justice: Containing the Practice, Duty and Power of the Justices of the Peace, as Well in as Out of Their Sessions*. (London, 1666), pp.574-5.

were those whose incomes set them as amongst the premier landowners in Nottinghamshire and Derbyshire, often with incomes in the £100s a year in the 1510-50s, or around £1000 a year by the 1600s, with the specific incomes fluctuating based on inflation. These categories are not strict but will be used to give an idea of how these JPs should be understood economically in the county society.

Economic analysis over time must address inflation. Prices changed significantly over Elizabeth's reign, and the valuation of estates in 1530 are not comparable to those in 1600. Therefore, this chapter will provide two figures when giving specific valuations: the actual value listed in the sources, then in brackets the value adjusted for inflation to 1600, to allow for comparison.

Inflation figures used in this chapter will be based upon an average of three studies, the primary two used will be E.H. Phelps Brown and S.V. Hopkins, and R.C. Allen. These studies were collated into a table by N.J. Mayhew who analysed the effectiveness of their methodologies and compared their figures. These studies focused on England from 1260-1800, and use different methodologies to determine inflation, based on the price of an average daily food basket, or the wages of labourers.¹⁹ However, Michael Braddick has cautioned the use of certain methodologies to determine inflation, particularly the wages of builders, as 'The rate of inflation was not the same for all commodities'.²⁰ A third study by Y.S. Brenner on the role precious metal importation had on inflation will also be used, although this study ends in 1560.²¹

Figure 3.1 shows the percentage inflation rises between decades from 1500-1630. It shows that Brenner, Phelps Brown and Hopkins, and Allen found similar trends in inflation. The figures in the graph are based on increase in prices, for example in 1590 prices rose by 31.5% from 1580, while

¹⁹ E.H. Phelps Brown and S.V. Hopkins, 'Seven Centuries of the Prices of Consumables, compared with Builders Wage-Rates', in *Economica: New Series*, Vol. 47, Issue 188, (Nov 1980), pp.459-465; R.C. Allen, 'Consumer Price Indexes', in N.J. Mayhew, 'Prices in England', *Past and Present*, Vol. 219, (May 2013), pp.3-39

²⁰ Michael Braddick, *State Formation in early modern England, c.1550-1700*, (Cambridge University Press, Cambridge, 2000), pp.49-51.

²¹ Y.S. Brenner, 'Inflation of Prices in Early Sixteenth Century England', *Economic History Review, New Series*, Vol. 14, Issue 2, (1961), pp.225-239.

in 1600 prices had risen by 0.92% from 1590. The figures sometimes differ, for example in 1520 all three show an increase in the rate of inflation, but Allen shows a much smaller increase than the other studies. This chapter will use an average of these figures to compare prices over the period. The different methodologies used by these studies show a general trend of inflation, providing a basis for the analysis of the effect of the economic climate of England on the incomes of JPs. The average this thesis uses is like the price index for food which Braddick highlighted, increasing from 298 in 1561, to 527 by 1601, and 687 by 1651.²² Figure 3.2 shows how inflation affected the value of money from 1500-1630. An income of £100pa in 1500 would become nearly £500pa in 1630, whereas an income of £100pa in 1630 was the equivalent of an income of around £23pa in 1500. Particularly relevant in the context of the minimum income required by JPs.

²² Braddick, *State Formation*, p.49.



Figure 3.1: Inflation % increase from 1500-1630, by decade

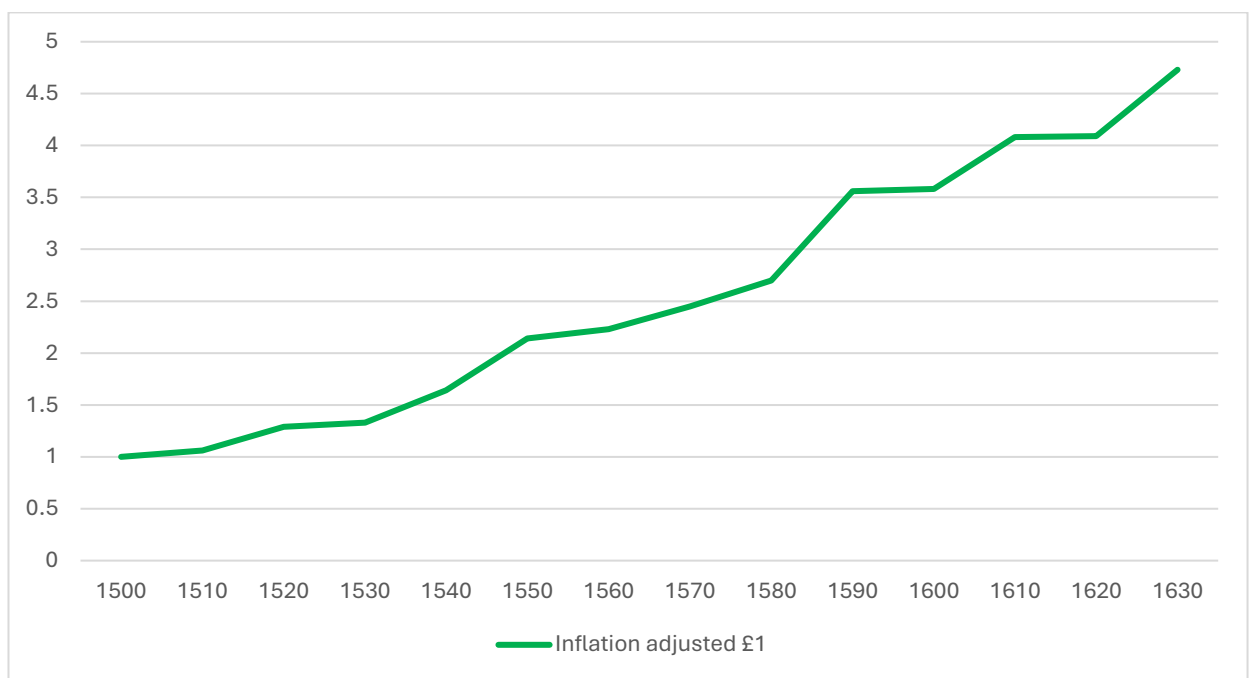


Figure 3.2: Price Comparison of £1 from 1500-1630

Minimum Wealth Requirements

In 1440 statute declared 'None (except Men learned in the law, or inhabiting Corporations) are to be Justices, unless their lands be worth Twenty Pounds per Annum'.²³ This amount was unchanged by Elizabeth's reign, despite the Kent JP and author of *Eirenarcha*, William Lambarde, advocating for the limit to be raised.²⁴ However, while the £20pa minimum remained fixed, inflation affected its true value. An income of £20pa in 1440 was considerable. If the minimum had changed with inflation, by 1560 the minimum should have been £35pa, and £57pa by 1600. As the minimum income in real terms became lower, and following the sale former monastic property in the 1530s and 40s, the pool of economically suitable landed gentlemen expanded. Many local JPs in Nottinghamshire and Derbyshire like Sir Thomas Stanhope significantly expanded their estates under Elizabeth, either from grants of Crown land, sales from indebted gentlemen, the marriage of heiresses and widows, or the purchase of property confiscated from Catholic Recusants.²⁵ Concurrently, the number of JPs more than doubled between 1440-1596, seen in every county in England.²⁶

JPs were appointed by the Crown through the Lord Chancellor, whose choices relied on often inconsistent or competing knowledge of local gentlemen gained through the lobbying of local magnates, trusted JPs, family connections, and reports by the Assize Judges.²⁷ In 1587 the Assize Judges were ordered to investigate the yearly income of JPs and remove those whose income did not allow them to discharge their duties, a fear expressed by Lambarde in *Eirenarcha*.²⁸ James

²³ Dalton, *County Justice*, p.573.

²⁴ George Sipek, *Elizabethan Justices of the Peace: an image inspected, 1558-1603*, (Unpublished MA Thesis, Loyola University Chicago, 1965); William Lambarde, *Eirenarcha, or, Of the Office of the Justices of the Peace: in Foure Bookes*, (London, 1581), pp.120-4.

²⁵ Beryl Cobbing and Pamela Priestland, *Sir Thomas Stanhope of Shelford: Local life in Elizabethan ties*, (Ashbracken, Radcliffe-on-Trent, 2003), pp.49-50; Clark, *English Provincial Society*, pp.284-6.

²⁶ Gleason, *Justices of the Peace*, pp.1-24; Appendix 1547-1596.

²⁷ Anthony Fletcher, *Reform in the Provinces*, pp.3-8.

²⁸ Alison Wall, 'The Greatest Disgrace: Making and unmaking of JPs in Elizabethan and Jacobean England'. *English Historical Review*, Vol. 119, Issue 481, (2004), pp.312-332; British Library (BL), Lansdowne, MS121/10; Lambarde, *Eirenarcha*, pp.120-124.

Abney of Willesley, a Derbyshire JP 1584-1593, was likely only appointed after his estate's income rose above £20pa. The Abneys had owned only one moiety (one part) of the manor of Willesley, purchasing the second around 1570, increasing their income close to £20pa.²⁹ James Abney inherited Willesley in 1578, and by 1584 he became the first member of his family to be appointed a JP, with the unification of Willesley and inflation increasing his income to become sufficient.³⁰ Although exact valuations for Abney's incomes are incomplete, his appointment came only after he increased his economic status from purchases or inheritance. Several other JPs were amongst the lesser gentry, with incomes around the £20pa minimum, based on owning small manors and little land, or from their social status as simply gentlemen (below esquires). Peter Clark found that in Elizabethan Kent, of the 1,000 styled gentlemen, 85% were 'parochial' or lesser gentlemen with 'limited geographic estates', similarly limited kinship radius, and who only sometimes secured 'a finger hold' on county office.³¹ Amongst the JPs in 1575, four in Derbyshire and four in Nottinghamshire were knights (although an additional eight were from previous or future knightly families). Fourteen Derbyshire JPs and 10 Nottinghamshire JPs were classified as esquires, while four JPs in Nottinghamshire were listed as gentlemen (William Daberingcourt, Ralph Barton, Ellis Markham, and Francis Rodes). While there was some confusion, with Rodes named an esquire in the Derbyshire commission and a gentleman in the Nottinghamshire commission, those classified merely as gentlemen belonged to a lesser class of gentry than the esquires or knights, based either on social prestige or economic status.³² Watts suggests that the title of esquire was only given to the male heirs of knightly families, heads of ancient gentry families, or men of lesser means while they held the office of Sheriff.³³ Furthermore, as Cobbing and Priestland highlighted in the dispute between Robert Fletcher gent and Thomas Stanhope, Fletcher's status as only a

²⁹ Cox, *Churches of Derbyshire*, Vol. 3, pp.517-521.

³⁰ Jill Dias, 'Politics and administration in Nottinghamshire and Derbyshire, 1590-1640' (Unpublished DPhil Thesis, Oxford University, 1973).

³¹ Clark, *English Provincial Society*, pp.125-6.

³² TNA, SP12/104.

³³ Watts, *From Border to Middle Shire*, pp.61-2.

gentleman meant he could not exert his local influence, was prohibited from holding local court leets, and was altogether subservient to his neighbour Stanhope.³⁴ Alfred Hassell-Smith highlights only 2/300 'gent' status gentlemen in Norfolk were appointed JPs under Elizabeth, whereas 84/130 knights were (with at least 23 disqualified due to Recusancy).³⁵ However, many of the *Libri Pacis* do not differentiate between the esquires and gentlemen, although they clearly state when someone is of the knightly class as these men are always included before the esquires, a position of higher prestige.³⁶

In terms of economic rather than social status, there were several JPs whose income likely fell around the minimum. Gabriel Barewick (JP 1562-1569) although called 'lord of Bulcote', did not own the surrounding 'inhabitations'. The inventory of Bridget Barewick, Gabriel's daughter, shows Bulcote had an income slightly above £20pa, a similar valuation as in 1586 when Bulcote was sold.³⁷ His low economic status and unfavourable classification in the Bishops' Report (see Chapter Two), was likely why he was only appointed a JP in 1559, aged almost 60.³⁸ The only JPs whose incomes from land fell close to the minimum were usually lawyers like Francis Rodes or Ralph Barton, who were aided by their legal education. Although only owning the small manor of North Lees, William Jessop was likely appointed a JP because he lived in the sparsely populated High Peak.³⁹ In 1600 there was just one living JP in High Peak, the aging Sir John Manners who, according to letters sent to the Privy Council, rarely left Haddon Hall.⁴⁰ Due to the Catholicism of much of the High Peak gentry (see Chapter Two), there were few gentlemen suitable to become JPs. High Peak resembles Lothingland in Suffolk, where MacCulloch highlighted how a lack of

³⁴ Cobbing and Priestland, *Thomas Stanhope*, pp.77-97.

³⁵ Alfred Hassell-Smith, *County and Court: Government and Politics in Norfolk, 1558-1603*, (Clarendon Press, Oxford, 1974), p.53.

³⁶ BL, Lansdowne, MS1218, ff.1-43v, 57-92v.

³⁷ John Burke, *A genealogical and heraldic history of the commoners of Great Britain and Ireland*, Vol. 1 (1833), p.525-8; Throsby (ed.), *Thoroton's History of Nottinghamshire*, Vol. 1, pp.80-1.

³⁸ Appendix 1562.

³⁹ 'North Lees Hall: Peak District National Park'. [Accessed 23 September 2023], <https://www.peakdistrict.gov.uk/visiting/places-to-visit/stanage-and-north-lees/north-lees-hall>

⁴⁰ Dias, 'Politics and administration'; Brian Dietz, in P.W. Hasler (ed.), *HPJ: 1558-1603*, Vol. 3, (Her Majesty's Stationery Office (HMSO), London, 1981), pp.7-8.

reliable local gentlemen in an area of strong Catholic survival led to minor gentlemen being proposed for appointment. In Lothingland, the Protestant Edward Spany (a man without a coat-of-arms) was lobbied for because he lived in a sparsely populated, highly Catholic region. This lobbying by Bishop John Parkhurst stressed religion and residence as more important than economic status, although importantly, despite this lobbying Spany was never appointed a JP.⁴¹ Cliffe argues that possession of a coat-of-arms was a necessary requirement to be considered amongst the gentry.⁴² Jessop was, like Spany, a minor landowner recommended as there were few other suitable gentlemen.

Overall, several lesser gentlemen with income around £20pa were appointed JPs, however unless they were trained lawyers like Rodes or Barton, their careers were often undistinguished. Lesser gentlemen like Jessop or Barewick had to wait decades for appointment and were often only chosen for other factors like religion or geography. Yet, Chapter Two showed religion alone was not sufficient for appointment, and Spany in Suffolk showed that neither was geography or lobbying.

Minimum Residence Requirements

JPs were required to hold property in the county they represented, a requirement reaffirmed in 1587 by the Assize Judges, although it excluded *Ex-Officio* JPs who served several counties concurrently.⁴³ Lack of residency hindered several local JPs like Richard Wennesley, a Derbyshire JP from 1573-1579, and twice an MP.⁴⁴ His family had been established at Wensley in Derbyshire and counted amongst the gentry, according to Wright, since at least 1330.⁴⁵ After gaining his inheritance in 1569 he expanded his estate greatly with former monastic land, with his purchases

⁴¹ MacCulloch, 'Catholic and Puritan in Elizabethan Suffolk', pp.11-14; Hassell-Smith, *County and Court*, pp.62-3.

⁴² Cliffe, *Yorkshire Gentry from the Reformation to the Civil War*, pp.4-5.

⁴³ Dalton, *County Justice*, pp.1-4, 37-39; BL, Lansdowne, MS53/81.

⁴⁴ Appendix 1569-1580.

⁴⁵ Wright, *Derbyshire Gentry*, Appendix 1.

from 8th February 1573 alone amounting to income of £180pa (£285pa).⁴⁶ As a JP he stood surety for the recusant John 8th Baron Stourton for £2000, showing his considerable wealth and religious reliability. However, multiple legal suits in the 1570s over lead smelting monopolies hindered his finances. His yearly income remained considerably above £20pa, however the 1575 *Liber Pacis* stated, 'he is most resident at London', having sold much of his Derbyshire estate.⁴⁷ He was retained in 1577 but removed before the 1580 Peace Commission, despite living until at least 1594.⁴⁸ By 1582 he sold the last parts of the large Calke estate, one of the most considerable in Derbyshire according to Cox.⁴⁹ Wennesley, despite his considerable wealth, was removed once no longer resident in Derbyshire. The dismissal of non-resident JPs was also seen when Sir John Byron Snr, a JP for both Lancashire and Nottinghamshire. Around Elizabeth's reign he moved his main residence to Colwick in Nottinghamshire, soon thereafter disappearing from the Lancashire Peace Commission.⁵⁰ Furthermore, Henry Vernon, a JP for Staffordshire and Derbyshire chose to focus primarily upon his Derbyshire estate at Sudbury shortly before his removal from the Staffordshire bench in 1564, although his dismissal was also based on religion (see Chapter Two).⁵¹

The 1575 *Liber Pacis* specifically identified the social status of JPs, but also in which Hundred they were resident, and whether they were mostly resident outside of the county. Residence was clearly desired in 1575, as Sir John Zouche was the only JP in the Hundred of Morleston, which was identified as a problem for the administration of Derbyshire. However, unlike Wennesley who was later removed from office due to being mostly resident in London, senior JPs who were often at Court in London like Sir Francis Leake, or who lived in border counties like Godfrey Boswell in Yorkshire, were not removed because they retained large estates in Nottinghamshire or

⁴⁶ N.M. Fuidge, in *HPJ: 1558-1603*, Vol. 3, p.595; J.H. Collingridge, C.S. Drew, and Margaret Post (ed.), *Calendar of the Patent Rolls (CPR), Elizabeth*, Vol. 6, (HMSO, 1973), p.92.

⁴⁷ Fuidge, *HPJ: 1558-1603*, Vol. 3, p.595; TNA, SP12/104.

⁴⁸ Appendix 1577-1580.

⁴⁹ Cox, *Churches of Derbyshire*, Vol. 2, pp.517-530.

⁵⁰ Black, in *HPJ: 1509-1558*, Vol. 3, p.526

⁵¹ Black, in *HPJ: 1509-1558*, Vol. 1, pp.562-3.

Derbyshire.⁵² Residence in a county was required for non-*Ex-Officio* JPs, as Byron, Vernon, and Wennesley, despite retaining estates in their previous counties, were removed as JPs. However, residence was also important in securing local influence, as Hassell-Smith highlights, without a local estate in Norfolk, Lord Hunsdon had to rely on his deputies as Lord Lieutenant in 1585, with the lack of residence not hindering his appointment, as he was a powerful magnate, but affecting how efficiently he could govern.⁵³

Sir Charles Cavendish (JP 1593-1617) and Godfrey Foljambe Jnr (JP 1584-1595) were disadvantaged from inheriting little local property. Cavendish was the 3rd son of Sir William Cavendish and Bess of Hardwick, both major landowners. However, as a younger son he inherited no estate. His marriage to the co-heiress of Thomas Kitson and Cuthbert 7th Baron Ogle brought him land in Suffolk and Yorkshire, but none in Nottinghamshire or Derbyshire where his family was established.⁵⁴ By the Parliamentary election of 1593 his opponent Sir Thomas Stanhope argued Cavendish had 'no main estate in the county' and thus could not stand for election. Despite this, when elected an MP for Nottinghamshire he was also appointed a JP. Stanhope complained to the Privy Council, so to settle the matter Gilbert Talbot 7th Earl of Shrewsbury (Cavendish's stepbrother and brother-in-law), granted Cavendish Welbeck Abbey.⁵⁵ However, Stanhope's choice to attack Cavendish because of non-residence shows it was important. Similarly, when Foljambe was appointed a JP in 1584 to replace his ailing father Godfrey Snr (JP from 1561), he owned no estate himself.⁵⁶ When his father died, the main Foljambe estate of Aldwark went to his mother, while Foljambe inherited the lesser manor of Walton. W.J. Jones argued this directly hindered Foljambe's career as he lacked an important main seat and the considerable incomes from Aldwark. Although Foljambe was pricked Sheriff in 1590, he was never promoted to the *quorum* as

⁵² TNA, SP12/104

⁵³ Hassell-Smith, *County and Court*, p.50.

⁵⁴ Stephen Glover, *History, Gazetteer, and Directory of the County of Derby*, Vol. 2, (Henry Mozley and Sons, Derby, 1833), pp.242-3; M.A.E. Green (ed.), *Calendar of State Papers Domestic (CSP Dom): Elizabeth, 1591-94*, (HMSO, London, 1867), p.174.

⁵⁵ Hasler, in *HPI: 1558-1603*, Vol. 1, pp.565-566.

⁵⁶ Appendix 1584-1591.

his father had.⁵⁷ Cavendish was protected by Shrewsbury, thus why he achieved a prominent career, despite inheriting no property until after his marriage. Foljambe lacked Cavendish's allies (see Chapter Four), thus the economic damage from the loss of Aldwark hindered his career compared to his father.

Residency could disqualify a local JP from appointment or retention, but this was not the case for *Ex-Officio* or senior JPs. For example, Edward Stanhope served as a Nottinghamshire JP from 1576.⁵⁸ He was the younger brother of Sir Thomas Stanhope and inherited no estate from his father. Instead, he was granted money to pursue a career in the law in London, a common practice, especially for younger sons according to Cliffe.⁵⁹ Edward Stanhope was named to the Council of the North, and appointed an *Ex-Officio* JP for Nottinghamshire.⁶⁰ Despite this, in 1580 he wrote to the Earl of Rutland from Gray's Inn, stating he had 'no residence in Nottinghamshire...' and desired to be excused from the Musters list, yet he remained an *Ex-Officio* JP because of his legal expertise and political position.⁶¹ Gleason highlighted a similar trend for lawyers to be non-resident JPs, although his example of the Kent Commission is vastly different than Midlands counties due to the distance between Kent and the London legal community.⁶² Overall, residence clearly influenced the careers of several JPs, as Wennesley was removed when he chose to reside in London. Foljambe's career suffered without a major seat in Derbyshire, and while Thomas Stanhope used non-residence against Cavendish in 1593, he nevertheless became a JP and MP due to his powerful allies. Furthermore, legal education and political office kept Edward Stanhope as an *Ex-Officio* JP, despite lacking a local estate.

⁵⁷ W.J. Jones, in *HPI: 1558-1603*, Vol. 2, pp.144-5.

⁵⁸ Appendix 1576-1596.

⁵⁹ Reginald Fletcher, *Pension Book of Gray's Inn*, Vol. 1, (Chiswick Press, London, 1901), pp.5, 32-42, 53-60, 77; Cliffe, *Yorkshire Gentry from the Reformation to the Civil War*, pp.67-8.

⁶⁰ Appendix 1576-1596.

⁶¹ Round (ed.), *HMC Rutland*, Vol. 1, p.125.

⁶² Gleason, *Justices of the Peace*, pp.24-5.

Non-JP Gentlemen

The minimum income requirements, and the recommended number of JPs of no more than 40 for Nottinghamshire and Derbyshire, meant many lesser landowners were excluded.⁶³ Watts divided the gentry families of Northumberland into four rungs, the principal gentry with income over £1000, the middling gentry with income between £400-£1000, then the two lesser rungs between £100-£400, and then those under £100, with none of the gentlemen below £100pa income made JPs. He also states unless they were Recusants, the principal gentry all served as JPs.⁶⁴ However, this chapter will show these figures to be inaccurate for the JPs of Nottinghamshire and Derbyshire, particularly for non-JP gentlemen, and as many JPs had incomes below £100, particularly lawyers. Gleason highlighted the difficulty posed to historians in gaining more than a 'skeletal outline' of JPs due to scarce evidence, an even greater problem for non-JP gentry.⁶⁵ Few non-JPs left a notable mark, unless they were Recusants (see Chapter Two). For example, only one MP for Nottinghamshire or Derbyshire (Nicholas Longford) was never a JP.⁶⁶ Of the 10 High Sheriffs who were not JPs, only William Rayner and Edward North belonged to families which had not provided at least one JP since 1547.⁶⁷ Excluding those who supplied JPs for other counties, there are an additional thirty gentry families who had members appointed to county offices, but were never JPs under Elizabeth.⁶⁸ If one expands this to extant families who held local office under Henry VIII or previously, as Wright did in her *Directory*, the number balloons above sixty.⁶⁹ With the addition of families included within the Visitations of Nottinghamshire and Derbyshire which compiled family ancestry for the gentry, and which Cliffe argued gave a good, although not complete, account of the county gentry, the number of non-JP gentry families in Nottinghamshire

⁶³ Appendix 1584-91; BL, Lansdowne, MS121/10.

⁶⁴ Watts, *From Border to Middle Shire*, pp.63-6.

⁶⁵ Gleason, *Justices of the Peace, 1558-1640*, p.43.

⁶⁶ Hasler (ed.), in *HPI: 1558-1603*, Vol. 1, pp.140-2, 222-225.

⁶⁷ A. Hughes, *List of Sheriffs for England and Wales*, (HMSO, London, 1898), pp.31-4, 102-7.

⁶⁸ Appendix 1547-1596.

⁶⁹ Wright, *Derbyshire Gentry*, Appendix 1.

and Derbyshire passes eighty.⁷⁰ This includes families like the Babingtons or Dethicks who were excluded for being Catholic Recusants (see Chapter Two), but who were economically important and had supplied JPs under Mary.⁷¹ Although the lack of evidence means one cannot analyse all these non-JP families in detail, a cross-section of them can illuminate if economic status was the primary reason for their exclusion.

Sufficient wealth did not necessarily lead to appointment as a JP. In 1550 Ralph Agard purchased significant lands in Derbyshire and other counties for £941 (£1506) with a yearly value of £43, 6s, 6d (£70).⁷² The Agards had been established at Foston since 1270, but had been absent from local office since 1530.⁷³ Ralph's son Nicholas established himself as a county gentleman in Derbyshire, marrying the daughter of Henry Vernon (*quorum* JP for Derbyshire).⁷⁴ However, neither Ralph nor Nicholas became JPs for Derbyshire despite having an income clearly above the minimum requirement.⁷⁵ Similarly, George Cotton and Thomas Reve purchased considerable estates in many counties for ridiculous sums of money. From 1549-1554 they spent £11,196, 13s, 7.25d (£17,909), with the yearly value of these purchases around £400pa (£640pa).⁷⁶ Cotton settled on his Derbyshire property, with an income similar to the leading Nottinghamshire JP Sir Gervais Clifton, who had an income in 1537 of £269pa (£842pa).⁷⁷ Despite this considerable wealth Cotton never became a JP, nor did his sons. While Cotton was wealthy, he was not yet established in the county. He lacked the local influence and allies (see Chapter Four) to achieve appointment. Peter Clark

⁷⁰ Marshall, G.W (ed.), 'William Flower and Richard St George Norroy, Visitations of the County of Nottingham in the Years 1569 and 1614' in *Publications of the Harleian Society*, Vol. 4, (London, 1871), pp.ix-x; William Dugdale, *Derbyshire Visitations Pedigrees 1569 and 1611*, (London, 1895), pp.1-87; Cliffe, *Yorkshire Gentry from the Reformation to the Civil War*, pp.4-5.

⁷¹ TNA, Recusant Rolls, E376/1, 7, 8, 11.

⁷² *CPR 1548-1549, Edward VI*, Vol. 2, pp.413-416.

⁷³ Wright, *Derbyshire Gentry*, Appendix 1.

⁷⁴ Cox, *Churches of Derbyshire*, Vol. 3, pp.263-268.

⁷⁵ Appendix 1547-1596.

⁷⁶ *CPR 1548-1549, Edward VI*, Vol. 2, pp.318-323, *1550-1553, Edward VI*, Vol. 4, pp.257-263, 337, *1547-1553, Edward VI*, Vol. 5, pp.159-162, 301-3, *1553-1554, Phillip and Mary*, Vol. 1, pp.105-112, 132-137, 483-486.

⁷⁷ TNA, Court of Wards, 9/130/199, 9/129/126.

identified 'wealth, lineage, and local reputation were of central importance' to consideration for appointment as a JP, with Cotton likely lacking the lineage or reputation, despite his wealth.⁷⁸

Samaha highlighted in Essex the backlash from local landowners against upstarts purchasing county estates and expecting appointment to the county bench. In Essex, these upstarts achieved appointment as they were mostly Privy Councillors like Richard Rich or London lawyers who had connections at Court rather than locally.⁷⁹ In Norfolk Flowerdew rose from the minor gentry to establish himself amongst the height of county politics, partly from good service and legal knowledge, but also because he greatly expanded his estate with purchases of property.⁸⁰ Neither Agard nor Cotton had the central allies to compensate for their lack of local influence, despite their wealth. Gleason and Zell highlighted similar trends in Kent, where London merchants and lawyers tried to establish themselves as county gentlemen, although only lawyers, chosen for their legal education (see Chapter One) were quickly appointed JPs.⁸¹ The lawyers and Councillors who were JPs for Nottinghamshire and Derbyshire were either already established locally, or *Ex-Officio* JPs. Wealth alone was not sufficient to influence Agard or Cotton's appointments.

However, while wealth did not guarantee appointment to county offices, neither did local service if a gentleman was economically insufficient. Charles and Anthony Morton were frequent Commissioners for Subsidy, assessing church property, and Musters, and they were active in Derbyshire administration for decades.⁸² However, as they were servants of the Earls of Shrewsbury, and they owned no notable estate of their own, their yearly income in 1590 was under £10pa, well below the minimum of £20pa expected of JPs. Thus, despite their diligent local service, and connections to the powerful Earls of Shrewsbury, they were never appointed JPs.⁸³

⁷⁸ Clark, *English Provincial Society*, pp.129-30.

⁷⁹ Samaha, *Law and Order*, pp.30-31.

⁸⁰ Hassell-Smith, *County and Court*, pp.192-4.

⁸¹ Michael Zell, 'Kent's Elizabethan JPs at Work', *Archaeologia Cantiana*, Vol. 119, (1999), p.11; Gleason, *Justices of the Peace*, p.52.

⁸² *CPR 1550-1553, Edward VI*, Vol. 4, pp.399-401, *1547-1553, Edward VI*, Vol. 5, pp.357-368, 419-423; Round (ed.), *HMC Rutland*, Vol. 1, pp.124-5.

⁸³ *CPR 1547-1553, Edward VI*, Vol. 5, pp.357-368; Round (ed.), *HMC Rutland*, Vol. 1, pp.124-5.

This was also seen with the previously discussed Aden Beresford, as despite being chosen to advise on the Bishops' Report of 1564 and recommended for appointment, he was not economically sufficient and was thus excluded (see Chapter Two). Furthermore, Robert Fletcher, despite owning several properties in Nottinghamshire, and allying with the influential JPs Sir John Zouche and John Molyneux, he was excluded because of his social status as a minor gentleman.⁸⁴

Insufficient wealth was not the only factor which could exclude a family from appointment as a JP. There were several established families who were excluded based on religion, or past association with the Marian regime. This included the: Dethicks, Fretchevilles, Bouns, Longfords, Wastneys, and Babingtons. They had supplied JPs before or after Elizabeth's reign, and remained wealthy, yet excluded based on religion. Their established wealth was sufficient to allow some to be appointed commissioners. John Boun was a Commissioner Postmortem in 1573, and Nicholas Longford was MP in 1559, Commissioner of goods in 1565, and High Sheriff in 1569.⁸⁵ The Babington family had an annual income from just part of their estate in 1530 of £164, 10s (£480pa). In 1536 the estate was divided, but Thomas Babington inherited a part with an income of £100pa (£270pa).⁸⁶ Thomas Babington was appointed a JP in 1559 by Elizabeth but was removed and excluded after 1561 for refusing to swear the oath of supremacy (see Chapter Two).⁸⁷ There was over eighty local gentry families excluded as JPs, including diligent local servants who lacked sufficient incomes like the Mortons, wealthy Catholic families like the Babingtons, or upstart landowners with newly purchased, considerable estates who lacked the local influence and connections to be considered for appointment. This was also seen with the London merchants who tried to establish themselves in Kent, although upstarts found more success in Essex. Lacking sufficient economic status

⁸⁴ Cobbing and Priestland, *Thomas Stanhope*, pp.77-97.

⁸⁵ *CPR 1572-3, Elizabeth*, Vol. 6, pp.146-150, *1563-1566, Elizabeth*, Vol. 3, p.260; A.M. Mimardiere, in *HPI: 1558-1603*, Vol. 2, pp.488-489.

