ILLEGITIMACY AND AUTHORITY IN THE NORTH OF ENGLAND, c. 1450–1640

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When in the mid-1530s Adam Beconsall came to report on conditions in Cheshire, his findings were not, to him, encouraging. It was not so much violence or administrative and judicial corruption that concerned him: it was the moral state of the county. Focusing on the most influential gentry of the shire, he recounted in turn their failings, and in particular their keeping of concubines and siring of bastard offspring. Sir Peter Warburton, although he had in Beconsall’s opinion a good and beautiful wife, kept the wife of Laurence Frenche of Budworth. William Venables, the Baron of Kinderton, allegedly lived in adultery with the wife of Sir James Stanley, but also kept a bastard daughter of Sir George Holford, by whom he had one or two children.1

A report such as this poses immediate questions. The conventional interpretation of threats to ‘order’ in the North in the early sixteenth century sees them as lying in the potential for physical violence and intimidation, especially in the context of what some have called ‘bastard feudalism’: organised abuse of judicial, administrative, patronage and political systems by affinities associated with great noblemen and gentry. Yet this report implies it was bastardy, not bastard feudalism, which was the risk.

The purpose of this article is to examine the extent to which illegitimacy occurred amongst the gentry and nobility of the North of England and how it affected social and political networks. The years between 1450 and 1640 were ones of social and political change, with the Reformation settlements in particular altering traditional landowning patterns and politico-religious sympathies. The distribution of land from suppressed religious houses enabled new and established landowners to extend their holdings, whilst political bodies such as the Council in the North provided a regional basis for office holding. All of this provided a dynamic context for illegitimate relationships and offspring among the elite.

Extensive work has been done in the last half-century to investigate the phenomenon of illegitimacy in early modern England. This has primarily been undertaken

1 Letters and Papers, Henry VIII (hereafter LP; cited by item number), viii, 496.

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examining bastard-bearing at parish level and based around birth rates and financial provision for mother and infant, usually culminating in intervention to deal with the perceived moral failings of the parents and resulting social costs. By focusing upon narrow geographical and social boundaries, historians imply that bastardy became a lifetime stigma from which neither mother nor child could escape and, as a result, they do not explore illegitimacy patterns at gentry level and above. Wrightson and Levine’s pathbreaking investigation of illegitimacy in the Essex parish of Terling in the period 1590–1640 identified only one man of gentry status fathering an illegitimate child out of a total of fifty putative fathers. Adair’s outstanding survey of illegitimacy in the parishes of early modern England makes only the briefest of passing mentions of elite involvement in bastardy, essentially in the form of the results of rape by gentlemen of lower-class women. Yet concern at the extent of sexual relationships outside marriage, and of the extent of bastardy arising from it, was as Beconsall’s testimony indicates not necessarily limited to commentators on the state of the poor and disadvantaged in parish society. And even the most cursory survey of those who exerted power and influence in the late medieval and early modern North quickly reveals the names of men of dubious parentage or questionable fidelity. The illegitimate offspring of gentry and nobility participated in office holding and local government, and their marriages formed part of the social landscape of the North of England. Yet historians have never explored the extent and implications of this situation: just as historians of illegitimacy have shown little interest in the irregular relationships and offspring of the elite, so historians of the gentry, and to a slightly lesser extent nobility, have tended to pass over anything other than straightforward marriage and legitimate children. The possible implications of a group of gentle bastards in the later medieval and early modern North are, however, great: the bastard offspring of gentlemen could have an education but were not tied by entails and landed settlements (for example, for a widow’s jointure) which governed the choice of marriage partners and the inheritances of their legitimate step-siblings. Furthermore, the relationship the illegitimate, adult family had with their legitimate stepbrothers, stepsisters and other relations has not been investigated, prompting questions regarding their role in reinforcing aristocratic family influence and honour. The attitudes to these individuals, whether illegitimate themselves or the parents of bastards, should also tell us something about the nature of socio-religious cultures in...
the North at a time when the historiography tells us that companionate marriage, involving love between partners, was either on the rise or already well established.\textsuperscript{4} Similarly, they will help to provide an alternative perspective on the limits to the licence allegedly allowed to men by the ‘double standard’ defined in recent work, the primary focus of which has been men of the middling and lower sort.\textsuperscript{5}

The primary focus of much earlier work has been on parish registers and the records generated by the poor law and associated mechanisms. These are intrinsically less likely to reveal a trace of gentry involvement in bastardy, given the capacity to conceal arising from social status and the immunity from financial pressures consequent on relative wealth. By studying the prevalence of illegitimate relatives in the wills of the northern English nobility and gentry it is, however, possible to broaden the scope of investigation. Instead of examining activity on a very narrow, geographical parish basis, wills make it possible to view trends over a wider social spectrum. A sample drawn from the published wills of testators of noble, knight, esquire and gentry status from Northumberland, Durham, Yorkshire, Lancashire, Cheshire, Cumberland and Westmorland was examined, covering the years 1450–1640.\textsuperscript{6} Of a total of 876 wills examined, ninety-six (11 per cent) contained explicit references to illegitimate beneficiaries.\textsuperscript{7} Of these ninety-six wills, eight testators were


\textsuperscript{6} Testamenta Eboracensia, A Selection of Wills from the Registry at York [hereafter \textit{TE}], parts ii–vi, ed. J. Raine and J.W. Clay, Surtees Society, XXX, XLV, LIII, LXXIX, CVI (1855, 1865, 1868, 1884, 1902); North Country Wills, Being Abstracts of Wills Relating to the Counties of York, Nottingham, Northumberland, Cumberland and Westmorland at Somerset House and Lambeth Palace 1383 to 1550, ed. J.W. Clay, SS, CVI (1908); Wills and Inventories from the Registry at Durham, vols ii–iv, ed. W. Greenwell, J.C. Hodgson and H.M. Wood, SS, XXXVIII, CXII, CXIII (1860, 1906, 1929); Wills and Inventories Illustrative of the History, Manners, Language, Statistics etc of the Northern Counties of England from the Eleventh-Century Downwards, Part One, ed. J. Raine, SS, II (1835); Wills and Inventories from the Registry of the Archdeaconry of Richmond, Extending Over Portions of the Counties of York, Westmorland, Cumberland and Lancaster, ed. J. Raine, SS, XXVI (1853); Lancashire and Cheshire Wills and Inventories from the Ecclesiastical Court, Chester, vols i–iii, ed. G.J. Piccope, Chetham Society, XXXIII, LI, LIV (1857–61); Lancashire and Cheshire Wills and Inventories at Chester, With an Abstract of wills now lost or Destroyed Transcribed by the late G. J. Piccope, M.A. [hereafter Lancashire and Cheshire Wills and Inventories at Chester], ed. J.P. Earwaker, CS, n.s. 3 (1884); Lancashire and Cheshire Wills and Inventories 1572 to 1696 Now Preserved at Chester, With an Appendix of Lancashire and Cheshire Wills and Inventories Proved at York and Richmond 1542 to 1649 [hereafter Lancashire and Cheshire Wills and Inventories 1572 to 1696 now Preserved at Chester], ed. J.P. Earwaker, CS, n.s. 28 (1893); Lancashire and Cheshire Wills and Inventories 1563 to 1807 Now Preserved at Chester, ed. J.P. Rylands, CS, n.s. 37 (1897).

