

A MID-TUDOR ECCLESIASTICAL OFFICIAL: THE CURIOUS CAREER OF GEORGE WILMESLEY

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FOR too long the history of the Reformation in England has been written from the statute book; that is, it has been assumed that because Parliament decreed a particular religious change, that change took place. But Tudor government did not work like this, and there was always a great gap between legislation at Westminster and its implementation in the provinces. Between legislation and obedience there had to be enforcement by local officials, and in counties such as Lancashire and Cheshire, three days' journey from the capital and beyond the direct supervision of the privy council, enforcement was not always as vigorous as the government desired. A non-religious example will illustrate this. In 1597 an act of parliament prohibited the use of tenters to stretch cloth before it was sold, a practice which was common in the North; the Lancashire justices of the peace made a strong protest to the privy council, and in 1601 the council announced that the tenter bars could be retained, though this offered no relief to the Lancashire weavers as the bars were not to be used. The J.P.'s therefore issued, on their own authority and in direct contradiction of the statute, an order which completely ignored the government's prohibition. In retaliation the council totally forbade tenters, and ordered the prosecution of those who retained them; but in the next five years there were only five token prosecutions before the quarter sessions for illegal tentering, while the weavers presumably continued to stretch their cloth.¹ It was quite clear that local officials either would not or could not enforce the law.

The same was true of religion, and in counties far from London it was possible for officers of both secular and ecclesiastical administrations to be lax in their enforcement of the new

¹ N. Lowe, *The Lancashire textile industry in the sixteenth century*, University of Manchester M.A. thesis, 1966, pp. 159-62.

legislation almost with impunity. Diocesan officials, therefore, were of central importance in the English Reformation, for without their cooperation there could be no reformation. At present we know very little of the operation and efficiency of Church administration in the sixteenth century, and we know even less of the men in charge of it, but these officials were perhaps more important in the course of the Reformation than the bishops they served, for they were responsible for the ordinary day-to-day running of the dioceses. But Tudor bureaucrats, like their modern counterparts, are shadowy figures, and usually we know nothing more of them than their public acts, the court sessions over which they presided and the judgements which they gave. Here an attempt will be made to give substance to the shadow of one mid-Tudor diocesan official, George Wilmesley, first chancellor of the diocese of Chester.

Wilmesley came from a Cheshire family of some importance. His grandfather, Sir John Savage, was the son of Sir John Savage of Clifton and Katherine, sister of the first Earl of Derby, and after serving Henry VII he was killed at the siege of Boulogne in 1492. Sir John had a legitimate son, also called John, four daughters, and an illegitimate son called George, who was to be the father of our chancellor.² George Savage entered the priesthood, as was usual for the bastards of the Savage family; in 1486 he obtained a dispensation from the bishop of Lichfield which allowed ordination despite his defect of birth.³ Savage's career was undistinguished, but his important family connections enabled him to accumulate a number of benefices; he held a prebend in Southwell Minster from 1505 until the suppression of the minster in 1540,⁴ he was rector of the family living of Davenham,⁵ and in 1535, when he was granted a licence to be non-resident, he was rector of Redmarley.⁶ Savage seems to have died in 1552,⁷ but by that date he had fathered, despite the rules of clerical celibacy, a family of some size; he had at least seven bastard children by three different mistresses.⁸ Four of his illegitimate sons followed him into the Church.

The most famous of Savage's sons was Edmund Bonner,

² *Dictionary of National Biography*; G. Ormerod, *History of the County Palatine and city of Chester* (hereafter referred to as 'Ormerod'), I, pp. 713-14.

³ Lichfield Joint Record Office, Register of Bishop Hales, B/A/1/12, fos. 159-160.

⁴ J. Le Neve, *Fasti ecclesiae anglicanae*, III, p. 417; *Letters and papers of the reign of Henry VIII*, XVI, No. 275.

⁵ Ormerod, III, p. 241.

⁶ *Archbishop of Canterbury's Faculty Office Register*, ed. D. S. Chambers, p. 39.

⁷ J. P. Earwaker, *East Cheshire*, II, p. 499.

⁸ J. Strype, *Ecclesiastical memorials*, III(1), pp. 172-3.

bishop of London under Henry VIII and Mary. The earliest pedigrees of Bonner give him as the natural son of George Savage by Elizabeth Frodsham, who later married a Worcestershire sawyer and gave her child her new husband's name.⁹ Circumstantial evidence links Bonner closely to the Savage family; he succeeded his father in the family benefice,¹⁰ and his patronage is clearly shown in the careers of his half-brothers. While Edmund Bonner was bishop of London another of George Savage's sons, John Wilmesley, was successively archdeacon of London and archdeacon of Middlesex.¹¹ John Wilmesley succeeded Bonner as rector of Davenham, though in 1547 he moved to the rectory of Tarporley,¹² and from 1554 until his death in 1556 he was one of the prebendaries of Chester cathedral, a post he presumably secured through the influence of his brother, the chancellor.¹³ Another of George Savage's sons was named Ralph, and he may have been the Ralph Wilmesley who held the rectory of Tattenhall between 1549 and 1571, an office he too must have owed to the chancellor.¹⁴ The fourth of Savage's clerical sons was George Wilmesley, born a bastard about 1502.¹⁵ The Savage-Wilmesley family formed an interlocking clerical dynasty, and as each member achieved a position of importance he used his influence to help his relations. It was presumably George Savage's uncle, Thomas Savage, archbishop of York 1501–1507, who secured for him the prebend of Beckingham at Southwell, it was probably Bonner's influence over John Bird, first bishop of Chester and another Cheshire man, which secured the chancellorship of Chester for George Wilmesley, and John Wilmesley gained office at both London and Chester through the influence of his brothers. In Cheshire, the Savage family owned the patronage of Davenham rectory,¹⁶ which was held by three successive members of the Savage-Wilmesley family group, and the rectory of Tattenhall was also monopolised by the family for three incumbencies. While Ralph Wilmesley was rector of Tattenhall he granted a profitable lease of the tithes to his brother George,¹⁷ who

⁹ Public Record Office, State Papers Elizabethan, SP 12/8; *Visitation of Cheshire, 1580*, Harleian Society, XVIII, p. 205.

¹⁰ Ormerod, III, 241; *Letters and papers*, VI, No. 179.

¹¹ Le Neve, *Fasti*, III, pp. 323, 330.

¹² *Lancashire and Cheshire records*, Lancashire and Cheshire Record Society, II, Index to Composition Books, p. 397.

