Oaths of Fidelity: Loyalty and Officeholding in Late Medieval Durham

A.T. BROWN
Durham University

Abstract

Oaths of fidelity, homage and fealty were ubiquitous in late medieval England. Variously given by tenants, officeholders and retainers, such oaths represented a promise of loyalty and goodwill towards a lord. Individuals might make many such professions, perhaps as a tenant of one lord, an officer of another or a hired retainer of yet a third. Such multiple loyalties can be difficult to recover, especially as many oaths would have been given verbally and left little documentary evidence. The nature of such social relations has been seen as vital to our understanding of the emergence of 'bastard feudalism' and attempts to understand the texture of late medieval politics. This article explores these issues through the unusual situation that arose in medieval Durham whereby the incoming officials of the bishops of Durham swore oaths of fidelity to the monks of Durham priory, an entirely separate landowner. Who were these individuals, what were they promising and why were the incoming officers of one lord swearing fidelity to another? This local arrangement likely arose to avoid conflict between the two major landowners in the region and demonstrates the ways that oaths and the resultant ties they created could aid in the social stability of late medieval England.

I

On 20 October 1382, John de Billy entered the prior's chapel and swore an oath to the monks of Durham priory.[1] As a large Benedictine community and a significant landowner in north-eastern England, the monks routinely took such oaths of fidelity, homage and fealty.[2] In front of several witnesses, including the sub-prior and the prior's steward, John de Billy swore that he would be faithful to the prior and convent of Durham and cause them no trouble, saving only his homage to the king of England and the bishop of Durham, and if any of his deputies caused the monks any injury, he would make amends within two months. As the incoming coroner of Darlington ward, this has all the appearances

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of a routine oath undertaken by a newly appointed medieval official: he swore to look after his lord's interests, except where these might come into conflict with any pre-existing loyalties, and to make amends for any shortcomings.[3] Yet, all is not what it appears because the office of coroner was not in the patronage of the monks but rather the bishops of Durham. By this period, the bishop was the head of a separate estate with his own officials and administrative apparatus, though his claim of being abbot over the monastery and his rights of visitation there were a bitter source of dispute between the two ecclesiastical landowners.[4] Moreover, John de Billy did not do this on a whim, but rather the monks of Durham priory routinely received such oaths of fidelity from incoming officials of the bishops from the fourteenth century into the early sixteenth century. Oath-makers ranged from figures of national importance such as Edmund Dudley, one of Henry VII's counsellors, who became chief steward of the bishopric in 1508, through to the recipients of relatively minor leases such as the merchants of Berwick-upon-Tweed who took on the bishop's fisheries on the River Tweed in 1515.[5] Why, then, were the incoming officers and lessees of one lord swearing an oath of fidelity to another, and what can this reveal about such multiple loyalties in medieval society? Through an exploration of who these people were, what office they held and what they were promising to undertake, this article examines what these oaths reveal about the way lords could influence the officers of each other and its implications for our understanding of such informal networks in late medieval England.

Ties of homage and fealty, and the underlying grounds upon which these were given and received, have been seen as fundamentally important to our understanding of medieval politics.[6] The fortunes of historiographical constructs such as feudalism have often depended upon the nature of such social relations. The perceived shift in these ties from obligations based upon land and tenure to ones increasingly dependent upon money and retaining has been seen as a key feature of the transition to 'bastard feudalism' in English politics.[7] Given the dynastic struggles

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[3] For his appointment as coroner, see DCD, Register II, f.289v.

[4] For the separation of their estates in the eleventh and twelfth centuries, see E.U. Crosby, *Bishop and Chapter in Twelfth-Century England: A Study of the Mensa Episcopalis* (Cambridge, 1994), pp. 132–51; Frank Barlow, *Durham Jurisdictional Peculiars* (Oxford, 1950).

[5] DCD, Register V, f.102v and f.159v.

[6] Christine Carpenter, 'Bastard feudalism in England in the fourteenth century', in Steve Boardman and Julian Goodare (eds), *Kings, Lords and Men in Scotland and Britain, 1300–1625: Essays in Honour of Jenny Wormald* (Edinburgh, 2014), pp. 59–92; Michael Hicks, 'Bastard feudalism, overmighty subjects and idols of the multitude during the Wars of the Roses', *History*, 85 (2000), pp. 386–403; K.B. McFarlane, 'Bastard feudalism', *Bulletin of the Institute of Historical Research*, 20 (1947 for 1945), pp. 161–80; P.R. Coss, 'Bastard feudalism revised', *Past and Present*, 125 (1989), pp. 27–64.

[7] For example, see K.B. McFarlane, *The Nobility of Later Medieval England: The Ford Lectures for 1953 and Related Studies* (Oxford, 1973); Christine Carpenter, *The Wars of the Roses: Politics and the Constitution in England, c.1437–1509* (Cambridge, 1997); R.H. Britnell and A.J. Pollard (eds), *The McFarlane Legacy: Studies in Late Medieval Politics and Society* (New York, 1995); John Watts, *Henry VI and the Politics of Kingship* (Cambridge, 1996); Gordon McKelvie, *Bastard Feudalism, English Society and the Law: The Statutes of Livery, 1390–1520* (Woodbridge, 2020).

of the fifteenth century and the various debates surrounding 'overmighty subjects' and 'undermighty rulers', much previous work has focused upon the martial capacity and judicial influence that retaining provided lay lords.[8] In searching for the causes of such conflicts, it is only natural that the affinities and retaining practices of the later Middle Ages have taken centre stage for well over a century of study. After all, contemporaries clearly saw in them the potential to cause strife, hence the various statutes and acts introduced to prohibit illegal retaining and, for example, Henry VII's attempts to restrict the officials of the Duchy of Lancaster from being retained by anyone else.[9] Yet, as Christine Carpenter has noted, 'the change of emphasis in the historiography from unstable military and household retinue to stable local gentry following has also made historians realise that the indenture of retainer that was formerly placed at the heart of the relationship was probably more the exception than the rule'.[10]

Implicit influence, through exchanging favours and connecting people, was vital in providing stability and social cohesion through the creation of multiple, overlapping loyalties, which are now seen as just as important, if not more so, than networks of formally retained men. As Rees Davies summarised, 'England, in particular, was not a collection of zones of exclusive aristocratic power where a single lord enjoyed a monopoly of control'.[11] We might consider such ties as *divided* loyalties, producing potential – perhaps even inevitable – tension by pitting the claims of one lord upon a person's loyalty against that of another. Yet, such influences could as easily bind local society together and, as Carpenter has argued, 'the resulting number of multiple allegiances and associations, which seems to have been normal in late medieval politics, should not mislead us into supposing that such bonds were entered into light-heartedly or lightly cast aside'.[12] In seeking potential conflict and corruption in the relations of 'bastard feudalism', we can inevitably find it, yet as Gordon McKelvie and others have noted, assisting with estate management and influencing local politics were at least as important as the military functions of many affinities.[13] It is here, away from the battlefields of medieval England that we can see the ordinary everyday functions of non-tenurial social relations and how such informal influences might be cultivated. Although the local arrangements at Durham were unusual, the current case demonstrates how an ecclesiastical lord, so often overlooked in favour of their lay

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[8] See K.B. McFarlane, 'Bastard feudalism' and 'The Wars of the Roses', in his *England in the Fifteenth Century: Collected Essays* (London, 1981), pp. 23–44 and 231–68; Simon Walker, *The Lancastrian Affinity, 1361–1399* (Oxford, 1990); M. Jones and S.K. Walker (eds), 'Private indentures for life service in peace and war, 1278–1476', *Camden Miscellany, XXXII*, Camden Society, 5th series, 3 (1994), pp. 1–190; Michael Hicks, *Bastard Feudalism* (London, 1995).

[9] McKelvie, *Bastard Feudalism*, p. 23.

[10] Carpenter, 'Bastard feudalism in England', p. 61.

[11] Rees R. Davies, *Lords and Lordship in the British Isles in the Late Middle Ages*, ed. Brendan Smith (Oxford, 2009), p. 210.

[12] Christine Carpenter, 'The Beauchamp affinity: a study of bastard feudalism at work', *English Historical Review*, 95 (1980), pp. 514–32.

[13] McKelvie, *Bastard Feudalism*, p. 19.

counterparts, utilised oaths of fidelity to bind local officeholders to them, and in so doing cultivated informal networks of local influence.