\textsuperscript{7} In terms of defining illegitimacy, the guidelines in Laslett, Family Life and Illicit Love, and Adair, Courtship, Illegitimacy and Marriage, have been followed. Beneficiaries described as illegitimate, bastard, base, base-born, spurious, where the father is described as ‘reputed’ or if the child is referred to as the son or daughter of the mother only have been included. Adair does not use the term ‘alias’ as a term of illegitimacy itself, but accepts it with supporting evidence. This approach has been adopted for this study, which may preclude a number of other possible beneficiaries. The term ‘natural’ has been used with care, as in some cases testators have referred to ‘natural’ children in their wills, but there is no evidence that these children were illegitimate; for example, Isabel Plumpton made her will in 1547, mentioning her ‘natural son’ Robert (\textit{TE}, vi, 260–62), but other sources (\textit{Visitation of Yorkshire By Sir William Dugdale 1665-1666}, ed. R. Davis and G.J. Arnytage, SS, XXXVI (1859), 191, and \textit{The Plumpton Letters and Papers}, ed. J. Kirby, Camden 5th series, 8 (1996), 15, suggest that he was legitimate.

\textsuperscript{25} KATHARINE CARLTON AND TIM THORNTON
members of the nobility, twenty-seven were knights, twenty-three were esquires and thirty-eight were members of the gentry. Given that the gentry were far more numerous than the nobility, it is not surprising to find a correspondingly larger number of testators within the gentry group. However, if the wills are examined within the context of social peer groupings, alternative factors begin to emerge. For example, of the 876 wills in question, just forty were made by members of the nobility, but of these eight (20 per cent) mentioned illegitimate beneficiaries. These included the wills of two Lords Monteagle, Edward and Thomas who were father and son, and two women, Lady Elizabeth Scrope and Katherine, Countess of Northumberland. By contrast, when the wills of men describing themselves as gentlemen are examined, of 371 in total, only thirty-eight (10.2 per cent) contain references to illegitimate beneficiaries. Therefore, in terms of social groupings, provision for illegitimate relatives was a disproportionately significant issue for noble as opposed to lesser gentry testators. We might initially speculate that this reflected a combination of a greater propensity to father, willingness to acknowledge, and capacity to support illegitimate offspring.

Further insight into the possible inter-relationships underlying what we see in the wills can be discerned from the kindred relationship between the testator and the beneficiary. This was most commonly of a father providing for his child(ren): in 1478, Sir John Pilkington left lands in Sowerbyshire, Greenhirst and Wistow to his son Robert, and Richard Wilbraham gave his daughter Elizabeth ‘three score pounds to her marriage’ in 1558.9 There seems no doubt that it was fathers who were most willing to acknowledge and attempt to provide for illegitimate children. In some cases, however, a testator provided an inheritance for a wider family of illegitimate relatives. In 1558, Richard Bowes bequeathed a gelding to ‘Percival Bowes, base born son of my brother Sir Robert Bowes’ and another horse to ‘my cosyn Robert Bowes, base son of Sir George Bowes’. A more complicated family situation is illustrated by Thomas Forster, who left bequests to four illegitimate sons, three illegitimate nephews and his grandson (the son of one of his illegitimate sons).10 Each of these cases suggests an acceptance of a wider circle of illegitimate kin. It is also striking that a significant proportion of the wills mentions more than one illegitimate child — sixteen with two, six with three, before we reach more unusual examples of more (Laurence Dutton and Luke Ogle with five each, Thomas Legh with seven and Thomas Forster with eight).11 Out of ninety-six, that is a significant proportion, suggesting acceptance of bastard bearing not just in the acknowledgement in the will, but in the repeat

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9 For the will of Edward Stanley, see North Country Wills, pp. 111–16; Elizabeth, Lady Scrope, TE, v, 50; Lady Northumberland, TE, vi, 166–68; and for Thomas Stanley Wills and Inventories from the Registry of the Archdeaconry of Richmond, pp. 113–16. T.H. Hollingsworth, The Demography of the English Peerage, supplement to Population Studies, 18 (1964), 47–49. We might compare this rate with the one in twelve testators mentioning bastard children in the late medieval period around Lyon: Philippe Contamine, La noblesse au royaume de France de Philippe le Bel à Louis XII: essai de synthèse (Paris, 1997), pp. 60–61.

9 For Pilkington’s will, see TE, iii, 238 and for Wilbraham’s, see Lancashire and Cheshire Wills and Inventories from the Ecclesiastical Court, Chester, ii, 85–89.

10 Wills and Inventories from the Archdeaconry of Richmond, pp. 116–19; Wills and Inventories from the Registry at Durham, ii, 164–66.

11 Lancashire and Cheshire Wills and Inventories from the Ecclesiastical Court, Chester, 1, 22–29; Wills and Inventories from the Registry at Durham, iii, 160–61; Lancashire and Cheshire Wills and Inventories at Chester, 126–30; Wills and Inventories from the Registry at Durham, ii, 164–65.
fathering of illegitimate children. The wills also illustrate interrelationships implying greater trust than simply recognition and the passage of a bequest. In nine cases illegitimate relatives were appointed as executors by their uncle, brother, parent or grandparent, including Cuthbert Halsall, who was appointed executor by his grandmother, Anne Halsall, in 1589. An assumption, at least, of acceptance of illegitimate members by the testator’s wife is also suggested by the seventeen wives who were chosen as executors for their husbands’ estates and as a result expected to administer bequests to their spouse’s base-born children, and the four women who were actually charged with bringing up their illegitimate stepchildren, the unnamed wife of John Dutton, Eleanor Percy (wife of Sir Richard Holland), Katherine Legh and the unnamed wife of Marmaduke Elwick. Of course, the wills do not indicate how the women felt about having to feed, clothe and educate another woman’s children begotten by her husband, but indicate at least an intention by the fathers to integrate legitimate and illegitimate families. There is a parallel assumption of acceptance to be found in the twenty-one cases where legitimate children were appointed as an executor and had at least a joint responsibility for administering a bequest to an illegitimate half-sibling. In five of these cases, the wife of the testator was also an executor — for example, the executors of Robert, Lord Ogle, who had to administer ‘twenty head of kye and oxen’ towards the marriage of ‘my daughter Annas Ogle, bastard’, and Jane and Anthony Lister, the wife and son of Laurence Lister, who had to administer 40 for ‘Christopher Lister my bastard son’. That said, female testators were occasionally willing to recognise illegitimate family members, although only eight such examples appear in the sample. These tend to be grandmothers, suggesting that across the generations there was the potential for female acceptance; there are just two stepmothers in this category – presumably a sign, if a limited one, that the illegitimate child is being recognised right across the family. Isabell Grymston bequeathed 40s., six silver spoons, ‘a covering piece’, a green gown and a portion of the residue of her estate ‘to Thomas, that was my husband’s son’. Dorothy Booth left the residue of her estate ‘for the help and relief’ of Alice, Richard and Mary her husband’s base children with the condition that the executors shall not be bound to deliver to the said Alice Booth, Richard Booth and Mary Booth any part or parcel of my goods until the term of ten years next ensuing my decease shall be fully past, during which term my executors shall keep the residue of the said goods in their hands for the defence of all such suits as shall happen touching the exhibition of my daughter Dorothy.