¹³ Le Neve, *Fasti*, III, p. 269; R. V. H. Burne, *Chester Cathedral*, p. 30.

¹⁴ *Visitation of Cheshire, 1580*, p. 205; Ormerod, II, p. 720; *Lancashire and Cheshire records*, II, pp. 396, 399.

¹⁵ *Lancashire and Cheshire wills*, Chetham Society, I, p. 115.

¹⁶ *Letters and papers*, VI, No. 179; Ormerod, III, p. 241.

¹⁷ Cheshire County Record Office (hereafter C.R.O.), Bishop Bridgeman's Register, EDA 3/1, fos. 123v–124v.

had been responsible for his appointment in the first place.

Although George Wilmesley had a double defect of birth, as the bastard son of a bastard son, he clearly possessed considerable social advantages and in particular influential connections in the Church; it is thus hardly surprising that he followed his father and his brothers into a clerical career. After his birth about 1502, we first hear of Wilmesley as a law student at Oxford; between 1526 and 1528 he supplicated for and obtained the degrees of bachelor of civil laws and bachelor of canon laws,¹⁸ and in 1527 he began to act as one of the proctors, or advocates, in the chancellor's court of the University.¹⁹ Wilmesley was appointed scribe of the acts, or registrar, of the court in 1528, and in the same year he was a scholar of New Inn Hall.²⁰ In 1532 he became principal of Broadgates Hall, where both Edmund Bonner and John Wilmesley studied, and he retained this post and continued to act as a proctor until 1535.²¹ Until this time, Wilmesley's career had been that of a typical and moderately successful university lawyer, but in 1535 he moved out of the university world into the more lucrative sphere of ecclesiastical administration, when he was appointed vicar-general to John Hilsey, the new bishop of Rochester.²² His new importance became clear in 1536, when Thomas Cromwell interceded for him with Archbishop Lee of York, to obtain for him his father's prebend at Southwell, when it was rumoured that George Savage had died.²³ It is not clear for how long Wilmesley acted as Hilsey's vicar-general, but in 1537 he entered the service of Archbishop Cranmer as dean of the archiepiscopal peculiar of Shoreham.²⁴ Wilmesley, now in his mid-thirties, was poised for a successful, or at least profitable, career; in the service of an archbishop and, by 1540, with a half-brother on the episcopal bench, he had the influential contacts which were necessary if promotion was to be obtained. His opportunity came in 1541 with the foundation of the new see of Chester.

The events of the 1530's had drawn attention to the unsatisfactory ecclesiastical structure of north-west England.²⁵ Cheshire

¹⁸ *Register of the University of Oxford*, Oxford Historical Society, I, pp. 144, 152.

¹⁹ Oxford University Registry, Register Cancellarii 8, fos. 24, 69. I wish to thank Dr A. B. Emden for drawing my attention to Wilmesley's career at Oxford, and for assisting me with references.

²⁰ Register Cancellarii 8, fos. 77v, 335. ²¹ *Ibid.* fos. 257v, 322v, 378.

²² Register of Bishop Hilsey, Rochester, iv, f. 183. I owe this reference to the kindness of Dr Emden. ²³ *Letters and papers*, X, No. 841.

²⁴ C. H. Fielding, *Records of Rochester*, p. 256.

²⁵ For this and the following see C. Haigh, *The reformation in Lancashire to 1558*, University of Manchester Ph.D. thesis, 1969, pp. 1-20.

and Lancashire south of the Ribble formed the archdeaconry of Chester, which enjoyed a good deal of independence within the diocese of Lichfield; and Lancashire north of the Ribble, with parts of Cumberland and Westmorland and large areas of Yorkshire, formed the archdeaconry of Richmond, which was almost completely independent in the diocese of York. Both Lancashire and Cheshire lay far from their cathedral cities, and as soon as the authorities began to consider projects for the reorganisation of English dioceses, with the passage in 1539 of a statute authorising the creation of new dioceses by letters patent,²⁶ the problem of the two archdeaconries was given consideration. In 1539 Thomas Cromwell was contemplating the erection of a new see based on the suppressed abbey of Fountains, of which Richmond would form the major part.²⁷ A more comprehensive scheme was drawn up later in the same year, in which south Lancashire and Cheshire would form part of a Chester diocese, and north Lancashire and Richmond would be part of a Fountains see.²⁸ Perhaps the government was reluctant to divide the ecclesiastical structure of Lancashire again, and so perpetuate inadequate control of a county which had already proved itself dangerous in the Pilgrimage of Grace,²⁹ for these earlier plans were abandoned and the problem was finally solved by uniting the archdeaconries of Chester and Richmond.

In 1541 the two archdeaconries were both held by William Knight, so that the problem of reconstruction was considerably eased. In August 1541 Knight, as archdeacon of Chester, and Rowland Lee, as bishop of Lichfield, surrendered the archdeaconry of Chester to the king, and Knight, as archdeacon of Richmond, and Edward Lee, as archbishop of York, surrendered Richmond in the same way. The two archdeaconries were then united by letters patent into the new see of Chester, and John Bird, bishop of Bangor, was translated to be bishop of the new diocese.³⁰ At the same time the see was endowed with lands and rectories worth £473.23, from the appropriated rectories of the two archdeaconries and parts of the property of St Werburgh's Abbey, Chester nunnery, and Birkenhead Priory.³¹ The new bishop was a Cheshire man, and so was aware of the special problems of his new diocese, but if the early years of his

²⁶ 31 Henry VIII, c. 9.

²⁷ *Letters and papers*, XIV(2), No. 427.

²⁸ *Ibid.* No. 429.

²⁹ See C. Haigh, *The last days of the Lancashire monasteries and the Pilgrimage of Grace*, Chetham Society, 3rd series, XVII, pp. 61-101.

³⁰ T. Rymer, *Foedera*, XIV, pp. 717-24; *Letters and papers*, XVI, No. 1135, grant 4.