Such oaths were themselves fundamentally important in late medieval society. As Paul Cavill succinctly put it, 'early Tudor England was a polity and society built around the taking of oaths. Every adult from the monarch downwards swore oaths'.[14] There is a danger that in their ubiquity oaths could lose their meaning. Yet, as Ian Forrest has demonstrated, oaths mattered. In his words, 'oaths were public affirmations of an obligation: to tell the truth, to be loyal, and to perform a particular act'.[15] Oaths were not to be undertaken lightly, not only because God was the ultimate judge of such promises but also because breaking an oath could have serious moral and legal ramifications. Lords might utilise oaths to encourage accountability amongst their own officeholders, whilst 'the right to compel oaths from subjects was jealously guarded as a sign of lordship'.[16] The importance of oaths only increased in our period, with both a reluctance to take oaths becoming associated with heresies such as Lollardy, and the Oath of Supremacy in 1534 and subsequent oaths of allegiance becoming a defining feature of the Tudor polity.[17] Despite the fundamental significance of oaths more generally, the unusual situation in Durham, whereby the officers of one lord swore an oath of fidelity to another, has largely gone unmentioned by previous historians.[18] Yet, examples such as this provide evidence away from the formalities of indentured retainers into the world of sworn promises and professions of faithfulness, often verbally given and leaving little surviving documentary proof.

Following this introduction, then, the second section of this article examines the surviving evidence of these oaths and what this reveals about the regularity with which they were taken. The third section explores the language of the oaths themselves, examining what these oath-makers promised, where they were given and in whose presence they were made, as well as comparing them to the oaths undertaken by the priory's own

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[14] Paul Cavill, 'Perjury in early Tudor England', in Rosamond McKitterick, Charlotte Methuen, and Andrew Spicer (eds), *The Church and the Law, Studies in Church History*, 56 (2020), pp. 182–209. For urban oaths of office, see James Lee, '"Ye shall disturbe noe mans right": oath-taking and oath-breaking in late medieval and early modern Bristol', *Urban History*, 34 (2007), pp. 27–38.

[15] Ian Forrest, *Trustworthy Men: How Inequality and Faith Made the Medieval Church* (Princeton, 2018), p. 257.

[16] Quotation from ibid., p. 256; John Sabapathy, *Officers and Accountability in Medieval England, 1170–1300* (Oxford, 2014), p. 69. See also the use of oaths in Jonathan Rose, *Maintenance in Medieval England* (Cambridge, 2017).

[17] Forrest, *Trustworthy Men*, p. 258; Jonathan Gray, *Oaths and the English Reformation* (Cambridge, 2012); Andrew Hadfield, *Lying in Early Modern English Culture: From the Oath of Supremacy to the Oath of Allegiance* (Oxford, 2017); John Walter, *Covenanting Citizens: The Protestation Oath and Popular Culture in the English Revolution* (Oxford, 2017).

[18] The only mention of such oaths I have found is by Matthew Holford, who notes that 'it was not only the priory's servants who pledged fealty to it. The bishop's officers, and even members of the bishop's household, also swore to keep the priory's privileges unharmed: John Thropton, coroner and estate official, did so in 1345.' M.L. Holford and K.J. Stringer, *Border Liberties and Loyalties: North-East England, c.1200–1400* (Edinburgh, 2010), p. 111.
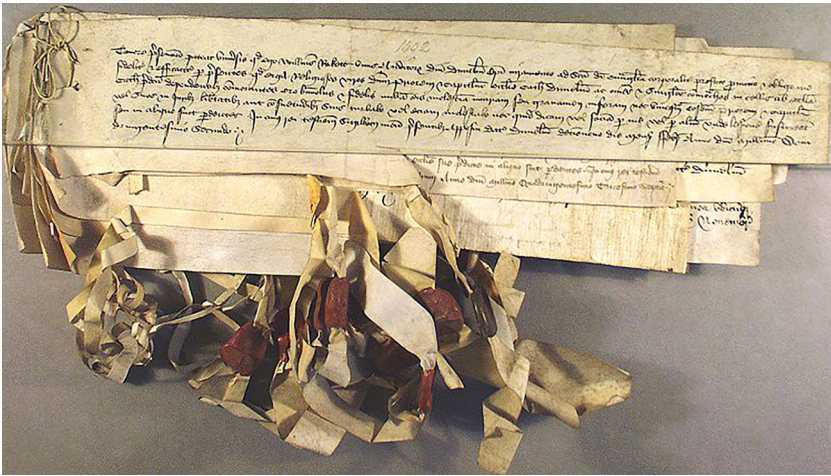
Figure 1 The oath of William Rakett, auditor of the bishop of Durham, on 19 February 1403. Source: DCD, Loc.XXVIII:3(1), with subsequent oaths in the bundle visible behind. [Colour figure can be viewed at wileyonlinelibrary.com]

officials and tenants. The fourth section analyses the individuals who swore these oaths and the offices they held, exploring their significance for local politics and the administration of the county. The fifth section then suggests a range of possible reasons for these arrangements, examining the history of conflict and compromise between the bishops and monks that likely gave rise to this situation. Finally, the sixth section concludes by considering what these oaths can tell us about the demands upon the loyalties of officials, retainers and tenants in late medieval England. This case study demonstrates how oaths of fidelity, which had the potential to cause turmoil if the interests of the two largest landowners in the region came into conflict, were likely used in Durham to avoid such quarrels arising in the first place. Although the arrangement between the bishops and monks was unusual and likely stemmed from local circumstances, it illustrates how lords might create spheres of influence beyond their own affinities and how officials in turn had to navigate a series of such complex and overlapping networks throughout local society.

II

Although most oaths were presumably spoken in person, a written record was clearly considered prudent, and two forms survive within the archives of Durham priory. The first of these are the original oaths, which consist of relatively small pieces of parchment, with rough dimensions of 120 × 280 mm, that have been sown together down the left side and many of which still bear the seals on the bottom tongues (see Figure 1). These parchment documents do not give any indication of the regularity with

which such oaths were taken. For example, one such bundle includes only eighteen oaths over the course of much of the fifteenth century, from that of William Raket in 1403 through to that of John Askogh in 1491.[19] Many other appointments were clearly made during this period, as is attested by the prior's registers, into which the monks copied and confirmed grants made by the bishops, including appointments to office.[20] Yet, no oath has survived for many of them. There are two possibilities to explain this situation: either oaths were routinely taken from all incoming officeholders and many have simply not survived or only a subset of the bishop's officers made the journey into the priory to swear to the monks.

A brief look at the surviving oaths of the bishop's coroners suggests the former scenario to be the more likely. The bishopric was divided into four wards, each with its own coroner, and the oaths of these officials survive unevenly from across this period: the two oaths for the coroners of Chester ward survive from 1358 and 1370; those for Darlington ward from 1345, 1381 and 1382; those for Easington ward from 1349 and 1445; and those for Stockton ward from 1508 and 1515.[21] There is no logical reason why the coroners of Chester ward would be undertaking oaths to the monks in the mid-fourteenth century if their counterparts in Stockton were not doing likewise, and vice versa in the early sixteenth century. The complexity of this situation is perhaps best illustrated by the example of the gentleman Percival Lambton. He was appointed joint chief steward of the bishopric in 1491, before he took on a seventy-year lease of the priory's own manor of Belasis in 1499, but it was only after his sixty-year lease of Ricknall grange from the bishop in 1501 that Lambton gave his oath to the monks of Durham priory.[22] It is entirely possible that he had given an oath on each of these occasions – and, indeed, it seems especially likely he would have done so when taking on land directly from the priory itself – but only his oath for leasing out Ricknall grange from the bishop now survives. Although we cannot say with any certainty, it seems likely that far more oaths of fidelity were therefore given than have survived.

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[19] DCD, Loc.XXVIII:3(1)-(18). It is possible – likely even – that the stitching is not original and that they have been subsequently bound together. The dates of the other three bundles vary as follows: Loc.XXVIII:2(1)-(24) from 1309 to 1396; Loc.XXVIII:4(1)-(10) from 1500 to 1501; and Loc.XXVIII:9(1)-(14) from 1315 to 1501. Most are arranged in chronological order though the last sequence jumps sporadically on several occasions, for example from 1347 to 1501 and then to 1381. There are also a handful of oaths surviving amongst the miscellaneous charters series and elsewhere in the priory archives.

[20] The monks of Durham priory routinely copied and confirmed grants of the bishops of Durham. See, for example, Bishop Ruthall's letter to the prior of Durham, requesting that he confirms under his convent seal the lease of Wheel Hall manor, and the appointments of Richard Waldgrave as bailiff of Darlington and Thomas Bankes as coroner of Norton, DCD, Register V, f.200v-201r. For this practice elsewhere, see Joan Greatrex (ed.), *The Register of the Common Seal of the Priory of St. Swithun, Winchester, 1345–1497*, Hampshire Record Series, 11 (1979), *passim* but see, for example, p. 81.

[21] DCD, Loc.XXVIII:2(6), (8), (10), (16), (20), (22); DCD, Loc.XXVIII:3(9); DCD, Register V, f.105r and f.161v. There were also coroners outside of the county who were answerable to the bishop – such as at Norham and Bedlington.