The nature of bequests to illegitimate beneficiaries suggests more about their standing. Although there were many different types of bequests and combinations (life interest in a property, life annuity, fixed-term interest in land/property goods and chattels, or a combination of any of them, amongst others) the prime bequest seems to have been for a fixed amount of cash, presumably towards the education of boys or the marriages of girls. Such a situation is consonant with a context in which the

12 TE, vi, 166–68.
14 TE, iii, 251; Lancashire and Cheshire Wills from the Ecclesiastical Court at Chester, iii, 54–57.
passage of landed property at the point of a testator’s death was effectively constrained by legitimacy. In nine cases, however, illegitimate children inherited property directly with remainder to their legally begotten heirs, these tending to be cases where there were no apparent legitimate successors. Sir John Byron left all his manors, lands and leases to his base-born son John in 1558, and John Calverley in 1557 bequeathed his leases to his brother Anthony and in the event of the latter’s death explicitly named Ralph, Anthony’s illegitimate son, as heir. Anthony Calverley made his will in 1563, and Ralph inherited the property which had initially been held by his uncle, his father’s property as well as heirlooms and chattels such as silverware and jewellery. Interestingly, one illegitimate daughter inherited lands in Lancashire in her own right, remaindered to her heirs and then to her legitimate sisters, whilst the legitimate sisters inherited estates in London. In just one exceptional case (Robert, son of Sir John Pilkington) do we find an illegitimate son inheriting, with remainder to his heirs, whilst he had a legitimate half-sibling.

So there was an acceptance of responsibility for the welfare of base-born children and they were integrated within families to an extent (e.g., being provided with a life interest in a property or annuity), but there seems to have been a presumption against remaindering landed estates through the illegitimate line unless it was strictly necessary.

A further indication of the position of illegitimate children within a family structure may be gleaned from the terminology used to describe them and the names they were baptised with. Arguably, in a modern context, the term bastard can be construed as offensive, and it may be speculated that the more integrated illegitimate offspring were into a family, the less likely such terminology was to be used. However, the most common term to describe illegitimate children in the wills was bastard, with other beneficiaries described more tactfully as ‘husband’s son’, ‘base-begotten’, ‘base-born’, ‘base sister / daughter’, ‘begotten of . . .’, ‘supposed’, ‘reputed’, ‘my wife’s daughters’, and ‘daughter in base’. Even those who inherited property with remainder to their heirs (who could claim to have an interest in being close to their father and may have wanted to blur their base-born status) were most commonly described as bastards. By using the language of bastardy instead of simply identifying beneficiaries by name, the testators marked out those who were illegitimate as being different in some way. Given that the language used in the wills suggests difference in relation to the illegitimate beneficiary, it is also worth examining other indicators of family dynamics.

If the family had a tradition of using certain names, this would suggest such a name had a historical importance to the family and therefore acceptance within the family.

15 Lancashire and Cheshire Wills and Inventories 1572 to 1696 now Preserved at Chester, pp. 133–36.
16 For both Calverley wills, see Lancashire and Cheshire Wills and Inventories from the Ecclesiastical Court Chester, vol. 1, 56–58, 138–41.
17 Ibid., iii, 16–21.
18 This term is used in Laslett et al. so has been included in this study. The only case where this term, identified by Laslett, occurs amongst our sample is in the will of Robert Hesketh and relates to three daughters born to Hesketh’s third wife prior to their marriage. Hesketh gave the daughters his third portion for their preferment, and if his sons prevented his wife from occupying her jointure then she and the three daughters were to have other lands in Wrightington and Shevington ‘for them and their heirs’ forever without any conditions. If the daughters were fathered by someone else this seems remarkably generous, and if they were born within their parent’s marriage, why refer to them as ‘my wife’s children’ rather than my daughters?
of those bearing that name. It may also suggest a proprietary interest at birth between the adult and illegitimate child with the same name, so that, in the event of the early death of the father, the senior member of the family would look after his or her namesake. However, in the sample there is only one example of a testator committing their illegitimate child to the care of a namesake, that of Laurence Hatton who had already lodged his base son Peter with Peter Hatton of Norley. Nevertheless, in twenty cases illegitimate children bore the same names as their fathers or other members of the immediate family. Sir Richard Cholmeley had a legitimate brother and an illegitimate son named Roger, and Edward Stanley, Lord Monteagle, had legitimate and illegitimate sons named Thomas (possibly named for Thomas, first Earl of Derby, Monteagle’s father) and an illegitimate son, Edward. The legitimate Thomas Stanley became Lord Monteagle after his father’s death and fathered two daughters named Anne, one legitimate and the other illegitimate. Thirteen illegitimate sons bore the same name as their fathers, eight fathers had legitimate and illegitimate children each with the same name, and, of these, confusingly, three fathers themselves had the same name as their legitimate and illegitimate children (Sir Richard Holland, John Eden and John Hurleston). This suggests that the term bastard may have been necessary simply to distinguish between several people of the same name, as for example with Thomas Stanley, and implies a level of conservatism when choosing names for both legitimate and illegitimate children.