⁸⁶ Record Office of Leicestershire, Leicester and Rutland, 44'28/406; Cox, *Churches of Derbyshire*, Vol. 1, pp.38-47.

⁸⁷ BL, Lansdowne, MS1218, ff.1-43v.

disqualified many from appointment, but sufficient wealth alone was also no guarantee of appointment.

Aristocracy

In Elizabethan Nottinghamshire and Derbyshire, 25 of the 158 JPs were aristocrats, 12 of whom were from the three local aristocratic families: the Talbots, Manners, and Cavendishes. There were five other Earls who served as JPs (William Cecil later 2nd Earl of Exeter, Henry Hastings 3rd Earl of Huntingdon, George Hastings 4th Earl of Huntingdon, Henry Fitzalan 12th Earl of Arundel, and George Clifford 3rd Earl of Cumberland), and eight lords (William Paulet Marquis of Winchester, Henry Lord Hunsdon, William Lord Burghley, John 2nd Lord Darcy, John 3rd Lord Darcy, William Lord Eure, Cuthbert Lord Ogle, and Henry Lord Scrope). Nottinghamshire and Derbyshire seemingly had no local nobles under Elizabeth, with the Talbots established at Sheffield Castle, the Manners over the border in Leicestershire, and the Cavendishes not raised until the reign of James I. Francis Willoughby of Wollaton was one of the wealthiest Nottinghamshire gentleman, and amongst the most eloquent and well-educated JPs within the county according to Hindle, able to use classical precepts from Cicero in his instructions to grand juries.⁸⁸ He had an income of around £4,636pa, and was judged by Lord Burghley fit to be elevated to the peerage, although he never was.⁸⁹ The two previous noble families of Derbyshire the Greys of Codnor and Blounts were either extinct or no longer resident.⁹⁰ This is a stark contrast to counties like Sussex which had several resident nobles who actively interfered with local politics, holding significant power through local estates and influence.⁹¹ In total, 16.5% of JPs for Nottinghamshire and Derbyshire were from noble families, although only the Talbots, Manners, and Cavendishes had significant local influence.⁹² The ancient and proud Talbots had an inheritance which was, according to Wallace MacCaffrey,

⁸⁸ Hindle, *State and Social Change*, p.28.

⁸⁹ Cobbing and Priestland, *Thomas Stanhope*, pp.74, 187.

⁹⁰ Charles Mosley, *Burke's Peerage, Baronetage and Knightage*, 107th edition, (Genealogical Books Ltd, Delaware, 2003).

⁹¹ Manning, *Religion and Society*, pp.221-2.

⁹² Appendix 1562-1596.

amongst the greatest in England, with George Talbot having an income of around £10,000pa.⁹³ Gleason suggested while holding titles of nobility was not a guarantee of appointment, it almost was, such as in 1562 where the only aristocrat not appointed a JP in England was the out of favour conservative Earl of Derby.⁹⁴ Most aristocrats were *Ex-Officio* JPs, and several only appear for Nottinghamshire and Derbyshire between 1584-1591.⁹⁵ The local aristocrats were wealthy and influential, and while the family heads secured appointment, this was not always the case for younger sons or heirs yet to inherit.

While the Cavendish family were not aristocrats themselves until 1605 when William Cavendish was made Baron Cavendish of Hardwick, and later Earl of Devonshire by 1618, the family was closely associated with the Talbots. The Cavendish matriarch Bess of Hardwick (widow of Sir William Cavendish) married George Talbot 6th Earl of Shrewsbury in 1568, then married her son Henry to Shrewsbury's daughter Grace, and her daughter Mary to Gilbert Talbot, later 7th Earl of Shrewsbury.⁹⁶ This connection means the Cavendishes should be considered aristocrats after 1568. William Cavendish Jnr was a younger son and inherited little from his father. Even after his marriage to the co-heiress of Henry Keighley, he owned no significant estate in Nottinghamshire or Derbyshire.⁹⁷ This explains his absence from the county bench until 1583, following his mother's estrangement with his older brother Henry. Bess of Hardwick spent around £15,000 (£19,950) on property for William in the 1580s.⁹⁸ As a younger son with little independent wealth he was not appointed a JP until after his estate was greatly expanded. After his mother's death in 1608 he inherited an income of around £4000pa, and he remained a *quorum* JP for Derbyshire until his death in 1625.⁹⁹ Like William Cavendish, William Cecil also suffered without his inheritance. He

⁹³ Wallace MacCaffrey, 'Talbot and Stanhope: an Episode in Elizabethan Politics', *Bulletin of the Institute of Historical Research*, Vol. 33, Issue 87, (May 1960), p.74.

⁹⁴ Gleason, *Justices of the Peace, 1558-1640*, pp.53-54.

⁹⁵ Appendix 1584-91.

⁹⁶ Glover, *History of Derby*, Vol. 2, pp.242-3.

⁹⁷ Dugdale, *Derbyshire Visitation*, pp.18-19.

⁹⁸ Hasler, in *HPI: 1558-1603*, Vol. 1, pp.568-569; Cox, *Churches of Derbyshire*, Vol. 2, pp.241-252.

⁹⁹ Dias, 'Politics and administration'.

was the son of the Earl of Exeter and grandson of Secretary of State Lord Burghley. The estate Cecil stood to inherit was considerable, yet he did not gain his inheritance until several years after his appointment as a JP. In 1589 he became resident at Newark Castle in Nottinghamshire due to his marriage to Baroness Ros, coheiress of the Earl of Rutland. However, her death in 1591 led to prolonged legal suits, and Cecil was sent to Fleet Prison for debt in 1593.¹⁰⁰ Despite his arrest, continued debt, and still lacking his inheritance, he was appointed a Nottinghamshire JP in 1594.¹⁰¹ Gleason highlighted several examples of large debts excluding some lords like Lord Eure from appointment, but there were also several cases where allies at Court allowed one to survive even severe debts.¹⁰² Cecil still had allies at Court through his family, and stood to gain a large inheritance, likely explaining his appointment in 1594. He remained a JP until 1619, becoming Earl of Exeter in 1623, and by 1626 he was a Privy Councillor.¹⁰³ Cecil's membership of an influential aristocratic family, his allies at Court, and future inheritance outweighed his massive debts to allow Cecil a successful career.

Another younger child was Sir John Manners, second son of Thomas 1st Earl of Rutland. He was appointed a JP in 1559, despite his inheritance of Belvoir Castle being described by Brian Dietz as 'not a large estate'.¹⁰⁴ His family connections, and marriage to the wealthy heiress Dorothy Vernon, secured his appointment as a JP. Her father Sir George Vernon had initially refused the marriage, calling Manners a nobody, the second son of a 'mushroom Earl', for they sprouted up overnight. This referred to the Manners only having been raised to Earldom under Henry VIII. However, Vernon eventually allowed Dorothy to inherit much of his estate.¹⁰⁵ Vernon's reaction to Manners shows, like Cotton and Agard, the relationship between wealth and social status was not direct. Upstarts, even Earls, were sometimes disadvantaged compared to established local

¹⁰⁰ Robert Lemon (ed.), *CSP Dom*, 1581-90, (HMSO, London, 1865), p.254; Dias, 'Politics and administration'.

¹⁰¹ J.C. Henderson and Hasler, in *HPI: 1558-1603*, Vol. 1, pp.581-2.

¹⁰² Gleason, *Justices of the Peace*, p.53-54.

¹⁰³ Henderson and Hasler, *HPI: 1558-1603*, Vol. 1, pp.581-2.

¹⁰⁴ Round (ed.), *HMC Rutland*, Vol. 1, p.94, 120-3; Dietz, *HPI: 1558-1603*, Vol. 3, pp.7-8; *CPR 1563-66, Elizabeth*, Vol. 3, pp.18-24.

¹⁰⁵ Round (ed.), *HMC Rutland*, Vol. 1, p.120; Cox, *Churches of Derbyshire*, Vol. 1, p.150.

gentlemen with no aristocratic titles. Dorothy inherited the Vernon estate around Haddon Hall in 1565, and John Manners inherited Vernon's nickname 'King of the Peak' inspired by the estate's wealth.¹⁰⁶ The Vernon estate was on par with the peerage according to Wright, with an income at the end of the 15th century of £612pa (£2895pa).¹⁰⁷ Manners and Dorothy Vernon inherited only half of this wealth, but Manners continued to expand his estate, purchasing: West Leake in 1589, Whitwell in 1593, Harthill in 1599, and Ilkeston Manor in 1608, alongside various properties around Nottingham.¹⁰⁸ Manners had a successful career as a JP for both Nottinghamshire and Derbyshire and later Deputy Lieutenant.¹⁰⁹ Before gaining the Vernon inheritance Manners was reliant on the influence and grants of property from his family, like how Cecil was reliant on his family's connections at Court, and William Cavendish was reliant on his mother. Each of these men would become powerful but were reliant on political and personal connections (see Chapter Four). Unlike Sir John Manners, Henry Talbot, younger son of the Earl of Shrewsbury, inherited no estate. His father instead gave him money to attend university and travel abroad. Upon returning in 1584 he was appointed a JP, despite owning no property in Derbyshire until his marriage to the heiress of Sir William Reyner in 1586, where he became resident at Orton Longueville.¹¹⁰ He expanded his estate afterwards with the important Burton Abbey, Willersley Manor, and Cromford.¹¹¹ However, lacking an inherited estate Talbot's appointment as a JP was not due to his wealth, but the influence of his family and university education. His appointment also allowed him to purchase significant local properties. Both Talbot and Manners relied on the economic and social influence

¹⁰⁶ Cox, *Churches of Derbyshire*, Vol. 2, pp.87-94.

¹⁰⁷ Wright, *Derbyshire Gentry*, p.8.

¹⁰⁸ Cox, *Churches of Derbyshire*, Vol. 1-4; Cox, *County Churches of Nottinghamshire*, (George Allen and Sons, 1912); Throsby (ed.), *Thoroton's History of Nottinghamshire*, Vol. 1, pp.44-54; *CPR 1572-3, Elizabeth*, Vol. 6, p.66.

¹⁰⁹ Round (ed.), *HMC Rutland*, Vol. 1, pp.120-3.

¹¹⁰ G.R. Batho (ed.), *Calendar of the Shrewsbury and Talbot Papers*, Vol. 2, (HMSO, London, 1971), pp.127-136, 154, 168-170, 211.

¹¹¹ Cox, *Churches of Derbyshire*, Vol. 2, pp.571-6; BL, Lansdowne, MS86/10; R.A. Roberts (ed.), *Calendar of the Cecil Papers (CCP)*, Vol. 4, (HMSO, London, 1892), p.312; S.M. Thorpe, in *HPI: 1558-1603*, Vol. 3, pp.472-3.

of their families for appointment (see Chapter Four), although both established themselves as wealthy landowners in their own rights.

Aristocrats greatly benefited from the wealth and prestige their titles gave them. Edward Manners 3rd Earl of Rutland inherited the title in 1563, aged fourteen, and by 1569 was appointed a JP, aged just 20, afterwards becoming Lord Lieutenant and *Custos* of Nottinghamshire in 1573, aged just 24.¹¹² Rutland's wealth and social status influenced his rapid promotion to a position of considerable power. Similarly, the heirs of Earls were commonly appointed JPs prior to their inheritance: George Talbot 6th Earl of Shrewsbury, Gilbert Talbot 7th Earl of Shrewsbury, and John Manners 4th Earl of Rutland, all became JPs without independent estates. Their appointments were due to the influence of their families, either via direct lobbying (see Chapter Four), or because they stood to gain wealthy inheritances. Every aristocratic heir of age in Nottinghamshire and Derbyshire became JPs prior to inheriting.¹¹³

Unlike the sons of earls, Sir John Holles only became a JP after his father (a Derbyshire JP) died in 1591. He inherited a large estate which had income by 1604 of £1263pa.¹¹⁴ John Ferris and Ben Coates linked his father's considerable expansion of the family estates to their rising social status by 1591, which would later influence John's position at Court.¹¹⁵ By 1637 Holles purchased a Barony for £10,000 (£7,600) and the Earldom of Clare for £8,000 (£6080). His yearly income was estimated by members of the family at £6,800pa (£5,170pa), although how accurate this assessment was is questionable. If correct, this was amongst the highest incomes of any JP in

¹¹² S.M. Jack, 'Manners, Edward, third Earl of Rutland (1549 – 1587), magnate', *Oxford Dictionary of National Biography (ODNB)*. [Accessed 23 August 2024], <https://www.oxforddnb.com/display/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-17952?rskey=DIUslz>

¹¹³ Appendix 1547-1596.

¹¹⁴ Francis Collins (ed.), *Wills in the York Registry 1585-1594*, Vol. 22, (Yorkshire Archaeological Society, 1897), f.865r; P.R. Seddon (ed.), *Letters of John Holles 1587-1637*, Vol. 1 (Thoroton Society: Record Series, Vol. 31, Derry and Sons, 1975), pp.27-31.

¹¹⁵ J.P. Ferris and Ben Coates, 'Holles, Sir John (c.1567-1637)', in Andrew Thrush and Ferris (ed.), *HPI: 1604-1629*.

Nottinghamshire and Derbyshire.¹¹⁶ Holles lacked the inherited titles of the Earls of Rutland and Shrewsbury, with his appointment as a JP coming from the economic status his father had established. He only became a JP upon inheriting this large estate, which he used to increase his social status through the purchase of aristocratic titles. This allowed him to join the household of Prince Henry, although it also led to significant debts after the young Prince's death, where Holles lost his place at Court and was fined thousands of pounds for negligence of duty.¹¹⁷ However, under Elizabeth, Holles was a wealthy landowner who was on the rise, establishing connections at Court through his wealth. His economic status aided his career, but unlike the established aristocratic families, he lacked the social status to automatically secure positions, as Edward Manners 3rd Earl of Rutland had.

Overall, the aristocratic families had a direct influence on securing the appointment of their heirs and younger sons as JPs, even if they had small or no independent estates like Sir John Manners, William Cecil, or Henry Talbot. The families of the Earls of Rutland and Shrewsbury had several JPs, but their influence came from a mixture of the economic and social status of their titles. Sir John Manners and Sir John Holles both rose to prominence after inheriting large estates, although Manners had the family connections to the Earls of Rutland which Holles lacked, thus why Holles had to use his wealth to directly influence his position. Henry Talbot was entirely reliant on his family connections, as he lacked an estate of his own until after his appointment. The social and economic status of these aristocratic sons also secured them important marriages to Baroness Ros, Dorothy Vernon, or the heiress Elizabeth Reyner, and allowed them to expand their estates greatly after appointment. Economic status alone however was no guarantee of success without political or social influence (see Chapter Four).

¹¹⁶ Dias, 'Politics and administration'; John Bruce (ed.), *CSP Dom 1637*, (London, 1868), p.463; Bruce (ed.), *CSP Dom 1637-8*, (London, 1869), p.353.

¹¹⁷ Seddon (ed.), *Letters of John Holles 1587-1637*, Vol. 1, p.101; Ferris and Coates, 'Holles, Sir John (c.1567-1637)', *HPI: 1604-1629*.

Quorum

Promotion to the *quorum* was desired by JPs according to Gleason, who suggested lobbying by those who wished to secure their place in the gentry society increased the size of the *quorum* under Elizabeth.¹¹⁸ Hurstfield expands upon this, saying that lobbying for promotion was so common amongst the leading men of Wiltshire that almost every gentleman of status succeeded.¹¹⁹ Therefore, the wealthiest JPs should have been promoted, yet some never were. Under Elizabeth, 102 of the 158 JPs in Nottinghamshire and Derbyshire were *quorum* (65%). The increase in the size of the *quorum* which Gleason uncovered in Kent, Somerset, and Northamptonshire is also seen in Nottinghamshire and Derbyshire. In 1562, 15/19 JPs for Derbyshire (79%) and 15/24 for Nottinghamshire (62.5%) were *quorum*. By 1596 this increased to 19/23 for Derbyshire (83%) and 20/25 for Nottinghamshire (80%).¹²⁰ However, these figures are substantially higher than in Northumberland, where Watts found the increase was slower (from 50% in 1562, to 57% by 1586).¹²¹ Many *quorum* JPs were *Ex-Officio*, with William Lord Eure the only non-*quorum*, *Ex-Officio* JP in Nottinghamshire and Derbyshire.¹²² The average time between appointment as a JP and promotion to the *quorum* was 5.7 years. However, 60/102 *quorum* JPs were appointed immediately. Excluding these instant appointments, the average was 13.9 years.¹²³ The majority of these instant appointments were *Ex-Officio* JPs, or post-1584 appointments when Gleason noted a trend for most of the leading gentlemen to secure immediate promotion. He said the 'Commissions were nearly as much a matter of heredity than as it was with the nobility'.¹²⁴

¹¹⁸ Gleason, *Justices of the Peace*, pp.39, 59-60.

¹¹⁹ Joel Hurstfield, *Freedom, Corruption, and Government in Elizabethan England*, (Jonathan Cape, London, 1973), p.253.

¹²⁰ Appendix 1562-96.

¹²¹ Watts, *From Border to Middle Shire*, p.66.

¹²² Appendix 1577-1591.

¹²³ Appendix 1562-1596.

¹²⁴ Gleason, *Justices of the Peace*, p.57.

However, despite intense lobbying (see Chapter Four) economic status did not always lead to faster promotion, or promotion at all. The clearest example was Sir George Vernon, the largest landowner in the Midlands, known as ‘King of the Peak’ for his incredible wealth. In his will of 1565, he left his wife ‘six Derbyshire manors and two in Staffordshire’, while his executors were granted the profits from three additional manors. His estate was split between his two daughters, his eldest Dorothy gaining an estate which made her husband Sir John Manners instantly amongst the largest landowners in Derbyshire.¹²⁵ However, despite being a JP from 1539-1565, and repeatedly recommended for promotion, and nine times recommended to be pricked High Sheriff (see Chapter Two), he was absent from both.¹²⁶ This questions how important wealth was to promotion, as C.J. Black could find no reason he was excluded, despite his considerable estate.¹²⁷ Conversely, Sir Thomas Stanhope was immediately appointed a *quorum* JP for both Nottinghamshire and Derbyshire in 1561, aged just 21. Beryl Cobbing and Pamela Priestland have stressed how important this was to establish Stanhope quickly as one of the senior gentlemen of Nottinghamshire under Elizabeth, but also that it was his wealthy estate (re-established by his mother under Queen Mary and later expanded by marriage to the coheiress of the Catholic Sir John Port) that was the primary factor in securing such a prominent place on the Peace Commission in 1561, (third after the knights, and only behind John Manners and the Serjeant-at-Law Nicholas Powtrell).¹²⁸

Many lawyers like Powtrell were promoted despite relatively minor economic status compared to local landowners like Vernon due to their legal expertise (see Chapter One). William Bendlowes was a *quorum* JP from 1562-1569 and was a prominent member of Lincoln’s Inn.¹²⁹ However, his

¹²⁵ Black, *HPI: 1509-1558*, Vol. 3, pp.525-6.

¹²⁶ Gairdner and R.H. Brodie (ed.), *LP Henry VIII*, Vol. 14, pp.160-226, Vol. 15, pp.605-644, Vol. 18, Part. 1, g.226, 346, Vol. 18, Part. 2, g.449, Vol. 20, Part. 1, pp.316-323, Vol. 21, Part. 2, pp.222-3; Bateson (ed.), ‘Letters of the Bishops’, pp.43-44, 72-73; Appendix 1547-1564.

¹²⁷ Black, *HPI: 1509-1558*, Vol. 3, pp.525-6.

¹²⁸ Cobbing and Priestland, *Thomas Stanhope*, pp.183-4.

¹²⁹ Appendix 1562-1569; J.A. Venn, and John Venn (ed.), *Alumni Cantabrigienses*, Vol. 1, part. 1, (Cambridge University Press (CUP), Cambridge, 1922), p.132.

father had been a yeoman from Essex who earned enough money to purchase Brent Hall.¹³⁰

Samaha and Gleason found only a few yeomen JPs in Essex or Kent, as they were only chosen when there were no other suitable gentlemen. Most yeomen failed to meet the £20pa minimum for JPs, however there was also a clear social element, as Samaha said the traditional landowners looked down at rising yeomen in Essex and lobbied against their appointments.¹³¹ In Nottinghamshire and Derbyshire there was only two JPs from yeomen backgrounds, Bendlowes and William Botham. The majority of Bendlowes income came from his legal career, not property, and similarly Botham's income was derived from his successful draping business in Derby, not landed estates.¹³² Despite lacking income from land or rents, which was supposed to be the main source of the income for JPs, Bendlowes was immediately appointed to the *quorum*, above wealthier JPs like Vernon.¹³³ However, as Hassell-Smith cautions, many of these lawyers never established county estates, and their sons never became JPs. Others were from minor landed families, like Robert Houghton in Norfolk or Anthony Gell in Derbyshire. Houghton had an income from land of only £11pa in 1593 yet became a JP because of his legal education.¹³⁴

Unlike Bendlowes and Botham, Sir Humphrey Bradbourne and Sir John Hercy were both established landowners in Nottinghamshire and Derbyshire. Bradbourne owned an estate centred on Hough and Lea in Derbyshire which in 1530 was valued at £99pa (£201pa), and by 1538 he was appointed a JP, aged 25.¹³⁵ In 1521 Hercy inherited a similarly sized estate, including Grove Hall and 1500 acres of land valued at £175 (£367.5).¹³⁶ Hercy was appointed a JP in 1526, aged 27, and in 1559 would, alongside Bradbourne, be promoted to the *quorum*.¹³⁷ Bradbourne and Hercy were established landowners, with both their careers hindered by religion, with Bradbourne a

¹³⁰ J.J. Goring, in *HPI: 1509-1558*, Vol. 1, p.416-7.

¹³¹ Samaha, *Law and Order*, pp.24-5; Gleason, *Justices of the Peace*, pp.32-46.

¹³² Goring, *HPI: 1509-1558*, Vol. 1, p.416-7.

¹³³ Dalton, *Country Justice*, pp.574-5.

¹³⁴ Hassell-Smith, *County and Court*, pp.54-7.

¹³⁵ Cox, *Churches of Derbyshire*, Vol. 3, pp.15-26; Black, in *HPI: 1509-1558*, Vol. 1, pp.480-1; J.S. Brewer (ed.), *LP Henry VIII*, Vol. 4, g.1533 (26), Vol. 13, Part. 1, pp.141-144; *CPR 1547-8, Edward VI*, Vol. 1, p.82.

¹³⁶ Throsby (ed.), *Thoroton's History of Nottinghamshire*, Vol. 3, pp.260-3.

¹³⁷ Appendix 1547-1564.

traditionalist under Elizabeth and Hercy removed between 1554-1559 as a reformer (see Chapter Two). Yet, Bradbourne took 21-years for promotion, aged 46, while it took Hercy 33-years, aged 60. Hercy's promotion was likely delayed by his removal under Mary, and as discussed in Chapter Two, promotion to the *quorum* seemingly was easier under Elizabeth than it had been under previous monarchs. Bradbourne and Hercy were first appointed at similar ages to the other established families like the Cokaynes and Markhams, all appointed between the ages of 24-29. However, economic status seemingly had little effect on promotion, with less wealthy JPs like Godfrey Boswell, who owned only a small estate in Derbyshire, promoted after one-year of service in 1564, aged 46, while it took more established landowners like Bradbourne and Hercy decades for promotion.¹³⁸

However, in several cases, economic status clearly influenced a JP's career. Thomas Markham was a younger son of Sir John Markham, and although he did not inherit the main family seat of Cotham, he received several properties. He augmented his estate through marriage to the Recusant heiress of Sir Richard Griffin and took Ollerton as his main seat.¹³⁹ He was furthermore granted lucrative offices like Keeper of Sherwood Forest, and joined the household of Princess Elizabeth, later becoming a gentleman pensioner.¹⁴⁰ Penry Williams called this the 'Clare effect' after the aforementioned Sir John Holles, later Earl of Clare, that gentlemen used service at Court to establish county estates and gain local office over more established local landowners.¹⁴¹ Markham was appointed a JP in 1561, immediately amongst the *quorum*, aged 38. He was notably older than either Bradbourne (25) or Hercy (27) when appointed, but younger at promotion (46 and 60). As a younger son with a lesser estate than the main Markham family this likely explains his age at appointment, but his connections at Court (see Chapter Four), particularly his long

¹³⁸ Appendix 1554-69.

¹³⁹ Flower and Norroy, *Visitation of Nottingham*, pp.23-4; Roberts (ed.), *CCP*, Vol. 4, p.189, Vol. 7, p.302; Fuidge, in *HPI: 1558-1603*, Vol. 3, pp.19-20.

¹⁴⁰ *CPR 1563-66, Elizabeth Vol. 3*, pp.72-4, *1566-1569, Elizabeth Vol. 4*, pp.126, 312.

¹⁴¹ Williams, 'Court and Polity', pp.272-3.

service under the Earl of Shrewsbury (until their falling out over Markham's son's Catholicism around 1590), and Markham's family name likely explain his immediate promotion.¹⁴² Thomas Markham's kinsman Ellis used these family connections to compensate for lack of personal wealth. He was the fifth son of the smaller branch family at Laneham, inheriting no estate and named simply as a 'gentleman' in 1575.¹⁴³ However, his family helped secure him position as servant of Archbishop Lee, then Queen Catherine Parr, then the Princess Elizabeth (see Chapter Four). He used this influence to purchase several properties, and by 1547 his estate was valued at £10pa (£16.5pa), and by 1558 at £40pa (£64pa).¹⁴⁴ He became a JP in 1554, immediately amongst the *quorum*.¹⁴⁵ Despite his political connections, he only became a JP after expanding his estate above the £20pa minimum, yet his low economic status likely influenced his repeated dismissals from the county bench.¹⁴⁶ His appointment came from his family and political connections (see Chapter Four), as his economic status by 1558 remained minor compared to Bradbourne or Hercy.

Sir Thomas Cokayne (JP 1547-1554, 1555-1592) inherited the considerable Cokayne and Marrow estates, based around Ashbourne.¹⁴⁷ Humphrey Ferrers paid £366 (£900) in 1538 for Cokayne's wardship, similar to the wardship of Sir Gervais Clifton £333 (£1042) in 1530 who inherited one of the wealthiest estates in Nottinghamshire.¹⁴⁸ Cokayne became a JP nine-years after inheriting, aged 27, and took another 22-years before promotion to the *quorum* in 1569, despite his considerable wealth.¹⁴⁹ Godfrey Foljambe Snr (JP 1561-1585) inherited an equally wealthy Derbyshire estate as Cokayne's in 1558. However, he was not appointed a JP until 1561, a year

¹⁴² Roberts (ed.), *CCP*, Vol. 4, p.189; Green (ed.), *CSP Dom, Addenda, 1566-79*, (London, 1871), p.31; MacCaffrey, 'Talbot and Stanhope', p.79; Cobbing and Priestland, *Thomas Stanhope*, pp.179, 240-1.

¹⁴³ Flower and Norroy, *Visitation of Nottingham*, p.24; TNA, SP12/104.

¹⁴⁴ Black, in *HPI: 1509-1558*, Vol. 2, pp. 567-8.

¹⁴⁵ Appendix 1554-1562; Black, *HPI: 1509-1558*, Vol. 1, pp.567-8.

¹⁴⁶ Appendix 1547-1596.

¹⁴⁷ Black, in *HPI: 1509-1558*, Vol. 1, pp.667-8; Appendix 1547-1596.

¹⁴⁸ TNA, Court of Wards, 9/129/126; Black, *HPI: 1509-1558*, Vol. 1, pp.660-1.

¹⁴⁹ Appendix 1547-1569; TNA, Court of Wards, 9/130/199; A.E. Cokayne and Sir Thomas Cokayne, 'Some notes on the Cokayne family (Asbourne Church) Includes a Short Treatise on Hunting', in *Derbyshire Archaeological Society Journal*, Vol. 2 (1880), p.112.

after his nephew the Earl of Southampton sold him the important Aldwark estate.¹⁵⁰ By his will in 1585 he owned the manors of Walton, Aldwark, Moorhall, Tupton Hall, and several other properties in Derbyshire and Yorkshire, alongside considerable lead and ironworks.¹⁵¹ Foljambe was appointed just three-years after inheriting, and was promoted in 1569 after just eight-years of service, significantly faster than Cokayne, Bradbourne or Hercy.¹⁵² Foljambe was an Elizabethan appointment, which may show that under Elizabeth promotion to the *quorum* came quicker for wealthier JPs. This would explain why Gleason, whose study begins in 1562, found economic status so important for promotion. Bradbourne, Hercy, and Cokayne were as wealthy as Foljambe, but they were appointed pre-1562, and thus had longer terms of service before promotion.¹⁵³ Age could also be an important factor, as the family heads like Hercy, Foljambe, Cokayne, and Bradbourne were younger than Ellis and Thomas Markham when first appointed JPs (between 25-27, compared to 39 and 38). However, the Markhams were notably younger when promoted to the *quorum*, 39 and 38 compared to Foljambe (42), Bradbourne (46), Cokayne (49), and Hercy (60). Despite inheriting smaller estates their political connections, religion, and education allowed the Markhams' immediate promotion to the *quorum*, younger than those who gained their positions through inheriting wealthy estates.

Expanding a wealthy estate could also influence a JP's career, as it did for Sir George Pierrepont and Sir John Byron. By 1554 the Pierreponts were considered amongst the leading knightly families in Nottinghamshire, but this was mostly linked to the purchase of considerable monastic property. In 1540 they made several purchases for £600 (£1476), and in 1544 for £400 (£984).¹⁵⁴ George Pierrepont was appointed a JP by 1547, and afterwards he continued to expand his estates, in 1552 for £696, 19s, 4d (£1165), the income of these purchases in 1552 alone were

¹⁵⁰ *CPR 1560-3, Elizabeth*, Vol. 2, p.435, *1569-1572, Elizabeth*, Vol. 5, p.223; Round (ed.), *HMC Rutland*, Vol. 1, p.301; Black, in *HPI: 1509-1558*, Vol. 2, pp.154-5.

¹⁵¹ Dias, 'Politics and administration'; Black, *HPI: 1509-1558*, Vol. 2, pp.154-5.

¹⁵² *CPR 1569-72, Elizabeth*, Vol. 5, p.223.

¹⁵³ Gleason, *Justices of the Peace*, pp.68-9.

¹⁵⁴ Gairdner and Brodie (ed.), *LP Henry VIII*, Vol. 15, pp.468-480, Vol. 19, Part. 1, pp.614-641.

valued at £24, 17s, 10dpa (£43pa).¹⁵⁵ By 1554 he was promoted to the *quorum*, although he was also aided by his Catholicism under Queen Mary (see Chapter Two).¹⁵⁶ These purchases increased Pierrepont's economic status, leading to appointment as a JP aged 37, 14-years after inheriting his estate. Pierrepont's Commission Postmortem in 1564 valued his income at £300pa (£483pa), double Bradbourne's (£201pa), although notably less than leading Nottinghamshire landowners like Gervais Clifton who had an income in 1537 of £269pa (£842pa).¹⁵⁷

Pierrepont's son Henry became a JP in 1573, aged 27, nine-years after inheriting, and was promoted to the *quorum* by 1596, 23-years after appointment.¹⁵⁸ However, his career was hindered by religion (see Chapter Two), and while his economic status did not stop his removal on religious grounds in 1587, it likely hastened his return, alongside his legal education (see Chapter One). Based on terms of service, because of Pierrepont's removal between 1587-1596, he was promoted after just 14-years of active service, faster than similarly wealthy local landowners like Thomas Markham (22-years), or Bradbourne (17-years). Even Sir Gervais Clifton, amongst the premier landowners in Nottinghamshire had served for 17-years before promotion, aged 38, although he was younger than most other JPs when first appointed, aged 21.¹⁵⁹ Compared with similarly wealthy JPs, Pierrepont's career was remarkably successful, being appointed at an average age, and promoted comparably quickly, despite his religion.

Sir John Byron was a major landowner with lands in Lancashire and Nottinghamshire. His economic status directly influenced his appointment as a JP in 1511, aged 24. However, he was not promoted to the *quorum* until 1554, after 43-years of service. This promotion came directly after several purchases of land including Bulwell, Mansfield, Perlethorpe, the manor of Bolsover, and most significantly the considerable Newstead Abbey, amongst the greatest estates in

¹⁵⁵ *CPR 1550-1553, Edward VI*, Vol. 4, pp.269-70; Appendix 1547.