[22] DCD, Register V, f.17r, f.50r-51r, f.66r, f.67r.

Much of the evidence for such oaths, however, comes not from the original parchment documents but from the prior's registers. These were current registers of priory business in roughly chronological order, which include a wide variety of material of interest to the monks, including elections of priors, letters, memoranda, appointments, notarial instruments, sanctuary petitions, leases and copies of oaths.[23] Entries into the registers are not always systematic, often following the ebbs and flows of the interests and efficiencies of record-keeping as much as the activities of the monks themselves. As a result, we should be cautious of reading too much into the appearance of a sudden flurry of activity within them, which may simply reflect an increased administrative efficiency in recording a particular type of business that was routinely occurring but not making its way into the registers. For example, there are no corresponding entries in the prior's registers for the above oaths of fidelity of the fourteenth and early fifteenth centuries.[24] This supports the impression that far more officials may have sworn oaths than the surviving evidence suggests. Oaths of the bishop's officials, however, become far more prevalent in the later registers, especially that of the fifth register, suggesting that the practice of recording them had become far more routine in the early sixteenth century. It does not necessarily mean that more oaths were taken than earlier and might reflect nothing more than changes in where the monks entered this information, but it does suggest that by this period the monks were systematically taking oaths from most incoming bishopric officials. For example, in 1508 alone, twenty-two such oaths were recorded.[25]

Of course, just because some of the individuals swearing oaths of fidelity to the monks of Durham priory happened also to be officers of the bishops of Durham does not mean that they were doing so *because* they were the bishop's officials. After all, the priory was a major landowner in its own right – second only to the bishops themselves in the immediate region – and so it would be expected that many members of the local gentry and yeomanry would also owe the monks some form of fealty.[26] Undoubtedly, the affinities of the two landowners had considerable areas

[23] Much of what follows utilises the registers and locelli collection of Durham priory and owes a considerable debt of gratitude to generations of archivists, including Alan Piper and Michael Stansfield, who have catalogued and digitised much of the material and made them accessible online. For more about letter-books and registers more generally, see W.A. Pantin, 'English monastic letter-books', in J.G. Edwards, V.H. Galbraith and E.F. Jacob (eds), *Historical Essays in Honour of James Tait* (Manchester, 1933), pp. 201–22.
[24] Other oaths were, however, being entered into the registers, just not those made by the bishop's officials. For example, there are numerous oaths of homage and fealty from their own tenants-in-chief, officers and clerks who acted on their behalf recorded in the second and third registers from this period.
[25] DCD, Register V, f.97r-114r.
[26] For Durham priory as a landowner and lord, see A.T. Brown, *Rural Society and Economic Change in County Durham: Recession and Recovery, c.1400–1640* (Woodbridge, 2015); Peter L. Larson, *Conflict and Compromise in the Late Medieval Countryside: Lords and Peasants in Durham, 1349–1400* (London, 2006); R.B. Dobson, *Durham Priory, 1400–1450* (Cambridge, 1973); Ben Dodds, *Peasants and Production in the Medieval North-East: The Evidence from Tithes, 1270–1536* (Woodbridge,

of overlap and so it is hardly surprising to see the occasional official from the bishop's estate also swearing an oath to the monks of Durham priory.[27] Yet, this practice of oath-taking does not appear to be a coincidence, and instead the monks were specifically taking the oaths of individuals who had been recently appointed to an office by the bishop. At the same time as the monks recorded an individual's oath, they also wrote an *inspeximus* (confirmation of an earlier grant) of the person's initial appointment to his current post in the bishop's administration. For example, John de Hatfield, described as *valettus* of the bishop's pantry and presumably related to the bishop himself – Thomas Hatfield – was appointed as bailiff errant in the lordship of Allerton and Allertonshire on 13 September 1379.[28] A record of his appointment was copied into the prior's register on 23 November and, on the next day, John swore that he would be faithful to the prior and convent of Durham and reveal none of their secrets, saving his homage to the king of England and the bishop of Durham.[29] The close timing between entering an individual's appointment to office and his subsequent oath – often occurring on the same day – make it clear that the oath was directly related to a person's appointment. Indeed, where the oaths were also recorded in the prior's registers at the start of the sixteenth century, the relationship between oath and appointment is even more pronounced because they are entered consecutively in the register, reinforcing the impression that the monks were taking a person's oath *because* they had been appointed to office recently. This is supported by examples of the handful of individuals who swore multiple oaths. Such officials undertook a new oath after their appointment to each office. For example, Robert Preston swore an oath in 1439 after being appointed forester of Gateshead park and did so again in 1445 after adding coroner of Easington ward to his responsibilities, whilst Edmund Scarlett did similarly, having sworn an oath in 1501 on being appointed keeper and bailiff errant of the lordship and liberty of Allerton and Allertonshire and doing so again in 1508 after additionally being made receiver there.[30]

Although these oaths were thus given soon after a person's appointment, they should not be mistaken for oaths of office.[31] The monks of Durham priory did take such oaths. Indeed, abbots and priors were

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2007); Alisdair Dobie, *Accounting at Durham Cathedral Priory: Management and Control of a Major Ecclesiastical Corporation, 1083–1539* (Basingstoke, 2015).

[27] This happened, for example, with some of the clerks and proctors who represented the bishops and priors and who defended their respective rights.

[28] DCD, Register II, f.281r. For more on Bishop Hatfield, see Anthony Bash (ed.), *Thomas Hatfield: Bishop, Soldier, and Politician* (Toronto, 2012).

[29] DCD, Loc.XXVIII:2(19).

[30] DCD, Loc.XXVIII:3(4), (5), (9); DCD, Register V, f.61v and f.102r.

[31] For oaths of office, see Sabapathy, *Officers and Accountability*; Kenneth Pennington, 'Feudal oath of fidelity and homage', in Kenneth Pennington and Melodie Harris Eichbauer (eds), *Law as Profession and Practice in Medieval Europe: Essays in Honor of James A. Brundage* (London, 2011), pp. 93–115. For an urban comparison, see Lee, '"Ye shall disturbe noe mans right"'; Esther Cuenca, 'Oath-taking and the politics of secrecy in medieval and early modern British towns', *Continuity and Change*, 38 (2023), pp. 9–29; and Christian D. Liddy, *Contesting the City: The Politics of Citizenship in English Towns, 1250–1530* (Oxford, 2017).

routinely employed in late medieval England to receive oaths of office and fealty from incoming royal officials.[32] For example, John Wessington, the prior of Durham, received a writ from Henry VI in 1431 granting him the authority to receive the oath of Roger de Woddryngton, the sheriff of Northumberland, which duly occurred in the following year. The sheriff swore to undertake a range of duties, including upholding the king's rights and revenues, to 'doo all your payne and diligence to destroye and make to cese all maner of heresyes and erroures commonly called Lollardnes with in your baillifwyke' and to 'trewly and ryghtewysely trete the peple of youre shyryfewyk and doo ryghte as well to pour as to ryche in all that longith to your offyce'.[33] At no point, however, did he swear to be faithful to the monks themselves. It was not that Durham priory, with the shrine of St Cuthbert and its associated authority, was simply deemed an appropriate location to take the oaths of office from important officials. For example, on the appointment of William de Blaykestone as sheriff and escheator of Durham in 1344, Blaykestone swore to serve the bishop loyally and treat the people of his bailiwick honestly; to deliver the gaols and execute the writs and precepts of the bishop; to show favour to none, but to do right to all, rich and poor alike; to maintain the powers and privilege of the bishop; and to consent to nothing by which they might be injured or diminished, but either to repress such attacks or report them to the bishop or a member of his council.[34] In a decidedly less verbose manner, the coroners took their oaths before the bishop's chancellor in the exchequer, swearing that they would serve the bishop loyally and account for the issues of their office.[35] These were the formal oaths of office they were required to swear, and it was only after these had been given that our officeholders then made the journey into the priory and undertook an entirely separate oath of fidelity to the monks there.

III

It becomes clear, then, that at least some of the incoming officers of the bishops of Durham were routinely swearing oaths to the monks of Durham priory, but what precisely did they promise? Given the significance of oaths in medieval society, the wording clearly mattered, and some oaths were considerably longer and potentially more burdensome than others. Some incoming officials, such as John Boner, coroner of Easington ward, undertook to be generally benevolent and

[32] Martin Heale, *The Abbots and Priors of Late Medieval and Reformation England* (Oxford, 2016), p. 207. For an example elsewhere, see J.B. Sheppard (ed.), *Literae Cantuarienses: The Letter Books of the Monastery of Christ Church, Canterbury, volume 3*, Rolls Series (1889), p. 237.

[33] DCD, Registrum Parvum II, f.52v-53r, printed in James Raine (ed.), *Historiae Dunelmensis Scriptores Tres, Gaufridus de Coldingham, Robertus de Graystanes, et Willielmus de Chambre*, Surtees Society, 9 (1839), p. ccxx.