³¹ C.R.O. EDA 3/1, fos. 48-50, and see also the valuation on f. 35v, clearly compiled at or soon after the foundation of the see.

episcopate were to pass smoothly then he would need to appoint diocesan officers who were both experienced administrators and possessors of local knowledge. The obvious choice for a deputy to take responsibility for routine administration was Richard Smith, the rector of Bury, who had been commissary to Adam Beconsall, Archdeacon Knight's official at Chester, in the 1520's and then had succeeded Beconsall as official.³² During the interval between the suppression of the archdeaconry of Chester and the arrival of Bishop Bird, Smith continued to act as official by commission from the king, and in September 1541 he sat as official or commissary of the new bishop.³³ That Smith was not appointed to act for Bird was almost certainly due to the intervention of the powerful Savage-Wilmesley family interest, which may have been able to point to the fact that Smith was clearly a quarrelsome character, unpopular with his parishioners and often involved in litigation in his own court.³⁴ Whatever the reasons, in mid-October 1541 George Wilmesley, bachelor of both laws, appeared in the Consistory Court of Chester and exhibited his commission as vicar-general in spirituals and official principal to John, bishop of Chester, and the commission was read and registered by Edward Plankney, notary public.³⁵

The bishops of English and Welsh dioceses usually committed the routine administration of their dioceses to four main officers, a vicar-general, an official principal, a commissary-general, and a registrar. The function of the vicar-general was the exercise of purely spiritual jurisdiction, often only when the bishop was out of his diocese, such as holding visitations, correcting manners, and issuing faculties. The official principal's task was to preside over the Consistory Court and determine causes which came before it. The commissary-general was responsible for the exercise of delegated jurisdiction from the bishop, especially in the episcopal peculiars exempt from other authority, and the registrar was responsible for recording the official acts of the bishop and his officers.³⁶ From the fifteenth century there was a tendency to combine the first three offices, those of vicar-general, official principal, and commissary-general, and confer them upon one man; this was certainly usual in the diocese of Lincoln by the early sixteenth century.³⁷ Where the offices of

³² *Duchy pleadings*, Lancashire and Cheshire Record Society, III, p. 61.

³³ C.R.O. Consistory Court Act Book, EDC 1/10, fos. 130v, 135, 140v, 145.

³⁴ *Duchy pleadings*, I, pp. 151-3; C.R.O. EDC 1/8, fos. 64/1, 77v, 78/1, 179.

³⁵ C.R.O. EDC 1/10, f. 149v.

³⁶ R. Phillimore, *The ecclesiastical law of the church of England*, II, pp. 1208, 1215, 1225-6.

³⁷ A. H. Thompson, *The English clergy and their organization in the later middle ages*, p. 70; M. Bowker, *The secular clergy in the diocese of Lincoln*, pp. 26-7.

vicar-general and official principal were held by one man he was, as he still is, called the 'chancellor'.³⁸ The combination of offices avoided the considerable conflicts which had taken place between officials with overlapping jurisdictions, but it also meant that the number of experienced legal officers available to carry out the work of administering a large diocese was greatly reduced.

George Wilmesley's original commission has not survived, but it is clear that he was appointed to the combined offices. In the first few years of his administration he was referred to variously as 'chancellor', 'vicar-general', 'official principal', and 'commissary-general'.³⁹ The commissions of Wilmesley's two Elizabethan successors, Robert Leche and David Yale, are extant;⁴⁰ these two commissions are identical and Chancellor Wilmesley can be shown to have exercised similar powers so it is probable that the text of these patents was copied from that of Wilmesley. The commissions conferred the office of chancellor, or vicar-general and official principal, and delegated a very wide range of the bishop's powers. As permanent vicar-general the chancellor could act in all ecclesiastical causes and correct offences including heresy, blasphemy, adultery, fornication, incest, and others, he could sequester tithes, confirm elections, institute, induct, and install clergy to their benefices, deprive incumbents, settle pensions, accept resignations and exchanges, issue letters dimissory, grant marriage licences, enquire into disputed advowsons, claim clergy from the secular courts, discipline the clergy, and grant licences to eat flesh during Lent. As official principal the chancellor was responsible for the conduct of all the Consistory's 'instance' business, or cases between parties, which included filiation causes, conflicts over pews, failure to pay ecclesiastical dues, withholding a legacy, defamation or slander, and a wide range of matrimonial disputes such as breach of contract, dowry, restitution of conjugal rights, alimony, legal separation, and nullity. In addition the chancellor was responsible for granting probate and administration of certain wills, and to assist him in the performance of his mammoth task he was empowered to appoint commissaries or surrogates.⁴¹ It is clear that except for the powers which were strictly episcopal, such as confirmation and ordination, the chancellor of Chester fulfilled the functions of a bishop, even when his superior was in the diocese.

³⁸ F. S. Hockaday, 'The Consistory Court of the diocese of Gloucester', *Transactions of the Bristol and Gloucestershire Archaeological Society*, XLVI, p. 204; E. G. Moore, *An introduction to English canon law*, p. 130.

³⁹ C.R.O. Registrar's Precedent Book, EDR 6, p. 47; EDC 1/10, fos. 146v, 192, 196v.

⁴⁰ C.R.O. EDR 6, pp. 62-8; Bishops' Register, EDA 2/2, fos. 48-9v.

⁴¹ C.R.O. EDR 6, pp. 62-8; EDA 2/2, fos. 48-9v; Hockaday, 'The Consistory Court of the Diocese of Gloucester', *op. cit.* pp. 198-200.

A delegation of such wide powers by an English diocesan was not unusual, but certain features of Wilmesley's office, and the office of chancellor of Chester in general, are worthy of note. On the foundation of the new see the powers of the old archdeacons had been vested in the bishop, and he was empowered to delegate as much or as little authority to future archdeacons as he wished.⁴² Under Bishop Bird no archdeacons were appointed, and later when the office was filled it was merely a sinecure without archidiaconal functions.⁴³ This meant that the chancellor had to exercise the functions of archdeacon as well as those of vicar-general; thus, for example, where in other dioceses a new incumbent was instituted by the vicar-general and inducted by the archdeacon,⁴⁴ in the diocese of Chester the chancellor performed both tasks. The absence of archdeacons also meant that the rural deans possessed an authority unknown in other dioceses; they could grant probate and administration of wills where the estate was worth less than £40, they could proceed in disciplinary matters, and they had power to excommunicate and hold their own visitations.⁴⁵ It became usual in the diocese of Chester for this wide first-instance jurisdiction to be granted to the chancellor for the three south-western deaneries of Chester, Malpas, and Bangor,⁴⁶ and it is probable that Wilmesley also exercised these powers. Wilmesley, like later chancellors, shared jurisdiction in the archdeaconry of Richmond, which lay far from the cathedral city and required more immediate supervision than the chancellor at Chester could provide. Soon after the foundation of the see a commissary was appointed to exercise jurisdiction from a Consistory Court at Richmond,⁴⁷ but the chancellors' patents granted them powers over the whole diocese and Wilmesley clearly retained concurrent jurisdiction in Richmond and heard Richmond cases at Chester.⁴⁸

George Wilmesley was thus an extremely powerful ecclesiastical official, but there was one further aspect of his position which may have been unique, for he managed to obtain not only the three major diocesan offices already discussed but also the fourth, the registrarship. In October 1541 Bishop Bird appointed as the first diocesan registrar Edward Plankney, a former fellow

⁴² Rymer, *Foedera*, XIV, p. 720.