While illegitimate children are therefore occasionally acknowledged in the wills of the nobility and gentry, the mothers who bore those children out of wedlock appear less often. Only six examples have been definitely identified in the sample and only three women are identified by name: Jane, the servant of Thomas Pickering, Johan Mansfield who had two daughters with Sir Godfrey Foljambe and ‘Jenet, daughter of Allan Nayler, otherwise late wife of Henry Kershaw’ who had a son with John Holt. The unnamed mothers had children with Sir Ingelram Percy, Edward Saltmarsh and Thomas Burrell. Only the mother of Percy’s child benefited directly from his will, receiving twenty nobles. Jane and the mother of Thomas Burrell’s children would only benefit financially in the event of the deaths of their children prior to marriage. However, the mothers did not gain custody of their children, with a godfather, grandmother, brothers and sons of the testator all overseeing the tuition and upbringing of illegitimate relatives. In one further case the testator is vague about the maternity of his children and the names and aliases of the children suggest a complicated parental situation. John Legh left one hundred pounds ‘unto my supposed or base begotten daughter Ellen Leigh alias Ellen Ogden’. He also left

19 Scott Smith-Bannister, Names and Naming Patterns in England, 1538–1700 (Oxford, 1997), esp. pp. 119–31 for consideration of the nobility, and p. 124 for an observation that entrants to the nobility behaved in a similar way to longer-standing noble families. Even if we accept Smith-Bannister’s view that choice of godparents, independent of other variables, was the basis for naming patterns, then the evidence here suggests at least a commonality of approach to the naming of legitimate and illegitimate offspring.

20 Lancashire and Cheshire Wills from the Ecclesiastical Court, Chester, iii, 86–87.

21 North Country Wills, pp. 111–16; Wills and Inventories from the Archdeaconry of Richmond, pp. 113–16.

22 For the wills of Sir Richard Holland, John Eden and John Hurleston see TE, vi, 192–93; Wills and Inventories from the Registry at Durham, ii, 326–27; Lancashire and Cheshire Wills and Inventories at Chester, pp. 120–23.

23 For the wills of Pickering, Foljambe and Percy, see North Country Wills, pp. 82, 175–78, 156–57; Holt, Lancashire and Cheshire Wills and Inventories at Chester, p. 214; Saltmarsh, TE, vi, 264–65; Burrell, Wills and Inventories from the Registry at Durham, iv, 141.
to Ellen Stanley alias Baggily, wife unto Robert Stanley the younger four score pounds . . . in regard of the fault I have made unto her, for which I entirely beg and crave at the hands of Almighty God to pardon and forgive my offence against her so committed as also for the rest of my offences the said Ellen shall keep with her a young daughter supposed to be mine which is called Margaret Leigh alias Downes.24

Leigh did not state that Ellen Stanley was the mother of either of his putative daughters, although his language of repentance suggests that he had committed some kind of moral sin against her. In a similar vein, John Dutton also gave forty shillings to Katherine Wyrall ‘in the way of charity to forgive me of such offences and trespasses as I have made her’, but again did not specify whether or not she was the mother of his illegitimate offspring.25 Such wording is vague and the issues at stake may or may not be related to sexual misconduct, but it does raise suspicions of behaviour on the part of the men with serious social, moral and financial consequences and is commensurate with the general tone of the wills, which are not explicit about naming the mothers of illegitimate children or mistresses of the testators. Too often all we have are the hints provided by a very generous settlement for a servant or other female beneficiary. For example, Richard Lassells of Sowerby, gentleman (1472), indicated that his waiting maid Cecily should be supported for the term of her life from his goods: we can only speculate as to the reason for this generosity.26

If this unwillingness to acknowledge the mother even when recognising the bastard child suggests the limits to acceptance of bastardy, there is, of course, other evidence of the tensions around illegitimacy to be found in the corpus of wills. Wills could be used to deny inheritance or a claim to land by illegitimate children. In two cases, testators made an explicit attempt in terms related to illegitimacy to exclude people from acquiring land from their heirs; for example, Sir Henry Pierrepoint, who wrote, ‘I will that Edmond that calls him my bastard son, have neither lands nor tenements, nor goods that to me pertaineth and belongeth’.27 What is perhaps significant is that these ‘negative’ references to illegitimacy are outnumbered by those framed in more positive terms.

Plotting the results of the study of wills across time, it is clear that there are three notable peaks for the number of illegitimate beneficiaries, 1521–30, 1561–70 and 1591–1600. It appears, however, that these are influenced by a handful of people providing for a large number of illegitimate dependants in each of these decades, Laurence Dutton referring to five in 1527, Thomas Forster eight in 1587, and Luke Ogle and Thomas Legh twelve between them in 1595–97. If, instead, we graph the numbers of testators making mention of illegitimate offspring by decade, the results are smoothed, to a fairly consistent level, albeit with a noticeable peak in 1561–70. This might imply a greater readiness to acknowledge bastardy in those years, and a greater propensity to produce them in perhaps the three decades before that. There is an interesting comparison to be made here with Adair’s figures for lower-class bastardy, which start with 3.5 per cent of births in 1538–50, then see a reduction to

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24 Lancashire and Cheshire Wills from the Ecclesiastical Court, Chester, II, 241–43.
25 Ibid., I, 66–68.
26 TE, III, 197–98: Volo quod Cecilia, famula mea, habeat suam exhibitionem, pro termino vitae suae, de bonis meis.
27 TE, IV, 43–45.
2.3 per cent between 1551–60, and are at their lowest for our period in the decade 1561–70, at 2.2 per cent. Hollingsworth’s figures for the British peerage, on an admittedly very small sample, also see a drop from 4.7 per cent of all recorded births in 1550–75 to consistently very low figures below 2 per cent through to the post-Restoration period.28 The full implications of this await further study, but it might be speculated that the turbulence around the religious, cultural and social changes of the period enhanced rather than diminished the bastardy culture of the North.

If, then, there is a prima facie case for the integration of illegitimate children into noble and gentry families across the period examined here, it is worth examining how they were treated within northern English society as a whole as they grew to adulthood. It is not difficult to find more or less controversial incidences of unconventional relationships conducted by members of the elite. The important initial point here is that, while rape undoubtedly occurred, most of those relationships that we can identify in the records, especially through acknowledged children, seem to have been significantly more consensual. The literature has begun to acknowledge the experience of mistresses of the nobility, whether it is in the wealth showered on Bess Holland by the Duke of Norfolk from the 1520s to the 1540s, to the evident distress of the Duchess, or the literary celebration of the passions of the Elizabethan and early Stuart courts.29 Such relationships are to be found throughout northern society, as the example of the case of Sir Henry Savile’s mistress Margery Barston, who allegedly wore jewellery stolen from Sir Thomas Tempest,30 or in the circle of the Stanleys and Halsalls in Lancashire later in the century. There was a tight connection between, for example, the brothers-in-law Cuthbert Halsall, bastard son of Richard Halsall, and Thomas Stanley, alias Halsall, the son of Jane Halsall, mistress of Henry, the fourth Earl of Derby.31 It is clear from the testimony of Beconsall that, in the first half of the sixteenth century at least, Cheshire gentlemen not uncommonly maintained mistresses: Laurence Dutton was perhaps the most extreme example, but we could also refer later in the century to Henry Stanley, Earl of Derby. The unconventional relationships of elite women are, given consistently more severe moral and social disapproval, effectively invisible in the wills of the period, but on top of some of the literary testimony for Court circles, and a limited recognition of the wider implications of the freedoms exercised by widows — perhaps notably in the case of the relationship between Katherine Willoughby/Brandon and her gentleman usher Richard Bertie — there are some striking examples to be observed in the North.32 Perhaps