[34] Gaillard Thomas Lapsley, *The County Palatine of Durham: A Study in Constitutional History* (London, 1900), p. 82. Lapsley noted that this formula survived with very little change into the sixteenth century.

[35] Ibid., p. 87.

faithful towards the monks during his time in office in 1349.[36] This presumably cost Boner little and won him the goodwill of the monks. Generally, most oath-makers swore some variation on this theme of being faithful to the monks but with the important addition of causing them no trouble nor infringing upon their rights and liberties. Many oath-makers included caveats concerning previous commitments, reflecting the multitude of overlapping loyalties that the gentry and yeomanry of late medieval England routinely navigated. For example, in 1358, John de Cousby swore his faithfulness to the monks saving the homage and fealty to the lords by whom he was already retained.[37] William of Elmdon junior in 1381 and John de Billy in 1382 reserved their homage to the king of England and the bishop of Durham, whilst in 1385, Thomas Bland added the earl of Warwick to his previous homages, and Thomas Wytham included the earl of Salisbury in his oath of 1439.[38] Given that they were incoming officers of the bishops of Durham, many included a provision that they would be faithful to the monks saving their fidelity to the bishop himself, clearly prioritising their lord whilst making these concessions to the priory.

Some oath-makers went beyond simple professions of faithfulness and included a bond of 20s. if they or their deputies did anything to cause damage to the prior or convent, whilst others promised to make amends within two months if they or any of their deputies caused any injury to the monks.[39] John Betonson, forester of Bedburn park, went further in his oath of 1379 by promising not to reveal any of the priory's secrets, a clause normally reserved for officers of the priory.[40] The oath of John de Hylton from 1366 reads more like that of a proctor or clerk acting on behalf of the monks than that of the incoming keeper of the bishop's wood in the lordship of Allerton and Allertonshire.[41] He swore not to bring trouble unreasonably or to allow the bringing of trouble to the monks, to render them faithful advocacy when present where their business was conducted, so that they sustain no damage, and obliged himself to pay 20s. if he was shown to have knowingly failed these terms. Some went beyond professing a general faithfulness to the monks and even promised to serve them faithfully in their new position, a potentially bizarre scenario given that their office was not answerable to the monks. For example, in 1437, William Rakett promised that he would faithfully serve the prior and convent in his new role as clerk of the chancery of the

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[36] DCD, Loc.XXVIII:2(8) and DCD, Register II, f.137r. For the nuances of friendship and loyalty, see for example: Lars Hermanson, *Friendship, Love, and Brotherhood in Medieval Northern Europe, c.1000–1200* (Leiden, 2019), pp. 111–39.

[37] DCD, Loc.XXVIII:2(11).

[38] DCD, Loc.XXVIII:2(20), (22), (23) and Loc.XXVIII:3(7). Thomas Wytham, for example, was a beneficiary and executor of the will of Richard Nevill, Earl of Salisbury. See A.J. Pollard, 'The northern retainers of Richard Nevill, Earl of Salisbury', *Northern History*, 11 (1976), pp. 52–69.

[39] For 20s. bonds, see DCD, Loc.XXVIII:2(15), (18); for promises to make amends within two months, see DCD, Loc.XXVIII:2(16), (20), (22), (23).

[40] DCD, Loc.XXVIII:2(17).

[41] DCD, Misc. Ch. 58 and DCD, Register II, f.341r.

bishop of Durham and would cause them no trouble, quite the potential undertaking indeed.[42]

As the fifteenth century progresses, we lose some of the textual details of the oaths, though this may in part be due to fewer of the originals surviving. We are, therefore, forced to rely upon entries in the prior's registers where the wording of the oaths becomes standardised, though it is unclear if the oath itself had fossilised or whether it was simply how such oaths were summarised and recorded in the registers. In these standardised oaths, individuals were reported as swearing to be of goodwill and faithful to the prior and convent of Durham and all the monks of their dependent cells, to bring them no injury, annoyance or harm; never to disturb them in their liberties, jurisdictions, customs, goods or possessions; nor to say or do anything in person or through another whereby the monks might sustain damage or in any way be losers. This was quite the laundry list of promises and, although some of the individual commitments of earlier oaths have disappeared – perhaps most noticeably any reference to defend the monks or keep their secrets – this was still quite a set of promises for an officer of another lord to make. If anything, the oath had become more nuanced over time, acknowledging the much wider range of ways that the interests of the monks could be harmed, including through defamation and the spreading of rumour, whilst it even anticipated the possibility that people might seek to act through intermediaries to cause damage to the priory. The monks thus ensured that incoming officials could not plead innocence or ignorance if any harm befell the priory on their watch.

Clearly, many oaths were intended to be given in person, though the surviving records rarely provide much insight into any ceremony associated with them, nor much by way of information about who the oath was given to, where or in whose presence it was made. However, a handful of the original oaths were endorsed (written on the reverse) by a contemporary hand, giving some additional details. For example, in 1369, William Forester, keeper of the bishop's park in Gateshead, was said to have sworn his oath in the presence of Uthred, the sub-prior, William of Allerton and Thomas of Hexham.[43] The following year, Nicholas of Skelton, coroner of Chester ward, swore his oath in the prior's chamber in the presence of Uthred, the sub-prior, Alan Billingham, Robert Masham and John Arlam.[44] In 1382, John de Billy, coroner of Darlington ward, swore his oath in the prior's chapel before Robert of Blacklaw, the sub-prior, John of Lumley, John Bolton and Thomas Claxton, the prior's steward.[45] Lastly, in 1445, Robert Preston, coroner of Easington ward and forester of Gateshead park, swore his oath in the prior's chamber in the presence of John Wessington, the prior, John Lounde, the warden

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[42] DCD, Loc.XXVIII:3(3).
[43] DCD, Loc.XXVIII:2(15).
[44] DCD, Loc.XXVIII:2(16).
[45] DCD, Loc.XXVIII:2(22).

of Kepier Hospital, John Gateshead, Robert Westmorland, Richard Bell and William Seaton.[46] These oaths, therefore, were not a minor affair and involved some of the most senior and influential monks of the priory and were often sworn either in the prior's chamber or his chapel.[47]

Given that Durham priory was itself a major landowner, they also received oaths of homage and fealty from their own officers and tenants-in-chief, so how did the oaths they received from incoming officials of the bishop differ from those required of their own men? For example, on 10 October 1348, Robert Elwick, clerk, swore to provide his labour and counsel diligently in the faculty of medicine, perhaps employed with one eye towards the plague which had entered the south of England by then.[48] Most officers swore to little more than this, promising to serve faithfully, to carry out their duties, and not to reveal the monks' secrets, as Hugh, called cook, did upon his appointment as the priory's purchaser of victuals.[49] Some undertook considerably more than this though. Upon being made bailiff of Coldingham priory (Scotland) in 1442/1443, for example, Sir Alexander Home and his son acknowledged that they were 'trewly to be bundyn and straitly oblyse us, thatt whe sall maynteyn, help, suppowell, and defennde dan John Oll and his successours, priours of Coldingham, thayre men, thayre servannts, thayre landes, possessions, rennt3, goode3, and all othere thynge3 thatt till thaym of the said place perteyns'.[50] Others undertook similar such professions as, for example, when the clerk Robert de Baldok bound himself in perpetuity to the priory in 1314, promising to show himself faithful and attentive concerning their causes and business.[51] He swore to offer them counsel, aid and advocacy, promising that he would not attempt fraud or guile and that he would neither say nor do anything, in person or through another, which would cause the monks to suffer loss. Baldok went on to promise not to reveal their secrets or counsel to the harm of the monks nor would he maliciously absent himself from their causes and businesses wherever they were to be carried out.[52]

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46 DCD, Loc.XXVIII:3(9).
47 Many of these monks held senior positions within the priory and, between them, had previously held nearly every office available, including acting as subprior of Durham, prior of several dependent cells, warden and bursar of Durham college (Oxford), granator, communar, almoner, cantor, hostiller, cellarer, steward, chamberlain, bursar, feretrar, terrar and chancellor. For full biographical details of these witnesses, see David and Lynda Rollason (eds), *The Durham Liber Vitae, volume III: Prosopographical Commentary* (London, 2007).
48 DCD, Loc.XXVIII:9(6).
49 DCD, Loc.XXVIII:9(12); DCD, Register II, f.178r.
50 DCD, Misc.Ch. 654–5; DCD, Register III, f.287v; printed in J. Raine (ed.), *Correspondence, Inventories, Account Rolls and Law Proceedings of the Priory of Coldingham (1214–1478)*, Surtees Society, 12 (1841), pp. 146–7.
51 Robert de Baldok was one of a group of clerks who acted on behalf of both the monks and the bishops of Durham, and he would go on to become controller of the wardrobe and then chancellor of England in 1323. C.M. Fraser, *A History of Antony Bek, Bishop of Durham, 1283–1311* (Oxford, 1957), p. 104.
52 DCD, Register II, f.26r-v. For the form of oaths taken elsewhere see, for example, James M. Wilson (ed.), *The Worcester Liber Albus: Glimpses of Life in a Great Benedictine Monastery in the Fourteenth Century* (London, 1920), p. 137.