⁴³ *Victoria History of the county of Lancashire*, II, p. 41.

⁴⁴ Phillimore, *The ecclesiastical law of the church of England*, I, pp. 470-7.

⁴⁵ Haigh, *Reformation in Lancashire to 1558*, *op. cit.* pp. 35-6.

⁴⁶ C.R.O. EDR 6, pp. 67-8; EDA 2/2, f. 49v.

⁴⁷ Leeds City Library, Commissary's Act Book, 1544-8, *passim*. I wish to thank Mr J. Addy for drawing my attention to the survival of the early records of the commissaries, and for our interesting discussions on the relationship between the chancellor and the commissary.

⁴⁸ e.g. C.R.O. EDC 1/10, f. 183; 1/11, f. 240v; 1/12, fos. 35v, 243.

of Corpus Christi College, Oxford, and Plankney began to exercise his office immediately.⁴⁹ But Chancellor Wilmesley was, as we have seen, the ambitious scion of a powerful family, and he was clearly intent on building up a monopoly of diocesan offices and especially sources of administrative income at Chester. In 1544 Wilmesley was able to persuade Plankney to surrender his patent of the registrarship in return for a cash payment of £114, and Bishop Bird then made a new grant of an eighty-year patent of the office of registrar to Wilmesley with a salary of £4.66;⁵⁰ leaving aside the legal technicalities, Wilmesley bought the office from Plankney. It was probably in compensation for his loss of office that Plankney was granted two leases of episcopal property at comparatively low rents.⁵¹ But despite these grants, Plankney came to regret giving up what must have been a profitable office, and he attempted to regain his post by making the work of Wilmesley's deputy impossible and removing the diocesan records from his custody. In 1552 Plankney had to be bound over in a surety of £100 by the Court of Requests to keep the peace and restore the records which he had taken.⁵²

The offices which Wilmesley accumulated were the source of considerable profit. From the bishop he received salaries of £16 as chancellor and £4.66 as registrar,⁵³ and in addition he received fees from litigants and other clients. On every occasion that a primary citation to appear before the Consistory was issued, the chancellor received 1½p and the registrar 1p; when a final citation *viis et modis* was issued the chancellor had 8½p and the registrar 4p; each time a witness was examined each officer received 1½p.⁵⁴ In addition the chancellor received fees for proving wills, and in his own will Wilmesley left 50p to the ordinary before whom the will was proved 'ffor becase in my tyme I have gotten by lyke offyse my lyving'.⁵⁵ The registrar too had special fees for particular tasks, perhaps as much as 33p for searching the records for a missing document, or 16½p for drawing up a copy of a sentence, and even 4p for changing the date on a document.⁵⁶ Finally, at the end of a case before the Consistory it was usual for the parties to pay fees to the court officers; at the Chester Consistory in 1555 the judge was paid

⁴⁹ J. Foster, *Alumni Oxoniensis*, III, p. 1171; C.R.O. EDA 3/1, fos. 103v-104v; EDC 1/10, f. 149v.

⁵⁰ C.R.O. EDA 3/1, fos. 103v-104v; Public Record Office, Proceedings of the Court of Requests, Req. 2/14/91.

⁵¹ C.R.O. EDA 3/1, fos. 108-109v, 122v-23; cf. *Valor ecclesiasticus*, V, 142, 212.

⁵² Public Record Office, Req. 2/14/91.

⁵³ C.R.O. EDA 3/1, fos. 35v, 103v-104v.

⁵⁴ C.R.O. EDA 2/2, f. 229.

⁵⁵ *Lancashire and Cheshire wills*, I, p. 122.

⁵⁶ C.R.O. Registrar's Memoranda Book, EDR 1, fos. 11v, 36, 93.

33p and the registrar 11½p.⁵⁷ It is impossible to make any sort of estimate of Wilmesley's income, as the fees from each case would vary, but when he received fees from each litigant and the court was dealing with over two hundred cases each year his profits were clearly large, especially in comparison with the wages of even skilled workers, who were receiving between £3.50 and £4.50 yearly in Chester in the 1590s.⁵⁸

It was not possible for Wilmesley to exercise all his functions at once; he could not, for example, act as both judge and clerk of the court, or as his own secretary, nor could he preside over the Consistory as official principal while holding a visitation as vicar-general; this last point explains why visitations of the diocese were normally held during the legal vacations.⁵⁹ It was therefore necessary for Wilmesley to appoint deputies to assist him. As his deputy registrar Wilmesley appointed John Chetham who had been assistant registrar to the archdeacon of Chester,⁶⁰ and Chetham leased the profits of the office, excluding the salary from the bishop, from his master for £6.66.⁶¹ To assist him in his capacity as judge of the Consistory Wilmesley appointed two commissaries, Richard Smith, an experienced local judge,⁶² and Nicholas Bucksey, the former prior of St Werburgh's Abbey and now treasurer and senior prebendary of the cathedral.⁶³ Occasionally others acted for Wilmesley in special circumstances, and these deputies were chosen from among the prebendaries of the cathedral.⁶⁴ These appointments did mean an expansion of the otherwise extremely small corps of diocesan administrators, but the officers were Wilmesley's servants rather than the bishop's; the bishop himself had only one servant, and that was Wilmesley himself.

Despite his avarice and ambition, Chancellor Wilmesley appears to have been a reasonably conscientious and efficient administrator. Except in the early months of his appointment, when he appears to have been away on other business, Wilmesley usually presided over the Consistory in person, though his record of attendance was not quite as good as some of his successors. In 1550 Wilmesley sat as judge at twenty-seven of the thirty sessions of the Consistory, but in 1573 Chancellor Leche sat at all sixty-five sessions of the court.⁶⁵ Wilmesley's work

⁵⁷ Borthwick Institute, York, Consistory Cause Papers, R. VII, G. 329.

⁵⁸ R. H. Morris, *Chester in Plantagenet and Tudor reigns*, pp. 367-8.

⁵⁹ e.g. C.R.O. Visitation Correction Book, EDV 1/1, fos. 1-1v.

⁶⁰ *Duchy pleadings*, III, pp. 63, 65, 66.