¹⁵⁶ *CPR 1554-1555, Phillip and Mary*, Vol. 2, pp.28-35.

¹⁵⁷ TNA, Court of Wards, 9/129/126, 9/130/199; J.S. Brewer (ed.), *LP Henry VIII*, Vol. 4, g.1533 (26), Vol. 13, Part. 1, pp.141-144; Black, *HPI: 1509-1558*, Vol. 1, pp.660-1.

¹⁵⁸ Dietz, in *HPI: 1558-1603*, Vol. 3, pp.221-2; Appendix 1596; BL, Lansdowne, MS53/81.

¹⁵⁹ Black, *HPI: 1509-1558*, Vol. 1, pp.660-1; Appendix 1547-1591.

Nottinghamshire, for £810 (£1353) in 1553.¹⁶⁰ Byron had been wealthy before these purchases, with just one part of his smaller Lancashire estate valued at £24, 16spa (£62pa) in 1539.¹⁶¹ However, his promotion came only after major purchases in 1553, aged 67, the oldest JP in this thesis at promotion.¹⁶² However, because of how early Byron was first appointed (1511) it is difficult to attribute the length of service between appointment and promotion to Elizabethan trends. Gleason suggested wealth influenced promotion after 1562 when his study begins, but this may not be seen in the 1510s-40s, and the number of *quorum* JPs pre-1562 was significantly fewer.¹⁶³ Byron and Pierrepont were promoted after major purchases, with their increased economic status beneficial to their careers. However, the influence of economic status to promotion was not seen as heavily for pre-Elizabethan JPs.

Sir Francis Leake and Sir Thomas Stanhope were major landowners on par with Byron and Clifton. Leake was appointed a JP in 1539, aged 29, eight-years after gaining his inheritance.¹⁶⁴ The Leakes owned several properties around Derbyshire and Nottinghamshire, the extent of which can be seen in the over 50 churches across Derbyshire to which Leake was patron, with an extensive study of the Leake family and their estates detailed in the *Leake Cartulary* by Anthony Munford.¹⁶⁵ Leake profited greatly from the Dissolution of the Monasteries including the purchase of Dugmanton manor in 1539 for £617 (£1518) shortly before he was appointed a JP.¹⁶⁶ Leake also served as Captain of Tynmouth Castle from 1545, with a wage of £81, 14s, 10d (£203pa).¹⁶⁷ He was promoted to the *quorum* by 1547 following the sale of the manor of Hickling for £2761

¹⁶⁰ Black, *HPI: 1509-1558*, Vol. 1, pp.562-3.

¹⁶¹ Gairdner and Brodie (ed.), *LP Henry VIII*, Vol. 14; TNA, Court of Wards, 7/11/17.

¹⁶² Appendix 1554.

¹⁶³ Gleason, *Justices of the Peace*, pp.68-9.

¹⁶⁴ Black, in *HPI: 1509-1558*, Vol. 2, pp.518-20.

¹⁶⁵ Cox, *Churches of Derbyshire*, Vol. 1-4; A.P. Munford and A.M. Hopkinson, *The Leake Cartulary and the Derbyshire Estates of Welbeck Abbey*, (Derbyshire Record Society, Vol. 43, Chesterfield, 2018).

¹⁶⁶ Black, *HPI: 1509-1558*, Vol. 2, pp.518-20.

¹⁶⁷ Gairdner and Brodie (ed.), *LP Henry VIII*, Vol. 20, Part. 1, pp.348-50; Black, *HPI: 1509-1558*, Vol. 2, pp.518-20.

(£6792), and the purchase of Staveley manor for £286 (£704).¹⁶⁸ He was promoted after 8-years of service, aged 37, younger than similar landowners like Clifton or Byron, possibly due to Leake's position as Captain of Tynmouth. Stanhope, a similarly wealthy landowner, was appointed immediately as a *quorum* JP in 1561, aged just 21.¹⁶⁹ The Stanhope estate was considerable, including two major lordships in Elvaston Castle and Shelford, alongside acquiring Cubley from his wife, the daughter and coheiress of the wealthy Marian JP Sir John Port of Etwall.¹⁷⁰ Shortly after his appointment he purchased a vast portion of property for £1523, 9s, 4d (£2453), with a yearly income of £224, 4spa (£361pa).¹⁷¹ Stanhope's appointment in 1561 was certainly influenced by his considerable economic status, although the young age, and appointment directly to the *quorum* was also influenced by alliances at Court (see Chapter Four). As Cobbing and Priestland highlighted in their detailed work on the life and career of Stanhope, his connections at Court, particularly to the Cecils, were invaluable for his prominence under Elizabeth. For Stanhope 'would milk the fortuitous Cecil connection for all it was worth over the next three decades'.¹⁷² Furthermore, Stanhope was an Elizabethan appointment like Foljambe, who was also promoted quicker than Henrician appointments like Leake, Byron, and Clifton. Gleason likely placed too much importance on economic status because of his focus on post-1562 commissions.¹⁷³ Economic status influenced appointment, but for Stanhope it was his Court connections which led to his successful career (and the expansion of his estate), while Leake's career succeeded due to service at Tynemouth as much as his economic status.

Overall, there were a variety of factors beyond wealth which influenced appointment, although the expansion of the *quorum* under Elizabeth and the lobbying for promotion from wealthy local

¹⁶⁸ Throsby (ed.), *Thoroton's History of Nottinghamshire*, Vol. 1, pp.138-140, 174-177; *CPR 1572-3, Elizabeth*, Vol. 6, pp.141-151; Cox, *Churches of Derbyshire*, Vol. 1, pp.345-365.

¹⁶⁹ Appendix 1547-1596.

¹⁷⁰ Mimardiere, in *HPJ: 1558-1603*, Vol. 3, pp.441-2; Cox, *Churches of Derbyshire*, Vol. 3, pp.91-100; Throsby (ed.), *Thoroton's History of Nottinghamshire*, Vol. 1, pp.287-292.

¹⁷¹ *CPR 1560-3, Elizabeth*, Vol. 2, pp.202, 208, 316-17.

¹⁷² Cobbing and Priestland, *Thomas Stanhope*, p.57.

¹⁷³ Gleason, *Justices of the Peace*, pp.68-9.

landowners which followed directly led to an increased influence of wealth on promotion.

However, some wealthy families were entirely excluded due to religion like the Babingtons. The average age of appointment for the knightly families was between 24-29 as seen with Bradbourne, Hercy, Cokayne, Pierrepont, Leake, and Byron. Some major landowners like Clifton and Stanhope were appointed and/or promoted younger at 21, whereas younger sons like Ellis and Thomas Markham were appointed at older ages of 38-39, but were immediately amongst the *quorum*, as they were otherwise sufficient in education, religion, or alliances. However, while economic status influenced appointment it did not always, as Gleason suggested, allow promotion faster than those of lesser wealth, especially before Elizabeth's reign, whereafter 1562 Gleason's argument is more accurate. Pre-1562 it took wealthy JPs like Leake or Clifton over a decade to be promoted, and Byron took over forty-years. After 1562 major landowners like Stanhope or Foljambe were promoted either immediately, or after less than a decade of service, although other factors like alliances also influenced Stanhope's promotion. Major purchases sometimes correlate with promotion, like Byron with Newstead, Leake with Staveley, or Foljambe with Aldwark. However, owning a wealthy estate did not necessarily lead to a successful career, with Sir George Vernon never promoted. Like education and religion, wealth was one of various factors which worked alongside each other to influence the careers of JPs.

Lawyers, City Officials, and Churchmen

Not all JPs were country gentlemen with vast estates, some were professionals: lawyers, city officials, and Churchmen. These professionals often came from a lower economic class, lacking the incomes of large estates. William Botham (Derbyshire JP 1588-1599) was a merchant draper in Derby. He was twice Bailiff, and four times MP for the town between 1584-1593.¹⁷⁴ Although Botham was the only city official to become a JP in Nottinghamshire and Derbyshire, several similar cases were found by Zell and Gleason in Kent, where London merchants purchased county

¹⁷⁴ Henderson, in *HPJ: 1558-1603*, Vol. 1, p.458.

estates and became JPs.¹⁷⁵ Samaha found a similar incursion of 'foreign families who swelled the ranks of Essex... county upstarts mostly from London'.¹⁷⁶ In Norfolk Hassell-Smith found many examples of new men, often lawyers recently settled in Norfolk, mostly from London.¹⁷⁷ However, while accepting this trend was seen in many counties, Tim Thornton suggests these new men, many of whom had established county estate due to legal practice or the purchase of monastic property, were only ever a 'novelty' in Cheshire.¹⁷⁸ The towns of Nottingham and Derby were not as populous as London, thus why in Nottinghamshire and Derbyshire there was a lesser presence of city officials compared to the counties surrounding London. No other Bailiff of Nottingham or Derby became JPs under Elizabeth.¹⁷⁹ By 1588 Botham had purchased a county estate, and in 1589 was listed amongst the gentry who supplied £25 (£27) to the Armada fund. His will of 1605 listed a notable inheritance left to his three cousins and hundreds of pounds to charity.¹⁸⁰ As the minimum wealth requirement for JPs was primarily based on income from property, those without their own estates were excluded. However, as Samaha highlighted, there was a bias by established landowners against upstarts, like seen with Cotton and Agard who never became JPs despite purchasing considerable estates.¹⁸¹

Lawyers were well-represented on the county bench (see Chapter One). Sir James Dyer was the most senior lawyer JP: Serjeant-at-Law, Speaker of the House of Commons in 1553, and in 1559 he became Chief Justice of the Common Pleas.¹⁸² He was an *Ex-Officio* JP, serving various counties including Derbyshire from 1547-1582.¹⁸³ He was a second son who inherited little, although

¹⁷⁵ Zell, 'Kent's Elizabethan JPs at Work', p.11; Gleason, *Justices of the Peace*, pp.24-25.

¹⁷⁶ Samaha, *Law and Order*, pp.30-31.

¹⁷⁷ Hassell-Smith, *County and Court*, pp.54-5.

¹⁷⁸ Tim Thornton, *Cheshire and the Tudor State, 1480-1560*, (Boydell and Brewer, Royal Historical Society, 2000), p.33.

¹⁷⁹ Richard Clark, *Bailiffs of Derby: Urban Governors and their Governance 1513-1638* (Derbyshire Record Society, Chesterfield, 2015).

¹⁸⁰ TNA, PROB 11/105/348; Henderson, *HPI: 1558-1603*, Vol. 1, p.458.

¹⁸¹ Samaha, *Law and Order*, pp.30-31.

¹⁸² J.R. Dasent (ed.), *Acts of the Privy Council (APC), 1542-1547*, Vol. 2, (HMSO, London, 1890), p.384; A.G. Dickens (ed.), 'Clifford Letters of the Sixteenth Century', *Journal of Ecclesiastical History*, Vol. 15, Issue 1, (1962), pp.102-4.

¹⁸³ Appendix 1547-1577.

through his legal profession he earned sufficient wealth to establish himself as a prominent landowner in Cambridgeshire, where Bourgeois highlights he also became embedded into the local gentry community, purchasing a considerable estate and marrying into local families.¹⁸⁴ His legal profession allowed him to become a JP, as legal expertise was desired (see Chapter One), but the money he earned as a lawyer also allowed him to become a significant landowner, securing him high office. Ralph Barton was also a younger son, becoming a *quorum* JP in 1576.¹⁸⁵ He inherited a small annuity of £10pa (£17pa) for the pursuit of law, although he would later inherit the family estate from his childless brother, four-years after he became a JP.¹⁸⁶ Before this, Barton had insufficient income to contribute to the forced loan in 1570, and claimed his main income came from a fee of just 40s (64.5s) he received from the Earl of Derby for legal services.¹⁸⁷ Despite his clearly insignificant economic status, by 1576 he was appointed a *quorum* JP based on his legal education.

Unlike Dyer and Barton, Anthony Gell was the eldest son and thus inherited Hopton Hall upon his father's death.¹⁸⁸ Despite not inheriting until 1564, he had been a JP since 1559, and amongst the *quorum* since 1562, likely based on his legal occupation.¹⁸⁹ Furthermore, the inheritance of Hopton alone was insufficient for appointment, as Anthony Gell's father was never a JP. It was not his economic status, but his position as a lawyer and Benchet at the Inner Temple which influenced his appointment.¹⁹⁰ Lawyers like Barton, Dyer, and Gell did not have to meet the minimum wealth requirements expected of county gentlemen, although Dyer and Gell established estates after their appointments. Like Gell, Francis Rodes (JP 1569-1580), was the eldest son and

¹⁸⁴ Bourgeois, *Ruling Elite of Cambridgeshire*, pp.79-84; D.F. Coros, in *HPI: 1509-1558*, Vol. 2, pp.70-73.

¹⁸⁵ Appendix 1577-1596.

¹⁸⁶ Henry, and Richard St George, *Pedigrees made at the Visitation of Cheshire 1613*, (Cheshire Record Society, 1909), pp.16-17; Roger Virgoe, in *HPI: 1558-1603*, Vol. 1, pp.400-401.

¹⁸⁷ Alan Davidson, in *HPI: 1509-1558*, Vol. 1, p.387.

¹⁸⁸ TNA, Papers of the Gell Family of Hopton, D3287.

¹⁸⁹ Appendix 1562.

¹⁹⁰ J.H. Baker, 'Anthony Gell (d1583)', *ODNB*. [Accessed 23 August 2024], <https://www.oxforddnb.com/display/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-69364?rskey=RiljTX&result=1>

heir of lands centred at Staveley.¹⁹¹ Before inheriting, Rodes pursued a career in law and rose to become a Justice of the Common Pleas in 1585.¹⁹² In 1562 he purchased Stanley Grange in Teversall for 55s, 11d (90s).¹⁹³ However, Rodes did not become a JP until inheriting Staveley from his father in 1569, and like Barton, he was appointed directly to the *quorum*.¹⁹⁴ In 1571 he expanded his inheritance further with the purchase of the manor of Barlborough.¹⁹⁵ The reason Rodes was only appointed after gaining an inheritance which made him economically sufficient, unlike other lawyer JPs, was because both Gell and Dyer were senior lawyers (a Bencher and Serjeant), and Barton had over a decade more experience as a lawyer when appointed a JP.

Churchmen were also represented on the county bench, although economic status was clearly not as important a factor as their social status from their offices of power. Three clergy JPs were Archbishops (Edwin Sandys, Thomas Young, and Nicholas Heath), two were Bishops (John May and William Overton) and one was an Archdeacon (John Walton).¹⁹⁶ These JPs align with the 1587 instructions on the selection of JPs where it was written that no churchmen ‘under the degree of a Bishop, Suffragan, or Archdeacon’ may be appointed a JP.¹⁹⁷ Some of these churchmen were wealthy in their own right like Edwin Sandys whose family owned Esthwaite Hall in Cumbria, while others like John Walton were relatively poor.¹⁹⁸ In Norfolk the churchmen James Scambler and Thomas Dove were appointed based on their ecclesiastical connections, with Scambler the son of the Bishop of Norwich, and Dove later becoming Dean of Norwich. However, the Norfolk bench was also mostly dominated by the Bishops of Norwich as the primary local magnate following the Duke of Norfolk’s fall in 1572, with Bishop Freke and Bishop Parkhurst holding significant influence

¹⁹¹ Appendix 1569-1580; Dugdale, *Derbyshire Visitation*, pp.71-2.

¹⁹² Cox, *Churches of Derbyshire*, Vol. 1, pp.345-366.

¹⁹³ *CPR 1560-3, Elizabeth*, Vol. 2, pp.381-2.

¹⁹⁴ Appendix 1569.

¹⁹⁵ Cox, *Churches of Derbyshire*, Vol. 1, pp.345-366.

¹⁹⁶ Appendix 1562-1596; Dias, ‘Politics and administration’; *CPR 1563-6, Elizabeth*, Vol. 3, pp.18-24.

¹⁹⁷ BL, Lansdowne, MS53/81.

¹⁹⁸ Patrick Collinson, ‘Sandys, Edwin (1516?-1588)’, *ODNB*. [Accessed 23 August 2024], <https://www.oxforddnb.com/display/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-24649?rskey=s7CmrP&result=4>

over the appointment of JPs in Norfolk, based on the political power of their office.¹⁹⁹ In Sussex, the county bench often included at least three ecclesiasts, namely the Bishop of Chichester, one of his Chancellors, and a canon residentiary, although these appointments were only needed due to the lack of enthusiasm for the Reformation amongst local Sussex JPs.²⁰⁰ The appointment of churchmen as JPs was primarily a result of political power and the Crown's attempts to enforce the Reformation in the counties, not economic status.

Overall, professionals were well-represented on the county bench, mostly due to lawyers whose appointments were for education, not wealth. Lawyers like Rodes and Gell were the heirs of estates, others like Dyer lacked the incomes from an estate before appointment but were chosen for legal expertise (see Chapter One), thereafter purchasing considerable estates. City officials and merchants became JPs in other counties, particularly those closest to London, but William Botham was alone in Nottinghamshire and Derbyshire. Churchmen were appointed, but this was entirely due to the political power of their office, not personal wealth.

Debt

Debt was common amongst JPs, with around 20% of those within this thesis having some amount of debt, and around 10% suffering from severe debt. Williams suggested in his research at least half of Catholic families and one third of Protestant families were 'in financial difficulties' under Elizabeth.²⁰¹ This section will focus on stigmatised debt that JPs struggled to repay, which led to sale of estates or arrest, not what Muldrew described as credit. Credit was debt between friends or associates to solve the problem of not having physical money on hand, and was common and unstigmatized, if it was paid back.²⁰² However, being unable to repay heavy debts could lead to disgrace, for example with Henry Cavendish. He was the eldest son and heir of Sir William

¹⁹⁹ Hassell-Smith, *County and Court*, p.56; Williams, 'Court and Polity', pp.266-7.

²⁰⁰ Manning, *Religion and Society*, p.240.

²⁰¹ Williams, *Tudor State*, p.284.

²⁰² Muldrew, *Economy of Obligation*, pp.95-119.

Cavendish and the wealthy Bess of Hardwick.²⁰³ He inherited an estate including the important Tutbury Castle in 1557, and became a JP in 1573, aged 23. However, by 1584 he held debts of £3000 (£3990) due to expenses as a soldier in the Netherlands, and a lack of support from his mother with whom he was bitterly feuding.²⁰⁴ This dispute was partly caused by his excessive lifestyle which worsened his expenses further. Bess of Hardwick complained in letters to her husband about his sexual promiscuity and gambling which she said led to his financial irresponsibility, and Henry Cavendish responded by publicly calling his mother a 'harlot'.²⁰⁵ In 1585 whilst acting as custodian for Mary Queen of Scots, Henry Cavendish demanded Elizabeth grant him a loan of £2000 (£2660) to pay his debts.²⁰⁶ He was removed from office in 1595, with his debts increasing further. When he inherited the large manor of Chatsworth in 1608, he sold it immediately to his brother William Lord Cavendish. Chatsworth had an income of around £4000pa, yet this was not sufficient to cover his debts.²⁰⁷ Henry Cavendish was trusted sufficiently to house Mary Queen of Scots, but his debts were a significant reason for his removal by 1595, followed by sales of estates which damaged his economic status. His debts also partly led to the dispute with his mother, who was highly influential at Court, and friends with Elizabeth herself.²⁰⁸

Uncontrolled debt like Henry Cavendish's could hurt a JP's career, as it did for Cavendish's uncle James Hardwick. He was a Derbyshire JP from 1564, however he was removed from office and arrested around the mid-1580s.²⁰⁹ The Hardwicks had been minor gentlemen in Derbyshire for decades, with Wright listing the Hardwicks amongst the local families who claimed to be gentlemen but were insufficient to supply any county officers of importance.²¹⁰ Phillip Riden detailed his life expertly, heavily criticising the likes of Susan Lovell who claimed him to be a

²⁰³ M.S. Lovell, *Bess of Hardwick: First Lady of Hardwick*, (Abacus, London, 2006), pp.34-77.

²⁰⁴ Hasler, in *HPJ: 1558-1603*, Vol. 1, pp.566-7; Cox, *Churches of Derbyshire*, Vol. 3, pp.115-128; Glover, *History of Derby*, Vol. 2, pp.242-3.

²⁰⁵ Lovell, *Bess of Hardwick*, pp.297-317.

²⁰⁶ BL, Lansdowne, MS31/20.

²⁰⁷ Lovell, *Bess of Hardwick*, pp.447-471.

²⁰⁸ Lovell, *Bess of Hardwick*, pp.142-169.

²⁰⁹ Appendix 1564-1580.

²¹⁰ Wright, *Derbyshire Gentry*, p.6.

footnote in the history of his sister Bess of Hardwick, although Riden likely mistakes interest and importance in relation to James Hardwick.²¹¹ Riden showed how James Hardwick greatly expanded his landed estate in Derbyshire through the purchase of property, but also how he used his existing estate as collateral for further purchases, which eventually led to Hardwick's arrest for debt and dismissal from the Derbyshire bench.²¹² On 5th March 1580 Lord Chancellor Sir Thomas Bromley wrote to John Manners, Sir John Zouche, and Anthony Gell to assess the lands of James Hardwick, who was in the Fleet prison for debt, and to evaluate his lands 'stated by him to be worth more then 6,000l'.²¹³ This incident led to Hardwick's dismissal, and he would never be returned, dying in debt and only freed from prison when he sold his entire estate to his nephew William Cavendish, later Earl of Devonshire.²¹⁴ James Hardwick expanded his economic status which increased his social status, but his inability to pay his debts meant he died in disgrace. As Hassell-Smith said, 'financial ruin inevitably brought declining prestige', as happened in Norfolk with the exclusion of the Heydons from the county bench in the 1590s.²¹⁵

A similar event occurred with Roger Ascough, Nottinghamshire JP from 1593.²¹⁶ Ascough owned several properties in Nottinghamshire and Lincolnshire, centred at Nuthall, with incomes in 1600 of around £500pa.²¹⁷ However, by 1610 he was in deep financial troubles due to suits in the Court of Chancery. This debt forced the sale of both his main seat of Nuthall to his kinsman James Ascough, and another manor for £2000.²¹⁸ Ascough disappears from the Nottinghamshire *Libri Pacis* around 1610. By 1612 he sold his office of Storekeeper of the Ordnance, and by 1614 he fled to Ireland to escape his debts.²¹⁹ Ascough continued as a JP for several years while under

²¹¹ Phillip Riden, 'The Hardwicks of Hardwick Hall in the 15th and 16th Centuries', *Derbyshire Archaeological Journal*, Vol. 130, (2010), pp.142-175; Lovell, *Bess of Hardwick*.

²¹² Riden, 'The Hardwicks of Hardwick Hall', pp.142-175.

²¹³ Round (ed.), *HMC Rutland*, Vol. 1, pp.118-9.

²¹⁴ Riden, 'The Hardwicks of Hardwick Hall', pp.142-175.

²¹⁵ Hassell-Smith, *County and Court*, pp.163-4.

²¹⁶ Appendix 1562-1596.

²¹⁷ Wall, 'Making and unmaking', pp.312-332; BL, Lansdowne, MS286/211-2; Flower and Norroy, *Visitation of Nottingham*, p.77; TNA, Chancery, Decree Rolls, C78/193/12.

²¹⁸ TNA, Court of Chancery: Six Clerks Office: Pleadings, C2/Jas/D4/38.

²¹⁹ Thrush, 'Ayscough, Sir Edward (1596-by1654)', in *HPI: 1604-1629*.

significant debts and was even promoted in the Ordnance. He was appointed a JP on the recommendation of his uncle, Lord Sheffield, as he lived in a part of Nottinghamshire with no local JPs.²²⁰ However, after selling his property in Nottinghamshire this was no longer the case, and he was removed. Debt damaged his economic status, but it was only once he was no longer resident in the otherwise unrepresented region of Retford in Nottinghamshire that he was removed from office. Debt also forced Anthony Stapleton to sell off much of his property to Sir Thomas Stanhope around 1589, which further expanded Stanhope's position in Nottinghamshire, and led to the disappearance of the Stapletons from the Nottinghamshire bench.²²¹ Watts attributes the absence of 7/18 established gentry families from the county bench in Northumberland mainly to religion or debt.²²²

The office of JP was lucrative, and JPs like Ellis Markham, John Holles, and George Pierrepont used their authority as JPs to expand their estates. However, it was no guarantee of financial success, as seen with Edward Cokayne. He was the third son, but eventual heir of Sir Thomas Cokayne, one of the wealthiest JPs in Derbyshire. He inherited several properties in 1592, serving as a JP from 1598-1606.²²³ However, shortly after being appointed a JP Cokayne began selling his estates; in 1599 he sold Harthill to Sir John Manners, and Middleton manor to Francis Fullwood. In the following years he sold a moiety of Tissington, and the manors of Ballidon and Thorpe, almost every outlying manor except his family seat of Ashbourne.²²⁴ This shows his severe money problems, yet despite the damage these sales did to his economic status, and continued debts, Cokayne remained a JP until his death in 1606.²²⁵ Cavendish, Hardwick, Ascough, and Cokayne all remained JPs for years while in severe debt, although their debts likely influenced their exclusion

²²⁰ Wall, 'Making and unmaking', pp.312-332; BL, Lansdowne, MS286/211-2.

²²¹ Cobbing and Priestland, *Thomas Stanhope*, pp.209-10.

²²² Watts, *From Border to Middle Shire*, pp.63-4.

²²³ Dias, 'Politics and administration'; Dugdale, *Derbyshire Visitation*, pp.21-24.

²²⁴ Cox, *Churches of Derbyshire*, Vol. 2, pp.448-456.

²²⁵ Black, in *HPI: 1509-1558*, Vol. 1, pp.667-9.

from the *quorum*. Cavendish, Hardwick, and Ascough were eventually removed due to the stigma of debt, or the sale of estates damaging their economic status, but Cokayne survived.

Francis Curzon was, like Cokayne, part of a wealthy Derbyshire family. He was a JP from 1554-1561, 1569-1592.²²⁶ He inherited Kedleston from his father, several properties from his brother in 1547, and part of the estate of Thomas Vernon through his mother, including the dormant Barony of Powys.²²⁷ Apart from his removal between 1561-1569 caused by his Catholicism (see Chapter Two), he remained a JP for almost 40-years. However, in the 1580s he was struggling economically, using his connection to Sir John Manners to help settle a debt with the Earl of Shrewsbury, offering to pay £200pa (£266pa). He sold a large part of his inheritance, including Wingerworth in 1582. By his death in 1592 his Commission Postmortem valued his property at around £1000 (£1070). While not a small amount, it was only a fraction of his debts. In a deposition where Shrewsbury accused Curzon of 'fraudulent conveyance of land', Curzon's grandson claimed his debts amounted to £24,000, although the accuracy of this claim is unconfirmed.²²⁸ Curzon's debts to Shrewsbury, who held significant influence over the Derbyshire bench, nevertheless did not lead to his removal. However, the remaining debts meant his grandson was never appointed a JP.

Debt affected the careers of JPs differently due to the combination of factors which influenced their appointments and removals. While Curzon's career was relatively unaffected based on wealth, debt greatly hindered the career of Thomas Gresley, JP for Derbyshire and Staffordshire from 1583. He was removed in Staffordshire in 1600 but remained a Derbyshire JP until his death in 1610.²²⁹ He gained a large inheritance in 1573 centred at Drakelow in Derbyshire, valued at £177, 4s, 4dpa (£259pa).²³⁰ However, by the 1600s he was riddled with debt. Despite marrying the

²²⁶ Appendix 1554-1596.

²²⁷ Black, in *HPI: 1509-1558*, Vol. 1, p.742; Fuidge, in *HPI: 1558-1603*, Vol. 1, p.689; Cox, *Churches of Derbyshire*, Vol. 3, p.171; *CPR 1550-3, Edward VI*, Vol. 4, p.439.

²²⁸ Round (ed.), *HMC Rutland*, Vol. 1, pp.208-9; Cox, *Churches of Derbyshire*, Vol. 1, pp.449-458; Green (ed.), *CSP Dom 1591-4*, p.135; Dasent (ed.), *APC 1592*, Vol. 23, (London, 1901), pp.71, 208-9.

²²⁹ Round (ed.), *HMC Rutland*, Vol. 1, pp.267, 303, 366; Dasent (ed.), *APC 1599-1600*, Vol. 30, (London, 1905), p.214.

²³⁰ TNA, Gresley of Drakelow, GB 026 D803.

daughter of a wealthy London merchant, he was burdened by expenses which he could not afford. He began to sell his Staffordshire estates in 1600 and had no residence in the county by 1602.²³¹ This coincided with his removal from the Staffordshire bench, like Ascough, not because of debt, but because he was forced to sell his estates. He focused on maintaining his Derbyshire property; thus, he remained a JP there, despite continued debts. The Strelley family suffered similarly, despite having three JPs in Nottinghamshire under Elizabeth (Sir Nicholas 1547-1563, Sir Anthony 1562-bef1569, and Sir Phillip 1593-1607).²³² Under Nicholas the Strelley estate around Strelley Hall in Nottinghamshire was notable, expanded greatly in 1536 with former monastic land for £233 (£549), with revenues of £126, 3s, 4dpa (£311pa).²³³ While a famed soldier and county officer, Nicholas Strelley was a massive gambler, and by his death the family was deeply in debt. His heir Anthony sold several lucrative lead mines in Nottinghamshire.²³⁴ However, the debt persisted, and Anthony's son Phillip was forced to transfer the remaining debt to the realm in exchange for Eccleshall manor. Phillip managed to recover the family's wealth enough that in 1604 he unsuccessfully lobbied the Crown to return the manor for £100pa until the debts were paid off. Phillip died in 1607, and with his son dying in infancy the remaining Strelley land was split.²³⁵ A legal dispute over Shipley Hall between two cousins encumbered the family further, and Phillip was the last Strelley to serve as a JP for at least a century.²³⁶ All three Strelleys served as JPs for decades, but debt hindered their careers. Nicholas was a senior *quorum* JP and High Sheriff, yet neither Anthony nor Phillip were promoted, their careers hindered by what S.M. Thorpe described as their 'diminished inheritance'.²³⁷

²³¹ R.C. Gabriel, in *HPI: 1558-1603*, Vol. 2, p.219.

²³² Appendix 1547-1596; M.S. Giuseppi (ed.), *CCP*, Vol. 16, (HMSO, London, 1938), p.128.

²³³ Cox, *Churches of Derbyshire*, Vol. 1, pp.3-13; Thorpe, in *HPI: 1558-1603*, Vol. 3, pp.445-6.

²³⁴ Cassandra Willoughby, *An Account of an Elizabethan Family: Vol. 55: The Willoughbys of Wollaton*, (CUP, New edition, Cambridge, 2019), pp.102-3.

²³⁵ Thorpe, *HPI: 1558-1603*, Vol. 3, pp.445-6; Dasent (ed.), *APC 1597*, Vol. 27, (London, 1903), p.117.

²³⁶ 'Lords of Shipley Hall', [Accessed 25 September 2023], <http://www.ilkcarn.com/Specials/Miller-Mundy/Miller-Mundy06.html>

²³⁷ Thorpe, *HPI: 1558-1603*, Vol. 3, pp.445-6.

Overall, while debt hindered the careers of JPs if it resulted in the sale of property, as seen with Gresley, Cokayne, Hardwick, and Ascough, JPs could survive for years while in significant debt. These indebted JPs were perhaps excluded from promotion, as none became *quorum*, but they nevertheless survived. Debt led to diminished estates, which in turn led to the sale of land, arrest, and for some like Cavendish and Hardwick, dismissal. Debt was however common amongst JPs, although only the uncontrolled debt of those discussed above damaged their careers. The effect of debt on appointment and removal was inconsistent, as factors like religion and education have shown to be. Some JPs remained in office while in debt, while others were removed, although mainly due to diminished estates meaning they were no longer resident within the county, not necessarily the debts themselves.

Conclusion

In conclusion, this chapter has highlighted the economic status of a cross-section of JPs and non-JP gentlemen, showing how wealth influenced appointment to office or their careers thereafter as JPs. The importance of economic status to JPs was for certain aspects the most crucial, or most consistent factor. There were minimum requirements established in legislation for minimum income of £20pa, residency within the county, or holding certain offices within the Church. Yet, despite inflation, the minimum income requirement never changed, and beyond disqualifying some, the relationship between appointment and economic status is less evident. Several traditionalists survived, as did many unlearned JPs, yet unless a JP was a lawyer or churchman, every JP within this thesis met these minimum economic requirements.