28 Adair, Courtship, Illegitimacy and Marriage, pp. 49–50; Hollingsworth, Demography of the British Peerage, p. 49.
31 Lancashire Record Office (Preston), Molyneux, Earls of Sefton MS, Kirkby, DDM/35/32. Thomas Stanley alias Halsall and Cuthbert Halsall base son of Richard Halsall sold the manor of Kirkby to Sir Richard Molyneux.
32 Barbara J. Harris, English Aristocratic Women, 1450–1550: Marriage and Family, Property and Careers (Oxford, 2002); Susan Wabuda, ‘Bertie [née Willoughby; other married name Brandon], Katherine, Duchess of Suffolk (1519–1580), Noblewoman and Protestant Patron’, ODNB.
most prominently, Ann, Lady Parr, found herself the subject of legislation in the parliament of 1543 as a result of her desertion of William Parr and relationship with John Lyngfield.\(^{33}\) In the same parliament, the Burgh illegitimacy case provided a connection, in that it was Sir Edward Burgh who, until his death in 1533, was married to Katherine Parr, and Sir William, the younger brother who eventually succeeded as Lord Burgh, married Katherine, daughter of Edward Clinton, Earl of Lincoln, by his first wife, Elizabeth née Blount, one of the more famous mistresses of the century.\(^{34}\)

But sources such as court records can indicate privately negotiated settlements at knightly and gentry levels of society. Jane Foljambe, the wife of Sir John Leke, received lands in Kirk Hallam (‘Kirkhalne’; Derbyshire) and Collingham (‘Collyngham’; Nottinghamshire) after ‘the said Dame Jane eloped and went away from the company of the said John Leke’. Jane’s son by Sir John Leke, Francis, had to sue his mother for the lands at Kirk Hallam and Collingham after his father’s death, as they presumably did not form part of her jointure.\(^{35}\) By using the word ‘eloped’, the court suggests that Jane left Sir John in order to form a relationship with another man, although no other man is named in connection with her, and it must be speculated whether Sir John would countenance maintaining his wife and her lover. Sir John himself was far from monogamous, as he fathered three daughters with Anne Mainwaring.\(^{36}\)

Another aspect of the treatment of illegitimacy in the society of northern England is the role of the illegitimate offspring of the elite themselves in familial networks whose interests included political patronage and local authority in an area remote from central government, and with an international frontier in the far North. The key sources of political power in the North of England at this time often had overlapping jurisdictions which competed for influence at local and national levels.\(^{37}\) Alongside the conventional county structures of, for example, justices of the peace appointed to punish offenders presented to them in the law courts and deal with issues such as licensing alehouses and ordering highway maintenance, the North had a vigorous continuing tradition of local liberties, including those associated with cities and towns such as York and the major palatine systems of Durham and Cheshire.\(^{38}\)

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\(^{34}\) Complete Peerage, ii. 423.

\(^{35}\) Yorkshire Star Chamber Proceedings, iii, 95.

\(^{36}\) Thoroton’s *History of Nottinghamham*, Republished with Large Additions, ed. John Throsby (1797), vol. 1, 368–69. NA: PRO, STAC 2/6/63 (printed in *Lancashire and Cheshire Cases in the Court of Star Chamber*, ed. R. Stewart-Brown, Record Society of Lancashire and Cheshire, 71 (1916), 36–38), describes the abandonment of her blind husband by Lady Jane Brereton of Tatton, she now keeping the company of Charles Bordman, Adam Hutton and others.


added to the tiers of governance. A new development of the period, the Council in the North, evolved over a long period of time, particularly from 1537 until its demise in 1641, in order to bolster government authority in Yorkshire, Durham, Westmorland, Cumberland and Northumberland. Further, until the accession of James I in 1603, the Anglo-Scottish Border was governed by the wardens of the East, West and Middle Marches assisted by local magnates. This mixture of jurisdictions provided opportunities for local men to establish themselves socially, politically and/or professionally, increase contact with the nobility and by extension central government and acquire a level of prestige in the local community.

Within this context, it is striking that the most prestigious office-holder in the North of England was the illegitimate Henry Fitzroy, Duke of Richmond, the son of Henry VIII and Elizabeth Blount. Born in 1519, Fitzroy was showered with honours and appointments in summer 1525 when he was installed as a Knight of the Garter, created Earl of Nottingham, Duke of Somerset and Duke of Richmond, appointed Lord High Admiral of England (with his illegitimate great-uncle Arthur Plantagenet, Viscount Lisle, as his Deputy) and Warden-General of the Scottish Marches. The six-year-old Richmond travelled north and established his household and Council at Sheriff Hutton in Yorkshire, whilst at the same time his legitimate half-sister Princess Mary (also a minor, aged nine) was sent to the Marches of Wales, to reinforce Tudor government in Ludlow. The officers of both households had dual roles; they undertook domestic and estate duties as servants of the Duke, but they also had public jurisdiction as members of his Council. It appears that the King vested his illegitimate son with the same authority as his legitimate daughter, and arguably his elevation to such a high status means that Henry VIII considered Richmond’s political future, maybe even granting him a place in the succession.

As far as the government in the North was concerned, although Richmond was a minor, he was the figurehead of the Tudor regime in the area. He was not expected to undertake day-to-day political decisions, but his household (and by extension the Council) was a centre of power and patronage; for example, Lord Neville, the son and heir of the Earl of Westmorland, was lodged there, and powerful northern officials such as Lord Dacre and the Earl of Northumberland were received by Richmond. The respect and dignity shown to Richmond appear to be derived from his office holding and more fundamentally his father’s status; he was still the King’s son, regardless of his illegitimacy. Richmond does not appear to have been snubbed or slighted because of his birth, and the difficulties his Council had in governing the North stemmed from social and political conditions of the time rather than any idea that Henry VIII was foisting his bastard offspring on to the northern magnates. It

39 A recent treatment is Liberties and Identities in Later Medieval Britain, ed. Michael Prestwich (Woodbridge, 2008).
has been argued that, ‘despite his extensive possessions, he was still a minor and his illegitimate status meant his reliance on Henry’s favour was absolute’. However, any political figure, whatever their age, legitimate or illegitimate, relied upon Henry VIII’s goodwill, as Wolsey, for example, found out. Until Richmond’s recall to London in 1529, the Council met with mixed success in providing strong governance of the North and certainly seems to have been no worse than Princess Mary’s Council in the Marches. Both Councils’ judicial functions were undermined as wealthy litigants from the northern and western marches travelled to the law courts in London instead. Despite Richmond’s Council having authority up to and including the Anglo-Scottish Border, wardens (who acted independently of Richmond’s Council) were appointed to the Marches in 1527 and the inclusion of a large number of Wolsey’s supporters on the Council led to resentment from the northern nobility and gentlemen. Conversely, the Council made strenuous attempts to bring the north to good order and sent officers out to establish their authority in the areas most remote from central control, Newcastle and Carlisle. Perhaps the best evidence for the success of Richmond’s Council is that when it was reconstituted (for the second time since 1529) as the King’s Council in the North in 1536, it was ‘as appointed to the duke of Richmond at his lying in those parts’.