Still others included particular reasons for their oaths, such as the special munificence shown to them by the monks, or the oath of William son of Roger of Cleatham who, in 1324, promised to provide the monks with faithful service after having received his manumission as a *nativus* (serf) from them.[53]

Beyond oaths from their officers, the monks also received oaths of homage and fealty from their tenants-in-chief. Barrie Dobson noted that Prior Wessington was unable to enforce his right to receive homage from all of his tenants who owed military service in the early fifteenth century and those that did swear 'were hardly ever members of knightly families'.[54] This makes it all the more surprising that they received so many oaths of fidelity from incoming bishopric officers who seem to have owed them no such formal professions of loyalty, especially since some of them were highly influential figures.[55] The prior's register provides a standard form of homage and fealty from the early fifteenth century that was expected of such tenants-in-chief, who were to promise to 'be cume your man fro thys day forth, on lyf and on lymb'.[56] For example, in 1438, John Wakerfeld, younger, son of the recently deceased John Wakerfeld, swore his oath of homage and fealty to the monks in the revestry of the cathedral in the presence of the prior's steward, the hostiller, the bursar, the cellarer and the chancellor, who were, again, some of the most senior members of the monastic community.[57] Such professions went above and beyond what was expected of the bishop's incoming officials, and yet there are some similarities here, including the location – generally in the prior's chamber or chapel – and even personnel present, though the homages of their own tenants-in-chief tended to involve the occasional outsider, such as the bishop's justice. Perhaps the two most important distinctions between the oaths taken from the bishop's officials and those received from their own tenants and officers were the clauses stipulating that the oath-maker would defend the monks and keep their secrets, which were far more prominent amongst their own officials. Although it was expected that the bishop's officers would not cause the monks harm, they were generally not expected to actively defend the monks in quite the same manner.

IV

Who, then, were the individuals undertaking these oaths and what positions within the bishop's administrative apparatus did they occupy? Table 1 provides a breakdown of the offices and positions of our oath-makers. Some of the different categories are somewhat arbitrary. For example, the difference between a steward and keeper of a manor is

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[53] For the reference to special munificence shown to the oath-maker, see that of William Heron, miles, Loc.XXVIII:9(1); and for the reference to William's manumission, see DCD, Loc.XXVIII:2(3).
[54] Dobson, *Durham Priory*, p. 192.
[55] See the next section for further analysis of these oath-makers.
[56] For the full sample forms of homage and fealty taken by the monks, see DCD, Register III, f.57v.
[57] DCD, Register III, f.230r.

Table 1 Officials of the bishops of Durham who swore an oath of fidelity to the monks of Durham priory.

Office	No. of oaths
Keeper, parker or forester of manor or park	39
Bailiff of borough, town or lordship	12
Coroner of a ward	9
Lessee of manor, lands or park	9
Steward of a manor	6
Clerk of the bishop's steward, justices or chancery	4
Constable of Durham castle	3
Auditor and receiver of accounts	2
Constable of Norham castle and sheriff	2
Head forester of Weardale Forest	2
Receiver of a lordship	2
Annuity holder	1
Apparitor-general	1
Chaplain and keeper of a chantry	1
Chief steward	1
Lessee of corn tithes	1
Rector of a church	1
Registrar-general	1
Total	97

Source: DCD, Locelli collection, miscellaneous charters and registers.

potentially one of semantics in the current context and, indeed, there are sometimes variations in how people were identified in their oath compared to the copy of their appointment to office.[58] Despite this reservation, the table demonstrates the wide variety of officeholders who undertook these oaths. Some offices make only rare appearances though this is easily explained because there was only one such office, often held by a single person at a time, usually for life.[59] Others were far more numerous, especially the foresters and keepers of manors, who appear most frequently. This does not mean officials in these posts were more likely to profess their faithfulness to the monks, but rather represents the sheer quantity of such positions in the patronage of the bishops. This included officials from their parks of Auckland, Bedburn, Bradwood, Choppington, Evenwood, Fenwick in Islandshire, Frankland, Gateshead and Stanhope; the manors of Wheel Hall, Howden and that near Charing Cross in London; and Crayke castle and park. Such oaths, therefore, were not restricted to the local region and were given by people taking on positions all the way from the Scottish border, through Durham, into Yorkshire, and even down to London.

[58] Some officers were also appointed to multiple positions – such as keeper of a manor and bailiff of the lordship – simultaneously, and the bishop's household officers often also held offices of state. See Lapsley, *County Palatine of Durham*, pp. 77–105.
[59] For some of the key offices and officeholders, see Matthew Holford, 'Office-holders and political society in the liberty of Durham, 1241–1345 (Parts 1 and 2)', *Archaeologia Aeliana*, 5th series, 36 (2007), pp. 93–110 and 37 (2008), pp. 161–82.

The importance of the bishop's bailiffs and foresters will be discussed further below, especially as their perceived oppressions and extortions became the source of complaint, but the next most frequent oath-making officers were the coroners. Gaillard Lapsley noted that the coroners in Durham 'performed a great variety of miscellaneous duties', whilst Cynthia Neville argued that 'the coroner's office played a more crucial role in the administration of the bishop's vast lands than it did on behalf of the crown elsewhere in the realm, and that the Durham coroners exercised a breadth of authority and privilege not emulated in other English counties'.[60] Their duties included leading investigations into unexplained deaths and aiding with gaol delivery before the bishop's justices of assize, investigating into wreck of the sea, serving on episcopal commissions of array and collecting a variety of rents owed to the bishop. When the bishop's serfs ran away, it was the coroner's job to recapture them as, for example, when John Boner brought back two neifs to hold vacant bondage holdings in Shadforth in 1356.[61] Neville concluded that coroners elsewhere in England did not have 'as extensive and wide-ranging an authority as did the coroners in Durham', suggesting that 'they were, as a consequence, men of considerable social standing: chosen from among episcopal tenants-in-chief', though Christian Liddy has disputed this, noting that the laborious nature of the position meant that they were rarely drawn from the ranks of the county's elite.[62]

It clearly behoved the monks to receive the goodwill and cooperation of such major officeholders in the region. As Carpenter noted when discussing the office of sheriff, 'without his co-operation defendants could not be brought into court, juries assembled or judgements executed; and no litigant could rely on a favourable or even an impartial jury without the ear of the sheriff'.[63] It is similarly not difficult to guess why the prior sought the favour of particular individuals. Perhaps the most nationally significant figure in our list of oath-makers was Edmund Dudley, a key advisor of Henry VII and president of the king's council. Dudley was appointed chief steward of the bishopric of Durham on 20 September 1508 and his oath to the monks duly followed, with a copy of his appointment entered into the prior's register the following week.[64] Given his political significance, Dudley represents something of an anomaly within the list of oath-makers, and the monks were clearly eager to cultivate ties with such an important person. The following year,

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[60] Lapsley, *County Palatine of Durham*, p. 87; Cynthia J. Neville, '"The bishop's ministers": the office of coroner in late medieval Durham', *Florilegium* 18 (2001), pp. 47–60, at 48.

[61] R.H. Britnell, 'Feudal reaction after the Black Death in the palatinate of Durham', *Past and Present*, 128 (1990), pp. 28–47, at p. 33. John Boner had become coroner of Easington ward in 1348 and had sworn his oath to the priory in 1349. DCD, Loc.XXVIII:2(8); DCD, Register II, f.137r.

[62] Neville, 'The bishop's ministers', p. 54; Christian D. Liddy, *The Bishopric of Durham in the Late Middle Ages: Lordship, Community, and the Cult of St. Cuthbert* (Woodbridge, 2008), p. 160.

[63] Carpenter, 'Beauchamp affinity', p. 524.