Those who did not meet the minimum requirements were excluded, even diligent county officers like the Moretons. Furthermore, there were many sufficiently wealthy, but religiously conservative families who were excluded like the Babingtons and Dethicks, despite their wealth. Lawyers from lower economic classes became JPs due to education rather than their wealth, many of whom were *Ex-Officio*, or who held high legal offices. These lawyers represent a large minority of JPs in

Nottinghamshire and Derbyshire, some like Bendlowes coming from a family of yeoman who were rarely appointed JPs or were town merchants like William Botham. These lawyers, despite often having significantly less economic status than established landowners like Byron or Clifton, were often promoted to the *quorum* far quicker than local JPs. There were also sufficiently wealthy landowners like the Agards and Cottons who invested heavily into establishing large estates in these counties, yet were never appointed JPs, perhaps because they lacked local or Court connections.

Economic status was secondary compared to education and the political power of their offices for lawyers and churchmen like Hopton, Dyer, Bendlowes, or Gell. These professionals like Dyer expanded their economic status through the purchase of property, made easier by their office of JP, but local landowners also profited from the office. Debt was common, but it did not always cause the dismissal of JPs. Diminished estates from sale of land did hinder their careers however, and the prospects of appointment for their heirs. Indebted JPs like Curzon, Hardwick, Ascough, and Strelley were the last of their family to serve as JPs, for several generations at least. However, it was not necessarily the debts themselves which led to exclusion, but diminished inheritances or sale of land. Furthermore, while debt alone was clearly unstigmatized, this did not extend to arrests for debt, nor the social damage that uncontrolled debt caused.

As for the effect of economic status on promotion to the *quorum*, there is perhaps some relation between wealth and faster promotion, but this is mostly seen under Elizabeth when the *quorum* was expanded in size. Unless otherwise unsuitable, the heads of the wealthiest families almost always were appointed JPs. Sir Humphrey Bradbourne, Sir John Hercy, Sir Thomas Cokayne, Sir Henry Pierrepont, Sir Gervais Clifton, Sir John Byron, and Sir Francis Leake, all were appointed between the ages of 23-29, significantly younger than initially lesser landowners like Godfrey Boswell (46), or younger sons and cousins like Thomas and Ellis Markham (38, 39). However, both Thomas and Ellis were immediately promoted to the *quorum*, alongside trained lawyers like

Anthony Gell (aged 40). Despite the established landowners having significantly higher economic status, they had to serve for years, often decades before being promoted. Foljambe and Leake were promoted after eight-years, whereas the others had to serve for between 17-43 years to achieve promotion. The longest wait for promotion was John Byron, appointed aged 24, but not promoted until he was 67, despite being amongst the largest landowners in Nottinghamshire. Furthermore, some wealthy landowners like Sir George Vernon were never promoted at all, despite considerable wealth. Yet, another of the premier Nottinghamshire landowners, Sir Thomas Stanhope was appointed a *quorum* JP aged just 21, mainly due to his allies at Court. Economic status seemingly had little effect on achieving promotion to the *quorum* for most of the established landowners, especially when compared to education or lobbying (see Chapter Four)

Like religion and education, the effect of economic status on appointment was not as simple as the sufficiently wealthy gentlemen were appointed, just as learned or religious suitable gentlemen did not necessarily become JPs. None of these factors can be taken as solely responsible for the appointment of all JPs, although economic status was the most important factor for certain JPs. Religion dominated many Peace Commissions because of the religious changes seen between Mary and Elizabeth, and the persistent threat of nonconformity. Education became an increasingly common factor for JPs as attendance grew alongside the increased responsibilities expected from the office. Wealth was a long-established minimum requirement, linked strongly with residence and social status, yet beyond this the effect of economic status upon JPs was inconsistent, often overshadowed by religion, lobbying, and education.

Chapter Four: Family, Friends, Marriages, and Political Alliances: Lobbying for appointment to the county benches

Introduction

Education, religion, and economic status all influenced who was qualified to become a JP. These factors were clearly defined: whether an individual attended university or an Inn of Court, whether an individual was a religious conformist or a Catholic traditionalist, or what was the income of an individual. J.H. Gleason's study of JPs in six counties dedicated a chapter to each.¹ However, the influence of family connections and alliances is harder to define. Alison Wall suggested 'the appointment of JPs was a political game' in which 'Bishops, Councillors, Judges, Courtiers and Lord Lieutenants' lobbied the assize judges and Lord Chancellor to appoint certain individuals.² Eugene Bourgeois focused on the influence of 'magnates of power' on appointment, like Roger Lord North in Cambridgeshire.³ Diarmaid MacCulloch found the influence of Bishops like Parkhurst or Freke, and local aristocrats like the Duke of Norfolk, were similarly important in Suffolk, and Hassell-Smith has highlighted these same magnates and the factionalism they caused, or that occurred in their absence, was a central part of the county benches.⁴ Factionalism was also a key consideration for Ron Fritze in his study of Hampshire, particularly the disputes between William Paulet Marquis of Winchester and local Protestants, which he said often used the commissions of the peace as part of their feuds over religion and politics.⁵

¹ J.H. Gleason, *Justices of the Peace in England, 1558-1640: A later Eirenarcha*, (Oxford University Press (OUP), Oxford, 1969).

² Alison Wall, 'The Greatest Disgrace: Making and unmaking of JPs in Elizabethan and Jacobean England', *English Historical Review*, Vol. 119, Issue. 481 (2004), pp.312-332.

³ Eugene Bourgeois, *Ruling Elite of Cambridgeshire, England 1520-1603*. (Edwin Mellen Press, New York, 2003).

⁴ Diarmaid MacCulloch, 'Catholic and Puritan in Elizabethan Suffolk: A county community polarises', *Archive for Reformation History*, Vol. 72, (1981), pp.232-289; Alfred Hassell-Smith, *County and Court: Government and Politics in Norfolk, 1558-1603*, (Clarendon Press, Oxford, 1974), pp.29-38.

⁵ Ronald Fritze, 'The Role of Family and Religion in the Local Politics of Early Elizabethan England: The Case of Hampshire in the 1560s', *The Historical Journal*, Vol. 25, No. 2, (June 1982), pp.280-5.

Lobbying came from both local and central magnates, including Privy Councillors or the Crown itself, with Councillors and Courtiers getting involved even in 'trivial' affairs in the counties, including the use of the county benches to exert their influence.⁶ Michael Braddick highlights the 'wider circle of clients and petitioners', including Courtiers, Councillors, MPs, Bishops, etc in the important part that the clientage networks between the central government and the localities played in the composition of local government, a conclusion with which Joel Hurstfield agreed in the necessity of the links between patronage and the network of friendships, political alliances, and marriages between the Crown, the Council, and the counties.⁷ Appointing JPs allowed magnates to secure positions of power for their agents, and as Wall called Nottinghamshire amongst the most 'factionalised' counties in England, the effect of lobbying should be clear.⁸ This chapter will determine if Nottinghamshire was as factionalised as Wall suggested, whether factionalism was common in other counties, and the impact of lobbying by local and central magnates in both Nottinghamshire and Derbyshire. It will determine the cause of the lobbying through family, marriage, and politics, alongside the importance of clientage networks to the composition of the county benches.

Considerable evidence survives to uncover the marriage and family connections of JPs, although the influence of these connections is less clear. Family was important, both via members of the same dynasty or through female relatives. Bourgeois placed significant importance on these local connections to one's place in the county community. He said Sir James Dyer purchased an estate and married into the family of a Cambridgeshire JP to secure his local position. He furthermore suggested marriage connections like between the 'Puritan' Milsent family and the Catholic Thomas Holmes was more important than their religious differences.⁹ Thornton highlights how

⁶ Penry Williams, 'Court and Polity under Elizabeth I', *Bulletin of the John Rylands University Library of Manchester*, Vol. 65, No. 2, (Spring, 1983), pp.265-6.

⁷ Michael Braddick, *State Formation in early modern England, c.1550-1700*, (Cambridge University Press, Cambridge, 2000), pp.19-26; Joel Hurstfield, *Freedom, Corruption, and Government in Elizabethan England*, (Jonathan Cape, London, 1973), pp.149-50.

⁸ Wall, 'Making and unmaking', pp.312-332.

⁹ Bourgeois, *Ruling Elite of Cambridgeshire*, pp.74-6, 151-3.

interconnected the gentry of Cheshire was, with 2/3 of Cheshire gentlemen marrying within the county, which increased the importance of local connections to appointment as a local JP.¹⁰ Gleason suggested sons often inherited the positions of their father's, based on their family name and the influence of older relatives, or those connected via marriage. He argues this prestige affected the appointment of JPs as much as direct lobbying by magnates.¹¹ This chapter will address both direct lobbying for political advantage, and the effect of prestige from family and marriage connections.

Furthermore, early modern friendship has received significant recent scholarship, particularly the work of Naomi Tadmor.¹² Although she focuses on the eighteenth century, many of the concepts of friendships and the divisions between kin, friendships, and political alliances are important considerations for the impact of alliances on the careers of JPs. The 'friendships' this chapter focuses upon will be the functional friendship ties which led to lobbying, both the personal connections, what Tadmor calls 'kinship ties', 'sentimental attachments' or 'sociable networks' and the political connections, what she calls 'political alliances', 'spiritual attachments' and 'economic ties'.¹³ Local friendship between gentlemen was in Hampshire 'the basis for the composition of the Protestant faction' and created substantial alliances, while Beryl Cobbing and Pamela Priestland went into significant detail of the role of friendship, alongside rivalries, in the politics and factionalism seen in Elizabethan Nottinghamshire.¹⁴ Jill Dias focused upon the political alliances in Derbyshire and Nottinghamshire, including the Shrewsbury-Stanhope conflict in the 1590s, which

¹⁰ Tim Thornton, *Cheshire and the Tudor State, 1480-1560*, (Boydell and Brewer, Royal Historical Society, 2000), pp.31-5.

¹¹ Gleason, *Justices of the Peace*, pp.54-59.

¹² Naomi Tadmor, *Family and Friends in Eighteenth-Century England*, (Cambridge University Press (CUP), Cambridge, 2009), pp.167-236.

¹³ Tadmor, *Family and Friends in Eighteenth-Century England*, pp.167-236.

¹⁴ Fritze, 'Family and Religion', pp.271-5; Beryl Cobbing and Pamela Priestland, *Sir Thomas Stanhope of Shelford: Local life in Elizabethan times*, (Ashbracken, Radcliffe-on-Trent, 2003), pp.73-193.

Wallace MacCaffrey expanded greatly upon, with alliances born from shared political ambition.

This incident is partly responsible for why Wall called Nottinghamshire particularly 'factionalised'.¹⁵

Clive Holmes highlighted the complex and always changing climate of the county community, and the impact of political and family connections to county society.¹⁶ There was overlap between marriage connections, friendships, and political alliances. Peter Seddon explains this in detail through the eight marriages of Gervais Clifton (1587-1666), with different motivations for each marriage.¹⁷ Seddon also explains the process of early modern marriage, how they were formed and the importance of the choice of partner to the gentry. He explains the exchanging of dowries, the settling of land for the economic security of the wife if her husband died, and both the negotiations of the marriage, and the relationships created between the families following the marriage.¹⁸ The link between the marriage and personal or political alliances of JPs was an important part in maintaining and strengthening influence to secure local office. The family trees from the visitations of Nottinghamshire and Derbyshire show the interconnected web of relationships within a county, and to neighbouring counties.¹⁹ Stepparents and widowed wives who remarried also demonstrate how exploiting alliances influenced decision making. However, while there has been significant focus on local connections between gentry families, or to the local magnates like the Earls of Shrewsbury and Rutland in Nottinghamshire and Derbyshire, connections to Court are also crucial to understanding the appointment of JPs. The Lord Chancellor chose who was appointed a JP, but his office was inundated with lobbying from other

¹⁵ Jill Dias, 'Politics and administration in Nottinghamshire and Derbyshire, 1590-1640' (Unpublished DPhil Thesis, Oxford University, 1973), pp.43-4; Wall, 'Making and unmaking', pp.312-332; Wallace MacCaffrey, 'Talbot and Stanhope: an Episode in Elizabethan Politics', *Bulletin of the Institute of Historical Research*, Vol. 33, Issue 87, (May 1960), pp.73-85.

¹⁶ Clive Holmes, 'County Community in Stuart Historiography', *Journal of British Studies*, Vol. 19, Issue. 2, (1980), pp54-73.

¹⁷ Peter Seddon, 'Marriage and Inheritance in the Clifton Family during the 17th century', *Transactions of the Thoroton Society*, Vol. 84, (1980), pp33-43.

¹⁸ Seddon, 'Sir Gervase Clifton and the Government of Nottinghamshire 1609-1640', *Transactions of the Thoroton Society*, Vol. 97, (1993), pp88-98; Seddon, 'Marriage and Inheritance', pp33-43.

¹⁹ Marshall, G.W (ed.), 'William Flower and Richard St George Norroy, Visitations of the County of Nottingham in the Years 1569 and 1614' in *Publications of the Harleian Society*, Vol. 4, (London, 1871); William Dugdale, *Derbyshire Visitations Pedigrees 1569 and 1611*, (London, 1895).

Councillors, local magnates, JPs, and even the Queen's own personal recommendations, which influenced the composition of the county benches the Lord Chancellor oversaw. Each of the Councillors and Courtiers had, to differing extents, their own networks which stretched into the counties. Neil Younger focused on these networks and how they influenced county administration, mainly through the networks of Sir Christopher Hatton, Lord Chancellor from 1587-1591. While he suggests Hatton's networks was lesser than those of Robert Dudley Earl of Leicester, or Elizabeth's Secretary of State Lord Burghley, everyone with influence at Court actively used their positions to lobby for, or be lobbied for, local or national office.²⁰ Gleason, Wall, Bourgeois, Fritze, Hassell-Smith, Younger, and MacCulloch have all attempted in various ways to understand how the complex connections from marriage, politics, and friendship influenced the appointment of JPs. All agree lobbying was important, but the difficulty in understanding these connections completely is perhaps why lobbying has, alongside religion, dominated so many of these previous studies. This chapter will analyse the county community in Nottinghamshire and Derbyshire, and the influence of these connections, whether marriage, family, or politics, on the lobbying of JPs.

Methodology

This chapter draws from a range of sources to identify connections to JPs. Friendships will be illuminated through personal correspondences and the choice of trusted friends to be executors within wills, or comments of friendship, kinship, or affection. There are several collections of wills housed at the National Archives, or local archives, the most important of which for this thesis was the collection of Derbyshire wills edited by David Edwards.²¹ Correspondences don't survive for all JPs, although a large variety are compiled within the Rutland, and Talbot and Shrewsbury Papers. These collections contain thousands of letters, although mostly those sent to the Earls by the Privy

²⁰ Neil Younger, *Religion and Politics in Elizabethan England: the life of Sir Christopher Hatton*, (Manchester University Press, Manchester, 2022), pp.59-99.

²¹ David Edwards (ed.), *Derbyshire wills proved in the Prerogative Court of Canterbury, 1393-1574*, (Derbyshire Record Society, Chesterfield, 1998); Edwards (ed.), *Derbyshire wills proved in the Prerogative Court of Canterbury, 1575-1601*, (Derbyshire Record Society, Chesterfield, 2003).

Council or local JPs, not from the Earls themselves, unless a copy was held by them.²² Further correspondences to and from the Privy Council or other magnates survive in the Burghley Papers, or in collections by the British Library and National Archives.²³ These letters show the active web of friendships and political allies, alongside evidence of JPs working together, or feuds arising between them. Marriage and family connections leave greater evidence in the visitations, legal documents, or grave monuments. These sources together provide a complex, if not complete, picture of the county community in Nottinghamshire and Derbyshire.

Holmes has rightly stressed the often-confusing web of marriages, family, and friendship of the county gentry, with it sometimes unclear how people are connected.²⁴ Gleason further questioned to what extent family alliances survived over generations, and the difficulty of following blood connections, particularly through female relatives.²⁵ Sometimes alliances could be formed between distant relations, like between Sir John Markham and his cousin the Earl of Hertford, or between Markham and his kinsman Ellis Markham, with whom he worked closely for years.²⁶ Conversely, close connections like between Sir John Manners and his father-in-law Sir George Vernon were less affectionate. This chapter begins by analysing the primary local magnates, the aristocrats and Lord Lieutenants, and their connections to local JPs. The Manners, Talbots, and Cavendishes as the local aristocratic families (see Chapter Three), held the most influence. It will then analyse how members of the Court and Privy Council were connected to JPs in Nottinghamshire and Derbyshire, and the influence of lobbying from these central magnates over the county bench. It will then analyse the influence of the senior local JPs: the *Custos*, Deputy Lieutenants, High Sheriffs, and *quorum* JPs, to determine whether local or central alliances more

²² J.H. Round (ed.), *Manuscript Collection of His Grace the Duke of Rutland* (HMC Rutland), Vol. 1, (Eyre and Spottiswoode, London, 1888); G. R. Batho, *Calendar of the Shrewsbury and Talbot Papers* (HMC Shrewsbury), Vol. 2, (Her Majesty's Stationery Office (HMSO), London, 1971).

²³ British Library (BL), Lansdowne, MS12/53.

²⁴ Holmes, 'County Community', pp.219-224.

²⁵ Gleason, *Justices of the Peace*, pp.58-9.

²⁶ C.J. Black, in S.T. Bindoff (ed.), *History of Parliament Journal: House of Commons 1509-1558* (HPI), Vol. 2, (Secker and Warburg, London, 1982), pp.568-570; Irene Cassidy, in P.W. Hasler (ed.), *HPI: 1558-1603*, Vol. 3, (HMSO, 1981), pp.18-19

influenced appointment and promotion. Finally, this chapter will address lobbying on behalf of the lesser JPs to understand which connections influenced their appointments. There will be significant overlap in lobbying for JPs with the previous chapters, as the reasons a gentleman was said to be suitable was often for religion, education, wealth, or geography. As Hassell-Smith highlights in Norfolk, lobbying over the county benches, directed at the Lord Chancellor, was rife. By the late 16th century 'a gentleman had many avenues to get his name to the Lord Chancellor', either by recommendation of a Bishop or Assize Judge, or through the intervention of another Councillor who would advance a gentleman's name at Court, and these avenues included personal and political connections.²⁷ Anthony Fletcher suggested Assize Judges 'brought back the prejudiced comments of those among the magistracy to whom they had happened to speak or who had lobbied them most assiduously'.²⁸ Lobbying and factionalism were perhaps more effective for securing appointment than relation.

Aristocrats

Aristocrats actively lobbied for the appointment of JPs. 25/158 JPs in Elizabethan Nottinghamshire and Derbyshire (16.5%) were aristocrats, 12 of whom were from the three local aristocratic families: the Cavendishes, Talbots, and Manners.²⁹ Otherwise, only William Cecil, later 2nd Earl of Exeter had personal interests in these counties.³⁰ Wall highlighted that Cecil's father was 'blatant in increasing the number of JPs and appointed those loyal to him', while Lord Burghley (Cecil's grandfather and Elizabeth's Secretary of State) was central to the composition of the county benches for decades.³¹ S.J. Watts suggests Sir Henry Percy only survived the failed Northern Rising in 1569 because he had 'nurtured' a friendship with Burghley, while Fritze says Burghley and the Earl of Bedford were connected to many of the Protestant gentlemen who rose to prominence in

²⁷ Hassell-Smith, *County and Court*, pp.61-2.

²⁸ Anthony Fletcher, *Reform in the Provinces: The Government of Stuart England*, (Yale University Press, New Haven and London, 1986), p.6.

²⁹ Appendix 1562-1596.

³⁰ J.C. Henderson and Hasler, in *HPI: 1558-1603*, Vol. 1, pp.581-2.

³¹ Wall, 'Making and Unmaking', p.315.

Hampshire under Elizabeth.³² Furthermore, as Hassell-Smith highlights, most of the major reforms to the office of JP, and the composition of the county benches, were ordered by Burghley, with the Lord Chancellor working off recommendations based off Burghley's orders.³³ In Nottinghamshire and Derbyshire, Sir John Manners and Sir John Zouche both lobbied Burghley for appointment as *Custos* of Derbyshire, while Sir Thomas Stanhope was often entirely reliant on Burghley, who he was related through marriage, for 'protection' during his many local disputes, including with Zouche.³⁴

However, not all aristocrats were as active as Burghley, who held a personal interest in the composition of the county benches, including annotating a series of maps within the Cecil Atlas, showing the residence of JPs within each county.³⁵ Furthermore, Burghley benefited from holding high office on the Privy Council. Nor were all aristocrats as close to the Queen as Burghley was, with the influence of the Talbots suffering in Derbyshire because of the loss of favour at Court of George 6th Earl of Shrewsbury, and particularly the disfavour shown by the Queen to Gilbert 7th Earl of Shrewsbury and his Catholic wife Mary Cavendish in comparison to the Stanhopes.³⁶ The Manners and Talbots as Lord Lieutenants held the most sway over Nottinghamshire and Derbyshire: influencing who was chosen as their deputies or pricked Sheriff, and overseeing Quarter Sessions. According to W.K. Williams, George 6th Earl of Shrewsbury was hands-on as Lieutenant of Derbyshire, suggesting Shrewsbury oversaw every aspect of local administration.³⁷ Dias has credited both George and his son Gilbert 7th Earl of Shrewsbury as prolific in lobbying for JPs, particularly during the minority of Roger 5th Earl of Rutland, where Gilbert attempted to

³² S.J. Watts, *From Border to Middle Shire: Northumberland 1586-1625*, (Leicester University Press, Leicester, 1975), p.57; Fritze, 'Family and Religion', p.269.

³³ Hassell-Smith, *County and Court*, pp.62, 80-4.

³⁴ Round (ed.), *HMC Rutland*, Vol. 1, p.120; A.M. Mimardiere, in *HPI: 1558-1603*, Vol. 3, pp.441-2.

³⁵ BL, Lansdowne, MS18/D/111

³⁶ Cobbing and Priestland, *Thomas Stanhope*, pp.182, 226-7; Penry Williams, *The Tudor Regime*, (Clarendon Press, Oxford, 1979), p.372; Hassell-Smith, *County and Court*, p.43.

³⁷ J.C. Sainty, 'Lieutenants of Counties, 1585-1642', *Bulletin of the Institute of Historical Research*, (Athlone Press, London, 1970); W.K. Williams, 'Military function of the office of Lord Lieutenant 1585 – 1603 with special emphasis on Lord Burghley', (Unpublished PhD Thesis, University of Leicester, 2002), pp.31, 39-40, 50-2.

expand his influence over the Nottinghamshire bench.³⁸ Although holding influence there, he was unable to become Lord Lieutenant of Nottinghamshire, Younger suggests despite Lord Burghley lobbying the Queen for him, because of the Queen's affection towards the Earls of Rutland, and an unwillingness to show favour to one noble house over another.³⁹ However, MacCaffrey has suggested this was instead because of the active lobbying of John and Michael Stanhope at Court, with who Shrewsbury was feuding.⁴⁰

Manners

While not as infamous as the Shrewsburys, the Earls of Rutland were active in lobbying. Five Manners were JPs under Elizabeth: Sir John of Haddon Hall, Sir Thomas, Henry 2nd Earl, Edward 3rd Earl, and John 4th Earl.⁴¹ The Manners were Lord Lieutenants of Nottinghamshire from around 1552-1588, ceasing with the minority of Roger 5th Earl of Rutland, and the office was left vacant from 1590-1626.⁴² The influence of the Manners was hindered by successive early deaths, and mainly maintained by Sir John Manners, JP for Nottinghamshire 1559-1574, 1583-92, and Derbyshire 1569-1611. His appointment was influenced by his brother, Henry 2nd Earl of Rutland, and according to the Rutland Papers, John communicated regularly with successive Earls, advising them on local matters, and for decades acted as an agent of the Rutlands in Derbyshire.⁴³ In 1571 when Rutland was away in Paris on national business, John was asked to oversee the administration of Nottinghamshire.⁴⁴ John's brother-in-law was George 6th Earl of Shrewsbury, who in 1585 appointed him as Deputy Lieutenant of Derbyshire. In 1585 Shrewsbury called John 'my brother', saying he chose him as Deputy because he trusted him, whereas his fellow Deputy Sir John Zouche was chosen 'to please others'. Locally, Francis Leake and Godfrey Foljambe had

³⁸ Dias, 'Politics and administration', p.60

³⁹ Younger, *War and politics in the Elizabethan counties*, (Manchester University Press, Manchester, 2012), pp.26-7.

⁴⁰ MacCaffrey, 'Talbot and Stanhope', pp.75-7.

⁴¹ Appendix 1547-1596.

⁴² Sanity, *Lieutenancies of Counties, 1585-1642*.

⁴³ Appendix 1547-1596; Brian Dietz, in *HPI: 1558-1603*, Vol. 3, pp.7-8.

⁴⁴ Round, (ed.), *HMC Rutland*, Vol. 1, pp.91-93.

lobbied for Zouche, while Francis 2nd Earl of Bedford lobbied for him at Court, although Shrewsbury's opposition to Zouche limited his influence in Derbyshire.⁴⁵ W.K. Williams furthermore stressed John Manners was indispensable as Shrewsbury's Deputy, and later *Custos*, particularly in military administration which Williams focused upon.⁴⁶ John Manners's influential allies included Lord Chancellor Thomas Bromley who, according to a letter sent by Manners to Zouche in August 1580, successfully lobbied the Queen on Manners' behalf to become *Custos* of Derbyshire.⁴⁷ Bromley oversaw the Peace Commissions from 1579-1587, making him an important ally.⁴⁸ After 1588 John and his brother Thomas led the Manners family during the minority of Roger 5th Earl of Rutland, although they could not maintain sufficient influence to patronise the Nottinghamshire election as the Rutlands had for decades.⁴⁹ Thomas was a fourth son with little independent wealth, and was only appointed a JP in 1580 by request to Bromley from Edward 3rd Earl of Rutland.⁵⁰ The Manners were powerful and had allies locally in the Earls of Shrewsbury and other local gentlemen like Sir Thomas Stanhope, Sir George Charworth, and Sir Gervais Clifton, while also having friends at Court in Bromley. However, their influence was limited after Bromley's death in 1587, John 4th Earl of Rutland's death in 1588, and then further limited after 1590 when Gilbert 7th Earl of Shrewsbury attempted, unsuccessfully, to become Lord Lieutenant of Nottinghamshire. The influence of the Manners family was maintained through Sir John Manners as *Custos* and Deputy Lieutenant, but their position in Nottinghamshire was hindered.

Sir John Manners also shows how marriage connections did not necessarily lead to alliances. He married Dorothy, daughter and coheir of Sir George Vernon of Haddon Hall. Vernon was the wealthiest man in Derbyshire (see Chapter Three). However, he opposed the marriage, considering Manners a 'nobody, the second son of a mushroom Earl', as the Manners were only

⁴⁵ *HMC Rutland*, Vol. 1, pp.119-120, 130-1, 138; Hasler, in *HPI: 1558-1603*, Vol. 3, pp.686-7.

⁴⁶ Williams, 'Military function of the office of Lord Lieutenants', pp.39-40.

⁴⁷ *HMC Rutland*, Vol. 1, p.120.

⁴⁸ Appendix 1580-1591.

⁴⁹ Cobbing and Priestland, *Thomas Stanhope*, p.246.

⁵⁰ Appendix 1580.

recently made aristocrats by Henry VIII.⁵¹ Vernon eventually allowed the marriage, but refused to attend the wedding. He never lobbied for his son-in-law, although he allowed Manners to inherit considerable property through Dorothy.⁵² This inheritance led to Manners to be appointed a JP in Derbyshire after Vernon's death, and strengthened his local influence, with Haddon as his primary seat.⁵³ However, despite Vernon's wealth and being a JP since 1539, he was '*persona non grata*', and unable to secure promotion to the *quorum* (see pp.191-2). Nevertheless, this marriage shows personal connections did not necessarily lead to practical alliances.

John Manners had influence derived from his family, allies at Court, and the inheritance from his father-in-law. Manners lobbied for individuals but also used this influence to limit the power of his local enemies. In 1579 Richard Wennesley was removed as JP for Derbyshire, shortly after he and Manners's fellow Deputy Sir John Zouche sued Manners over local lead mining. Manners and a local lead smelter William Humfrey wrote to Lord Burghley to complain about Wennesley's conduct.⁵⁴ Manners consistently limited Zouche's influence as Deputy Lieutenant, with Manners and Shrewsbury exchanging letters disparaging Zouche.⁵⁵ Zouche angrily complained to Lord Burghley that Manners was subverting his position, and when Manners was chosen *Custos*, despite Burghley promising the office to Zouche, he wrote regularly to Court, saying he had been 'betrayed'.⁵⁶ Zouche also feuded with Shrewsbury over 'patronage of offices in local government', which alongside Shrewsbury's strained relations with his tenants in Glossopdale and Ashford, and his wife, Braddick suggests threatened Shrewsbury's political influence as Lord Lieutenant once it

⁵¹ J.C. Cox, *Notes on the Churches of Derbyshire*, Vol. 2, (Palmer and Edmunds, Chesterfield, 1877), p.23-30.

⁵² Black, in *HPI: 1509-1558*, Vol. 3, pp.525-6; J.H. Collingridge, *Calendar of the Patent Rolls (CPR), Elizabeth Vol. 2, 1558-1560*, (HMSO, London, 1939), p.201.

⁵³ Appendix 1564-9.

⁵⁴ Appendix 1580; N.M. Fudge, in *HPI: 1558-1603*, Vol. 3, p.595; Round (ed.), *HMC Rutland*, Vol. 1, pp.118-121, 140; M.B. Donald, *Elizabethan Monopolies*, (Originally Published 1897, Republished by Hassel Street Press, 2021), pp.154-174.

⁵⁵ G.R. Batho (ed.), *Calendar of the Shrewsbury and Talbot Papers*, Vol. 2, (HMSO, London, 1971), pp.92, 110-1.

⁵⁶ *HMC Rutland*, Vol. 1, pp.120-1; 'Cecil Papers: March-May 1577', in *Calendar of the Cecil Papers in Hatfield House (CCP): Vol. 2, 1572-1582*, (London, 1888), pp.148-154.

became 'a court issue'.⁵⁷ However, Younger has cautioned that while there were factions and disputes between local JPs, he argues this 'seldom disrupted the lieutenancy' using the example of Sir John Manners and his dispute with Sir Thomas Cokayne (Derbyshire JP), who worked together despite their disagreements.⁵⁸ However, as seen with Zouche's disputes with Manners and Shrewsbury, animosity could hinder appointment to high office and influence at Court.

Manners also used his position as a Commissioner of Recusancy to defend his traditionalist son-in-law Sir Henry Pierrepont, despite Manners being a zealous prosecutor of Catholics according to J.C. Cox, and was willing to take part in raids against many other Recusants in Derbyshire (see Chapter Two).⁵⁹ Roger Manning suggested it was not unusual for Reformers to defend religiously conservative family or local allies from outside forces like Crown edicts, to maintain peace within their community.⁶⁰ Manners and Pierrepont were closely allied, with letters within the Rutland Papers showing how Pierrepont referred to Manners as his 'patron' and 'father', with Pierrepont's daughter Grace marrying Manners' son George.⁶¹ The Pierreponts survived despite religious conservatism (see Chapter Two), partly due to local allies like Manners, and Pierrepont's step-father Sir Gervais Clifton. Following Edward 3rd Ear Rutland's death in 1587, several local JPs like Clifton and Charworth wrote to John 4th Earl of Rutland, expressing the love they bore his family, but also lobbied the new Earl to secure 'patents of office and stewardships'.⁶² The Manners were highly influential in Nottinghamshire and Derbyshire, with five JPs, and many more who relied on them for their positions. Sir John Manners exercised the family influence through securing the

⁵⁷ Braddick, *State Formation*, pp.79-80.

⁵⁸ Younger, *War and Politics*, p.90.

⁵⁹ Cox, *Churches of Derbyshire*, Vol. 2, pp.448-456; *Publications of the Catholic Record Society (CRS), Miscellanea*, Vol. 1, (Art and Book Company Limited, London, 1905), p.49; *CRS, Miscellanea*, Vol. 2, p.231.