⁶¹ Public Record Office, Req. 2/14/91; *Lancashire and Cheshire wills*, I, p. 123.

⁶² C.R.O. EDC 1/10, fos. 186v, 200.

⁶³ Burne, *Chester cathedral*, p. 4; C.R.O. EDA 2/1, f. 107v; EDC 1/10, f. 172v.

⁶⁴ C.R.O. EDC 1/10, fos. 175v, 184v.

⁶⁵ C.R.O. EDC 1/12, fos. 174-263; EDC 1/20, fos. 61-246v.

brought him into frequent contact with many of the clergy of the diocese, and he seems to have been on good terms with them; certainly his relations with some of the more important incumbents were close. In January 1543 Thomas Bond, a former fellow of Queen's College, Cambridge, and now vicar of Croston, wrote to warn the chancellor that he had leased the tithes of Chorley to Sir Henry Farington, so that if any parishioners refused to pay their tithe or other dues Farington would have the right to sue them before Wilmesley in the Consistory.⁶⁶ The chancellor seems to have cultivated his links with George Wolset, a royal chaplain and a man of influence.⁶⁷ In April 1545 Wolset, as rector of Chipping in Lancashire, began a tithe case against eleven of his parishioners which, seven months later, still showed no sign of reaching a successful conclusion.⁶⁸ Wolset obviously pressed the case as hard as he could, for he was at this time having a good deal of difficulty in extracting tithe from his parishioners,⁶⁹ and he seems to have sent some sort of 'douceur' to Wilmesley, who thanked him for 'all kindness and your great gifts'.⁷⁰ But by mid-October Wolset's case had got into difficulties, and a witness refused to appear. Wilmesley wrote immediately to warn his friend, and advised him to ensure that the witness attended; the chancellor did his best to help Wolset, and adjourned the case for a month, but despite this assistance Wolset could not secure a satisfactory solution and he took his case to the court of the Duchy of Lancaster.⁷¹

Wilmesley's job was clearly no sinecure, and his activities as official principal could involve him in long and acrimonious wrangles, such as the conflict between the Rishtons and the Holdens, of Church in Lancashire, which began merely as an argument between two families but lasted from July 1555 until January 1558, in two different courts, and in which there were forty-nine separate hearings at Chester alone before the matter went to York on appeal.⁷² Similarly complicated and bitter was the four-year long conflict between thirty-five of the parishioners of Rochdale and Sir John Byron, the lessee of the tithes, in which so much evidence was taken that Wilmesley had to set aside a separate volume in the depositions books series for the

⁶⁶ C.R.O. EDC 1/10, fos. 150/1-1v.

⁶⁷ Haigh, Reformation in Lancashire, *op. cit.* Appendix A, p. 654.

⁶⁸ C.R.O. EDC 1/11, fos. 123, 127v, 132, 135v, 140, 172v.

⁶⁹ C.R.O. EDC 1/10, 11, *passim*; *Ducatus Lancastriae*, I, 185; *Duchy pleadings*, II, 211; Public Record Office, SP 10/3/4.

⁷⁰ C.R.O. EDC 1/11, f. 173/1.

⁷¹ *Ibid.* *Duchy pleadings*, II, 211.

⁷² Haigh, Reformation in Lancashire, *op. cit.* pp. 42-6.

case.⁷³ The chancellor's task was often complicated by the pressure which local gentry could bring to bear on witnesses. In 1550 a large number of witnesses were called before Wilmesley to testify as to the characters of the deponents appearing on behalf of James Winstanley in a testamentary case; the implication was that they were all Winstanley's tenants and servants and had given false evidence through fear or bribery.⁷⁴ It was said that William Rainford was 'such that dare not say or depose any things against James Winstanley his master', that Margery Grey 'did depose against her conscience for the profit of James Winstanley' because 'being a poor woman she might lightly be hired or corrupted for a little reward', and that Margaret Orrell 'had a pair of shoes of Mr Winstanley given her for bearing record and witness in this matter, and trusted to have better gift of him'.⁷⁵ Again, in Sir John Byron's tithe case it was said that seven of his witnesses were his tenants, one was related to him, one was his deputy steward, another was brother to one of his servants, and two more had tithe sub-leases from him, while all were alleged to be 'such persons as would be corrupted to say contrary to the truth'.⁷⁶

Although they probably occupied the greater part of his time, Wilmesley's duties as official principal of the Consistory were only a part of his task as chancellor. In 1543 and 1550 he sat on royal commissions appointed to enquire into the chronic immorality and poor church fabric of Lancashire,⁷⁷ and it was usually he who conducted visitations of the diocese.⁷⁸ But what was probably his most important contribution to the early history of the diocese lay in the sphere of episcopal finances, for, as Bishop Bird acknowledged,⁷⁹ it was Wilmesley who was responsible for negotiating the great exchange of property between the bishop and the king which took place in 1546-47. Late in 1545 or early in the following year, Bishop Bird petitioned the king that if Manchester College was to be suppressed then the bishop would like to exchange his manor of Weston in Derbyshire for it.⁸⁰ The suggestion never bore fruit, but the bishop had drawn attention to a valuable episcopal manor at a time when the Crown was anxious to acquire more land for income or sale. An order was issued to the bishop that he should surrender the manor to the king, and a warrant was issued to the

⁷³ C.R.O. EDC 1/12, 13, *passim*; EDC 2/10, *passim*.

⁷⁴ C.R.O. EDC 2/4, pp. 242-56, 266-78.

⁷⁵ C.R.O. EDC 2/4, pp. 266, 253, 270

⁷⁶ *Ibid.* pp. 327-31.

⁷⁷ C.R.O. Proceedings of Royal Commissioners, EDA 12/1, *passim*; Public Record Office, Duchy of Lancaster Miscellaneous Books, DL 42/96, f. 33v.

⁷⁸ C.R.O. EDV 1/1, fos. 2, 16, 21, 44, 70, 157.

⁷⁹ C.R.O. EDA 3/1, f. 111.

⁸⁰ British Museum, Harleian MS. 604, f. 82.

chancellor of the Court of Augmentations to negotiate the transaction.⁸¹ At the end of 1546 the bishop had to surrender Weston and other lands in Derbyshire, and soon after Bird also had to give up property in the city of Chester, in Cheshire, and in Flintshire.⁸² In return Chancellor Wilmesley obtained for the bishop a grant from the king of five appropriated rectories, together with the advowsons of eight other rectories and a licence to appropriate them when they became vacant;⁸³ income from land was to be replaced with income from tithes and other ecclesiastical dues.