[64] DCD, Register V, f.102v. For more on Dudley, see Steven Gunn, *Henry VII's New Men and the Making of Tudor England* (Oxford, 2016).

on 10 February 1509, Dudley was granted letters of confraternity by the monks, prompted – so the letter explains – by the devotion of mind and affection of a sincere heart which he has shown towards their monastery, as they joyously accept from his letters and the trustworthy account of others.[65] Clearly having an influential member of the king's council was a relationship to be courted and coveted. Another prominent royal official was that of Sir John Heron, who was appointed treasurer of the king's chamber in 1485 and served under Henry VII and Henry VIII, and who was appointed as keeper of the bishop's manor near Charing Cross in London on 15 May 1504.[66] Described as the bishop's most dear friend and the king's servant, Heron duly professed his faithfulness to the monks on 26 May.[67]

Although a relationship with such royal officials could undoubtedly prove beneficial, many of the oath-makers were more regionally significant, such as the Lumleys, members of the titular aristocracy and one of the most powerful families in the county.[68] On 18 November 1437, Thomas Lumley, knight and lord of Lumley, was appointed the head forester of Weardale forest and overseer of all parks, coal mines and iron forges in the bishopric of Durham, a particularly important position in the bishop's patronage.[69] This granted the Lumleys power to hear pleas and suits according to the customs of the forest and gave them full power to set to farm all mines, iron forges and herbages of the bishop's forests and parks, through the supervision of the bishop's head steward. The very next day, Thomas swore to serve the priory faithfully and cause them no trouble.[70] Again, in 1508, Richard Lumley, lord of Lumley, and his son and heir apparent, John Lumley, were re-appointed as head foresters of Weardale forest, and they duly swore their oaths of fidelity to the monks.[71] Moreover, it was not just important or influential members of local society who undertook such oaths, with even members of the bishop's own household, and presumably those closest to him, doing so too.[72] For example, in 1511, Thomas Ruthall, bishop of Durham, appointed 'his friend and brother' Richard Ruthall as constable of Durham castle, who duly gave his oath to the monks in the following January.[73]

Yet, some of our oath-makers do not appear in quite the same political league, nor did they hold major office whose favour would have been

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[65] DCD, Register V, f.114v-115r. Letters of confraternity admitted the recipient as a spiritual brother of the chapter, granting him special participation in religious ceremonies in the monastery and prayers for him, just as for their other spiritual brethren, every year in perpetuity after his death had been confirmed.

[66] DCD, Register V, f.76v-77r. P.R.N. Carter, 'Heron, Sir John', *Oxford Dictionary of National Biography* (2004).

[67] DCD, Register V, f.77r.

[68] For more on the Lumleys, see Liddy, *The Bishopric of Durham* and Brown, *Rural Society and Economic Change*, pp. 107–47.

[69] DCD, Register III, f.210v-211r.

[70] DCD, Loc.XXVIII:3(6).

[71] DCD, Register V, f.103v-104r.

[72] See the earlier example of John of Hatfield.

[73] DCD, Register V, f.141v.

especially beneficial. For example, on 28 March 1501, John Hamerton, gentleman, swore the by-now standard oath to be faithful to the monks, yet the reason for his inclusion seems only to be that he had been granted an annuity of five marks by the bishop of Durham, to be drawn from the profits of the lordship of Howden and Howdenshire.[74] Hamerton had received this annuity for his strenuous service in defending Norham castle against the siege of James IV of Scotland in 1497, yet it is not entirely clear what services the monks were expecting him to perform in the future or, indeed, how his oath might pre-empt future conflicts of interest.[75] Another seemingly obscure relationship is that of the Claxtons, who were an important local gentry family in their own right.[76] In 1518, Isabel Claxton, widow, and her son, Ralph Claxton, took on a forty-year lease of several parcels of land from the bishops near North Auckland with an annual rent of £16.[77] The following year, Ralph duly came to the priory and gave his oath to the monks.[78] Certainly, a contentious coroner or bailiff could have vexed the monks no end, and so it is understandable – though perhaps no less extraordinary that they were successful in extracting them – that they sought promises from such officeholders that they would do them no harm. Yet, what were the monks hoping to achieve from taking oaths from an annuity holder or the bishop's lessees? Perhaps the most surprising in this respect are the eight merchants of Berwick-upon-Tweed who, in 1515, leased out the bishop's fisheries on the Tweed for fifteen years.[79] Other lessees who also swore oaths to the monks included: Richard Eryngton, who took on the manor of Morton for forty years in 1501; Roland and Thomas Tempest, who leased Wolsingham park for twenty years in 1508; Richard Aldwood, who leased Middridge grange in 1508; and John Swynburn and Thomas Welden, who leased the corn tithes of the parish of Stamfordham for ten years, also in 1508.[80]

Such lessees were different to the bulk of other bishopric officials or manorial officeholders, not simply because their leases were for a fixed period – unlike the other oath-makers, whose appointments tended to be for life – but also because their ties to the bishop were based on a seemingly contractual relationship. As officials and officeholders, our other oath-makers benefited from what was often a reciprocal association with the bishops, sometimes formally through grants of annuities or pensions, at other times informally through patronage and beneficial treatment. Lessees had no such call upon the bishop. The general commutation of tenurial obligations for cash payments and especially the leasing out of demesnes and manors in the late fourteenth and fifteenth centuries

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[74] DCD, Loc.XXVIII:4(3).

[75] DCD, Register V, f.61v.

[76] For more on the Claxtons and the local gentry, see Brown, *Rural Society and Economic Change*, pp. 148–71.

[77] DCD, Register V, f.177v.

[78] DCD, Register V, f.178r.

[79] DCD, Register V, f.159v.

[80] DCD, Register V, f.67r, f.102v-103r, f.107v-108r, f.108r-v.

have been seen as significant trends in the late medieval English economy because they represented a breakdown of traditional social relations in favour of increasingly contractual and economic ties.[81] Yet, the fact that some lessees undertook oaths to the monks, just like other manorial officials and landholders, demonstrates that medieval leases had not yet become a straightforward commercial contract. The oaths preserved an overlayer of social bonding. Unlike copyhold or customary tenures, which might maintain a requirement for the incoming tenant to make homage to the lord and so preserve one element of the ties of villeinage, fifteenth-century leases tended to have no such stipulations.[82] Despite this, our oaths illustrate how lessees could still be bound by the overlapping social obligations that tied together other participants in the manorial economy. It is not clear what, if anything, the monks were expecting from these lessees or what they hoped to gain from receiving their oaths. We get the impression that, having secured the right to take these oaths, the monks were keen to receive them, regardless of the importance of the post or grant an individual received.

V

Although we know incoming officials and even lessees of the bishops of Durham thus swore oaths of fidelity to the monks of Durham priory, promising not to harm their rights and liberties and sometimes agreeing to even more burdensome undertakings, the reasons behind these oaths and their consequences remain far more elusive. No single and obvious reason for this arrangement presents itself. There appears to be no formal agreement in place between the two landowners. Indeed, if one existed, it would be expected that the monks would have entered it into their registers on multiple occasions, as they did with the many other rights and privileges they had secured. They would also have sought confirmation of these concessions from subsequent bishops over the generations, and so there should be considerable documentary evidence of these rights.[83] Yet, no such agreement appears to have survived, and it is unclear what prompted this practice or, indeed, why it was continued for around

[81] J.N. Hare, 'The demesne lessees of fifteenth-century Wiltshire', *Agricultural History Review*, 29 (1981), pp. 1–15; F.R.H. Du Boulay, 'Who were farming the English demesnes at the end of the Middle Ages?', *Economic History Review*, 17 (1965), pp. 443–55; E.M. Halcrow, 'The decline of demesne farming on the estates of Durham Cathedral Priory', *Economic History Review*, 7 (1955), pp. 345–56; R.A. Lomas, 'The priory of Durham and its demesnes in the fourteenth and fifteenth centuries', *Economic History Review*, 31 (1978), pp. 339–53; B. Harvey, 'The leasing of the abbot of Westminster's demesnes in the later Middle Ages', *Economic History Review*, 22 (1969), pp. 17–27; M. Mate, 'The farming out of manors: a new look at the evidence from Canterbury Cathedral Priory', *Journal of Medieval History*, 9 (1983), pp. 331–43.
[82] For the evolution of tenures, see Mark Bailey, *The Decline of Serfdom in Late Medieval England: From Bondage to Freedom* (Woodbridge, 2014) and Mark Bailey, *After the Black Death: Economy, Society, and the Law in Fourteenth-Century England* (Oxford, 2021).
[83] See below for the ways in which the monks recorded and guarded their hard-won concessions of *le Convenit*.

two centuries. There are, however, several potential explanations for this arrangement. Firstly, the unique palatine powers of the bishops of Durham may go some way towards explaining this situation because many of the offices in their patronage – such as sheriffs, coroners or bailiffs – were more often royal appointments elsewhere in late medieval England. Secondly, there was a history of concessions between the bishops and the monks of the priory going back to the agreement known as *le Convenit* of 1229, which regulated many of the relations between the two landowners and their respective rights.[84] Finally, there was a very recent history of outright conflict between the two landowners in which the bishop's officers had played an integral role in besieging the priory itself and even dragging the prior from his stall, resulting in the monks and the landholding community of the county petitioning the king about the bishop's heavy-handedness. It is likely in this context of conflict and compromise between the monks and bishops that we will find our potential answers.