⁶⁰ Roger Manning, 'Elizabethan Recusancy Commissions', *History Journal*, Vol. 15, Issue. 1, (March 1972), pp.24-26.

⁶¹ Round (ed.), *HMC Rutland*, Vol. 1, pp.124-5; 'Biography of Sir Henry Pierrepont, (1546-1616)', University of Nottingham, [Accessed 17 November 2024], [https://www.nottingham.ac.uk/manuscriptsandspecialcollections/collectionsindepth/family/manvers/biographies/biographyofsirhenrypierrepont\(1546-1616\).aspx](https://www.nottingham.ac.uk/manuscriptsandspecialcollections/collectionsindepth/family/manvers/biographies/biographyofsirhenrypierrepont(1546-1616).aspx)

⁶² Round (ed.), *HMC Rutland*, Vol.1, p.214.

Vernon inheritance, appointment as Deputy Lieutenant and *Custos*, limiting the power of his local enemies like Zouche or Wennesley, and protecting his allies like the Pierreponds.

Edward 3rd Earl of Rutland had been the Queen's ward until the late 1560s, was educated by Lord Burghley to whom he was connected by marriage, and afterwards Edward married his daughter Elizabeth to Burghley's grandson William. The Queen was fond of Rutland, and in 1587 there was a rumour he was considered as Lord Chancellor, although he died before appointment, aged just 37.⁶³ Although not inheriting his father's office of President of the Council of the North, he was appointed Lord Lieutenant of Nottinghamshire by 1574, aged 25.⁶⁴ Edward secured the appointment of Sir Robert Constable as a JP shortly after Constable married Edward's aunt, Baroness Ros.⁶⁵ Constable worked as an agent for Edward according to letters sent by him to Rutland, where he was regularly 'on business' for him, reporting on the situation at Court. As MP in 1584 and 1586 he reported on discussions in Parliament and the Queen's continued affection towards Rutland. This included hosting a tournament in her honour, on behalf of Rutland in 1585.⁶⁶ This marriage alliance between Constable and Rutland was especially politically active. After Constable's death, Edward's uncle Roger Manners (not the 5th Earl of Rutland) became his informant at Court.⁶⁷ Roger was a courtier of considerable influence, and the correspondences between Edward and Roger mention county affairs, including who they preferred be pricked High Sheriff, most clearly in 1583 where Rutland favoured Francis Curzon for Derbyshire, but expressed

⁶³ S.M. Jack, 'Manners, Edward, third Earl of Rutland (1549 – 1587), magnate', *Oxford Dictionary of National Biography (ODNB)*. [Accessed 23 August 2024], <https://www.oxforddnb.com/display/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-17952?rskey=DIUslz>; MacCaffrey, *Shaping of the Elizabethan Regime, 1558-1572*, (Princeton University Press, Princeton, 1968), pp.356-361.

⁶⁴ Dias, 'Politics and administration', p.34.

⁶⁵ Flower and Norroy, *Visitation of Nottinghamshire*, p.40.

⁶⁶ Round (ed.), *HMC Rutland*, Vol. 1, pp.102-125; J.E. Mousley, in *HPI: 1558-1603*, Vol. 1, pp.642-3; R. Lemon (ed.), *Calendar of State Papers Domestic (CSP Dom): Elizabeth, 1547-80*. (London, 1856), p.301.

⁶⁷ Round (ed.), *HMC Rutland*, Vol. 1, pp.63-153

indignation that Robert Markham was pricked for Nottinghamshire, against his wishes, likely due to Markham's own influential allies at Court, which also included the Queen.⁶⁸

Rutland was a cousin through marriage with Sir George Charworth, who acted as executor to Edward 3rd Earl of Rutland's will, in which he was called a trusted friend, with Cobbing and Priestland calling Charworth 'a loyal retainer of the Rutlands'.⁶⁹ In 1580 Rutland had secured Charworth appointment as a JP, and thereafter Charworth regularly reported to Rutland on local matters, and in 1586 was sent by Rutland to Berwick, working alongside Constable and Roger Manners.⁷⁰ Edward 3rd Earl of Rutland was active in local politics, with several JPs like Sir Francis Willoughby and Sir John Byron Jnr, all of whom were appointed JPs under Edward's Lieutenancy, writing to him about personal and political issues.⁷¹ In March 1573 Manners wrote to Willoughby almost daily for reports about Nottinghamshire while he was at Court, and in December 1580 asked for updates on the reforms of local defences he wanted Willoughby to oversee.⁷² However, Edward's position was limited by local feuds with Thomas Markham and the Earls of Shrewsbury over lead mining, a profitable Midlands industry. He wrote to Lord Burghley in 1583 lobbying against Markham being pricked Sheriff of Nottinghamshire but failed. He also failed to exclude Markham from several Special Commissions, and to remove him as a *quorum* JP in Nottinghamshire. Both Manners and Markham had allies locally and at Court, and both were favoured by the Queen herself.⁷³ This hindered what Manners could do to limit Markham's influence in Nottinghamshire.

⁶⁸ Round (ed.), *HMC Rutland*, Vol. 1, pp.131, 150.

⁶⁹ Round (ed.), *HMC Rutland*, Vol. 1, pp.212-215; Cobbing and Priestland, *Thomas Stanhope*, p.188.

⁷⁰ Appendix 1576-80; Jack, 'Manners, Edward, third earl of Rutland', in *ODNB*. [Accessed 23 August 2024], <https://www.oxforddnb.com/display/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-17952?rskey=DIUslz>; *CPR 1569-1572, Elizabeth Vol. 5*, p.441, 1572-3, *Elizaeth*, Vol. 6, p.178; *HMC Rutland*, Vol. 1, p.197.

⁷¹ Appendix 1564-1584.

⁷² Round (ed.), *HMC Rutland*, Vol. 1, pp.100-2, 124-5, 136, 144-5.

⁷³ Jack, 'Manners, Edward, third earl of Rutland', in *ODNB*. [Accessed 23 August 2024], <https://www.oxforddnb.com/display/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-17952?rskey=DIUslz>; Appendix 1576-1596; Round (ed.), *HMC Rutland*, Vol. 1, pp.63-153.

As will also be seen with the dispute between Sir Thomas Stanhope (another favourite of the Queen), and Gilbert 7th Earl of Shrewsbury, Elizabeth had little patience for these local feuds, and often intervened to settle the matters peacefully.⁷⁴ The Manners were clearly influential under Edward 3rd Earl of Rutland and Sir John Manners, with several local JPs appointed by, and working with them in local matters. However, they also had many enemies in the Wennesleys, Markhams, and Zouches which limited their influence. The Whalley family blamed the Rutlands for their decline because of Henry 2nd Earl of Rutland informing on Whalley's support for Protector Somerset in the reign of Edward VI, which led to Whalley's arrest and the family's disgrace.⁷⁵ By 1588 the eleven-year-old Roger became 5th Earl of Rutland, and the Manners influence compared to the neighbouring Earls of Shrewsbury would be hindered further.⁷⁶ The feud between Shrewsbury and Stanhope (acting nominally on behalf of Roger 5th Earl of Rutland) was partly why Wall called Nottinghamshire 'factionalised'. Yet, as has been shown, there were many feuds between local JPs for years before the Stanhope-Shrewsbury feud in the 1590s. Once more, Nottinghamshire was not the only 'factionalised' county, with Wall suggesting similar feuds occurred in 'Wiltshire, Norfolk, Leicestershire... Kent and Yorkshire'.⁷⁷ Fritze identified factionalism in Hampshire over religion and the local domination of William Paulet Marquis of Winchester, while similar disputes also occurred in Northumberland, Sussex, and Cheshire.⁷⁸ In Norfolk, MacCulloch and Hassell-Smith highlighted several similar feuds between JPs there, perhaps even more common than in Nottinghamshire, as while in Nottinghamshire and Derbyshire the feuds were often between a few individual JPs, the factionalism in Norfolk was over religion and who should oversee the appointment of JPs, which were just as bitter as those over lead smelting,

⁷⁴ Mimardiere, in *HPJ: 1558-1603*, Vol. 3, pp.441-2; Batho (ed.), *HMC Shrewsbury*, Vol. H, ff.535, 805, 823.

⁷⁵ Cobbing and Priestland, *Thomas Stanhope*, p.33.

⁷⁶ *HMC Rutland*, Vol. 1, pp.241-2.

⁷⁷ Wall, 'Making and Unmaking', pp.324-5.

⁷⁸ Fritze, 'Family and Religion', pp.267-79; Manning, *Religion and Society in Elizabethan Sussex*, (Leicester University Press, Leicester, 1969), pp.65, 221-2; Watts, *From Border to Middle Shire*, pp.95-9; Thornton, *Cheshire and the Tudor State*, pp.216, 237-9.

personal rivalries, and political ambitions in Nottinghamshire.⁷⁹ Almost every county which has received significant research has also shown that factionalism was common, as were disputed elections.

Talbots

While the Manners were the main power in Nottinghamshire, it was the Talbots who oversaw Derbyshire as Lord Lieutenants from 1560-1616.⁸⁰ Both George 6th Earl of Shrewsbury and Gilbert 7th Earl of Shrewsbury were active in lobbying for Derbyshire JPs. Furthermore, George Talbot was married to Bess of Hardwick, and despite her gender, her four marriages brought her wealth and influence which rivalled Shrewsbury's. However, the marriage of Bess and Shrewsbury was unhappy, which MacCaffrey blames on Shrewsbury's custody of Mary Queen of Scots keeping them apart, and disputes over Bess's political manoeuvring at Court.⁸¹ Shrewsbury used his influence to hinder the local position of Bess's favourite son, William Cavendish. Cavendish was appointed a JP in 1584 upon Bess's personal request to Lord Chancellor Bromley, but he was excluded from higher office until his stepfather's death in 1590.⁸² This dispute benefitted Henry Cavendish, Bess's eldest son, who sided with Shrewsbury against his mother. Henry was appointed a *quorum* JP in 1573, and was twice pricked High Sheriff and MP on Shrewsbury's order.⁸³ William and Henry were both liked by their step-brother, Gilbert 7th Earl of Shrewsbury, who secured William appointment as *Custos* in 1617, and Deputy Lieutenant in 1619.⁸⁴ William's younger brother Sir Charles Cavendish worked closely with Shrewsbury in his attempt to become Lord Lieutenant of Nottinghamshire in the 1590s, as Shrewsbury was already Lieutenant of Derbyshire. Like with Sir John Manners' marriage to Dorothy Vernon, the marriage between Bess of Hardwick

⁷⁹ MacCulloch, 'Catholic and Puritan in Elizabethan Suffolk', pp.3-13; Hassell-Smith, *County and Court*, pp.48, 157-206.

⁸⁰ Sainty, *Lieutenancies of Counties, 1585-1642*.

⁸¹ MacCaffrey, *Shaping of the Elizabethan Regime*, pp.265-267.

⁸² Appendix 1584: M. S. Lovell, *Bess of Hardwick: First Lady of Chatsworth*, (Abacus, London, 2005), pp.297-315; Dias, 'Politics and administration', pp.41-2.

⁸³ Lovell, *Bess of Hardwick*, pp.297-315; Hasler, in *HPI: 1558-1603*, Vol. 1, pp.566-7.

⁸⁴ Hasler, in *HPI: 1558-1603*, Vol. 1, pp.568-9.

and George 6th Earl of Shrewsbury did not lead to a practical political alliance, until George's death whereafter the Talbots and Cavendishes did work together due to their personal connections. Instead, George Talbot and Bess used their influence against each other, with Talbot limiting William Cavendish's position, and Bess disowning Henry Cavendish.

George Talbot was zealously anti-Catholic and oversaw a campaign against local Recusants alongside Reformist Commissioners like Roger Columbello and Sir John Manners (see Chapter Two). In February 1587 he complained of the slackness of Commissioners in registering Derbyshire Catholics, and criticised Manners for his defence of Sir Henry Pierrepont.⁸⁵ Gilbert Talbot however was married to the Catholic Mary Cavendish, daughter of Bess of Hardwick, who according to complaints by Sir Thomas Stanhope controlled Shrewsbury like a puppet, secretly whispering into his ear, although this was likely accusations intended to discredit Talbot.⁸⁶ As Lord Lieutenant Gilbert secured the appointment of several religiously conservative JPs including Francis Fitzherbert, cousins of the Fitzherberts of Padley who his father had persecuted for Catholicism in 1587, and the return of William Bassett (see Chapter Two).⁸⁷ Shrewsbury and the Earl of Derby were the two Earls who Wall suggested wrote to the Privy Council following the purge of Catholic JPs in 1587 and 1595, complaining that good men had been wrongly removed.⁸⁸ Many letters lobbying for appointment by George Talbot focus on religious suitability as reasons for appointment, whereas those with Catholic sympathies benefited under Gilbert Talbot. Religion and lobbying were closely linked. MacCulloch highlighted similar cases in Suffolk, where Bishop Parkhurst and Lord Keeper Bacon used religion to lobby for the appointment of 'puritans' to the Suffolk bench, and for the removal of religious conservatives who had served the Duke of

⁸⁵ Round (ed.), *HMC Rutland*, Vol. 1, p.240.

⁸⁶ Fudge, in *HPI: 1558-1603*, Vol. 3, pp.471-2; Appendix 1562-1596; Mimaridiere, in *HPI: 1558-1603*, Vol. 3, pp.441-2.

⁸⁷ Dugdale, *Derbyshire Visitation Pedigrees*, pp.35-36; Dias, 'Politics and administration', p.13; Cox, *Churches of Derbyshire*, Vol. 2, pp.448-456.

⁸⁸ Wall, 'Religion and the Composition of the Commissions of the Peace, 1547-1640', *Journal of the Historical Association*, Vol. 103, Issue. 355, (April 2018), pp223-242.

Norfolk.⁸⁹ Religion was also central to the factionalism in Hampshire, both against the dominance of the conservative Marquis of Winchester, and in Bishop Robert Horne's attempt to impose the Elizabethan Settlement.⁹⁰ Local religious rivalries, influenced by national politics, were central to the lobbying of JPs.

However, Holmes criticised how impactful local rivalries were to the county community popularised by Alan Everitt, who suggested local rivalries had a greater influence on the counties than national governments, as local JPs were ignorant of national politics.⁹¹ Holmes argued national politics were the main factors which affected the county, although JPs had power through how they chose to enact government policy. Holmes rightly criticised Everitt for wrongly extrapolating nationwide trends from the focused study of Kent. However, Holmes underestimates how important local rivalries could be, with Nottinghamshire a key example.⁹² Wall suggested both Nottinghamshire and Kent were particularly factionalised, and although there were many feuds, as discussed above, this was not necessarily indicative of all JPs in Nottinghamshire, with most of the previously mentioned disputes occurring between the 1580s-90s.⁹³ Bourgeois found factionalism in Cambridgeshire mostly occurred under the magnate Lord North who, like Gilbert Talbot, wished to exert influence over the county and actively became involved with lobbying for JPs. However, before Lord North's rise, the main political conflict in Cambridgeshire was instead between the battling influences of the Shire, Town, and University in securing Cambridgeshire JPs.⁹⁴ The battling networks of local magnates and senior JPs like between Shrewsbury and Sir Thomas Stanhope, or against Lord North, Bishop Parkhurst, the Duke of Norfolk, or the Marquis of Winchester is mainly

⁸⁹ MacCulloch, 'Catholic and Puritan in Elizabethan Suffolk', pp.3-13.

⁹⁰ Fritze, 'Family and Religion', pp.267-9.

⁹¹ Holmes, 'County Community', pp.54-55; Alan Everitt, *Local Community and the Great Rebellion*, (Historical Association Reprint, 1969), pp.16-24.

⁹² Holmes, 'County Community', pp.54-55; Everitt, *Local Community and the Great Rebellion*, pp.16-24.

⁹³ Wall, 'Making and Unmaking', pp.312-332.

⁹⁴ Bourgeois, *Ruling Elite of Cambridgeshire*, pp.139-140, 187-231.

responsible for the factionalism seen in many counties, with national issues like religion a weapon in these disputes, not the cause of them.

The Earls of Shrewsbury were especially active in Derbyshire, as Dias suggested they ‘approved local marriages and often had wardships, arbitrated disputes and lent money to lower families’.⁹⁵

One of those indebted to the Talbots was Sir Thomas Gresley, a Derbyshire JP from 1583, who George 6th Earl of Shrewsbury said he placed ‘special trust’ in county affairs, with Gresley becoming High Sheriff in 1603, and who in turn helped Gilbert 7th Earl of Shrewsbury maintain his position in Derbyshire.⁹⁶ Afterwards, Gresley, on the recommendation of Shrewsbury, would become a trusted agent of the Crown, overseeing the forced loan in 1589, the oath of supremacy in 1592, and was ordered by the Privy Council to investigate the Recusancy of Nicholas Longford.⁹⁷ The trust placed in him by the Shrewsbury, and later the Privy Council, greatly benefited his career, with his service to Shrewsbury leading to the faith placed in him by the Crown. Gilbert Talbot was also close to Sir John Harpur, helping him secure two terms in Parliament.⁹⁸ In return, Harpur (a devout reformer) defended Shrewsbury against suspicions of Recusancy brought against him by Stanhope. This devotion earned him the Queen’s ire when Shrewsbury ordered Harpur not to arrest the leaders of the Shelford weir attack, and although temporarily removed from office on the Queen’s order, he was later returned and chosen as Deputy Lieutenant in 1602.⁹⁹ Harpur benefited greatly from his loyal service to Shrewsbury, and this alliance went beyond religious lines between the reformist Harpur and the conservative Talbot (see Chapter Two). It was based mainly upon shared political ambition and loyal service. Gilbert Talbot secured similar alliances in the 1590s during his attempt to become Lord Lieutenant of Nottinghamshire, an account detailed

⁹⁵ Dias, ‘Politics and administration’, pp.21-23.

⁹⁶ Appendix 1580-1591; Round (ed.), *HMC Rutland*, Vol. 1, pp.267-8.

⁹⁷ R.C. Gabriel, in *HPJ: 1558-1603*, Vol. 2, p.219.

⁹⁸ Batho (ed.), *HMC Shrewsbury*, Vol. 2, pp.213-222.

⁹⁹ R.C. Gabriel, in *HPJ: 1558-1603*, Vol. 2, pp.258-9; Cobbing and Priestland, *Thomas Stanhope*, p.285.

by Cobbing and Priestland, and which led to the disputed Nottinghamshire election of 1593, the events of which have been explained by MacCaffrey.¹⁰⁰

The 1593 Nottinghamshire election, and a dispute over the Shelford weir on the river Trent, split the JPs of Nottinghamshire into two factions, those who supported Stanhope like his brother-in-law Sir John Holles, his brother Edward Stanhope, the former agent of Shrewsbury Thomas Markham of Ollerton, and the old family ally Richard Whalley. However, Stanhope's most powerful ally was his brother Michael (an influential agent at Court), and especially Lord Burghley.¹⁰¹ Shrewsbury used his influence to secure the appointment of new JPs like William Bassett, and especially John Bassett as High Sheriff, for as Hassell-Smith said, 'A Sheriff's influence was never greater than at an election' for the Sheriff oversaw the vote, lobbied candidates, and engaged in 'downright corruption', with moving the location of an election a common tactic.¹⁰² Shrewsbury also won the support of defectors who had previously looked to the Earls of Rutland for leadership, but who were now alienated by the infamously litigious, factious, and aggressive Stanhope. This included: Robert Markham, Sir Phillip Strelley, Sir Charles Cavendish, John Byron, Sir Henry Pierrepont, and William Cecil (later Earl of Exeter). Many of these supporters were conservatives, although some like Byron and Markham were committed conformists (see Chapter Two).¹⁰³

The 1593 election was controversial because of the absence of the usual patron, the Earl of Rutland, due to Roger 5th Earl's minority. Shrewsbury aimed to fill this absence, but was opposed by Stanhope, who had been appointed Deputy Lieutenant of Nottinghamshire in 1591.¹⁰⁴

Shrewsbury chose as his candidates his brother-in-law Sir Charles Cavendish and the

¹⁰⁰ Cobbing and Priestland, *Thomas Stanhope*, pp.245-57; MacCaffrey, 'Talbot and Stanhope', pp.73-85.

¹⁰¹ Cobbing and Priestland, *Thomas Stanhope*, pp.245-57; MacCaffrey, 'Talbot and Stanhope', pp.73-85.

¹⁰² Hassell-Smith, *County and Court*, p.153.

¹⁰³ Cobbing and Priestland, *Thomas Stanhope*, pp.245-57; MacCaffrey, 'Talbot and Stanhope', pp.73-85.

¹⁰⁴ MacCaffrey, 'Talbot and Stanhope', pp.73-85.

uncontroversial Sir Phillip Strelley, against Sir Thomas Stanhope and Thomas Markham.¹⁰⁵

Stanhope and Markham were highly influential in Nottinghamshire, but between 1591-3, Shrewsbury managed to secure the appointment of several new JPs (Charles Cavendish, William Bassett, Roger Ascough, and William Cartwright) which changed the balance of power amongst the Nottinghamshire bench.¹⁰⁶ Shrewsbury also secured the support of local conservative JPs, as Stanhope was a harsh anti-Catholic (see Chapter Two). In 1591 Stanhope complained to the Privy Council that Sir Henry Pierrepont was openly Catholic and should be removed from the bench. However, Shrewsbury vouched for Pierrepont, securing his retention and the favour of Pierreponts allies John Byron, the Cliftons, and even Sir John Manners of Haddon.¹⁰⁷ Phillip Strelley, although suffering from debt (see Chapter Three), had allies through marriage in Sir Francis Willoughby, High Sheriff in 1593.¹⁰⁸ The 1593 Nottinghamshire election was a farce, after a campaign of violence, vandalism, and accusations of bribery and corruption. Shrewsbury complained to the High Sheriff that Stanhope had brought armed men to subvert the election, and thus had the Sheriff move the election (without telling Stanhope or his allies) from Shire Hall to Nottingham Castle.¹⁰⁹ However, the 1593 Nottinghamshire election, while farcical, was not the only disputed election under Elizabeth, with Hassell-Smith highlighting shenanigans in several Norfolk elections, and Fritze detailing a similar affair in the Hampshire election in 1566, where the Paulet faction and the Protestant faction of local JPs both tried to subvert the vote, including using the Paulet supporting High Sheriff to not inform the Protestants of the election on time, and changing the location of the vote.¹¹⁰

¹⁰⁵ Hasler, in *HPI: 1558-1603*, Vol. 1, pp.90-93, 222-223, 565-6; S.M. Thorpe, in *HPI: 1558-1603*, Vol. 3, pp.455-6.

¹⁰⁶ Appendix 1584-1596; Wall, 'Making and Unmaking', pp.312-332.

¹⁰⁷ Dietz, in *HPI: 1558-1603*, Vol. 3, pp.221-2; J.R. Dasent (ed.), *Acts of the Privy Council (APC): 1591-2*, Vol. 22, (London, 1901), p.257; Cobbing and Priestland, *Thomas Stanhope*, p.200.

¹⁰⁸ Round (ed.), *HMC Rutland*, Vol.1, pp.100-1, 124-5, 136, 142; Lambeth Palace Library, MS705/21, MS708/131; Dias, 'Politics and administration', p.26; Hughes, *Sheriffs for England and Wales*, pp.31-4, 102-7.

¹⁰⁹ MacCaffrey, 'Talbot and Stanhope', pp.73-85.

¹¹⁰ Hassell-Smith, *County and Court*, pp.36-8; Fritze, 'Family and Religion', pp.280-5.

Despite victory in the election, Shrewsbury would suffer greatly from the feud with Stanhope because of Stanhope's allies in Lord Burghley and his brothers John and Michael at Court, with Penry Williams saying that the Cecils and Stanhopes were some of the only families who were truly close to the Queen.¹¹¹ Shrewsbury never became Lord Lieutenant of Nottinghamshire, and his continued feuds caused Lord Burghley to caution him that he was angering the Queen.¹¹² Shrewsbury's influence over Nottinghamshire in the 1590s, particularly in his lobbying for JPs is significant, and it is therefore unsurprising 1590-1593 saw severe turnovers, due partly to this factionalism, with 9 JPs removed and 13 appointed.¹¹³ The lobbying within Nottinghamshire is clearer than other counties because of the bitter Shrewsbury-Stanhope feud. Shrewsbury secured new allies in a county where he previously had less influence, whereas his family already had the support of many families in Derbyshire. However, even in Derbyshire the Shrewsburys had been challenged by local JPs like Sir John Zouche. Several JPs like Harpur, Bassett, and William Cartwright owed their positions to Shrewsbury, but this lobbying also made enemies with Stanhope who had more influence at Court, being a favourite of the Queen.¹¹⁴ Shrewsbury was remarkably successful in his lobbying, as MacCulloch has shown in Norfolk and Suffolk, lobbying by magnates like Bishop Parkhurst was not always successful, as Parkhurst failed to secure Edward Spany's appointment as a JP in Norfolk.¹¹⁵ Gilbert used his position to forcefully influence both the Derbyshire and Nottinghamshire benches, although his incursion into Nottinghamshire created enemies and forced local gentlemen to choose sides, creating Nottinghamshire's reputation for factionalism. George 6th Earl of Shrewsbury was also active in lobbying, particularly against Derbyshire Catholics, and Bess of Hardwick as the Cavendish matriarch secured her sons positions,

¹¹¹ Williams, 'Court and Polity', p.270.

¹¹² BL, Harleian, MSS6995/35, MS286/199, 201-2; Batho (ed.), *HMC Shrewsbury*, Vol. 2, pp.187-212.

¹¹³ Round (ed.), *HMC Rutland*, Vol. 1, p.157; M.A.E. Green (ed.), *CSP Dom, 1591-94*. (London, 1867), pp.303-400.

¹¹⁴ Mimardiere, in *HPI: 1558-1603*, Vol. 3, pp.441-2.

¹¹⁵ MacCulloch, 'Catholic and Puritan in Elizabethan Suffolk', pp.11-12.

even against the influence of her husband. Yet, Gilbert was the clearest example of how a magnate could influence the appointment of JPs.

Cavendishes

The Cavendish family were influential through the marriage of their matriarch Bess of Hardwick to George 6th Earl of Shrewsbury.¹¹⁶ Bess gained position through her four marriages, with Peter Seddon highlighting that the marriages of Gervais Clifton (d.1666) were key to gaining social status, estates, and allies, with remarriage common amongst the gentry.¹¹⁷ The three Cavendish JPs (William, Henry, and Charles) were reliant upon Bess of Hardwick, their stepfather George Talbot, or their stepbrother Gilbert Talbot. Bess's second husband was Sir William Cavendish, an influential JP until his death in 1557.¹¹⁸ Her third husband had been Sir William Saintlowe, Captain of Queen Elizabeth's bodyguard and a Derbyshire JP until his death in 1565. Afterwards, she married George Talbot 6th Earl of Shrewsbury. Henry Cavendish was hindered by siding with his step-father in a feud against his mother, who in turn denied him her estate and a position at Court, with Bess friends with the Queen who interceded to defend her against Shrewsbury.¹¹⁹ Henry Cavendish publicly called Bess a harlot, yet his step-father used his local influence as Lord Lieutenant to secure Henry five terms as MP for Derbyshire and a JP from 1573.¹²⁰ Henry Cavendish was particularly reliant on Shrewsbury's protection in 1584 when Cavendish was the subject of a Recusancy Commission.¹²¹ Family connections were not always beneficial, as not only did Bess hinder Henry Cavendish's position at Court, but Bess also oversaw the reconciliation of Thomas Stanhope and Thomas Markham, against her step-son Gilbert.¹²²

¹¹⁶ Lovell, *Bess of Hardwick*, pp.240-259.

¹¹⁷ Seddon, 'Marriage and Inheritance', p.35.

¹¹⁸ Dugdale, *Derbyshire Visitation Pedigrees*, pp.18-19.

¹¹⁹ Lovell, *Bess of Hardwick*, pp.116-142, 240-259.

¹²⁰ Hasler, in *HPJ: 1558-1603*, Vol. 3, pp.566-7; Batho (ed.), *HMC Shrewsbury*, ff.124, 327, 349, 519, 525, 545, 553, 566.

¹²¹ The National Archives (TNA), E376/1, 7, 8, 11; Batho (ed.), *HMC Shrewsbury*, ff.124, 327, 349, 519, 525, 545, 553, 566.

¹²² Cobbing and Priestland, *Thomas Stanhope*, pp.240-1.

Henry Cavendish's brother William was entirely dependent on his mother for his political position. He was a JP from 1583-1625, and would thereafter become a Baron, then Earl of Devonshire by 1618.¹²³ William's appointment came a decade after his older brother's, and only following his marriage to the coheiress of the influential Yorkshire JP Henry Keighley. William was made Bess's heir apparent following her feud with Henry Cavendish, with Bess lavishing estates upon her younger son, and introducing him to Court.¹²⁴ In 1586 and 1589 William Cavendish was unable to seek election for Parliament in Derbyshire due to his step-father's opposition, although his mother's Court connections to Sir Ralph Sadler, Chancellor of the Duchy of Lancaster, allowed for his election for Liverpool and Newcastle.¹²⁵ William Cavendish shows how the competing influences between local and national networks affected the career of a JP, with these political and personal connections highly important for William Cavendish's position and office. However, it was only his mother's death in 1608, and William's inheritance of her estate that allowed him to exert his own influence.¹²⁶ Charles Cavendish was the youngest son, a JP from 1593-1617.¹²⁷ Charles was close with his stepbrother Gilbert Talbot, acting as his candidate in 1593. Charles lobbied Talbot against the ardent reformer Robert Bainbridge who never became a JP due to Talbot's interference. Bainbridge complained to Stanhope and Lord Burghley that Charles was a Catholic who was 'always at his (Gilbert's) elbow', like Stanhope's accusations that Mary Cavendish, another apparent Catholic, was controlling Shrewsbury.¹²⁸ While there were some connections beyond religious lines, like between Gilbert Talbot and John Harpur, there was also significant local animosity between gentlemen caused by religious differences. Charles Cavendish, like Gilbert, was married to a Catholic, Catherine 8th Baroness Ogle.¹²⁹ Although the Talbot faction was mainly

¹²³ Hasler, in *HPJ: 1558-1603*, Vol. 3, pp.568-569.

¹²⁴ Cox, *Churches of Derbyshire*, Vol. 1, pp.241-253; Dugdale, *Derbyshire Visitation Pedigrees*, pp.11-12.

¹²⁵ Stephen Glover, *History of the County of Derby*, Vol. 2, (Henry Mozley and Son, Derby, 1829), pp.242-3.

¹²⁶ Hasler, in *HPJ: 1558-1603*, Vol. 3, pp.568-569.

¹²⁷ Lemon (ed.), *CSP Dom, 1581-90*, p.64; Green (ed.), *CSP Dom, 1591-4*, p.174.

¹²⁸ Hasler, in *HPJ: 1558-1603*, Vol. 1, pp.565-6.

¹²⁹ Dugdale, *Derbyshire Visitation Pedigrees*, pp.11-12; Flower and Norroy, *Visitation of Nottinghamshire*, pp.43-56; Hasler, in *HPJ: 1558-1603*, Vol. 1, pp.90-93.

political, religion was important in securing allies in Nottinghamshire. Whether religion caused the alliance, or marriage to Recusants led to lighter treatment for them, is questionable. Gilbert Talbot and Charles Cavendish suggest the latter, as neither man according to surviving evidence were themselves Catholic, despite their soft treatment of conservatives (see Chapter Two).

The influence of the aristocratic magnates in Nottinghamshire and Derbyshire is clear. The Manners, Talbots, and Cavendishes controlled the county benches. The absence of a stable Earl limited the Manners' influence to Edward 3rd Earl of Rutland and Sir John Manners. Many JPs owed their appointments to the Manners, and Sir John expanded their influence into Derbyshire through his friendship with George Talbot and his marriage to Dorothy Vernon. However, alongside the disputes between Bess of Hardwick, her fourth husband and her son Henry, shows marriage and blood connections did not always lead to functional alliances. Lobbying was commonplace in Nottinghamshire and Derbyshire, with the Constables and Charworths appointed on the recommendation of the Rutlands, and Harpur, Bassett and Cartwright through the Talbots. However, lobbying was also used against local enemies, like Sir John Manners and George Talbot against Wennesley and Zouche, or the political chaos caused by Gilbert Talbot in Nottinghamshire in the 1590s. Lobbying protected some conservative JPs, like Manners defending Pierrepont and George Talbot defending Henry Cavendish. There was a clear connection between lobbying and religion, whether because religion helped cement a faction, or religion was used as an excuse in lobbying (see Chapter Two). The influence of these magnates at Court was also crucial, as the Talbots' lack of position at Court compared to Manners and Stanhope, which lessened their ability to successfully lobby compared to magnates in other counties like Lord North in Cambridgeshire or Nicholas Bacon and Bishop Parkhurst in Suffolk. Bess of Hardwick's position at Court also seriously hindered George Talbot. The influence of powerful magnates like the Rutlands and Shrewsburys, Bess of Hardwick, or those with high office like Sir John Manners had a significant effect on the appointment of JPs.