It has always been assumed that this exchange amounted to a spoliation of the see by the Crown, and Bird and Wilmesley have been blamed for allowing it to take place. This view became current within eighty years of the exchange, when in a marginal note to a copy of one of the leases Bird gave to Wilmesley in gratitude for his 'good and diligent service, labors, and paynes' 'taken yn laborynge the matters of exchange of lands', Bishop John Bridgeman referred to 'a wicked & illegal consideration for he made away the temporalities of the Bishoprick and took only advowsons etc of benefices then with cure and full of incumbents which also he made away to this Wilmesley'.⁸⁴ Wilmesley's efforts, however, were not as disadvantageous to the see of Chester as Bishop Bridgeman supposed, as an analysis of the transactions involved will illustrate.⁸⁵ The gross annual income of the see at its foundation was £473.23½, but from this Bird had to surrender to the king lands worth £153.90 a year. In return the king gave five appropriated rectories, which were worth £104.56 in gross annual income according to the notoriously underestimating *Valor Ecclesiasticus*⁸⁶ and which the king guaranteed would produce at least £81.15 net. In addition, the bishop was to receive an immediate annual payment from the Crown of £83.49, so that in the short term the bishop was to lose lands worth £153.90 and receive rectories worth £164.64 net as compensation. The bishop was not, however, to make a profit on the exchange, as he was to continue to pay tenths to the king on the lands as if he still

⁸¹ *Letters and papers*, XXI(2), No. 199, entries 135 and 137.

⁸² *Ibid.* Nos. 183, 574.

⁸³ *Letters and papers*, XXI(2), No. 771, grant 10; C.R.O. EDA 3/1, fos. 53-8v.

⁸⁴ C.R.O. EDA 3/1, f. 111.

⁸⁵ The following discussion is based on an account of the income of the see at its foundation (C.R.O. EDA 3/1, f. 35v), the details of the exchange of property (*ibid.* fos. 53-58v), and the 1535 valuations of the benefices involved (*Valor ecclesiasticus*, III & V, *passim*).

⁸⁶ See the discussion of this point for Lancashire in Haigh, *The last days of the Lancashire monasteries*, pp. 33-8. The *Valor* underestimates income by at least a fifth or a quarter.

owned them, but his loss was only £4 each year. The annual payment of £83.49 which the king was to make was in lieu of eight rectories, and as each rectory became vacant the bishop was to appropriate it, institute a vicarage with a fixed stipend, and retain the profits of the rectory, while the payment from the king would then be reduced by an amount equal to the bishop's new profits. The total gross annual value of the eight rectories in the *Valor* was £303.92½, and when all the rectories had been appropriated they would produce an income for the bishop, net of taxes, stipends to vicars, and fees, of £99.79½ based on the *Valor*, though a new survey must have been conducted and the king guaranteed the net income would be £111.22½. Thus in the long term the bishop would lose lands worth £153.90 and continue to pay taxes of £15.39, and gain rectories guaranteed to be worth £81.15 and £111.22½, or £192.37½ net. To sum up, on the basis of the low values of 1535 the exchange would mean a slight fall in the bishop's income, from £473.23½ to £461.93½, but on the guaranteed figures of 1546 the bishop's income would increase from £473.23½ to £496.32. Nor is it true that the exchange of tithes for lands was necessarily to the bishop's disadvantage, for the value of tithes in kind would rise each year with inflation, while income from lands let at lease was more difficult to increase. It is true that the king profited from the exchange, for in the long term he received lands worth £153.90 in return for appropriated rectories worth £81.15, and the balance was made up from rectories as yet unappropriated, but the royal profit was not made at the expense of the bishop of Chester.

It is clear, then, that Bridgeman's criticisms of Wilmesley's handling of the exchange were unfair, and that Bishop Bird certainly made a slight profit out of his transactions with the king. But the see of Chester was soon in serious financial difficulties, and by the time Bishop Bird was deprived of his see in 1554 he owed the queen £1,087.90½ in unpaid tenths and subsidies.⁸⁷ The income of the see was by this stage insufficient to support the dignity of its incumbent, and Bishop Coates, Bird's successor, was allowed to supplement his episcopal income by holding the rectory of Cotgrove in Nottinghamshire 'in commendam'.⁸⁸ Despite a grant from Queen Mary which added £142.56 to the income of the see,⁸⁹ it was still necessary in the 1560s for Bishop Downham to be licensed to hold two additional benefices, on the grounds that he received 'the least

⁸⁷ *Calendar of patent rolls*, Philip and Mary, I, p. 389.

⁸⁸ R. H. Morris, *Diocesan histories: Chester*, p. 11.

⁸⁹ *Calendar of Patent rolls*, Philip and Mary, IV, pp. 260-1; C.R.O. EDA 3/1, fos. 64-5v.

revenue that any man in my calling have in this realm',⁹⁰ and thereafter it was usual for bishops of Chester to hold other benefices. One is bound to ask, therefore, how, if the exchange with the king was not to the bishop's disadvantage, the see came to be so poor? There are three answers: the first is inflation, the second is the recklessness of Bishop Bird, and the third is the greed of George Wilmesley.

When the exchange with the king took place, four of the five rectories which came immediately into the bishop's hands had already been leased out, at what seem generally reasonable rents but on relatively long leases, Castleton for seventy years from 1535, Weaverham for twenty-one years from 1540, Bowdon for forty years from 1546, and Backford for thirty-two years from 1544.⁹¹ This meant that at a time of rapid inflation, when in the course of the century prices multiplied by four or five times, the bishop's income from the new rectories was fixed. To make matters worse, Bishop Bird immediately granted a new ninety-nine year lease of Weaverham to follow the existing lease and at the same rent: as soon as Mottram came into his hands in 1547 he leased it out for sixty years, he granted an eighty-year lease of the rectory of Cottingham in Yorkshire, to begin as soon as the benefice came into his hands, and he sanctioned leases of the rectories of Chipping and Ribchester before they became his property.⁹²

But the most serious inroads into the future finances of the diocese were made by George Wilmesley. Though certainly in priest's orders,⁹³ Wilmesley appears not to have been beneficed while he was chancellor of Chester, and he relied for his income on three sources; his salaries from the bishop, the fees he received and what can only be called speculation in ecclesiastical revenues. We have already seen how he purchased the registrarship of the diocese and then leased out the office to a deputy, and he was involved in other, similar, financial deals. In 1543 he obtained from Bishop Bird the right to make the next presentation to the vicarage of Bolton, which he sold in the following year,⁹⁴ and at his death he owned the advowsons of the rectories of Waverton, West Kirby, Tattenhall, and Astbury, and that of the archdeaconry of Chester.⁹⁵ In addition he secured an annuity of £13.33 out of the archdeaconry of Chester, and a lease of the

⁹⁰ Public Record Office, SP 12/48/36.