Firstly, then, are the royal prerogatives to which the bishops lay claim. Although the extent and effectiveness of these powers have been disputed by previous historians, there can be little doubt that the bishops of Durham were anything but a usual lord.[85] They had the right to appoint their own officers, whose authority was said not to derive from the king of England but from the bishop. He could administer all kinds of justice within the liberty, and royal writs need not be obeyed without the bishop's permission. He had his own mint, exchequer and chancery. Considerable portions of the liberty fell within forest law, which was administered by the bishop through his forest courts. Although undoubtedly hyperbole, the words of the bishop's steward, William de St Botolph, express some of Bishop Bek's ambitions at the start of the fourteenth century: 'There are two kings in England, namely the lord king of England wearing a crown as a symbol of his regality and the lord bishop of Durham wearing a mitre in place of a crown as a symbol of his regality in the diocese of Durham'.[86] Yet, the concentration of such regal powers in the hands of a private lord, even a prelate appointed by the crown, could give rise to considerable tensions as we will see. Swearing oaths to uphold the rights

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[84] DCD, 1.4.Pont.1, printed in W. Greenwell (ed.), *Feodarium Prioratus Dunelmensis: A Survey of the Estates of the Priory and Convent of Durham, Compiled in the Fifteenth Century*, Surtees Society, 58 (1871), pp. 212–17, with a partial translation in T.D. Hardy (ed.), *Registrum Palatinum Dunelmense: The Register of Richard de Kellawe, Lord Palatine and Bishop of Durham, 1314–1316, vol. 1*, Rolls Series (1873), pp. lxxiii-vi.

[85] Only a summary of the bishop's authority can be provided here, but for more see Lapsley, *County Palatine of Durham*; R.L. Storey, *Thomas Langley and the Bishopric of Durham, 1406–1437* (London, 1961); Constance M. Fraser, 'Prerogative and the bishops of Durham, 1267–1376', *English Historical Review*, 74 (1959), pp. 467–76; Constance M. Fraser, 'Edward I of England and the regalian franchise of Durham', *Speculum*, 31 (1956), pp. 329–42; Jean Scammell, 'The origin and limitations of the liberty of Durham', *English Historical Review*, 81 (1966), pp. 449–73; Tim Thornton, 'Fifteenth-century Durham and the problem of provincial liberties in England and the wider territories of the English crown: proxime accessit, Alexander Prize 1999', *Transactions of the Royal Historical Society*, 11 (2001), pp. 83–100; Holford and Stringer, *Border Liberties*.

[86] Fraser, *A History of Antony Bek*, p. 98.

of the second largest landowner in the region, itself a perpetual institution of considerable religious, political, economic and social authority, could have been considered a prudent concession to make.

Secondly, the bishops and monks had their own fractious history, often coming into conflict over their respective privileges and the boundaries between their jurisdictions. Although such disputes were common in medieval England, they were perhaps amplified in Durham where there was no alternative municipal authority and few lords of equivalent importance. This was further exacerbated by the fact that the estates of Durham priory and the bishops of Durham were highly concentrated, not just in the north-east of England itself, but lying heavily between the two rivers, the Tyne and the Tees. Conflict was, therefore, all but inevitable, and one early and lasting agreement between the two lords was reached in 1229, known as *le Convenit*. This dealt with a wide range of measures, including the regulation of trade, but at its core it was an agreement about the administration of justice. It was agreed that the bishop's bailiff was to be responsible for attaching people for breaches of the peace, but it conceded that they must inform the prior's bailiff if the suspect was found to be a tenant of the priory. A tenant of the priory could then be claimed by the prior's bailiff if the offence pertained to the prior's free court. The monks were also to receive half of all the revenues arising from the condemnation of priory tenants, regardless of the offence. The terms of *le Convenit* continued to shape the relationship between the monks and bishops throughout the late Middle Ages, and its significance can be seen in the way that subsequent generations sought to reconfirm the agreement.[87] For example, in 1352, Bishop Thomas Hatfield instructed his justices to proclaim publicly the terms of *le Convenit*, wishing for all of his justices, escheators, sheriffs, coroners and other bailiffs and ministers to follow them.[88] Of course, this did not always happen, and in 1382, for example, the prior's bailiff, John de Elvet, went in person to the gaol delivery convened in Norham to prevent three men from entering pleas because they were the priory's tenants.[89] Although there is no specific mention of oaths to be received within this settlement, 'it was apparently also accompanied by 'gentlemen's agreements', only some of which have been recorded'.[90] It is not difficult to see how promises of goodwill and faithfulness could go a long way towards smoothing relations between the two largest landowners in the region, especially as their respective officers would need to work closely together at times under the terms of *le Convenit*.

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[87] DCD, 1.5.Pont.11, for example, is a list of the tenants of Durham priory and men arrested on the prior's lands who were imprisoned by the sheriff of Durham or the bishop's bailiff and delivered to the prior's bailiff for judgement in the prior's court at various dates between 1305 and 1380-81.
[88] DCD, Register II, f.145r.
[89] Cynthia J. Neville, 'The courts of the prior and the bishop of Durham in the later middle ages', *History*, 85 (2000), pp. 216–231, at p. 224. See, for example, DCD, 4.1.Spec.44.
[90] Barlow, *Durham Jurisdictional Peculiars*, p. 30.

Finally, there can be little doubt that such relations did, indeed, need smoothing over. There are some oaths surviving from the very start of the fourteenth century, but most of these are from clerks who served both the bishops and the monks at various stages in their careers, such as Baldok discussed above.[91] The first examples of the bishop's officials – such as coroners, keepers and bailiffs – undertaking oaths to the monks come from early to mid-fourteenth century. This chronology is significant because it places our oaths in the aftermath of the feud between Bishop Antony Bek and Prior Richard de Hoton, which came to a head in spectacular fashion at the start of the fourteenth century. The details of this clash have been written about extensively, and so only a brief summary is repeated here for context.[92] There were many factors behind this conflict, but the main flashpoint came in May 1300 when Bishop Bek declared his intention to undertake a visitation of the priory and to correct any misbehaviours he found there, as was his right as bishop. The point of contention came when Prior Hoton insisted the bishop could only do so alone – in his interpretation of the meaning behind the bishop's right of 'single visitation' – and refused to allow the visitation to proceed until the bishop dismissed his entourage. Bek in turn had the monks excommunicated for their refusal to allow his rights, and Prior Hoton was subsequently deprived of office for his disobedience. Bishop Bek authorised the appointment of John de Lascy as prior in his stead. Lascy was met with resistance by the monks, however, and he ordered the bishop's bailiffs to arrest the monastic proctor, who took refuge in the belltower of the cathedral.

From this point in May until September, the priory was, in effect, blockaded and besieged, with two short intermissions. During this time, the bishop's coroners were ordered to take formal possession of the temporalities of the priory, and they were to allow no food into the monastery and were to arrest any of the monks' servants should they attempt to leave. As Constance Fraser concluded, 'such direct interference in the internal arrangements of the convent of Durham by the bishop was unprecedented'.[93] During the blockade, the main water supply to the monastery was cut and the priory mill on the Wear banks broken. A force of archers from Tynedale under Hugh de Wales, bailiff of Tynedale, was called upon to enforce the blockade more effectively and, all the while, Peter de Bolton, one of the bishop's coroners, presided over affairs with his wand of office to provide a veneer of legitimacy. Later in August, this force broke into the gates of the cloister and dragged the former prior, Hoton, from his stall and imprisoned him. With few other choices,

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[91] The oaths of such clerks tend to promise that they would provide counsel and aid as called upon, alongside not attempting any fraud or deceit through which the monks might suffer loss, nor to reveal their secrets or counsel.

[92] The following account is drawn from the key works of Fraser, *A History of Antony Bek*; C.M. Fraser, *Records of Antony Bek, Bishop and Patriarch, 1283–1311*, Surtees Society, 162 (1953); Holford and Stringer, *Border Liberties*, pp. 138–71.

[93] Fraser, *A History of Antony Bek*, p. 136.

Hoton formally resigned his office on 29 September 1300, though the consequences of this conflict were felt throughout the following decade as both Hoton and Bek repeatedly petitioned both the king and the pope in its aftermath. Though there were many political twists to the dispute, which continued beyond Hoton's death in 1308, perhaps the most important for our purposes were in 1300 itself when 'the knights and free tenants' of the bishopric came together and swore an oath that they would pursue action against Bek's oppressions, and in 1302 when Edward I took the liberty into his own hands and listened to the pleas of the community. In September of that year, William de Ormesby, a justice of the King's Bench, heard these complaints, which dated as far back as 1286, and which were predominantly against the bishop's officers. The remedy was a charter of liberties presented in 1303, which in general 'claimed no right which was unusual in English law at the time', including the acknowledgment that free men should not be summoned to appear in halmote courts and that no free man was to be imprisoned without a previous inquisition, unless he had been caught red-handed.[94] In all, there were nineteen articles of complaint, four of which concerned the bishop's use of forest law, including claims that amercements in the forest court were made 'at will'.