The first President of that Council was Cuthbert Tunstall, the Bishop of Durham, and after a hiatus following the end of Richmond’s Council, when the Council was revived in the aftermath of the Pilgrimage of Grace, Tunstall once again took office. Born in 1474, Tunstall was a son of a northern knight, Sir Thomas Tunstall, but his parents may have married some time after Cuthbert’s birth. He does not feature in the pedigree composed by Richard Glover, Somerset Herald in 1584/85, whilst his legitimate half-brother Brian does. What is certain is that Cuthbert received a good education at Balliol College, Oxford, and then studied law at Padua, enabling him to maintain careers in the Church and legal profession. Brian Tunstall appointed him guardian of his son Marmaduke, and he also had the reversion of the jointure of Isabel Boynton (Brian Tunstall’s widow). Tunstall was appointed as counsel to Queen Katherine of Aragon during the royal divorce, but was present at the coronation of Anne Boleyn when his nephew and ward, Marmaduke Tunstall, was knighted. He was therefore able to tread a careful political path for the advantage of himself and his family. Tunstall’s appointments to the presidency of the Council in 1530–33 and again in 1537–38 came at a critical time as the development of Henrician religious

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44 Murphy, Bastard Prince, p. 65.
45 See Caroline A.J. Skeel, The Council in the Marches of Wales: A Study in Local Government in the Sixteenth and Seventeenth Centuries (1904), pp. 57, 79 for complaints about the laxity of the administration, contrasting with the vigorousness of Rowland Lee as President after 1534.
46 Ibid., p. 103.
47 Ibid., p. 105
48 The Visitation of Yorkshire made in the years 1584/85 by Richard Glover, Somerset Herald, to which is added the Subsequent Visitation made in 1612 by Richard St George, Norroy King of Arms, ed. Joseph Foster (1875).
49 Tunstall was appointed Master of the Rolls in 1516, Lord Privy Seal in 1523, Bishop of London in 1522 and transferred to the Bishopric of Durham in 1530 until 1552. He was reinstated as Bishop of Durham in 1553 but after refusing the Elizabethan Oath of Supremacy was again deprived of office in 1558.
50 LP, VI, 601(4).
settlements led to political upheaval in the North, exacerbated by the imposition of such policies as the Statute of Uses (1536). As Sturge pointed out, ‘the position of any President at this juncture could not be but difficult’.\(^{52}\) Tunstall’s illegitimacy did not preclude him from a legal education or from holding office within church or state at the very highest levels, and it was his religious conservatism during a period of dynamic politico-religious change which led to his problems in imposing strong government upon the North.

An attack upon Bishop Bonner, published in 1569 ten years after Tunstall’s death, provides one insight into contemporary attitudes towards Tunstall and his illegitimacy. In a highly partial publication written in order to attack the Papist practices of the late Bishop of London, ‘Lemuke Avale’ alleged

Edmund Bonner, late usurped Bishop of London, was a bastard, and also the son of a bastard, that is a bastard in gross, and a bastard can not . . . be a bishop. Bonner was a bastard, ergo no bishop and this is a true conclusion . . . if one woman should bear two children to two fornicators and one of these fornicators after do marry with this woman, which of these children should this marriage make legitimate? This would partly help Tunstall by the Civil Law because his father reconciled his mother to marriage, but long after his birth.\(^{53}\)

According to ‘Avale’, Bonner’s illegitimacy would lead inexorably towards idolatry and treason whilst Tunstall’s right to office, albeit precarious, was upheld by secular law as a result of his parents’ eventual marriage, leaving it open to question how worthy of a bishopric Tunstall was deemed to be in reformist circles. If so, at what point did he become acceptable — at his parents’ marriage, however old he was, or retrospectively? The *Commemoration* also shows how easy it was to use illegitimacy as a political weapon, but the fact that both Bonner and Tunstall held high office indicates that, whatever the criticisms levelled at them, their illegitimacy did not impede their careers. The fact that it was not published until after the Bishops’ deaths also suggests that it may have not been wise, financially or politically, to print such views during their lives.

As Bonner and Tunstall’s experiences would suggest, for bastard offspring perhaps one of the most promising careers, and the one acknowledged by recent historians, lay in the Church.\(^{54}\) Bonner himself was probably the most prominent member of a distinguished base-born family from Cheshire, as Sir John (V) Savage had an illegitimate son, George Savage, the parson of Davenham. George himself then fathered three illegitimate sons, including George Savage, Chancellor of Chester, John Wilmslow (or Wilmesley),\(^{55}\) Archdeacon of Middlesex, and perhaps Edmund Bonner,

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\(^{53}\) ‘Lemeke Avale’, *A Commemoration or Dirige of Bastarde Edmonde Boner, alias Sauage, Vsurped Bisshoppe of London* (1569).


Bishop of London. This was a powerful connection: in February 1534, Sir Richard Bulkeley wrote to Cromwell on behalf of his brother, John Bulkeley M.A., to ask for the benefice of Davenham. This was in the gift of John Savage, the ward of William Brereton. Rumour suggested that Edmund Bonner would be the new Bishop of Lichfield, and although Bulkeley offered the first year’s value of the benefice and one-third of subsequent revenues as an incentive, it was George Savage who received the benefice. In this connection, it is perhaps significant to recall that Cardinal Thomas Wolsey’s mistress, Jane Larke, found a husband among the Cheshire gentry, in the person of George Legh.