Established JPs

The offices of Deputy Lieutenant, High Sheriff, and *Custos*, alongside *quorum* JPs, also actively lobbied for appointment or promotion for themselves and their allies. These senior JPs had networks within the county and were part of greater networks of Courtiers and Councillors. Helen Speight stressed the importance of these local officers under Cromwell, particularly because the Crown and Lord Chancellor relied on information provided by trusted local gentlemen or magnates to recommend who should be appointed.¹³⁰ Hassell-Smith highlights the gifts sent to Lord Burghley from JPs in Norfolk to secure patrons at Court, which would in turn aid their local position, as JPs needed to maintain these patrons to remain JPs and gain promotion to higher office.¹³¹ Hurstfield describes how these networks between county and Court were beneficial both for local JPs in securing powerful allies, but also for Courtiers to secure followers in the counties to strengthen their own influence.¹³²

Sir John Byron was perhaps the most influential JP in Nottinghamshire, serving from 1511-1567. He had favour at Court since being made an Esquire of the Body in 1519 by Henry VIII, and was High Sheriff four times, although his last term was in 1552. By 1562 he was *Custos* of Nottinghamshire, the highest administrative position in the county, an office only given to the local aristocrat or the most senior county gentleman.¹³³ Byron likely influenced the appointment of Sir Gervais Clifton in 1537, as Byron's mother remarried Clifton's father, and Black argued Byron spent his minority at his step-father's house.¹³⁴ This connection between Clifton and Byron persisted, as in the 1590s Dias considers these families a unified faction which alongside the Pierreponts

¹³⁰ Helen Speight, 'Politics of Good Governance and the Government of the Southwest of England', *The Historical Journal*, Vol. 37, Issue. 3, (1994), pp.623-638.

¹³¹ Hassell-Smith, *County and Court*, pp.29-30, 33-4.

¹³² Hurstfield, *Freedom, Corruption, and Government*, pp.149-51.

¹³³ J.S. Brewer (ed.), *Letters and Papers of Henry VIII (LP Henry VIII)*, Vol. 1, (London, 1920), p.445; Appendix 1547-1569; *CPR 1547-8, Edward Vol. 1*, p.88, 1547-1553, *Edward Vol. 5*, p.243, 1553-1554, *Phillip and Mary, Vol. 1*, p.22, 1554-5, *Phillip and Mary, Vol. 2*, pp.109-10, 1560-3, *Elizabeth, Vol. 2*, p.440, 1563-6, *Elizabeth, Vol. 3*, p.25; Hurstfield, *Freedom, Corruption, and Government*, p.254.

¹³⁴ Black, in *HPI: 1509-1558*, Vol. 1, pp.660-1.

supported Gilbert Talbot in 1593.¹³⁵ Clifton had allies both locally in Byron, but also in his guardian Sir John Neville, and Neville's son-in-law Henry Carey, 1st Earl of Cumberland.¹³⁶ In repeated Special Commissions under Mary, Byron and Clifton were included together to oversee Commissions of Relief, Sewers, and Goods and Fraternities.¹³⁷ In the 1564 Bishops' report Clifton and Byron are listed together as religious conservatives, but trusted and needed for governance of the county.¹³⁸ Letters from the Earl of Rutland also show Byron and Clifton worked together in 1554 when Byron was Steward of Sherwood Forest and Clifton was High Sheriff of Nottinghamshire. The two also lived close by, with Clifton at Clifton Hall and Byron at Colwick, less than 20 miles apart.¹³⁹

Black suggested Byron was part of the 'King's Party' in the 1529 Parliament, who supported the King's reforms, which included the divorce of Catherine of Aragon and establishment of the Church of England. The King's party also included Sir Nicholas Strelley (Nottinghamshire JP 1547-1563), who was called 'my brother' by Byron in his will.¹⁴⁰ The Byrons and Strelleys remained close, with Byron's son and heir John marrying Alice Strelley. Byron Jnr remained allies with Nicholas Strelley's son Anthony and grandson Phillip (both Nottinghamshire JPs).¹⁴¹ Through Clifton, Byron was also close to Sir George Pierrepont, and alongside Sir John Manners they secured Pierrepont's retention in 1562, despite his Recusancy.¹⁴² Clifton used his influence as a Commissioner again in 1573 to defend his step-son Henry Pierrepont when Clifton and Stanhope were ordered to investigate Holme Pierrepont. Although Pierrepont was arrested, Clifton intervened to secure his release, with Clifton's death in 1588 coinciding with Pierrepont's removal

¹³⁵ Dias, 'Politics and Administration', p.56.

¹³⁶ Black, in *HPJ: 1509-1558*, Vol. 1, pp.660-1.

¹³⁷ *CPR 1550-1553, Edward Vol. 4*, pp.146-7, 399-401, *1547-1553, Edward Vol. 5*, pp.357-368, 381, 419-423.

¹³⁸ Bateson (ed.), 'Letters of the Bishops', pp.43-44, 72-3.

¹³⁹ Round (ed.), *HMC Rutland*, Vol. 1, pp.61-72.

¹⁴⁰ TNA, WARD 7/11/17; J.P. Earwaker (ed.), *Lancashire and Cheshire Wills and Inventories 1572-1696*, Cotham Society, Vol. 28, (Chetham Society, Manchester, 1893), pp.133-6.

¹⁴¹ Thorpe, in *HPJ: 1558-1603*, Vol. 3, pp.455-6.

¹⁴² TNA, WARD 7/11/17; Earwaker, *Lancashire and Cheshire Wills 1572-1696*, pp.133-6.

from office.¹⁴³ Byron, Clifton, Strelley, and the Pierreponts were mostly conservatives, yet they were also loyal servants under Elizabeth (see Chapter Two). These conservative JPs were allied through the remarriage of their parents and the marriage of their children. They were a practical alliance who lobbied for and defended each other. However, this conservative faction was loyal to Elizabeth and were also close to the Reformist Manners family through Pierrepont and served under them as regular Commissioners.¹⁴⁴ This faction of local JPs was as much a political alliance originating from the remarriage of Byron's mother to Clifton's father, as a religious alliance of conservatives, but thereafter these families continued to marry into one another.

In 1562 John Byron Jnr was appointed a JP for Nottinghamshire on his father's recommendation, and after Byron Snr's death in 1567 inherited his large estate and influence, becoming High Sheriff five times.¹⁴⁵ According to Cobbing and Priestland, Byron Jnr was 'a despotic little man' who was often involved in local disputes and sided with Shrewsbury against Stanhope in 1593.¹⁴⁶ He was promoted to the *quorum* in 1580 after 18-years of service, and by 1596 was amongst the first names on the Peace Commission, having been rumoured to become Shrewsbury's sole Deputy Lieutenant in Nottinghamshire, had Shrewsbury succeeded in gaining the office.¹⁴⁷ In 1593 Byron was part of Shrewsbury's faction, which included the Strelleys and half of the Markhams, both allies of his father from the King's party in the 1529 Parliament.¹⁴⁸ Byron used his influence to successfully lobby Edward 3rd Earl of Rutland in 1576 against Thomas Staveley's appointment as a JP.¹⁴⁹ Overall, John Byron Snr was the most senior JP in Nottinghamshire and actively used his influence to lobby for the appointment of his ally Clifton, his son John, and to lead the faction of

¹⁴³ Cobbing and Priestland, *Thomas Stanhope*, p.200.

¹⁴⁴ Dietz, in *HPJ: 1558-1603*, Vol. 3, pp.7-8.

¹⁴⁵ Appendix 1562; Hughes, *Sheriffs for England and Wales*, pp.31-4, 102-7.

¹⁴⁶ Cobbing and Priestland, *Thomas Stanhope*, p.188.

¹⁴⁷ Appendix 1562-1596; Cobbing and Priestland, *Thomas Stanhope*, p.221.

¹⁴⁸ Dias, 'Politics and administration', p.71

¹⁴⁹ Round (ed.), *HMC Rutland* Vol. 1, p.108; Flower and Norroy, *Visitation of Nottinghamshire*, p.9-11.

conservative gentry in Nottinghamshire. Thereafter, the Byrons remained influential on the county benches throughout Elizabeth's reign.

After Byron Snr's death in 1567, Gervais Clifton led the conservative Nottinghamshire faction until his death in 1588.¹⁵⁰ Clifton was highly influential as Seddon suggests he was 'a favourite of several Tudor monarchs', ward by Cardinal Wolsey, then Henry VIII. He served in France under the King, and loyally as a Nottinghamshire JP, favoured by Elizabeth.¹⁵¹ Cobbing and Priestland said Clifton was renowned for integrity and was a man of universal esteem.¹⁵² Through his mother he was the nephew of Henry Clifford, 1st Earl of Cumberland.¹⁵³ Clifton successfully lobbied George 6th Earl of Shrewsbury for his son-in-law Peter Fretchville to be pricked High Sheriff in 1570, despite Fretchville being otherwise *persona-non-grata* and excluded from the county bench for his conservative religion.¹⁵⁴ Clifton secured the appointment of several kinsmen as JPs, including his cousin George Neville and his son-in-law Sir John Harpur, both reformers, and his step-son and ward Sir Henry Pierrepont, who Clifton had vouched for in 1567 after Pierrepont's arrest for attending mass.¹⁵⁵ Clifton was clearly influential enough to secure his allies appointment, as between 1576-1580 Edward 3rd Earl of Rutland asked Clifton repeatedly for advice on who should be appointed Commissioners of Musters and Subsidy, including in August 1577 where, with Byron and Stanhope out of the county, Clifton suggests Neville and Pierrepont as Commissioners.¹⁵⁶ However, Clifton's position was hindered by the Recusancy of his wife, and Pierrepont's mother, Winifred Thwaites. Clifton used his connections with Rutland to defend her from Recusancy Commissions, although this led to accusations that Clifton was subverting conformity in Nottinghamshire.¹⁵⁷ According to letters of complaint sent by Clifton and Sir Thomas Stanhope

¹⁵⁰ Lemon (ed.), *CSP Dom 1547-80*, pp.332, 342, 650.

¹⁵¹ Seddon, 'Clifton and Government of Nottinghamshire', pp.88-90; TNA, E150/736/4; James Gairdner (ed.), *LP Henry VIII*, Vol. 19, Part. 1, pp.581-596.

¹⁵² Cobbing and Priestland, *Thomas Stanhope*, p.186.

¹⁵³ Black, in *HPI: 1509-1558*, Vol. 1, pp.660-1.

¹⁵⁴ Batho (ed.), *HMC Shrewsbury*, Vol. M, f.275; Hughes, *Sheriffs for England and Wales*, pp.31-4, 102-7.

¹⁵⁵ Appendix 1562-1580.

¹⁵⁶ Round (ed.), *HMC Rutland*, Vol. 1, p.112; Dietz, in *HPI: 1558-1603*, Vol. 3, pp.221-222.

¹⁵⁷ TNA, E376/1, 7, 8, 11; *CPR 1560-1563, Elizabeth*, Vol. 2, p.170.

collected in the journal of Nottinghamshire Recusants, Stanhope threatened violence against Clifton in 1584, despite them being otherwise friendly, with Clifton complaining that Stanhope would 'come to Clifton, and he would have me and all my whole house, man, woman and child at the church'.¹⁵⁸ Clifton was influential enough to survive this controversy where lesser JPs may have been removed, as Clifton had favour with the Queen, and many local allies including the Earls of Rutland. Furthermore, Clifton's defence of his wife and stepson shows that conservatives survived in office, often based on the defence of their friends and family (see Chapter Two).

County Marriage

Seddon suggested the marriages of the gentry were 'an endogamy' (the practice of marrying within a social group) because of the economic system of marriage and the purposeful focus on local political power.¹⁵⁹ This seems accurate in Clifton's case as he married into several important local families in the Nevilles, Thorolds, and Frechevilles.¹⁶⁰ This focus on intra-county marriages seemingly supports Everitt's suggestion that the political interests of the county gentry were primarily local.¹⁶¹ Thornton suggested that while on first glance the gentry marriages of Cheshire supports Everitt's theory of a 'county community', the picture was far more complex if one analyses the marriages in detail.¹⁶² Furthermore, Holmes has criticised Everitt's sole focus on atypical Kent, pointing instead to the London gentry and their regular marriages around England. He also divides the gentry between the parish gentry who were primarily local, and the upper gentry whose focus was more national.¹⁶³ However, Holme's example of the London gentry is

¹⁵⁸ *Catholic Record Society, Miscellanea*, Vol. 4, (Arden Press, London, 1907), pp.236-7; Cobbing and Priestland, *Thomas Stanhope*, p.202.

¹⁵⁹ Seddon, 'Marriage and Inheritance', p.50

¹⁶⁰ 'Biography of Sir Gervase Clifton (d1588)', University of Nottingham. [Accessed 20 November 2023], [https://www.nottingham.ac.uk/manuscriptsandspecialcollections/collectionsindepth/family/clifton/biographies/biographyofsirgervaseclifton\(d1588\).aspx](https://www.nottingham.ac.uk/manuscriptsandspecialcollections/collectionsindepth/family/clifton/biographies/biographyofsirgervaseclifton(d1588).aspx)

¹⁶¹ Everitt, *Local Community*, pp.16-24.

¹⁶² Thornton, *Cheshire and the Tudor State*, pp.31-5.

¹⁶³ Holmes, 'County Community', pp.55-6.

particularly atypical because of the number of lawyers, merchants, and Courtiers from the capital, yet none of these studies provides the whole picture.

According to the Visitations of Nottinghamshire and Derbyshire from 1569-1611, 56% of JPs married within their home county, with the majority of those who married outside the county (74% outside county marriages) marrying into families from neighbouring counties. Derbyshire JPs married into Nottinghamshire, Staffordshire, and the West Riding of Yorkshire, whereas Nottinghamshire JPs married into Derbyshire, Lincolnshire, and the East Riding of Yorkshire.¹⁶⁴ Watts suggests lesser gentlemen almost always married within the county, whereas the upper gentry who dominated the office of JP married into neighbouring counties, almost always into the established gentry.¹⁶⁵ However, this was not always intentional, with Hassell-Smith saying that Arthur Heveringham married his 12 children to families outside of Norfolk because his position as an agent of the Crown had ostracised him from Norfolk gentry society.¹⁶⁶ Some counties like Lincolnshire show high levels of marriages outside the county, but this was mostly restricted to upstart gentry and London lawyers. Bourgeois found in Cambridgeshire, using the example of Sir James Dyer, that many gentlemen became closely linked to the local gentry through purchase of estate and marriage into local families which Bourgeois says was crucial for establishing ones local political influence in a new county.¹⁶⁷ Thomas Stanhope married the daughter of the Catholic Sir John Port, primarily because of the land Margaret Port was set to inherit.¹⁶⁸ Hassell-Smith said that marriage was also an opportunity to gain appointment as a JP, with Robert Mansell marrying the daughter of the influential Sir Nicholas Bacon to secure Bacon as an ally, and Mansell appointment as a Norfolk JP.¹⁶⁹ In Sussex, Manning says marriages were often within religious groups, Catholics marrying Catholics, however there is no clear trend of this seen in

¹⁶⁴ Flower and Norroy, *Nottinghamshire Visitation*; Dugdale, *Derbyshire Visitation Pedigrees*.

¹⁶⁵ Watts, *From Border to Middle Shire*, pp.67-8.

¹⁶⁶ Hassell-Smith, *County and Court*, p.159.

¹⁶⁷ Bourgeois, *Ruling Elite of Cambridgeshire*, pp.79-86, 143.

¹⁶⁸ Cobbing and Priestland, *Thomas Stanhope*, pp.46-50.

¹⁶⁹ Hassell-Smith, *County and Court*, pp.55-6.

Nottinghamshire and Derbyshire.¹⁷⁰ From the high proportion of local marriage most JPs sought to establish local influence by marrying into local families, or neighbouring counties to expand their influence and gain allies or estates.

Alliances over generations

Alliances, even those cemented in marriage, did not always survive over generations. Clifton had been political allies with Sir John Markham, with both married into the powerful Neville family. In the 1540s they communicated regularly, with Clifton taking Markham's seat in Parliament during his term as High Sheriff, which Markham would return the favour for when Clifton was High Sheriff in 1547.¹⁷¹ However, this alliance died with Sir John Markham in 1559, with Mimardiere saying this was because Robert Markham disliked his grandfather John.¹⁷² Robert's marriages show the change: whereas John had married into conservative families like the Strelleys and Babingtons, Robert married into the Reformist Leake and Burnell families (see Chapter Two).¹⁷³ Robert Markham benefited from these alliances with families in favour under Elizabeth, and his career succeeded, becoming High Sheriff and an MP, alongside his father-in-law, the *Custos* of Derbyshire Sir Franis Leake.¹⁷⁴ The Clifton-Markham alliance was clearly ended by the 1570s when Markham took part in the prosecution of Clifton's Catholic wife and step-son. Clifton was forced to rely on his Court connections to save him. He begged John Manners to protect him, expressing concerns for his family's safety, and professing his own loyalty which had won him favour with Elizabeth.¹⁷⁵ Although the Clifton-Markham alliance fell apart due partly to religion, Clifton remained influential. He had many allies and was liked at Court by Elizabeth due to his loyal service. He secured the appointment of several conservative kinsmen like Pierrepont as JP or Fretchville as

¹⁷⁰ Manning, *Religion and Society*, pp.155-6.

¹⁷¹ Gairdner and R.H. Brodie (ed.), *LP Henry VIII*, Vol. 20, Part. 2, pp.313-325; Black, in *HPI: 1509-1558*, Vol. 1, pp.660-1.

¹⁷² A.M. Mimardiere, in *HPI: 1558-1603*, Vol. 3, p.19.

¹⁷³ Flower and Norroy, *Nottinghamshire Visitation*, pp.23-26.

¹⁷⁴ Mimardiere, in *HPI: 1558-1603*, Vol. 3, p.19.

¹⁷⁵ Round (ed.), *HMC Rutland*, Vol. 1, pp.166, 214, 233.

High Sheriff. While his allies were usually conservative, his connections went beyond religion as his cousin George Neville and son-in-law Harpur, who owed their appointments to Clifton, were Reformers. However, there remained a strong correlation between conservatives and alliances through marriage, with influential conservative JPs like Byron and Clifton protecting those conservatives with whom they were allied.

Sir Francis Leake was a similarly influential figure in Derbyshire as Clifton was in Nottinghamshire. Leake was a JP from 1539-1580, *Custos* from 1548, twice High Sheriff, and a member of the Council of the East and Middle Marches.¹⁷⁶ Leake was closely allied with the Foljambes through his mother, and was raised alongside Godfrey Foljambe Snr which cemented their friendship and led to a strong political alliance in Derbyshire.¹⁷⁷ Leake's stepfather James Foljambe, as guardian, changed who Leake was supposed to marry. James Foljambe chose the daughter of Sir William Paston, making Leake brother-in-law to Henry 2nd Earl of Rutland. Black suggests this aided in Leake's rise to prominence, as Rutland secured him promotion to *Custos*.¹⁷⁸ As *Custos* Leake influenced Godfrey Foljambe's appointment in 1561, and Leake and Foljambe would regularly work together thereafter.¹⁷⁹ However, like Clifton and Markham, the Leake-Foljambe alliance ended after Leake Snr's death in 1580. Francis Leake Jnr (JP 1579-1612) quarrelled with his neighbours over lead mining, including Foljambe's son Godfrey Jnr (JP 1584-1595).¹⁸⁰ Francis Leake Snr had been a trusted advisor to the young Henry 2nd Earl of Rutland who sought his advice on Muster Commissions and the administration of Sherwood Forest.¹⁸¹ Leake was also in favour under Elizabeth, serving for years at Berwick, a service for which he was commended.¹⁸² As *Custos*

¹⁷⁶ Black in *HPJ: 1509-1558*, Vol. 2, pp.518-20.

¹⁷⁷ TNA, E150/1291/1, WARD 7/20/178; BL, Harl, MSS2134/126-7.

¹⁷⁸ TNA, C142/40/4; BL, Harl, MSS2134/126-7; Black, in *HPJ: 1509-1558*, Vol. 2, pp.518-20.

¹⁷⁹ *Elizabeth*, Vol. 2, p.435, 1563-6, *Elizabeth*, Vol. 3, p.488, 1569-1572, *Elizabeth*, Vol. 5, p.198; Batho (ed.), *HMC Shrewsbury*, pp.83-86

¹⁸⁰ Dasent (ed.), *APC: 1586-87*. Vol. 14, (London, 1897), pp.115, 156-8; Lemon (ed.), *CSP Dom 1581-90*, p.266; Round (ed.), *HMC Rutland*, Vol. 1, pp.182-184, 222; Dietz, in *HPJ: 1509-1558*, Vol. 2, pp.518-20; Appendix 1576-7.

¹⁸¹ Round (ed.), *HMC Rutland*, Vol. 1, pp.44-48.

¹⁸² Joseph Stevenson (ed.), *CSP Foreign, 1559-60*, (London, 1865), pp.364, 933; Green (ed.), *CSP Dom, Addenda, 1566-79*, pp.134, 159, 212.

Leake secured Godfrey Foljambe and his sons-in-law Robert Markham and George Zouche's appointment to various Special Commissions in Derbyshire.¹⁸³ However, these marriage and family alliances between Leake, Foljambe, Markham, and Zouche were hindered after Leake Snr's death because of his son's many local disputes. Leake Jnr was brother-in-law to Markham and Zouche but feuded with both.¹⁸⁴ Alliances did not always survive over generations, even if they were connected by marriage or blood. Leake Snr was highly influential at Court and with the Earls of Rutland, securing the appointment of those he was connected to through marriage. Leake Jnr's position in Derbyshire suffered because his disputes turned allies into enemies.

The Cokaynes were also influential in Derbyshire, with three different JPs from 1547-1606. Sir Thomas Cokayne was the most senior, a JP from 1547-1554, 1558-1592, and five times High Sheriff. He was repeatedly trusted to lead special commissions in Derbyshire, particularly investigations into Jesuits in 1585 and 1592.¹⁸⁵ The Cokaynes had been in favour since the 1510s as servants of the Earls of Shrewsbury, and for serving alongside Edward 1st Earl of Hertford in Scotland in 1544.¹⁸⁶ Cokayne was influential due to military service, but also his local wealth (see Chapter Three), and his religious conformity (see Chapter Two). Thomas Cokayne was chosen by Bishop Bentham as one of three local gentlemen to advise him during the 1564 Bishops' Report, and thereafter the Queen refers to Cokayne as her 'trusted servant' in several correspondences between them.¹⁸⁷ Rather than lobbying for appointment, Cokayne benefited from loyal service. He likely lobbied for his son Francis and brother-in-law Sir Humphrey Ferrers to be appointed JPs in Derbyshire, as Ferrers lived outside the county, and was introduced to Shrewsbury by Cokayne.¹⁸⁸

¹⁸³ *CPR 1547-1553, Edward VI, Vol. 5*, pp.419-423, *1563-1566, Elizabeth, Vol. 3*, p.488, *1566-1569, Elizabeth, Vol. 4*, p.222, *1569-1572, Elizabeth, Vol. 5*, p.447.

¹⁸⁴ Dietz, in *HPJ: 1558-1603*, Vol. 2, pp.446-7.

¹⁸⁵ *CPR 1547-8, Edward VI, Vol. 1*, p.82, *1547-1553, Edward VI, Vol. 5*, p.352, *1553-1554, Phillip and Mary, Vol. 1*, p.25, *1560-1563, Elizabeth, Vol. 2*, p.435, *1563-1566, Elizabeth, Vol. 3*, p.21; BL, Lansdowne, MS8/18, 77-82; Round (ed.), *HMC Rutland*, Vol. 1, pp.112, 168, 301.

¹⁸⁶ Joseph Bain (ed.), *CSP Scotland*, Vol. 1, 1547-63, (London, 1898), p.161; Black, in *HPJ: 1509-1558*, Vol. 1, pp.667-8.

¹⁸⁷ Bateson (ed.), 'Letters of the Bishops', pp.43-44, 72-3; Dasent (ed.), *APC: 1581-1582*, Vol. 13, (London, 1896), pp.204, 209, 219, 449; Dasent (ed.), *APC: 1587-88*, Vol. 15, pp.147-8.

¹⁸⁸ Cox, *Churches of Derbyshire*, Vol. 1, p.386; *CPR 1569-1572, Elizabeth, Vol. 5*, p.147.

Cokayne married his children into several local families, with his son-in-law German Pole, and daughter-in-law's brother John Willoughby both appointed JPs following these marriages.¹⁸⁹

Thomas Cokayne's second son Edward only became a JP in 1598 after inheriting the Cokayne estate from his childless brother Francis, although the Cokayne influence had waned after Thomas Cokayne's death. Their primary influence had come from Thomas Cokayne's service in war and local governance which made him a trusted servant. Dias suggests Edward Cokayne was removed as a JP in 1601, although this is a mistake on her part. Cokayne was High Sheriff in 1601, and Gleason highlights a repeated error in records of the Quarter Sessions of mistakenly excluding the High Sheriff, although they remained active JPs.¹⁹⁰ Thomas Cokayne used his reputation for loyal service to lobby for the appointment of his son Francis, and those he was connected to through marriage: Pole, Willoughby, and Ferrers. Francis and Edward Cokayne lacked the record of loyal service, connections at Court, and Thomas Cokayne's military expertise for which he had been lauded. Although still a wealthy local family, the influence of the Cokaynes was diminished.

Markhams

Like the Cokaynes in Derbyshire, the Markhams were influential in Nottinghamshire, with four Elizabethan JPs between 1521-1606. Sir John Markham was the most important, serving from 1521-1559, six times High Sheriff, and six times MP.¹⁹¹ He had influence at Court as Lieutenant of the Tower of London, was trusted by successive monarchs to lead Nottinghamshire Special Commissions in the 1540s, and his daughter and son both served Princess Elizabeth at Hatfield.¹⁹² This later saved John's son Thomas from prosecution due to the Recusancy of his wife and sons,

¹⁸⁹ Dugdale, *Derbyshire Visitation*, pp.21-4; Dias, 'Politics and administration', appendix.

¹⁹⁰ Dias, 'Politics and administration', pp.23-4; Gleason, *Justices of the Peace*, pp.14, 108-112.

¹⁹¹ Gairdner (ed.), *LP Henry VIII*, Vol. 1, p.1028, Vol. 20, p.555; Dasent (ed.), *APC: 1547-1550*, Vol. 2, pp.370-1, *APC: 1550-1552*, Vol. 3, p.401.

¹⁹² *CPR 1547-8, Edward VI*, Vol. 1, pp.75-77, 88, *1547-1553, Edward VI*, Vol. 5, p.357, *1553-1554, Phillip and Mary*, Vol. 1, pp.22, 29, *CPR 1554-1555, Phillip and Mary*, Vol. 2, pp.109-10; Dasent (ed.), *APC: 1547-1550*, Vol. 2, pp.353, 370-1, *APC: 1550-1552*, Vol. 3, p.401; Round (ed.), *HMC Rutland*, Vol. 4, (London, 1905), p.264.

with Elizabeth interfering personally to save her 'old servant'.¹⁹³ Like Thomas Cokayne, John Markham married into several important local families. He served in Parliament alongside his brother-in-law Nicholas Longford in 1559, this marriage also making Markham brother-in-law to the wealthy Sir George Vernon.¹⁹⁴ Furthermore, according to Younger, both Longford and John Markham's son Thomas were connected to Sir Christopher Hatton, later Lord Chancellor. Although the connection to Markham he admits is 'thin', this perhaps placed the Markhams, with Thomas as a gentleman pensioner under Elizabeth, with many powerful allies at Court amongst the mostly conservative network which Hatton led.¹⁹⁵ In 1562 Markham's other brother-in-law George Neville became a JP alongside Thomas Markham.¹⁹⁶ John Markham also served alongside his uncle-in-law Sir Nicholas Strelley, and Strelley served as Sheriff during Markham's first term in Parliament in 1529. The Markham-Strelley alliance would continue for decades, with Strelley's grandson Phillip and Markham's grandson Robert being close friends in 1591.¹⁹⁷ Markham was also a kinsman of Nicholas Powtrell who he successfully lobbied to become a JP in 1554 and would remain in office until 1579.¹⁹⁸ Irene Cassidy suggests Markham was also 'on friendly terms with his prominent neighbours, such as the Willoughbys of Wollaton'.¹⁹⁹ John Markham made the influential Sir Gervais Clifton, and his cousin Ellis Markham the executors of his will, leaving money to the son of his old friend Archbishop Thomas Cranmer, showing his influence at Court.²⁰⁰ Black and Cassidy suggested he was so influential in the county that his election to Elizabeth's first Parliament 'was to be expected' of 'such a man, prominent in his own locality, a Protestant and friend to... 2nd Earl

¹⁹³ *Catholic Record Society, Miscellanea*, Vol. 4, pp.236-7.

¹⁹⁴ Mimardiere, in *HPI: 1558-1603*, Vol. 2, pp.488-9.

¹⁹⁵ Neil Younger, *Religion and Politics in Elizabethan England*, (Manchester University Press, Manchester, 2022), pp.77, 87.

¹⁹⁶ Appendix 1562.

¹⁹⁷ Flower and Norroy, *Visitation of Nottinghamshire*, pp.19-26; Hughes, *Sheriffs for England and Wales*, pp.31-4, 102-7.

¹⁹⁸ Black, in *HPI: 1509-1558*, Vol. 2, pp.568-70.

¹⁹⁹ Cassidy, in *HPI: 1558-1603*, Vol. 3, pp.18-19.

²⁰⁰ J.W. Clay (ed.), 'North Country Wills, 1558 to 1604, Vol. 2', *Publications of the Surtees Society*, Vol. 121, (Andrews and Co, Durham, 1912), pp.15-16.

of Rutland'.²⁰¹ Prominence, local and Court allies, and religious conformity all benefited John Markham's career, and this benefited those gentlemen he was connected to through marriage.

John Markham's grandson and heir Robert was mostly disinherited by his grandfather, with his appointment as a JP coming five years after John Markham's death, and only after he married the daughter of Sir Francis Leake. Despite this, Robert would serve two terms as Sheriff and thrice as an MP.²⁰² Robert was a servant of Edward 3rd Earl of Rutland, and according to letters in the Rutland Papers worked on his behalf overseeing local matters including land disputes and musters in the 1570s, and in 1583 Rutland lobbied for Markham to be pricked Sheriff of Nottinghamshire.²⁰³ Robert Markham was allied to the Charworths and Stanhopes through his grandfather's third wife Anne.²⁰⁴ Yet, in 1593, he sided against Stanhope and his uncle Thomas Markham in favour of Gilbert 7th Earl of Shrewsbury.²⁰⁵ Marriage and blood connections were complex, and were often not as important as political ambitions. Robert was grandson through John Markham's first wife, the daughter of George Neville, whereas Thomas (*quorum* JP 1561-1591) came from his third wife Anne Strelley (widow of Richard Stanhope, Sir Thomas Stanhope's grandfather).²⁰⁶ Thomas Markham sided with his step-brother Stanhope, whereas Robert sided with Shrewsbury for political reasons, although N.M. Fuidge suggested Thomas Markham's part was also highly political, calling it a 'desperate attempt at reasserting his influence in Nottinghamshire', following his bitter falling out with Shrewsbury, with who he had previously been a close ally.²⁰⁷ However, this also shows how complex the web of marriage alliances were, as the Strelleys, despite Anne Strelley being the widow of Richard Stanhope, also sided against Thomas Stanhope in 1593.

²⁰¹ Black, in *HPI: 1509-1558*, Vol. 2, pp.568-70; Cassidy, in *HPI: 1558-1603*, Vol. 3, pp.18-19.