⁹¹ C.R.O. EDA 3/1, fos. 111, 110, 112, 117.

⁹² *Ibid.* fos. 110-10v, 120v-21, 122v-3, 114-14v, 115-16.

⁹³ *Ibid.* fos. 111, 118, 121. When he became chancellor it was illegal for a layman to hold the office, and he must have been a priest to have been dean of Shoreham.

⁹⁴ *Victoria County History of Lancashire*, V, p. 239.

⁹⁵ *Lancashire and Cheshire wills*, I, pp. 117-20.

rectory of Tattenhall which he obtained from his brother, the rector, in 1550.⁹⁶

But the main centre of Wilmesley's operations was the rectories which passed to Bishop Bird by the exchange of 1546-47. The chancellor had been careful in the negotiations over the exchange to prevent the Crown from profiting at the bishop's expense, but he was adept at the separation of his public and private lives and was not above making a profit himself to the disadvantage of the see. The first lease Wilmesley secured was of the rectory of Castleton in Derbyshire; in April 1547 he was given a ninety-nine year lease free of rent, in return for his negotiation of the exchange with the king, although one-third of the profits was reserved for the vicar.⁹⁷ Wilmesley could have had to wait until 1605 for an earlier lease to expire, but the rectory was certainly in his hands in 1561, by which time he had sub-leased it to one of his relations for a clear annual profit of £9.50.⁹⁸ Wilmesley's next lease was granted later in April 1547, when the bishop gave him, also in consideration of his efforts in the exchange, an eighty year lease of the rectory of Bradley in Staffordshire, from the death of the present rector, at a rent of only £1, though he also had to pay the stipends of a vicar and a curate once he had obtained the rectory.⁹⁹ The chancellor clearly preferred an immediate profit to waiting until the rector died, and in December 1550 he sold the lease to Richard Dickenson of Penkridge in Staffordshire, who must have paid Wilmesley a handsome price since the chancellor also secured from the bishop an agreement that on the expiry of the lease the property would pass to Dickenson in fee farm for ever. Bishop Bridgeman's justifiably angry marginal note was: 'This execrable lease hath also passed away this benefice from the church and all churchman for ever, a true signe of that Bad Bishop's sacrilegious and ungodly disposition'.¹⁰⁰ Bridgeman's strictures ought, however, to have been reserved for Wilmesley, who seems to have exercised a considerable influence over the bishop, and whose speculations were not yet over. In November 1547 the chancellor also obtained a ninety-two year lease of the rectory of Mottram, to begin on the death of the present incumbent,¹⁰¹ and his last acquisition of an episcopal lease came six months later. The rectory of Bowdon had already been leased out until 1586, and Wilmesley was granted a ninety-nine year lease to begin thereafter. But, as happened with Bradley rectory, Wilmesley was

⁹⁶ *Lancashire and Cheshire wills*, I, p. 120; C.R.O. EDA 3/1, fos. 123v-4v.

⁹⁷ *Ibid.* fos. 111-11v.

⁹⁸ *Lancashire and Cheshire wills*, I, pp. 119-20.

⁹⁹ C.R.O. EDA 3/1, fos. 118-18v.

¹⁰⁰ *Ibid.* fos. 119-19v.

¹⁰¹ C.R.O. EDA 3/1, fos. 122v-23.

interested in immediate profit and in June 1550 he assigned the lease to his godson, William Tatton, son of one of the present lessees.¹⁰² The close connection between Wilmesley and the existing lessees suggests a collusive agreement that Wilmesley was to use his position to obtain the lease and then sell it to the farmers.

Wilmesley's dealings in benefices and rectorial incomes were clearly very extensive, and the breadth of his operations was probably the result of his powerful connections, so that he was apparently able to bring considerable pressure to bear on Bishop Bird and so obtain such grants as he wanted. The rents which Wilmesley agreed to pay for his leases were not unduly low; the total rent due for the four rectories was £84.01½, and he also had to pay a further £23.94½ in stipends and pensions, or £107.96, while the total value of the rectories as assessed in 1535 was £112.28.¹⁰³ Even though the *Valor* total was probably only eighty per cent of the true value, the margin of profit after the cost of tithe collection cannot have been high. The chancellor's disastrous impact on the finances of the diocese was thus not the result of rents which were too low, but because rents fixed in the late 1540s were to remain in force for many years in a period of inflation. It was in the length of his leases that Wilmesley's influence upon Bird was so important. The average length of the leases granted on four appropriated rectories granted before they passed to the see of Chester was forty years only, but the average length of the four leases Wilmesley obtained from Bird was ninety-two years. To make matters worse, the fact that in some cases Wilmesley's leases were to follow earlier grants meant that rents were fixed for a century and a half; if the leases ran their full terms Bowdon's rent was fixed until 1685, Mottram's until 1699, and Castleton's until 1704. Wilmesley must have secured considerable profit for himself and his family, but he crippled the finances of the diocese.

The curiosity of George Wilmesley's career was not, however, confined to his monopolisation of office in the diocese, or to his speculation in ecclesiastical revenues, for he also followed the family tradition established by his father of having a large family while a priest. By the time of his death in 1561, Wilmesley had a wife named Ellen, a daughter, four legitimate sons, and at least one and probably two bastards.¹⁰⁴ It seems likely that his legitimate sons at least were born under Edward VI, when

¹⁰² *Ibid.* fos. 112-13v.

¹⁰³ *Ibid.* fos. 111-11v, 112-13v, 118-18v, 121-2; *Valor ecclesiasticus*, III, pp. 103, 180; V, pp. 211, 212, 215.