In Cheshire at least, however, it was not only in the Church that a bastard son could thrive. It does seem that bastard sons and brothers could be heavily involved in the development and defence of a family’s interests. The Dutton family, in particular, illustrates this point. Lawrence Dutton was described by Adam Beconsall as ‘swech a beste in hys lyffvyng in every poynette of nouztynes [naughtiness] as never was in an holl reeme’. Lawrence had no legitimate children, but was responsible for a prodigious array of bastards; John Dutton, one of his illegitimate children, himself kept a mistress and had illegitimate children by her. Bishop Rowland Lee’s concern, as President of the Council in the Marches of Wales, with the behaviour of the Dutton clan, illegitimate as well as legitimate, was clear when he imprisoned the grand jury which had sat at the sessions in Chester in March 1538 for, as he told Cromwell, finding ‘murders to be manslaughters and Ryottes to be mysbehaviors’. Among the indictments they had found, in Lee’s view too leniently, for trespass, were two which related to large groups led by the Duttons. Two indictments, one of twenty-three and the other of eight people, were headed by Thomas Dutton of Marsh, another of Lawrence Dutton’s bastards.

This was also an issue for the Warburtons, and it became enmeshed with the politics of the shrievalty of the shire. Sir John Warburton was a Cheshire man, from Woodhey, but he combined a Stanley connection through marriage to Sir William’s daughter, Jane, with royal links as a knight of the body. After Sir John’s death in 1524, the family was immediately involved in controversy thanks to Sir John’s relationship with Sibyl Starkey. During his life, John had made provision for Sibyl and his bastard son Thomas, who, as his illegitimate child, had been legitimized by royal licence. After Sir John’s death, his brother, Sir John Warburton, appointed a panel of inquirers to settle his estate, and their report, which included an account of Sir John’s relationship with Sibyl, was presented to the king in June 1525.

56 LP, vi, 179.
57 George Savage was a bastard son of Sir John Savage (d. 1492) (and therefore Bonner’s half-brother): George Ormerod, History of the County Palatine and City of Chester, 2nd edn rev. and enlarged by Thomas Helsby, 3 vols (1882), iii, 237; Haigh, THSLC, 122, 2. Bonner asked Cromwell to be remembered to Brereton: LP, v, 1658 (24 Dec. 1532).
58 Ormerod, Chester, iii, 658. Marriage occurred probably in or before Jun. 1526, for in Mar. 1527 Thomas Legh was born (aged two and a half at his father’s inquisition, 2 Sept. 1529: NA: PRO, CHES 3/65/12). The inquisition recited a post-nuptial agreement in which Thomas and Peter Lark acted as trustees. Legh may have been in Wolsey’s household, but does not appear in its subsidy assessment, 15 Henry VIII: NA: PRO, E 179/69/9.
59 LP, viii, 496. Lawrence’s heirs general were the daughters of Sir Thomas Dutton, Lawrence’s uncle, and their descendants, set out as at 11 Henry VII in e.g. the inquisition for Alice wife of Thomas de Dutton: Ormerod, Chester, t, 647.
60 NA: PRO, SP 1/134, p. 204 (LP, xmt(1), 1411: letter dated Welshpool, 18 Jul.). The sessional file for the session of 26 Mar. 1538, among NA: PRO, CHES 24/89(1), is badly damaged, and so it is impossible to recover the evidence provided by the grand jury panel for this episode.
61 NA: PRO, CHES 20/5, rot. 4; NA: PRO, CHES 24/89(1), file for the session of 26 Mar. 1538. In all cases the target of the Duttons’ actions had been John Birkenhead.
children by her, Thomas, Richard, and Geoffrey, with a settlement of land in Grappenhall and Appleton. On his death, however, John’s mistress had obtained deeds relating to the manor of Warburton and other lands and kept them from his eldest son Piers, thereby also depriving his widow Jane of her dower and his daughters Elyn and Dowse of their inheritance. To add insult to injury, it was Thomas Warburton, John’s bastard son, who was appointed Sheriff of Cheshire on 8 April 1524. Given the disputes that John’s relationship had produced, it is perhaps not surprising that Thomas was replaced as sheriff on 24 September of the same year by Sir George Holford. Still, later, in the early 1530s, John Warburton, son of Sir John Warburton, and brother to Sir Peter, lived in adultery with the wife of one Richard Kynderdale, and Holford’s marital fidelity was not his main claim to the role, as his record makes clear.

The influence of bastard children in Cheshire makes it less surprising that Thomas Cromwell’s own bastard daughter found a husband in Cheshire. Richard Hough of Leighton and Thornton Hough, a ‘sage and sober person’, had his son William marry Cromwell’s bastard daughter, Jane. Hough senior spent part of the year in Cromwell’s household, and the rest of his time at home was devoted to promoting Cromwell’s interests. His authority apparently boosted by the confirmation of Cromwell’s support represented in the marriage of his son to the minister’s base-born child, Hough’s activities included touring Cheshire monasteries collecting fees for his master; carrying messages to and from Ireland and to the Earl of Derby; and bringing prisoners from Winchester to London.

In the far North of England, too, we find a significant role for illegitimate gentlemen. Along the Anglo-Scottish Border, the Council in the North had authority, but the government needed men resident in the area to exert control, and the Privy Council was responsible for appointing wardens of the marches. The wardens and their deputies were responsible for delivering justice within their March in the warden courts, and met their Scottish counterpart at days of truce when international cases were presented. Other opportunities for the gentry in the Borders were the captaincies of castles and keeperships. The frontier was riddled with cross-Border thieving and local feuding, activities in which the local magnates participated. The region was politically challenging, and, coupled with widespread illegitimacy amongst the