²⁰² Black, in *HPI: 1509-1558*, Vol. 2, pp.570-1; Fuidge, in *HPI: 1509-1558*, Vol. 3, pp.19-20; Flower and Norroy, *Visitation of Nottinghamshire*, pp.19-26.

²⁰³ Round (ed.), *HMC Rutland*, Vol. 1, pp.155; Hughes, *Sheriffs for England and Wales*, pp.31-4, 102-7.

²⁰⁴ Flower and Norroy, *Nottinghamshire Visitation*, pp.23-6.

²⁰⁵ Dias, 'Politics and administration', pp.41-3.

²⁰⁶ Appendix 1562-1596; Flower and Norroy, *Nottinghamshire Visitation*, pp.23-6.

²⁰⁷ Fuidge, in *HPI: 1509-1558*, Vol. 3, pp.19-20; MacCaffrey, 'Talbot and Stanhope', pp.73-85.

Robert Markham benefited from supporting Shrewsbury, as he was originally Shrewsbury's candidate in 1593, but withdrew as it was 'unseemly' for Markham to fight Markham.²⁰⁸ Shrewsbury instead chose Sir Phillip Strelley as his candidate, despite Thomas Markham's blood relation to the Strelleys. The rising Charworth and Holles families sided with Stanhope and Thomas Markham, with John Holles choosing to marry Stanhope's daughter Anne, rather than the match Shrewsbury and William Holles had chosen for him.²⁰⁹ The Markhams' traditional marriage allies the Longfords, Pierreponts, and Cliftons all sided with Shrewsbury.²¹⁰ Marriage and blood relations did not always lead to an alliance, and in the 1593 election religion and politics had a greater impact than these connections. Marriage influenced Thomas Markham, John Holles, and the Charworths to side with Stanhope, but the impact of marriage connections on politics was complex. After 1593 Shrewsbury introduced Robert Markham to Court, where he gained favour with his distant relative through the Boleyn family, the Queen herself.²¹¹ Both the Cokaynes and Markhams rose to prominence under a senior JP (Sir John Markham and Sir Thomas Cokayne) who benefited from service at Court, religious conformity, and local influence. Yet, the prospects of their heirs were less certain, with Francis and Edward Cokayne, and Thomas and Robert Markham struggling to establish their own positions in the counties.

Sir Thomas Stanhope

Stanhope remained influential after his defeat in 1593, although his position was constantly hindered by his many enemies. He had been a *quorum* JP since 1561, appointed aged just 21. There were three Stanhope JPs under Elizabeth, with Thomas's son John from 1593-1609, and his brother Edward from 1579-1603.²¹² Their appointments were aided by Sir Thomas Stanhope's friendship with Lord Burghley, who spoke fondly of Stanhope's father Sir Michael who had been

²⁰⁸ Hasler, in *HPI: 1558-1603*, Vol. 1, pp.90-3.

²⁰⁹ MacCaffrey, 'Talbot and Stanhope', p.76.

²¹⁰ Dias, 'Politics and administration', pp.37-8.

²¹¹ Mimardiere, in *HPI: 1558-1603*, Vol. 2, p.19.

²¹² Appendix 1562-1596.

executed after the Somerset coup under Edward VI. Stanhope would continue to rely upon his allies at Court against his local enemies, particularly his 'patron' Lord Burghley (a distant relation of Burghley's second wife), who he milked 'for all it was worth'.²¹³ Sir Thomas Stanhope was three times Sheriff, Deputy Lieutenant by 1591, and *Custos* by 1594.²¹⁴ However, Stanhope had many enemies amongst Nottinghamshire JPs. Stanhope was related to Sir Gervais Clifton through his grandmother, and although their correspondences were friendly for many years, Stanhope nevertheless threatened violence against Clifton's family for not attending church in 1568.²¹⁵ He disputed with the JPs Henry Sacheverell, John Molyneux, and William Kniveton over land, weirs, and mills in Nottinghamshire, and with Shrewsbury and Zouche over political ambitions. Despite these local enemies, Cobbing and Priestland suggest his allies at Court and in the Earls of Rutland almost always saved him from trouble, although his dispute with Zouche tested the Council's patience and led to his arrest in 1578, he escaped mostly unhindered.²¹⁶ As MacCaffrey highlighted, in the 1590s Stanhope had 'too many enemies locally, but appealed to Court', especially to the Queen, who although angered by the constant breaking of the peace in Nottinghamshire, almost always sided with Stanhope against his local rivals, including Shrewsbury.²¹⁷ This favour secured him election to Parliament in 1586, with Stanhope was a principal mourner at the 4th Earl of Rutland's funeral in 1588, and by 1591 was chosen as Deputy Lieutenant of Nottinghamshire to aid the young Roger 5th Earl of Rutland.²¹⁸

However, the influence of his many disputes was crucial, as Shrewsbury was likely only able to win in 1593 because Stanhope had alienated so many local families. A disagreement over a weir at Shelford between Stanhope and Shrewsbury became so violent that it was reported to the Privy

²¹³ Black, in *HPI: 1509-1558*, Vol. 3, pp.368-9; Mimardiére, in *HPI: 1558-1603*, Vol. 3, pp.441-2; Cobbing and Priestland, *Thomas Stanhope*, p.57.

²¹⁴ Hughes, *Sheriffs for England and Wales*, pp.31-4, 102-7; BL, Lansdowne, MS1218/616, 636; TNA, C66/1421; Gunton (ed.), *HMC Hatfield*, Vol. 4, pp.212-15.

²¹⁵ Black, in *HPI: 1509-1558*, Vol. 3, pp.368-9; Cobbing and Priestland, *Thomas Stanhope*, p.202.

²¹⁶ Cobbing and Priestland, *Thomas Stanhope*.

²¹⁷ MacCaffrey, 'Talbot and Stanhope', pp.73-85; Cobbing and Priestland, *Thomas Stanhope*, pp.99, 131-40.

²¹⁸ BL, Lansdowne, MS29/9; Round (ed.), *HMC Rutland*, Vol. 1, pp.278-295.

Council. Shrewsbury used armed servants to destroy the weir, and when Stanhope complained at the Quarter Sessions, Shrewsbury ordered the Sheriff Francis Willoughby to declare the weir a local nuisance. Stanhope was sued in the Star Chamber over this matter, but his allies at Court intervened to save him from prosecution.²¹⁹ However, Stanhope never lost the support of the Queen, and in 1594 he was appointed *Custos*, chosen by the Queen herself despite local opposition.²²⁰ Stanhope married his daughter to Sir John Holles in 1591, despite Shrewsbury and Holles's father Sir William's opposition. Stanhope secured Holles appointment as a Nottinghamshire JP, and introduced Holles to Lord Burghley which eventually led to Holles entry into the royal household.²²¹ However, Stanhope failed to get Holles pricked High Sheriff in 1592, instead it was Shrewsbury's servant John Bassett.²²² Stanhope's local position was reliant on his connections to Court, and although local disputes hindered his influence, he remained amongst the premier Nottinghamshire landowners until his death in 1596.

Reasons for lobbying

Religion and alliances made a complex relationship which influenced the appointment of JPs. Sir John Hercy, Nottinghamshire JP from 1526-1554, *quorum* 1559-1570, was a leading Reformer (see Chapter Two).²²³ He was an agent of Thomas Cromwell alongside Sir John Markham and Sir Gervais Clifton, and in 1559 Henry 2nd Earl of Rutland asked him for recommendations on reformers to be made JPs. Hercy recommended several names, including his nephew William Merring, and his brother-in-law George Neville.²²⁴ However, some traditionalists survived as JP, partly due to their local allies (see Chapter Two). Sir Gervais Clifton and Sir John Byron were too

²¹⁹ Cobbing and Priestland, *Thomas Stanhope*, pp.229-57.

²²⁰ Gunton (ed.), *HMC Hatfield*, Vol. 4, pp.212-215.

²²¹ Dias, 'Politics and administration', pp.72-4; Gervase Holles, *Memorials of the Holles Family 1493-1656*, Camden Society Third Series, Vol. 60, (Royal Historical Society, London, 1937), pp.89-91.

²²² Hughes, *Sheriffs for England and Wales*, pp.31-4, 102-7.

²²³ *CPR 1547-8, Edward VI, Vol. 1*, pp.88-94, *1547-1553, Edward VI, Vol. 5*, pp.28-35; Appendix 1562-1570; Hughes, *Sheriffs for England and Wales*, pp.31-4, 102-7.

²²⁴ Gairdner and Brodie (ed.), *LP Henry VIII*, Vol. 17, p.258; Black, in *HPI: 1509-1558*, Vol. 2, pp.345-7; Appendix 1562.

influential in Nottinghamshire to be removed in 1564 and secured the retention of other traditionalists like Henry Pierrepont. Furthermore, in 1564 when Henry Vernon was recommended for removal in 1564, he was retained on the intervention of his cousin, the wealthy 'King of the Peak' Sir George Vernon.²²⁵ One of the reasons the selection of JPs was so complex was because of the relationship between these different factors, all of which worked together, or against one another, in determining if a gentleman was suitable. Religion and alliances have a strong connection, in creating alliances, animosity between gentlemen of different religions, influencing marriages, and religion was a key point in many letters in which magnates or influential JPs lobbied for others to be appointed. This has most clearly been shown in the studies of Sussex and Hampshire by Manning and Fritze, with religion the key factor which influenced whether a local gentleman was recommended for appointment by the Bishops in the 1560s.²²⁶

However, Wall also highlighted the presence of bribery in lobbying. She suggests rightly that evidence of blatant bribery is rare, but that the few cases which brought lawsuits suggests it may have been 'quite common'.²²⁷ In 1594 William Bassett was accused in a letter to Lord Burghley of becoming a JP and Sheriff in Derbyshire through bribery, amongst other accusations. However, as these accusations came from Bassett's enemy Thomas Fitzherbert, who Bassett had arrested the previous year for debt, and the other crimes Fitzherbert accused Bassett of included necromancy, murder, treason and Catholicism, the accuracy of these accusations can be questioned, although they did lead to Bassett's temporary removal in 1595.²²⁸ However, as Hurstfield rightly highlights, what constituted corruption as opposed to gift giving is a complex question in early modern England, with Hurstfield claiming that most of the system was reliant on what would be considered modern corruption, but what was considered normal at the time.²²⁹ Even if open

²²⁵ Bateson (ed.), 'Letters of the Bishops', pp.43-44, 72-3; Appendix 1569.

²²⁶ Manning, *Religion and Society*; Fritze, 'Family and Religion', pp.267-87.

²²⁷ Wall, 'Making and Unmaking', pp.316-318.

²²⁸ Green (ed.), *CSP Dom, 1591-4*, pp.372-82; Appendix 1584-1596.

²²⁹ Hurstfield, *Freedom, Corruption, and Government*, pp.138-42.

corruption was not present, lobbying has, as shown in many cases, been crucial to the selection of JPs. Wall suggests Lord Burghley and the Lord Chancellors, who oversaw the Peace Commissions, were inundated with letters over decades lobbying for appointment, and when the Lord Chancellor needed to reform the composition of the county benches, he relied on the opinions of others like the Assize Judges, Bishops, or local magnates.²³⁰ Roger Ascough was only appointed a JP in 1593 after his nephew Lord Sheffield wrote to Burghley claiming that Ascough was a good man and lived in a part of Nottinghamshire with no current JPs.²³¹ In 1544 the lawyer of Gilbert Thacker who was suing the Derbyshire JP Richard Blackwell complained to the Privy Council that Blackwell was using his many local allies to 'pervert justice at the assize'.²³² Blackwell was also close to Sir William Paget, a Courtier and servant under several Tudor monarchs and in the 1564 Bishops' Report Bishop Bentham personally intervened on Blackwell's behalf that he should be retained.²³³ These allies are credited by Black as securing his election to Parliament in 1545 and 1553, and his appointment as a JP.²³⁴ While lobbying was important, as seen with Ascough and Blackwell, it had to include why a gentleman was suitable, whether geography and ability for Ascough, or religious suitability for Blackwell, there had to be a reason for a JP to be appointed beyond simply having powerful allies.

Conclusion

In conclusion, there were many different factions, alliances, and competing local and national connections which influenced appointment. Lobbying was common practice, with senior JPs and aristocrats with positions of power seeking appointment or promotion for themselves and their allies, while also lobbying against their rivals. Friendships, marriage, blood connections, and shared political ambitions influenced who was appointed, with powerful JPs like Byron, Clifton,

²³⁰ Wall, 'Making and unmaking', p.316-21; Hassell-Smith, *County and Court*, pp.61-2.

²³¹ BL, Harleian, MS286/211-2.

²³² Appendix 1547-1569; TNA, STAC 3/4/42; TNA, Chancery, Six Clerks Office, C1/1067/56.

²³³ Bateson (ed.), 'Letters of the Bishops', pp.43-44, 72-3.

²³⁴ Black, in *HPI: 1509-1558*, Vol. 1, p.440.

and Sir John Manners, or local magnates like the Earls of Rutland and Shrewsbury being central figures with networks locally and to Councillors at Court. In Nottinghamshire many JPs owed their appointments to the Rutlands, or in their absence to John Manners. This included the Charworths, and the Earls agents like Robert Constable and Roger Manners, who continued to work closely with the Earls of Rutland for decades. However, Rutland's influence could also be used to limit their rivals like the Wennesleys. In Derbyshire Sir John Manners was also highly influential after gaining the Vernon inheritance through his wife, and the close friendship with George 6th Earl of Shrewsbury which led to Manners's appointment as Deputy Lieutenant of Derbyshire. However, the power of the Manners family was limited by the deaths of the 3rd and 4th Earls.

Family connections were influential, although whether through lobbying or inherited wealth (see Chapter Three) is questionable. Many families like the Manners's, Cavendishes, Talbots, Strelleys, Markhams, Cokaynes, and Stanhopes secured the appointment of several JPs throughout Elizabeth's reigns, with fathers often lobbying for their sons, or sons-in-laws to be appointed. The Earls of Shrewsbury were also powerful magnates in Derbyshire, with George Talbot using his influence to limit the power of John Zouche, although Zouche's own local influence and allies necessitated his appointment as Deputy Lieutenant. George Talbot lost influence at Court due to the custodianship of Mary Queen of Scots, which also partly led to the feud with Bess of Hardwick. This dispute of competing interests and connections locally and at Court directly influenced the careers of the three Cavendish JPs, William, Henry and Charles, depending on who they sided with. Everitt and Holmes debated which was more desired by JPs, local or national interests and alliances, and while both were highly influential in many cases, the number of local marriages and local lobbying was the primary motivation for JPs. George Talbot also used his stringent enforcement of anti-Catholic legislation to limit the presence of Catholics on the Derbyshire county bench. However, his heir Gilbert allowed these Catholic families like the Bassetts to return as JPs which gained him many followers amongst the Recusant community, with the shift in local magnate directly influencing the composition of the county bench.

Gilbert was also more forceful in expanding his influence into Nottinghamshire, where the Shrewsbury-Stanhope feud dominated the 1590s and led to significant lobbying on both sides. Religion influenced these alliances but so did shared political ambitions or marriage. Alliances worked against alliances, with competing political and personal interests, like in the choice of High Sheriff in 1583 where Rutland supported Francis Curzon and Shrewsbury supported Robert Markham. This notably changed the composition of the county benches with new JPs loyal to Shrewsbury being appointed like Ascough, and Stanhope himself only saved from removal because he had allies at Court. This feuding, alongside animosity between Zouche and Shrewsbury, or Manners and Wennesley, led Wall to call Nottinghamshire particularly 'factionalised', although Nottinghamshire was no more factionalised than Kent, Sussex, Hampshire, Norfolk, or Northumberland. The 1593 Election also showed that marriage connections did not necessarily lead to political alliances, with Robert Markham, despite being connected to Stanhope through marriage, choosing to side with Shrewsbury. This is also seen with Sir George Vernon's dislike of his son-in-law Sir John Manners and Sir Gervais Clifton's connection to Stanhope which did not stop them falling out over religion.

Many JPs gained significant influence after decades of service, with Sir Gervais Clifton and Sir John Byron leading a faction of traditionalist JPs in Nottinghamshire which secured the continued service of other conservative JPs. Religion played an important role in the formation of political alliances amongst Recusants, influencing marriage connections. These alliances were useful in securing the continued appointment of conservatives throughout Elizabeth's reign (see Chapter Two), and in saving conservatives from being removed, like Sir Henry Pierrepont, who had many powerful, local allies in Clifton, Byron and Sir John Manners. Other experienced JPs who achieved office like High Sheriff, or Sir Francis Leake as *Custos* were also seen as local leaders who others would actively lobby to get appointed, and who would lobby for their children or allies to be appointed. The dispute between Sir John Zouche and Sir John Manners over who would succeed Leake as *Custos* of Derbyshire involved intensive lobbying, with Zouche having many local allies,

whereas Manners had allies at Court through Lord Keeper Bromley and the Queen, and was eventually successful. Lord Burghley oversaw the selection of JPs for many decades, and his support was sought by many JPs who wished to secure themselves, or their allies' appointment to the county benches.

Overall, alliances both locally and at Court were important in the selection of JPs, although the alliances were also a complex web. The influence of one's allies was deeply determined by religion and wealth which affected how much one's allies were able to lobby for one's appointment. Lobbying and the networks of magnates, JPs, and Councillors show clearly that no one factor determined who was appointed a JP. JPs sought those with local influence, or positions at Court, to secure appointment. Lobbying was common and alliances either through marriage, friendship, shared political ambitions, or blood were influential, although also inconsistent. Allies alone could not secure appointment for many JPs unless they were otherwise suitable through factors like: religion, education, wealth, geography, or experience.

Conclusion

This thesis has analysed the various factors of education, religion, wealth, and lobbying which influenced who was appointed a JP, and how these factors went on to affect their careers, promotions, or led to removal from office. The selection process for JPs in determining who was suitable, and who was appointed, was complex, and often inconsistent. It relied on what information the Crown had, particularly the Lord Chancellor or Lord Burghley who oversaw the Peace Commissions. It furthermore relied on the word of magnates, Bishops, Assize Judges, and trusted local officers like the *Custos*, Lord Lieutenant, or Deputy Lieutenants.¹ Various factors influenced who was deemed suitable, and the importance of these factors changed between individuals, between counties, and over time. There was no one factor which alone made a gentleman suitable or unsuitable, and with each of the factors this thesis has discussed working together, or against one another, determining which factor influenced the appointment of each JP is difficult without analysing and understanding the individual JPs themselves. However, there were several important trends which this thesis has highlighted for each of these factors which can generally inform whether a JP was suitable, although there were numerous exceptions to each of these trends amongst the JPs of Elizabethan Nottinghamshire and Derbyshire.

At the beginning of Elizabeth's reign, the importance of education at a university or an Inn of Court was less important than it would become by the end of her reign. There was a trend under Elizabeth of more learned JPs being appointed, which coincided with a rise in litigation and the increase in the number of lawyers.² This changed the educational composition of the Nottinghamshire and Derbyshire county benches, from 36% learned in 1562, to 64% by 1596, an

¹ Steven Hindle, *The State and Social Change in Early Modern England, c.1550-1640*, (Palgrave, Hampshire, 2000); Michael Braddick, *State Formation in early modern England, c.1550-1700*, (Cambridge University Press, Cambridge, 2000); Joel Hurstfield, *Freedom, Corruption, and Government in Elizabethan England*, (Jonathan Cape, London, 1973).

² Peter Clark, *English Provincial Society from the Reformation to the Revolution: Religion, Politics and Society in Kent, 1500-1640*, (Harvester Press, Brighton, 1977); Penry Williams, *The Tudor Regime*, (Clarendon Press, Oxford, 1979).

increase seen in all six of Gleason's sample counties, although the scale of the increase differed.³ This does not suggest that there was a uniform increase in the proportion of learned JPs in every county in England, for Joel Samaha found a likely decrease in Essex, and S.J. Watts saw a much slower rise in Northumberland.⁴ However, it does suggest alongside the orders in 1587 and 1595 that under Elizabeth education was clearly desired, and more learned JPs were appointed. However, being learned alone was no guarantee of appointment if one was otherwise insufficient, either for being a religious conservative in opposition to the Elizabethan Settlement, or a lesser landowner with income below the minimum requirements. Nor was education sufficient to avoid some learned JPs like Sir Henry Pierrepont being removed from office for their adherence to Catholicism, although education alongside alliances likely influenced his later return, despite religion. Furthermore, there was a clear link between education and promotion, with the proportion of learned JPs higher amongst the *quorum*, and especially amongst the *Ex-Officio* JPs, who were mostly lawyers and Privy Councillors who did not have to meet the same requirements as local JPs. However, unlearned gentlemen continued to be appointed JPs even as late as 1596, composing roughly 1/3 of JPs in Nottinghamshire and Derbyshire. Some of these unlearned JPs were promoted to the *quorum* or held high office as MP or *Custos*. This was especially important for the lesser landowners or lawyers from lower social classes who increasingly became represented amongst JPs, with education placing lesser gentlemen like Anthony Gell, Ralph Barton, or William Bendlowes on the same level as the most senior landowners in the county. There was a clear difference between local JPs who were wealthy landowners and professional JPs with legal knowledge or education, as these professionals were able to be appointed despite lacking sufficient income, residence within a county, or even religion.

³ J.H. Gleason, *Justices of the Peace in England, 1558-1640: A later Eirenarcha*, (Oxford University Press, Oxford, 1969).

⁴ Joel Samaha, *Law and Order in Historical Perspective: The Case of Elizabethan Essex*, (Academic Press, New York and London, 1974); S.J. Watts, *From Border to Middle Shire: Northumberland 1586-1625*, (Leicester University Press, Leicester, 1975).

Education became an increasingly important factor under Elizabeth, but being learned was no guarantee of appointment, nor did being unlearned exclude one from promotion to high office. Religion conversely was immediately an important issue under Elizabeth, with its importance fluctuating throughout her reign depending on the religious and political climate of England, affected by: Catholics Plots, Spanish invasion, fugitive priests, or debates in Parliament. From the stark changes in the composition of the county benches between Mary and Elizabeth between 1554-1562, with many Catholic and Marian appointed JPs like Vincent Mundy being removed, or Sir Humphrey Bradbourne demoted from the *quorum*, religion was clearly an important consideration. Throughout the 1560s religion dominated the composition of the county benches in Catholic dominated counties like Sussex or Hampshire, with religion also integral to the factionalism seen in these counties.⁵ However, many religious conservatives survived under Elizabeth if they outwardly conformed, and many more traditionalists continued to be appointed, even into the 1590s. Levels of retention were lesser for those first appointed by Mary in 1554, but several of these Marian appointments nevertheless survived. Religion did have a clear impact on the careers of JPs, with Sir Henry Pierrepont removed primarily for religious reasons, alongside Sir Thomas Gerrard, Francis Curzon, Vincent Mundy, Henry Fitzalan 12th Earl of Arundel, and Sir Nicholas and Sir Anthony Strelley. These JPs were removed if their religion led them to rebellion or plotting, like Gerrard's plot to free Mary Queen of Scots, Pierrepont's repeated arrests for attending mass, or Mundy's refusal to swear the oath of supremacy. However, if a religious conservative openly conformed and was a loyal servant, they could survive. There remained several important conservative JPs under Elizabeth, including: Sir John Byron Snr, Sir Gervais Clifton, Sir Humphrey Bradbourne, and Nicholas Powtrell. These conservative JPs were not only retained but continued to be amongst the most influential in Nottinghamshire and Derbyshire, with Clifton and Byron needed for administration of the county and personally recommended for

⁵ Roger Manning, *Religion and Society in Elizabethan Sussex*, (Leicester University Press, Leicester, 1969); Ronald Fritze, 'The Role of Family and Religion in the Local Politics of Early Elizabethan England: The Case of Hampshire in the 1560s', *The Historical Journal*, Vol. 25, No. 2, (June 1982), pp.267-287.

retention in 1564. Despite being religiously unsuitable, and arrested for nonconformity, Sir Henry Pierrepont was returned to office based on his education and alliances, with Henry Vernon also surviving due to his local connections, while others like Powtrell were trained lawyers who survived if he served loyally, as his legal education was greatly desired. Religious pragmatists like Sir James Dyer and William Paulet Marquis of Winchester survived due to conformity and loyalty, alongside their networks at Court and in the counties, allowing them to serve several monarchs uninterrupted, which greatly aided their careers and promotions to high office.

Religion clearly led to some JPs being removed from office, and many gentlemen being excluded from return. However, like education, alone it was no guarantee of appointment or removal.

Religion was particularly complex as while being a conformist was beneficial, so long as you were also otherwise sufficient in income, alliances, or education, it was not as simple as reformers being appointed. Some like Sir John Hercy were returned to office in 1559, after having been removed on religious grounds by Mary in 1554. Yet, several zealous reformers who pushed for greater reform, or criticised the traditionalist elements of the Elizabethan Church, found their careers just as hindered by religion at certain times as religious conservatives. In Norfolk there was considerably more continuity under the Duke of Norfolk, but thereafter a faction of 'puritans' rose to power, yet soon they were also considered unsuitable for pushing for further reform of the English Church.⁶ Godfrey Boswell was one of only two JPs removed for religion in 1564 Derbyshire or Nottinghamshire, despite being a Protestant, because he supported further reform of the English Church, whereas another zealous reformer in Blackwell survived due to the personal intervention of Bishop Bentham. Loyalty and conformity, from both ends of the religious spectrum was desired. However, this changed over time with an increased presence of zealous reformers into the 1570s and 80s during the conflict and tensions with Spain, until the religious and political climate changed once more in the 1590s, where zealous reformers were once again hindered due

⁶ Alfred Hassell-Smith, *County and Court: Government and Politics in Norfolk, 1558-1603*, (Clarendon Press, Oxford, 1974).

to pushing for further reform. Religion has dominated the study of Elizabeth's reign in recent decades, and especially in studies of Elizabethan JPs. Yet, while religion was clearly an important factor, studies of JPs, and of the reign of Elizabeth must move away from believing that religion was the only factor which affected the politics and administration of Elizabethan England.

Neither education, nor religion were guarantees of appointment, but income via the £20pa minimum income requirement for a gentleman to be deemed suitable for appointment was strictly enforced, disqualifying otherwise suitable gentlemen from appointment. This minimum also influenced how some religious conservatives survived, especially in High Peak in Derbyshire which lacked a significant number of economically suitable gentlemen for appointment and perhaps led to the high proportion of *Ex-Officio* JPs in Derbyshire. This minimum never changed, although inflation devalued the minimum, which also affected which gentlemen were able to vote or seek litigation in the Courts.⁷ By the end of Elizabeth's reign £20pa was worth almost one fifth of what it had in 1559, which alongside families who benefited from the sale of church land, led to many new families who were previously economically insufficient to be appointed JPs.⁸ However, beyond this minimum requirement there was seemingly little influence between income and a JP's career. The wealthiest JPs in Nottinghamshire and Derbyshire were usually appointed at a younger age than younger sons, lesser landowners, or lawyers, but it often took them significantly longer to achieve promotion to the *quorum*. The average age of appointment for a wealthy local JP was between 24-29, with the average age for promotion in their late-30s or early-40s, and some even into their 60s like Sir John Hercy and Sir John Byron, despite being two of the wealthiest men in Nottinghamshire and Derbyshire. Alongside income, residence in the county that a JP represented was also required for all non-*Ex-Officio* JPs, with other restrictions like fathers and sons could not serve together which were not always strictly enforced. Debt also influenced the career prospects

⁷ Braddick, *State Formation*; Hindle, *State and Social Change*

⁸ Hassell-Smith, *County and Court*; Tim Thornton, *Cheshire and the Tudor State, 1480-1560*, (Boydell and Brewer, Royal Historical Society, 2000).

of some JPs, but only if the debt was stigmatised by arrest or forced the sale of property like what happened to Henry Vernon in Staffordshire, or Roger Ascough in Nottinghamshire. Even then some JPs like Henry Cavendish and William Cecil served for years while in significant debt, because of their powerful alliances, and both being learned.

Lobbying and personal networks influenced the selection of JPs through religion, education, and wealth. Political and social connections created by marriage, shared political ambitions, blood relations, or friendships were common, and led to significant lobbying which dominated the selection process for many JPs. Patronage, as Steve Hindle called it, alongside the personal networks of Councillors at Court and in the counties were integral to how names were put before the Lord Chancellor and considered for selection.⁹ Local gentlemen sought the support of powerful men at Court, especially Lord Burghley, or senior local officials, and local magnates of power, for Nottinghamshire and Derbyshire mainly the Earls of Shrewsbury and Rutland. Many JPs owed their appointments to the social and political connections to these magnates, especially the Earls of Shrewsbury who were active in lobbying for or against local gentlemen. Religion was heavily linked to these alliances, helping to maintain a network of conservatives in Nottinghamshire through the Byron, Pierrepont, and Clifton families, or in the out-of-favour network of Catholic Recusants in Derbyshire. The relationship between religion and lobbying was also seen in 1564 where Richard Blackwell, despite being recommended for removal, survived due to the personal intervention and recommendation of Bishop Bentham, who also tried to lobby for Sir George Vernon to be promoted to the *quorum*. There was also to some extent connections created through shared attendance at a university, college, or Inn of Court which created friendships, and alliances that lasted over generations like between Richard Whalley and John Zouche, or through families like the Manners, Holles, and Rodes whom maintained connections to

⁹ Hindle, *State and Social Change*; Williams, 'Court and Polity under Elizabeth I', *Bulletin of the John Rylands University Library of Manchester*, Vol. 65, No. 2, (Spring, 1983); Williams, *Tudor Regime*.

these institutions over generations. Although not as common as shared political or religious ambitions, these alumni connections were present for many JPs.

The local magnates like Shrewsbury and Rutland secured their local influence through their wealth, and the political power their titles gave them, but also through their own connections at Court. These Court connections were often more important than local connections, particularly for Sir Thomas Stanhope who actively opposed conservatives in Nottinghamshire, and fought against Gilbert 7th Earl of Shrewsbury in the 1590s, and who was saved from Shrewsbury's ire by his personal connections at Court, and especially to the Queen.¹⁰ Fondness from the Queen was also one reason Sir Gervais Clifton survived as a senior JP for so long. However, some connections did not lead to the political alliances which benefited a JP's career, with Stanhope feuding with many of the local gentlemen to who he was connected, or the marriage of Sir John Manners to Dorothy Vernon not leading to an alliance between Manners and Dorothy Vernon's father due to Vernon's dislike of the Manners family. Furthermore, powerful magnates like Sir John Manners, Sir John Zouche or Stanhope actively lobbied against those with whom they were feuding, or who threatened their influence, which led to further factionalism. This was not indicative of Nottinghamshire and Derbyshire itself per se, with Sussex, Hampshire, and Northumberland also dominated by factionalism, but it was instead the cause of individual magnates and JPs like Stanhope, Gilbert 7th Earl of Shrewsbury, or Zouche who used the office of JP for the sake of their political ambitions. This led to factionalism, especially in 1593 around the Nottinghamshire election, where Shrewsbury attempted to exert his influence and control the county bench, allying with local religious conservatives against Stanhope.¹¹ This feud without question greatly influenced the county bench of Nottinghamshire in the 1590s, far more than any government policy, or national trends did.

¹⁰ Beryl Cobbing and Pamela Priestland, *Sir Thomas Stanhope of Shelford: Local life in Elizabethan times*, (Ashbracken, Radcliffe-on-Trent, 2003).

¹¹ Wallace MacCaffrey, 'Talbot and Stanhope: an Episode in Elizabethan Politics', *Bulletin of the Institute of Historical Research*, Vol. 33, Issue 87, (May 1960), pp.73-85.