Although the above is a very cursory summary of a set of complex issues, the important – and at times controversial – role played by the bishop's officials stands at the forefront of these conflicts. As Matthew Holford noted, the 'foresters, coroners and bailiffs were essentially bishop's men', and 'Bek's disputes with Durham priory and with his tenantry reveal how important such lesser officers were in the enforcement of episcopal lordship; and in part it was because these men owed a great deal to Bek that he could rely on their loyalties'.[95] Holford went on to conclude that the coroners 'were the most frequent target of complaints in the judicial proceedings brought against the bishop and his men in 1302–3': it was Peter Bolton and Roger Esh, coroners, who took control of the temporalities of the priory; Esh who ransacked the priory's manor of Pittington in August 1300; and Bolton who was involved in the siege of the priory and helped to pull Prior Hoton from his stall.[96] In defending themselves against the prior's complaints, the coroners noted that they were simply keeping the peace and were merely carrying out the duties of their office, for which they bore a virge as a symbol of their position.[97] The liberty of Durham was subsequently reinstated, and good relations between the bishops and the monks were eventually restored, though this incident undoubtedly left its mark and had soured relations between the two landowners. Events such as these dramatically demonstrated how vital the bishop's officials were to the operation of good lordship in the

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[94] Ibid., pp. 185–7.
[95] Holford and Stringer, *Border Liberties*, p. 109.
[96] Ibid., pp. 146–7.
[97] DCD, Loc.VII:70.

region. It seems likely that in the aftermath of such an open conflict, the bishop's officials swore not to infringe upon the liberties of the priory in the future, a practice that continued into the early sixteenth century.

The origins of these oaths thus remain somewhat obscure, though they likely arose as a way of avoiding future conflict between the bishops and monks, yet just how effective a deterrent were they? Certainly, tensions arose between the two landowners throughout this period, including between their officials. As noted above, the prior's bailiffs routinely claimed their tenants from the bishop's courts to the consternation of both landowners: the monks because they felt their tenants should not have been there in the first place, and the bishops because they saw it as a challenge to their authority. In resolving such disputes, however, the monks did not complain that the bailiffs were breaking their oaths of fidelity not to infringe upon the priory's rights, but instead fell back on the terms of *le Convenit* and the formal agreement between the two landowners. It is clear, though, that the monks did take such oaths seriously. For example, in 1343, there was an inquisition into the behaviour of one of their own officers, the doorkeeper of the priory bakehouse, which found that Reginald had trimmed the loaves excessively and kept them for himself, contrary to his oath of office and to the detriment of the priory.[98] They similarly took any such violations of their rights very seriously as in 1474, when John Raynoldson and John Fery were said to have publicly and tearfully confessed to violating the priory's liberties. As part of their penance, Raynoldson and Fery swore bodily oaths on the gospels that they would not do so again and that they would instead prevent similar incidents by forewarning the monks.[99] Although the monks were more likely to appeal to the formal agreement of *le Convenit* when they felt that the bishops had overstepped their authority, the fact that they continued to receive these oaths and recorded them in their registers down into the early sixteenth century demonstrates their significance for the monks.

VI

Systematically receiving oaths of fidelity from the officials of another lord was not a common practice in late medieval England and likely arose from the local conditions in Durham. Yet, this unusual situation is significant for our understanding of late medieval politics because it sheds light upon a range of potentially similar activities that traditionally elude our field of vision. As McKelvie has noted, 'non-tenurial relations between lords and men were created via various means with numerous types of rewards for servants, some of which, like oaths, may never have

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[98] DCD, Register I, f.ii.89r-v. They similarly pointed out the violation of a provost's oath in a case from 1454, DCD, Registrum Parvum III, f.70v.
[99] DCD, Registrum Parvum III, f.155r-v. See also the subsequent entry of Lionel Claxton, gentleman, who was also said to have violated their rights.

produced a written record', whilst the 1468 act against liveries specifically prohibited giving 'eny such lyveree or signe, or reteigne eny persone othir than his menyall servaunt, officer, or man lerned in the oon lawe or the oder, by eny writyng, othe or promysse'.[100] What we see at Durham is not retaining in this sense. The monks did not distribute emblems or liveries to the bishop's officials, nor were the latter provided with annuities.[101] Yet, their oaths of fidelity bound these officials as surely – if not more so – than any trinket or token payment. These oaths served as a promise of goodwill, somewhere between an oath of homage and an oath of office, creating an informal influence that would have shaped their future behaviour. Although the monks have not left any surviving evidence that they tried to enforce these oaths, they presumably did so in subtle and varied ways in their daily interactions with the bishop's officials. If we think in terms of the concentric circles of a medieval affinity, the bishop's officials might be said to be in both the innermost circle of the bishop's following – his most trusted household officers and estate managers – and in the outermost circle of the monks, who might be formed of 'a more indefinite circle of well-wishers and personal connections, whose existence can usually only be inferred'.[102] The unusual examples of our Durham oaths provide insights into this shadowy world of general well-wishers, demonstrating a formal promise of goodwill from the officials of one lord to another.[103] These oath-makers were tied to the bishops in varied ways, some being his own relatives and members of his household, some were estate officers or public officials, and still others were holders of annuities or leases, yet all swore fidelity to the monks. Although unlikely to have been given as frequently or systematically as at Durham, oaths, promises and expressions of friendship bound people to ties beyond their immediate lord in ways that have left little mark on the surviving evidence.[104]

By moving away from the dynastic disputes of the laity and the formal retained affinity, examples such as these demonstrate the ways in which non-tenurial obligations could be created and cultivated over several centuries. John Watts has noted that the 'dream of every nobleman was surely the unchallenged rule of the locality, in which case everybody would be, in some sense, a part of his following, because everybody would look

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[100] McKelvie, *Bastard Feudalism*, p. 16; 'Edward IV: June 1467', in Chris Given-Wilson, Paul Brand, Seymour Phillips, Mark Ormrod, Geoffrey Martin, Anne Curry and Rosemary Horrox (eds), *Parliament Rolls of Medieval England* (Woodbridge, 2005), British History Online, item 41.

[101] Of course, the monks *did* provide such livery and maintenance to some of their own officeholders and servants, such as the cantors of the cathedral.

[102] Carpenter, 'Beauchamp affinity', pp. 515–6.

[103] For friendship and loyalty more generally, see for example, Hermanson, *Friendship, Love, and Brotherhood*, and Philippa C. Maddern, '"Best trusted friends": concepts and practices of friendship among fifteenth-century Norfolk gentry', in N.J. Rogers (ed.), *England in the Fifteenth Century: Proceedings of the 1992 Harlaxton Symposium* (Stamford, 1994), pp. 100–17.

[104] Even at Durham these oaths have left little evidence elsewhere in the otherwise voluminous archives of the monks and bishops.

to him for justice'.[105] Yet, for many, it would remain simply a dream, with even the officials of so powerful a lord as the bishop of Durham—with his pseudo-regal authority and judicial powers—swearing oaths of fidelity to another landowner. Although we cannot recover the full impact of these oaths upon the behaviour of such officials, it likely shaped their everyday interactions with the monks during their time in office. Such oaths were neither lightly given nor easily ignored, and we can assume that the monks would have been assiduous in reminding the bishop's officials of their sworn promises. If the 'sea of varying relationships' of late medieval affinities and politics 'seems then to have been considerably more stable than has been sometimes supposed', then it is in this informal world of oaths and promises that we find a potential cause of such social cohesion.[106] The relationship between the bishops of Durham and the monks of Durham priory was anything but smooth in the fourteenth and fifteenth centuries, but it never again deteriorated to where the bishop's bailiffs besieged the monastery and his coroners dragged the prior from his own stall in the cathedral. Such informal relationships can often be amongst the most difficult to recover because they have left fewest traces in the surviving records, but this case study demonstrates how oaths could bring the officials of one lord into the sphere of influence of another. Late medieval society was overlaid by complex and overlapping landscapes of lordship, and oaths of fidelity were one way of binding 'well-wishers' to a lord, creating an informal network of officials – often not paid or formally retained in any sense of the word – but who had a sworn duty to do right by their interests. Such oaths, therefore, were a mechanism by which lords might reach beyond their own affinity to influence the followers of another lord in the hopes of realising many of the same ends that formal retaining through livery and maintenance might achieve: a sympathetic ear and a favourable verdict.

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The author declares no conflict of interest.

[105] Watts, *Henry VI*, p. 67.
[106] George Holmes, *The Estates of the Higher Nobility in Fourteenth-Century England* (Cambridge, 1957), p. 79; Carpenter, 'Beauchamp affinity', pp. 518–19.