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62 John Rylands University Library of Manchester (JRUL), Arley Charters, 12/19: 30 Jan. 1522; the trustees were John Bruen, Richard Bunbury, James Burrows, and Richard Starkey (Sibyl’s brother). John Warburton and Richard Starkey appeared together previously on 16 Jan. that year, witnessing a grant at Appleton: JRUL, Brooke of Mere, box 1/1/32.
63 NA: PRO, C 1/590/49–50; /593/44.
64 LP, viii, 496.
65 See fn. 1 above for Holford’s bastard daughter, herself the mistress of William Venables of Kinderton. There was litigation in the later 1520s between Sir George’s heirs Sir John and George Holford, on the one party, and Dame Elizabeth Holford, who claimed to be Sir George’s widow and was described as by her opponents as Elizabeth Burroughs: NA: PRO, STAC 2/21/40, /24/337, /26/82 (mainly edited in Lancashire and Cheshire Cases in Star Chamber, pp. 142–43).
67 Ormerod, Chester, ii, 552; The Visitation of Cheshire in the Year 1580, Made by Robert Glover, Somerset, for William Flower, Norroy King of Arms, ed. John Paul Rylands, Harleian Society, xviii (1882), 128.
68 LP, xi(2), 1184.
69 LP, xiv(2), 782; xi(1), 622; xi, 1066; xi, 381. Letters to and from Richard Hough: Bangor University, Mostyn Collection, 7773–74.
governing gentry, provided plenty of opportunity for social advancement for base-born office holders. In fact, Cecil took it upon himself to study the marriage patterns and kinship networks of the ‘gentlemen and surnames in the Marches of England’.\(^70\) The kinship of Sir John Forster, Warden of the English Middle March 1560–95, proved to be of interest, as notes of the family’s alliances were sent to Burghley by Lord Eure, who also reported ‘there is no gentleman of worth in Northumberland not near of kin or allied to Sir John Forster’.\(^71\) Forster was one of the longest-serving wardens, and he appointed his illegitimate son Nicholas as his deputy. An interesting insight into the attitude of the Borderers towards cooperating with illegitimate siblings is provided by a day of truce held on 12 March 1589. It was presided over by the Warden of the Scottish Middle March and Nicholas Forster (illegitimate son of Sir John) as English Deputy, and Hugh Forster of Edderston (Nicholas Forster’s illegitimate cousin): Adam Mowe presented ‘Davie Pringle of Over Chatto, Wattie Pringle, bastard son to Dane Pringle of Hownam, and Thomas Rutherford of Nether Chatto for reiving 11 oxen at Alnwick fair’. Three half-brothers were later presented by Cuthbert Forster of Charltoun: ‘John and Will Karr, sons to the Laird of Corbett, James Karr of Morbottle bastard son to the said Laird, for stealing 30 kye and oxen, in Lent 1588’.\(^72\) Both the Carrs and the Pringles were listed in 1583 as being gentlemen of East Teviotdale and both legitimate and illegitimate members of the families combined to raid English cattle. From the point of view of the English side, the illegitimate Forsters were in a strong political and financial position to prosecute Scottish thieves. Nicholas Forster also reported to the King of Scots as a representative of his father in the wake of a raid by Scots upon Tynedale, placing him in an international diplomatic role.\(^73\) He served as a Border commissioner, and William Selby reported to Burghley in 1599 that Nicholas ‘was his father’s deputy warden long and of good experience in Border affairs’.\(^74\) A less favourable assessment of Nicholas Forster was made by Sir Robert Carey in 1595. He reported,

This country has great need of such a warden as is able to take pains and will see wrongs redressed — which Sir John Forster is not able to do . . . and he hath none that meddles for him in matters of the wardery but a bastard son of his own who is deputy warden, one that is so given over to drunkenness that if he cannot get company he will sit in a chair in his chamber and drink himself drunk before he rise!\(^75\)

The numerous illegitimate Forsters represent the apogee of the political hierarchy in the far North of England during the 1590s and they were able to hold on to wealth and influence, even after the accession of James VI of Scotland to the throne of England and the winding down of the system of Border justice. In fact, the High Sheriff of Northumberland, Nicholas Forster, was the first official to welcome James VI of Scotland to his new realm in England as the King travelled to London to take the throne. Claudius Forster, son of Nicholas, was knighted in 1603 and able to

\(^72\) Ibid., pp. 361–62.
\(^73\) Ibid., p. 507.
\(^74\) Ibid., p. 590.
\(^75\) Ibid., p. 57.
purchase a baronetcy in 1620 (for which he needed an income over £1,000 per annum), and Matthew Forster, illegitimate son of Thomas Forster, was knighted in 1617, served as Sheriff of Northumberland in 1620 and married the daughter of Sir Ralph Grey, another prominent local magnate. Further down the social scale, local justice was administered by magistrates, who, along with regulating alehouses, highway repairs and other local issues, dealt with the maintenance of mother and child if they had no other means of support and the ‘child must be one that is left to kept at the charge of the Parish, or one likely to be chargeable to the Parish’. The complexity of the attitudes to bastardy which this article has attempted to highlight is summed up by these interactions. The Lancashire Justices sanctioned the fathers or wider family members of illegitimate children to pay for their maintenance, yet it is also noticeable that they sentenced the parents of such children to be whipped on market day if they had begotten a child in adultery. Despite their wealth and prestige, these Justices did not always have the best reputations. In 1587, Archbishop Sandys wrote to the Lord Treasurer (Burghley) about the Justices in the West Riding, commenting that Robert Lee was ‘a notable adulterer’ and Peter Stanley ‘a man noted to be a great fornicator’. Furthermore, the Lancashire Justices who sat at Ormskirk on 6 April 1592 included Henry, Earl of Derby, who had an adulterous relationship with Jane Halsall, producing four children; Robert Hesketh, who had two illegitimate half-brothers; and Richard Bold whose illegitimate son Thomas inherited his lands and wealth. Ironically, these men heard two similar cases, that of William Nichell of Coppull who was accused of keeping ‘a woman of ill fame’ in his house, as was Margaret Rainforth of Pemberton. Contemporaries do not seem to have objected to the apparent dichotomy between such men punishing people for raising bastard children (admittedly offenders who would be chargeable to the parish ratepayers) and their own conduct in fathering illegitimate offspring (who would be provided for by private settlement). There is a possibility that the Lancashire gentry viewed marriage with either the son or daughter, albeit illegitimate, of someone of a higher social status brought a degree of that family’s prestige and honour to the bloodline. By 1601, the Commission of the Peace for Lancashire was headed by the Lord Keeper Sir Thomas Egerton, a base-born son of Sir Richard Egerton, and included Sir Cuthbert Halsall, who was illegitimate himself and married to Dorothy Stanley, a base daughter of Henry, fourth Earl of Derby, and Barnaby Kitchen, whose daughter was married to a base son of Sir Thomas Hesketh, suggesting a close knit kinship network around the Lancashire elite.

81 Lancashire Quarter Sessions Records, 1, 45–47.
This study has demonstrated that from the leading figures of secular authority in the North, to the numerous magistrates and other officials upholding laws in specific localities, base-born members of the elite could accrue wealth, be well educated, be socially mobile and wield spiritual and temporal power and therefore authority. Such authority still derived from the status of the parents, in particular the father, and, from a patriarchal point of view, acceptance of bastard bearing within the immediate and extended family by grandparents and uncles, for example, appears to have provided a foundation for the wider acceptance of illegitimate kin within elite society and the political affinities of the North. Examination of women’s experiences also provides us with a sense of a wider variety of available roles, as mistresses, as mothers of illegitimate children, as wives or siblings maintaining children who were not their own, or as a grandmother of such children. These issues raise questions about companionate familial social structure, the orderliness of noble and gentry society, personal vis-à-vis political loyalty and how such considerations interconnect. It therefore seems unlikely that we will properly understand gentry and noble society in the early modern North until we understand better the role of unconventional relationships and illegitimate offspring. The fluctuations, chronologically and geographically, in the level of this phenomenon do not tally straightforwardly with the patterns now well known in the evidence for non-elite populations, but suggest a variation in acceptance of religious and social norms associated with Reformation and the development of the Tudor and Stuart polities.