While these trends influenced the composition of the county benches, many of these factors were influenced themselves by specific local demographics. The trends seen in Nottinghamshire and Derbyshire under Elizabeth are not indicative of all JPs in Elizabethan England, with southern counties like Kent, Suffolk, or Essex, other Midlands counties like Lincoln, or northern counties like Yorkshire or Lancashire effected differently by national trends or local factors. This included differing levels of Catholic survival, which was also different within Nottinghamshire and Derbyshire due to the Catholicism of High Peak, or whether this was due to different political alliances, different magnates like Lord North in Cambridgeshire, Bishop Parkhurst in Suffolk, or the Duke of Norfolk which affected the JPs of those counties differently.¹² There were some nationwide trends which did affect every county, leading to 'purges' of JPs which decimated many county benches.¹³ The 1564 Bishops' Report affected every county, although the effects were not the same, with Nottinghamshire and Derbyshire relatively unaffected. Despite how many JPs were listed as unsuitable, few were removed following this report. The 1587 *Remembrances* led to a large-scale dismissal of JPs in 1587 based on factors like religion, wealth, attendance at Quarter Sessions, residence, and education, but again Nottinghamshire and Derbyshire were relatively unaffected, with only 6 JPs removed. Lastly, the 1595 orders from Lord Keeper Bromley, particularly on removing unlearned JPs from across England, again had little effect on Nottinghamshire and Derbyshire, with many unlearned, or conservative JPs surviving. Yet, the county benches of Nottinghamshire and Derbyshire were no more stable than those of other counties, with often largescale removals, appointments, and reappointments occurring between each Peace Commission. Overall, while there were purges in many counties throughout Elizabeth's

¹² Eugene Bourgeois, *Ruling Elite of Cambridgeshire, England 1520-1603*. (Edwin Mellen Press, New York, 2003); Diarmaid MacCulloch, 'Catholic and Puritan in Elizabethan Suffolk: A county community polarises', *Archive for Reformation History*, Vol. 72, (1981), pp.232-289; Diarmaid MacCulloch, *Suffolk and the Tudors: Politics and Religion in an English County 1500-1600* (Clarendon Press, Oxford, 1986).

¹³ Alison Wall, 'The Greatest Disgrace, Making and unmaking of JPs in Elizabethan and Jacobean England'. *English Historical Review*, Vol. 119, Issue 481, (2004), pp.312-332.

reign, they did not affect Nottinghamshire and Derbyshire nearly as radically as they did for certain other counties.

JPs were integral to the administration of the counties, with the Elizabethan Crown interested in professionalising the office of JP. The orders in 1564, 1587, and 1595, alongside the repeated changes in the Peace Commissions shows both that Elizabeth wanted reform of the office of JP, and the importance of JPs to the counties, thus why she wished for the JPs of each county to be suitable in terms of religion, wealth, and education. However, despite the importance of JPs to understanding Elizabethan England, the study of this important office has stagnated. Wall and Eugene Bourgeois were the last to dedicate specific studies to JPs in 2003 and 2004, but many counties, despite Wall's attempt at a nationwide study, remain ignored, thus why this thesis has expanded upon this field through two previously ignored counties in Nottinghamshire and Derbyshire.¹⁴ Nationwide studies have addressed certain trends, mainly focused on the central government, networks of influence, or religion, which have also been expanded upon within this thesis. Yet, these trends were not necessarily seen in Nottinghamshire and Derbyshire, with local trends, or how local factors influenced national trends just as important as national policy. Local factors, or how local demographics affected national trends changed the effect of government policy on JPs significantly between counties, as this thesis has shown. One can only understand the local factors and trends of a county, or the individual JPs by addressing a county in specific detail, otherwise the unique character of a county, and the complexities are lost. If one was to suggest that religious conservatives were removed across England under Elizabeth, which was true in many cases, without understanding the individual JPs one could not explain how Sir Gervais Clifton survived, or why Sir Henry Pierrepont was appointed in the 1570s, then later returned in the 1590s. Addressing all individual JPs on a nationwide scale would be a herculean endeavour, and likely hindered by being unable to understand fully all the local factors, trends, connections,

¹⁴ Wall, 'Making and unmaking', pp.312-332; Bourgeois, *Ruling Elite of Cambridgeshire*.

relationships, and demographics. There were thousands of JPs in England under Elizabeth. The only way one can address these important local factors is by giving each county, and the JPs of those counties, the attention they deserve. Yet, in recent years, this approach has stagnated, to the detriment of one's understanding of Elizabethan England. This has coincided with a loss of interest in the county as an administrative unit, despite how central the county community was to how local and national policy was enacted. This field remains rich for further study, as this thesis has expanded upon the analysis or arguments around JPs and county administration.

This thesis has recontextualised and expanded upon the analysis of county and national trends highlighted in many of these past studies, providing the unique local context of Nottinghamshire and Derbyshire, which challenged how national many of the trends these studies highlighted were. For Diarmaid MacCulloch and Roger Manning, religion was by far the most important factor in determining the suitability of the JPs of Suffolk, Norfolk, and Sussex due to the levels of Catholic survival, the Protestant gentry, and the strong link between religion and the changing political climates of those counties compared between the rule of the conservative Duke of Norfolk, and then the Protestant Bishop Parkhurst, or with Catholic magnates like Lord Montague.¹⁵ In Nottinghamshire and Derbyshire, the religious and political climate, and personalities of the Earls of Rutland and Shrewsbury were not as clear, and did not lead to the same radical shifts in religious policy that MacCulloch found. Parts of Nottinghamshire and Derbyshire seemingly align with Christopher Haigh who focused on the northern county of Lancashire, and found significant Catholic resistance to the Elizabethan authorities.¹⁶ While in Nottinghamshire and Derbyshire this was not seen to the same extent, parts of the county clearly retained similar levels of Catholic survival, especially amongst the gentry of Lancashire, and in High Peak this led to difficulty for the Elizabethan authorities in finding suitable gentlemen to be appointed JPs. Perhaps the most astute

¹⁵ MacCulloch, 'Catholic and Puritan in Elizabethan Suffolk', pp.232-289; MacCulloch, *Suffolk and the Tudors*; Manning, *Religion and Society*.

¹⁶ Christopher Haigh, *Reformation and Resistance in Tudor Lancashire*. (Cambridge University Press, Cambridge, 1975),

observation on how religion influenced the careers of JPs was Wallace MacCaffrey, who instead focused on Courtiers, yet his assertion that some gentlemen sacrificed religion for politics, or maintained religion and sacrificed their political position, explains many of the JPs in Elizabethan Nottinghamshire and Derbyshire, and how their careers differed, like between the success of Clifton, and the challenges faced by Pierrepont, Curzon, or the out of favour Mundy or other Catholic families like the Babinbttons, Dethicks, or Longfords.¹⁷ While MacCaffrey also focused on the factionalism in Nottinghamshire in the 1590s, in which Sir Thomas Stanhope was a central part due to his many feuds, and stands as a strong comparison to the work of Ron Fritze in Hampshire.¹⁸

Bourgeois in Cambridgeshire focused on religion under Edward VI and Queen Mary, but afterwards the importance of Roger Lord North as the local magnate in Cambridgeshire, and the unique local consideration of the politically important Cambridge University.¹⁹ Magnates like the Earls of Shrewsbury and Rutland, or senior JPs like Clifton, Byron, or Sir Francis Leake were important in Nottinghamshire and Derbyshire, but these counties were also different as these magnates competed against each other, leading to infamous factionalism, with Nottingham and Derby very different towns than Cambridge, or compared to London which influenced the counties of Essex and Kent. Samaha focused primarily on the office of JP as a legal office, and analysed the trends for crime in Essex, but also highlighted the presence of upstart gentry being appointed JPs, which was not seen in Nottinghamshire and Derbyshire for the likes of Roger Agard or George Cotton, who purchased considerable estates, but were never appointed JPs because they lacked local influence. Samaha also highlighted some trends around education of the Essex JPs, although not in as much detail as Gleason, or this thesis has done.²⁰ Michael Zell focused on

¹⁷ MacCaffrey, *Shaping of the Elizabethan Regime, 1558-1572*, (Princeton University Press, Princeton, 1968).

¹⁸ MacCaffrey, 'Talbot and Stanhope'; Cobbing and Priestland, *Thomas Stanhope*; Fritze, 'Family and Religion'.

¹⁹ Bourgeois, *Ruling Elite of Cambridgeshire*.

²⁰ Joel Samaha, *Law and Order in Historical Perspective: The Case of Elizabethan Essex*, (Academic Press, New York and London, 1974).

Kent, the same county which Gleason partly focused upon, and in which William Lambarde was a JP, and highly influential through his *Eirenarcha*. Zell focused significantly on the effect of lobbying to the increased size of the *quorum*, and the presence of nepotism in Kent, which was also seen in Nottinghamshire and Derbyshire.²¹ However, as Alan Everitt also focused on Kent, and wrongly made nationwide assumptions based on the unique local factors of what is perhaps the most unique county in England, much of Zell and Everitt's studies were unique to the trends of Kent, particularly based on the infrastructure the county gentry.²² This thesis has furthermore questioned some of Clive Holmes's suggestions about how politically aware the county gentry were, and how much of their focus was on national politics, whereas in Nottinghamshire and Derbyshire at least, much of the focus was on marriages into the same or neighbouring counties, and the establishment of local influence and local office.²³

This thesis has reevaluated, recontextualised, and greatly expanded upon many of the past studies of the JPs of Elizabethan Nottinghamshire and Derbyshire in the History of Parliament Journals, or within Jill Dias's PhD thesis which was the only previous intensive study of Derbyshire JPs. Dias, writing in 1973 made many incorrect assertions about the careers of these JPs, and while her work illuminated many of the trends, climates, and careers of these gentlemen, there were significant flaws that a re-evaluation was needed.²⁴ As for the History of Parliament Journals, while their work was important in illuminating many of these otherwise lost figures, the work lacked scholarly discussion, and made many of their own assertions which simply could not be proved in the surviving evidence.²⁵ The three most important past studies which this thesis has repeatedly

²¹ Michael Zell, 'Kent's Elizabethan JPs at Work', *Archaeologia Cantiana*, Vol. 119, (1999).

²² Alan Everitt, *County Committee of Kent in the Civil War*, (University College, Leicester, 1957)

²³ Clive Holmes, 'County Community in Stuart Historiography', *Journal of British Studies*, Vol. 19, No. 2, (1980), pp.54-73.

²⁴ Jill Dias, 'Politics and administration in Nottinghamshire and Derbyshire, 1590-1640' (Unpublished DPhil Thesis, Oxford University, 1973).

²⁵ S.T. Bindoff (ed.), *History of Parliament: the House of Commons 1509-1558*, Vol. 1-3, (Secker and Warburg, London, 1982); P.W. Hasler (ed.), *History of Parliament: the House of Commons 1559-1603*, Vol. 1-3, (Her Majesty's Stationery Office, London, 1981); Andrew Thrush and J.P. Ferris (ed.), *History of Parliament: the House of Commons 1604-1629*, (Cambridge University Press, Cambridge, 2010).

addressed, despite not focusing on either Nottinghamshire or Derbyshire in any detail, were Wall, Gleason, and Aldred Hassell-Smith. These studies contained the breadth of analysis for the factors which this thesis has addressed, while maintaining attempts to understand local factors and individual JPs, although in no-where near as much detail as this thesis has for Nottinghamshire and Derbyshire. Their studies influenced this thesis, yet many of the trends they highlighted around the repeated purges of JPs in certain years, the social make-up of the county benches, or the effect of religion were not seen in the same way in Nottinghamshire and Derbyshire. Their studies remain important but are not indicative of every county.²⁶

The problem when trying to understand the Crown's strategy for determining who was suitable to become a JP is that one assumes there was a coherent strategy. There were clear attempts to reform the composition of the county benches. In 1562 there was a large turnover of JPs between the reigns of Mary and Elizabeth which removed many conservatives or Marian appointed JPs. Yet many traditionalists survived or would later be returned. In 1564 the Crown wanted to ensure the religious suitability of JPs in every county, yet despite the number of JPs recommended for dismissal, many survived due to lobbying from powerful magnates, or a lack of suitable replacements. In 1587 and 1595 there were orders to ensure the suitability of JPs, which included the removal of unlearned JPs, yet even by 1596 more than a third of JPs in Nottinghamshire and Derbyshire remained unlearned. One of the reasons there was no consistent strategy for the selection of JPs was perhaps because this process required information. The Crown and the Lord Chancellor relied on the information they had on the individual JPs, and this often came from lobbying which could be a double-edged blade depending on who was lobbying for, or against, who. However, this lobbying required reasons why a gentleman was suitable, informed by the Crown's policy, but not beholden to it. Magnates who lobbied for appointment focused on religious reliability, education, geography, or wealth, but these were not mutually exclusive, nor

²⁶ Wall, 'Making and unmaking', pp.312-332; Gleason, *Justices of the Peace in England*.

did one necessarily disqualify the other. There were many considerations which influenced the appointment and careers of JPs based on education, religion, wealth, and alliances, yet there was no coherent strategy for the appointment of JPs. There were just general trends which were focused through local factors, and the different gentlemen themselves which created numerous exceptions to every rule. There was no coherent strategy for the selection of JPs, just general trends influenced by numerous factors which differed from county to county, from decade to decade, or from gentleman to gentleman.

Appendix

(*) Indicates *Quorum*.

(+) Indicates name crossed out.

(-) Indicates name unknown.

1547

Derbyshire: Edward Duke of Somerset, Sir William Paulet Lord Saint John, Sir John Russell Lord Russell, Francis Talbot 5th Earl of Shrewsbury, George Lord Talbot, Sir William Paget, Sir William Shelley, Attorney General Henry Bradshaw, Henry Sacheverell, Sir William Bassett, Sir Francis Leake, Sir James Foljambe, Sir George Vernon, Sir John Porte, Sir Thomas Cokayne, Sir Humphrey Bradbourne, Sir Peter Fretchville, George Pierrepont, George Zouche, Matthew Kniveton, German Poole, Thomas Powtrell, Francis Poole, Roland Babington, Richard Blackwell, Thomas Thacker, - Ashley, Edward Eyre, - Brigges, Thomas Sutton, William Dethick, and Thomas Poole. Sir Francis Leake was High Sheriff and *Custos Rotulorum* of Derbyshire.¹

Nottinghamshire: Edward Duke of Somerset, Robert Archbishop York, Sir William Poulet Lord Saint John, Sir John Russell Lord Russell, Thomas Lord Bourghe, Sir William Shelley, Attorney General Henry Bradshaw, Sir Michael Stanhope, Sir John Byron, Sir John Markham, Sir Edmund Molineux King's Serjeant at Law, Sir Nicholas Strelley, Sir Henry Sutton, Sir John Chaworth, Sir John Hercy, Sir Anthony Neville, Sir John Constable, Sir William Lasselles, Sir George Pierrepont, George Wastnes, Robert Neville, Francis Merring, George Lasselles, Roger Greneall and Edward Boune. Sir Michael Stanhope was *Custos Rotulorum* of Nottinghamshire.²

1554

¹ R.H. Brodie (ed.), *Calendar of the Patent Rolls (CPR), Edward VI*, Vol. 1, (HMSO, London, 1924), p.88.

² Brodie (ed.), *CPR, Edward VI*, Vol. 1, p.94.

Derbyshire: Francis Talbot 5th Earl of Shrewsbury*, George Lord Talbot, Sir James Dyer Queen's Serjeant at Law*, Ralph Rokeby Serjeant at Law*, Sir William Cavendish*, Sir Henry Sacheverell*, Sir William Bassett, Sir James Foljambe*, Sir Francis Leake*, Sir George Vernon, Sir Humphrey Bradbourne, George Zouche*, Thomas Babington*, Matthew Kniveton, Francis Curzon, Thomas Powtrell*, Thomas Sutton, Vincent Mundy, William Dethick, and William Sacheverell.³

Nottinghamshire: Francis Talbot 5th Earl of Shrewsbury*, Henry Manners 2nd Earl of Rutland*, Sir James Dyer Serjeant at Law*, Ralph Rokeby Serjeant at Law*, Sir John Byron*, Sir John Markham, Sir Gervais Clifton*, Sir Nicholas Strelley*, Sir John Chaworth, Sir Anthony Neville*, Sir John Constable, Sir William Holles, Sir George Pierrepont*, Richard Whalley, Ellis Markham*, and Nicholas Powtrell*.⁴

Dec 1558-January 1559

Derbyshire: Sir Nicholas Bacon*, Sir William Marquis of Winchester*, Henry Fitzalan Earl of Arundel*, Francis Talbot Earl of Shrewsbury*, George Lord Talbot*, Sir James Dyer*, William Bendlowes*, Sir Thomas Cokayne*, Sir George Vernon, Sir Humphrey Bradbourne*, Sir Francis Leake*, Sir John Zouche, Thomas Babington*, Matthew Kniveton, Francis Curzon, Henry Vernon*, Thomas Sutton*, Richard Blackwell*, John Sacheverell, Vincent Mundy, John Fretchville, Anthony Gell, Thomas Kniveton, John Francis, Gilbert Thacker, Richard Poole. (Sir Francis Leake named *Custos*). (George Lord Talbot, Sir Francis Leake, and Sir John Zouche have a square added before their names).

Nottinghamshire: Sir Nicholas Bacon*, Nicolas Heath Archbishop of York*, Sir Wolliam Marquis of Winchester*, Heny Fitzalan Earl of Arundel*, Francis Talbot Earl of Shrewsbury*, Henry Manners Earl of Rutland*, Sir James Dyer*, William Bendlowes*, Sir John Byron*, Sir John Markham*, Sir Gervais Clifton, Sir Nicholas Strelley*, Sir John Hercy*, Sir William Merring, Sir William Holles, Sir

³ M.S. Giuseppi (ed.), *CPR, Phillip and Mary*, Vol. 1, (HMSO, London, 1939), pp.16-26.

⁴ Giuseppi (ed.), *CPR, Phillip and Mary*, Vol. 1, pp.16-26.

Anthony Strelley, John Manners*, Thomas Stanhope, Nicholas Powtrell*, Richard Whalley*, Francis Molyneux, John Byron Jnr, Thomas Cooper, Anthony Thorold*, Henry Stryley, Ralph Barton*, Gabriel Barewick, George Neville, Henry Babington*.

(Sir John Byron named *Custos*) (Almost all of the names in Nottinghamshire have squares, circles, crossed out circles or triangles before or after their names, the meaning of which are questionable).⁵

1562

Derbyshire: Sir Nicholas Bacon*, William Paulet Marques of Winchester*, Henry Fitzalan 12th Earl of Arundel*, George Talbot 6th Earl of Shrewsbury*, Henry Manners 2nd Earl of Rutland*, Sir James Dyer*, William Bendlowes Serjeant at Law*, Sir William Stloe*, Sir Francis Leake*, Thomas Stanhope*, Henry Vernon*, Thomas Sutton*, Richard Blackwell*, Thomas Kniveton (Winston)*, Anthony Gell*, Sir George Vernon, Sir Humphrey Bradbourne, Sir Thomas Cokayne, Godfrey Foljambe.⁶

Nottinghamshire: Sir Nicholas Bacon*, William Paulet Marques of Winchester*, Henry Fitzalan 12th Earl of Arundel*, George Talbot 6th Earl of Shrewsbury*, Henry Manners 2nd Earl of Rutland (President of the Council of the North)*, Sir James Dyer*, William Bendlowes*, Sir John Byron*, Sir Gervais Clifton*, Sir Nicholas Strelley*, Sir George Pierrepont*, Sir John Hercy*, Nicholas Powtrell Serjeant at Law*, Thomas Stanhope*, Ellis Markham*, Sir William Merring, Sir William Holles, Sir Anthony Strelley, John Manners, John Byron the Younger, Francis Molyneux, George Neville, Gabriel Barewick, and Brian Stapleton. Sir John Byron was *Custos Rotulorum* of Nottinghamshire.⁷

1564

⁵ British Library, Burghley Papers, Lansdowne, MS1218, ff.1-43v, (Also at The National Archives, SP12/2).

⁶ J.H. Collingridge and R.B. Wernham (ed.), *CPR, Elizabeth*, Vol. 2, (HMSO, London, 1948), pp.432-440.

⁷ Collingridge and Wernham (ed.), *CPR, Elizabeth*, Vol. 2, pp.432-440.

Derbyshire: Sir Nicholas Bacon*, William Paulet Marquess of Winchester*, Henry Fitzalan 12th Earl of Arundel*, George Talbot 6th Earl of Shrewsbury*, Sir James Dyer Chief Justice of the Common Pleas*, William Bendlowes Serjeant at Law*, Sir William St Loe*, Sir George Vernon, Sir Francis Leake*, Sir John Zouche, Sir Thomas Gerrard, Sir Humphrey Bradbourne, Sir Thomas Cokayne, Godfrey Foljambe, Henry Vernon*, Thomas Sutton*, James Hardwick, Richard Blackwell*, and Anthony Gell*.⁸

Nottinghamshire: Sir Nicholas Bacon*, Thomas Young Archbishop of York*, William Paulet Marquess of Winchester*, Henry Fitzalan 12th Earl of Arundel*, George Talbot 6th Earl of Shrewsbury*, Sir James Dyer Chief Justice of the Common Pleas*, William Bendlowes Serjeant at Law*, John Manners Esq, Sir John Byron*, Sir Gervais Clifton*, Sir William Merring, Sir George Pierrepont*, Sir John Hercy*, Sir William Holles, Sir Anthony Strelley, Nicholas Powtrell Serjeant at Law*, Thomas Stanhope*, John Byron the Younger, Francis Molyneux, Robert Markham, William Burnell, George Neville, Gabriel Barewick, and Brian Stapleton.⁹

1569

Derbyshire: Sir Francis Leake*, John Manners Esq*, Sir Humphrey Bradbourne, Sir Thomas Gerrard, Sir John Zouche*, Sir William Gresley*, Sir Thomas Cokayne*, Thomas Stanhope*, Godfrey Foljambe*, John Francis, Francis Curzon, Thomas Sutton*, Francis Rodes*, Godfrey Boswell*, Anthony Gell*, Nicholas Brown, James Hardwick, Walter Horton, and Thomas Kniveton (Kinston).¹⁰

Nottinghamshire: Lost.

1573

⁸ Collingridge and Wernham (ed.), *CPR, Elizabeth*, Vol. 3, (HMSO, London, 1960), pp.18-24.

⁹ Collingridge and Wernham (ed.), *CPR, Elizabeth*, Vol. 3, pp.18-24.

¹⁰ Collingridge and C.S. Drew (ed.), *CPR, Elizabeth*, Vol. 5, (HMSO, London, 1966), p.222.

Derbyshire: *Sir Nicholas Bacon, *William Lord Burghley, *George Earl of Shrewsbury, *Sir James Dyer, *Nicholas Barham Serjeant, *Richard Harpur Justice, *Sir Francis Leake, *Gilbert Talbot, *John Manners, Sir Humphrey Bradbourne, *Sir John Zouche, *Sir Thomas Cokayne, *Thomas Stanhope, *Godfrey Foljambe, John Francis, Francis Curzon, Francis Rodes, *Godfrey Boswell, *Anthony Gell, Henry Cavendish, Richard Wennesley, Thomas Kniveton, Robert Eyre, Nicholas Brown, Ralph Sacheverell, John Harpur, James Hardwick

Nottinhamshire: Sir Nicholas Bacon, *William Lord Burghley, *George Earl of Shrewsbury, *Edward Earl of Rutland, *Sir James Dyer, *Nicholas Barham, *Sir Gervais Clifton, Sir William Merring, Sir William Holles, **Sir Robert Constable, *Nicholas Powtrell Serjeant, *Thomas Stanhope, Francis Willoughby, John Byron, *Robert Markham, *Francis Molyneux, *Anthony Stapleton, *Francis Rodes, Henry Pierrepont, *Ellis Markham, George Neville, William Daberingcourt, *Thomas Markham.

(Sir Robert Constable removed from the *quorum*, then later returned).¹¹

1576

Derbyshire: John Manners, Francis Curzon, Sir John Zouche, Sir Francis Leake, John Harpur, Ralph Sacheverell, John Francis, Sir Humphrey Bradbourne, Sir Thomas Cokayne, Nicholas Brown, Thomas Kniveton, Godfrey Foljambe, Anthony Gell, and James Hardwick. (Incomplete list of JPs).¹²

Nottinghamshire: George Talbot 6th Earl of Shrewsbury, Edward Manners 3^d Earl of Rutland, Gilbert Talbot, John Manners, Thomas Manners, Gervais Clifton, William Holles, Robert Constable, Thomas Stanhope, Francis Willoughby, John Byron, Francis Rodes, Robert Markham, Henry Pierrepont, Thomas Markham, George Charworth, Brian Russell, Edward Stanhope, Francis

¹¹ The National Archives, SP12/93.

¹² J.H. Round (ed.), *Manuscript Collection of His Grace the Duke of Rutland*, Vol. 1, (Eyre and Spottiswoode, London, 1888), p.109.

Molineux, Ralph Barton, John Conyers, George Neville, William Daberingcourt, Thomas Goodhere.¹³

1577

Derbyshire: Nicholas Bacon*, William Lord Burghley*, George Talbot 6th Earl of Shrewsbury*, Sir James Dyer*, Francis Wyndham Serjeant*, Sir Francis Leake*, Gilbert Talbot*, John Manners*, Sir Humphrey Bradbourne, John Zouche*, Sir Thomas Cokayne*, Sir Thomas Stanhope*, Godfrey Foljambe*, John Francis, Francis Curzon, Francis Rodes*, Godfrey Boswell*, Anthony Gell*, Henry Cavendish, Richard Wenslow (Wennesley), Thomas Kniveton (Kinston), Robert Eyre, Nicholas Brown, John Harpur, James Hardwick.¹⁴

Nottinghamshire: Nicholas Bacon*, William Lord Burghley*, George Talbot 6th Earl of Shrewsbury*, Edward Manners 3rd Earl of Rutland*, Sir James Dyer*, Francis Wyndham Serjeant*, Sir Gervais Clifton*, Sir William Merring, Sir William Holles, Sir Robert Constable, Sir Thomas Stanhope*, Sir Francis Willoughby, Nicholas Powtrell Serjeant*, John Byron, John Molyneux*, Robert Markham*, Thomas Markham*, George Charworth, Francis Molyneux*, Ralph Barton*, Francis Rodes*, George Neville, Henry Pierrepont, Ellis Markham*, William Daberingcourt, Thomas Goodhere*.¹⁵

1580

Derbyshire: Sir Thomas Bromley*, William Lord Burghley*, George Talbot 6th Earl of Shrewsbury*, Sir James Dyer Chief Justice*, Thomas Meade Justice of Common Pleas*, Gilbert Talbot*, John Manners*, Sir Francis Leake*, Sir Humphrey Bradbourne*, Sir John Zouche*, Sir Thomas Cokayne*, Sir Thomas Stanhope*, Francis Rodes Serjeant at Law*, Godfrey Foljambe*, John

¹³ British Library, Lansdowne, Cecil Atlas, MS18/D/3, ff.52r-53r.

¹⁴ The National Archives (TNA), Liber Pacis, SP12/121.

¹⁵ TNA, Liber Pacis, SP12/121.

Francis, Francis Curzon, Francis Leake Jnr, Godfrey Boswell*, Anthony Gell*, Henry Cavendish, Thomas Kniveton, Robert Eyre, Nicholas Brown*, John Harpur+, John Harpur, James Hardwick.¹⁶

Nottinghamshire: Sir Thomas Bromley*, William Lord Burghley*, George Talbot 6th Earl of Shrewsbury*, Edward Manners 3rd Earl of Rutland*, Sir James Dyer Chief Justice*, Thomas Meade Justice of Common Pleas*, John Manners*, Sir Gervais Clifton*, Sir William Merring*, Sir William Holles, Sir Robert Constable, Sir Thomas Stanhope*, Sir Francis Willoughby*, Nicholas Powtrell Serjeant at Law*, Francis Rodes Serjeant at Law*, John Byron*, George Charworth, Robert Markham*, Henry Pierrepont, Thomas Markham*, George Charworth, John Molyneux*, Brian Lascelles*, Edward Stanhope*, Francis Molyneux*+, Edward Stanhope*+, Francis Molyneux*, Ralph Barton*, John Conyers, George Neville*, Ellis Markham*, William Daberingcourt, Thomas Goodier*.¹⁷

1584-1591

Derbyshire: Sir Christopher Hatton*, Sir Thomas Bromley*+, Edwin Sandy Archbishop of York*+, William Lord Burghley*, Henry 3rd Earl of Huntingdon*+, George Talbot 6th Earl of Shrewsbury*, John Manners 4th Earl of Rutland*+, William Bishop of Coventry and Lichfield*+, George Clifford 3rd Earl of Huntingdon*+, John Bishop of Carlisle*+, Gilbert Talbot*+, Henry Lord Hunsdon*+, John Lord Darcy, Thomas Meade Justice of Common Pleas*+, Henry Lord Scrope Lord Carlisle*+, Cuthbert Lord Ogle*+, Robert Shute Judge*+, John Lord Darcy*+, William Lord Eure, John Manners*+, John Manners*+, Sir Christopher Wray*+, John Clinch Justice of Queen's Bench*+, Sir John Zouche*+, Francis Rodes Justice*, Francis Gawdy*, Sir Thomas Cokayne*+, John Manners*, Sir Francis Cokayne*, Sir Thomas Stanhope*, John Zouche, Sir Godfrey Foljambe*+, Francis Rodes Serjeant at Law*+, Henry Cavendish, William Bassett, Francis Curzon, Francis Leake Jnr, Thomas Gresley*, William Cavendish*+, William Cavendish*, Godfrey Foljambe*+, Godfrey Foljambe*,

¹⁶ TNA, Liber Pacis, SP12/145.

¹⁷ TNA, Liber Pacis, SP12/145.

John Francis*, Francis Beaumont*, Anthony Gell*+, Thomas Kniveton (Kinston)*, John Harpur*, Robert Eyre, Nichoals Brown*+, James Abney.¹⁸

Nottinghamshire: Sir Christopher Hatton*, Sir Thomas Bromley*+, Edwin Sandy Archbishop of York*, William Lord Burghley*, George Talbot 6th Earl of Shrewsbury*, Edward Manners 3rd Earl of Rutland*+, John Manners 4th Earl of Rutland*, Gilbert Talbot*, Thomas Meade Justice of Common Bench*+, Robert Shute Judge*, Francis Rodes Justice*, Francis Gawdy Justice*, John Manners*, Henry Talbot*, Sir Thomas Manners*, Sir Gervais Clifton*, Sir William Holles*, Sir Robert Constable*, Sir Thomas Stanhope*, Sir Francis Willoughby*, Sir John Byron*, Francis Rodes Justice*+, Sir George Charworth*, Robert Markham*, Thomas Markham*, Henry Pierrepont+, Thomas Markham*+, George Charworth*+, Brian Lascelles*, Edward Stanhope*, Francis Molyneux*, Ralph Barton*, William Cardinal*, John Conyers+, George Nevill+, William Daberingcourt+, Thomas Goodier+, John Syndenham, Henry Blundeston*, John Thornhaugh, John Freeston+. ¹⁹

Removed from Commission 1587

Derbyshire: Francis Cokayne, Ralph Sacheverell, Robert Eyre, and Nicholas Brown.

Nottinghamshire: John Conyers, and Henry Pierrepont. ²⁰

1596

Derbyshire: Sir Thomas Egerton*, William Lord Burghley*, Gilbert Talbot 7th Earl of Shrewsbury*, George Earl of Huntingdon*, William Bishop Coventry and Lichfield*, John Lord Darcy*, Sir Edmund Anderson Chief Justice of Common Pleas*, John Clench Justice of Queen's Bench*, Francis Beaumont*, John Manners*, Sir Thomas Stanhope*, Sir Humphrey Ferrers*, Anthony

¹⁸ TNA, Liber Pacis, E163/14/8.

¹⁹ TNA, Liber Pacis, E163/14/8.

²⁰ TNA, Lansdowne, MS121/10.

Ashley*, William Bassett*, Francis Leake Jnr*, Thomas Gresley*, William Cavendish*, John Stanhope*, Henry Sacheverell*, John Francis, John Rodes, William Kniveton, Francis Fitzherbert.²¹

Nottinghamshire: Sir Thomas Egerton*, William Lord Burghley*, Gilbert Talbot 7th Earl of Shrewsbury*, Sir Edmund Anderson Chief Justice of Common Pleas*, John Clench Justice of Queen's Bench*, Sir Francis Willoughby*, Sir John Byron*, Sir Charles Cavendish*, Sir John Holles*, William Cecil*, Henry Pierrepont*, John Stanhope*, William Sutton, Peter Roos*, William Cardinal*, Edward Stanhope*, Brian Lascelles*, Nicholas Sanderson, Anthony Neville, Richard Parkyns*, Gabrielle Armstrong, John Thornhill*, Richard Whalley*, John Thornhaugh, Roger Ascough*.²²

²¹ TNA, Liber Pacis, SP13/F/11.

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British Library, Burghley Papers, Lansdowne, MS27/68.

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