¹⁰⁴ *Lancashire and Cheshire wills*, I, pp. 116-21.

clerical marriage was permitted by law; two of them had certainly been born by September 1553,¹⁰⁵ while in 1561 the youngest and one other were not yet old enough to have decided on their future careers.¹⁰⁶ The youngest was a teenager in the 1560s, when he was an Oxford student, and he was ordained in 1573;¹⁰⁷ it is therefore likely that he was born about 1550. Wilmesley certainly married; in his will he referred to Ellen as his wife, and he distinguished two sons called Thomas from each other by saying that one was a bastard.¹⁰⁸ The marriage apparently took place under Edward VI, for in September 1553 two of his sons were described as 'natural and legitimate'.¹⁰⁹ In marrying Wilmesley followed the example of his bishop,¹¹⁰ but there seems to have been some unease about clerical marriage in Chester. In July 1549 John Lepington, one of the prebendaries of the cathedral, deposed in the Consistory Court that Hugh Bunbury, clerk, and Anne Andrew had made a marriage contract at Chester cathedral the previous Lent, but 'the said Anne did desire the said Hugh that the said Hugh would tarry, and not to marry her until there were some other priests married, the which the said Hugh granted that he would tarry till Midsummer or Michaelmas.'¹¹¹ After his marriage, Wilmesley had a son, Thomas Hope, out of wedlock, and as he was still a young boy in 1561 it is likely that he was born in the reign of Mary, while the other bastard son, George Baker, was apparently older. It therefore seems that the chancellor had children by three different women, and fathered one bastard under Henry VIII, five legitimate children under Edward VI, and another bastard under Mary.

But whether his children were legitimate or illegitimate, Wilmesley was in a difficult position when Mary came to the throne, for to the new regime it was an offence for a priest to have children in any circumstances. The existence of the chancellor's family could not have been kept secret, and Wilmesley ought to have been deprived of his office as was his master, Bishop Bird.¹¹² But here, it appears, was another example of the influence of the Savage-Wilmesley family grouping at work; the new bishop of Chester, George Coates, had been a resident prebendary of Chester and may already have been

¹⁰⁵ C.R.O. EDA 3/1, f. 104v.

¹⁰⁶ *Lancashire and Cheshire wills*, I, pp. 117-18.

¹⁰⁷ Ormerod, II, p. 789n; C.R.O. Ordinations Register, EDA 1/3, f. 15.

¹⁰⁸ *Lancashire and Cheshire wills*, I, pp. 116, 120.

¹⁰⁹ C.R.O. EDA 3/1, f. 104v. Clearly, 'natural' here does not mean illegitimate.

¹¹⁰ Strype, *Ecclesiastical memorials*, III(1), p. 218.

¹¹¹ C.R.O. EDA 2/4, p. 119.

¹¹² *Calendar of patent rolls*, Philip and Mary, I, p. 175; *Diary of Henry Machyn*, Camden Society, p. 58.

under the Savage influence for some time,¹¹³ while the chancellor's half-brother was now a highly influential bishop of London. Wilmesley was therefore able to retain his position; he continued to act as vicar-general and official principal, he presided over the Consistory, and he conducted a visitation of the diocese.¹¹⁴ But although he was not dismissed, Wilmesley was clearly losing much of his authority, and he found it much less easy to dominate Bishop Coates than it had been to control Bird. Coates was obviously highly dissatisfied with Wilmesley's monopoly of diocesan office, and with his own total dependence on the chancellor, for late in 1554 he appointed two new officers. John Hampson, or Hanson, a former scholar of Balliol and fellow of Magdalen, was appointed archdeacon of Richmond, and Robert Percival, a Cambridge bachelor of divinity, was appointed archdeacon of Chester.¹¹⁵ As we have seen, the authority of the old archdeacons was vested in the bishop of Chester at the erection of the see, and in 1554 Bishop Coates chose not to delegate any of this jurisdiction. As archdeacons, therefore, Hampson and Percival had no authority and their posts were sinecures, but this does not mean that the new offices were not useful creations; they provided salaries of £50 each for two men who could be used in the central administration of the diocese. Thus, for the first time since his appointment in 1541, Wilmesley had to face rivals within the administration, and his influence was soon in decline. At the Consistory general session of 7 March 1555 Wilmesley sat as judge, but together with John Glaseor, the vice-chamberlain of Chester, and the next session, on 29 March, was a particularly serious one for Wilmesley, though he was not present. Bishop Coates presided in his own Consistory at the trial of five priests accused of marrying under Edward; this event must have weakened Wilmesley's position considerably, and on 4 April John Hampson made the first of his many appearances as judge of the Consistory.¹¹⁶ Wilmesley was still chancellor, Hampson was nominally his deputy, and on one occasion Wilmesley was even present at the trial of more suspected married clergy but out of twenty-three sessions of the Consistory between Hampson's first appearance and the death of Bishop Coates in December 1555, Wilmesley sat alone as judge on only eleven occasions, and he sat with another judge, usually Hampson, on six occasions.¹¹⁷ The chancellor's dominance was clearly a thing of the past.

¹¹³ Ormerod, I, p. 270; *Acts of the privy council*, II, p. 483.

¹¹⁴ C.R.O. EDA 2/1, f. 73; EDC 1/13, f. 153; EDV 1/1, f. 2.

¹¹⁵ Le Neve, *Fasti*, III, pp. 257, 266.

¹¹⁶ C.R.O. EDC 1/14, fos. 2, 8, 12v, 14.

¹¹⁷ *Ibid.* fos. 19-96.

But for Wilmesley the worst was still to come, and his career was soon in ruins. The last session of the Consistory to be held in the name of the tolerant Bishop Coates took place on 28 November 1555, and Coates is thought to have died in the following month.¹¹⁸ Diocesan administration then came to a halt, and the Consistory was not in session again until 12 March 1556, when the court began to sit in the name of Nicholas Heath, archbishop of York, during the vacancy of the see of Chester.¹¹⁹ For the next six months the administration of the diocese was in the hands of John Hampson, as commissary to the archbishop and custodian of the spiritualities of Chester,¹²⁰ though Wilmesley occasionally assisted him.¹²¹ The new bishop of Chester, Cuthbert Scott, was papally provided on 6 July, but he did not receive the temporalities as a consecrated bishop until the end of September.¹²² The arrival of Scott, a rigorist Catholic with high ideals, set the seal on Wilmesley's downfall, for by October 6 1556 Robert Percival, the archdeacon of Chester, had been appointed Scott's commissary-general and official principal of the Consistory, offices which had been held by Wilmesley. Wilmesley's fall was demonstrated on that day, when in the Consistory which he had dominated Wilmesley appeared merely as a legal witness to the new official principal's appointment of two commissaries, one of whom was Hampson, to assist him.¹²³ From then until the deprivation of Bishop Scott in June 1559, Wilmesley was present in the Consistory on only three occasions, each time as an assistant to Hampson and probably in his capacity as registrar;¹²⁴ this was now the only office Wilmesley held, for it is clear that Scott had abolished the office of chancellor and had not appointed a vicar-general. The legal technicalities of Wilmesley's removal, whether he resigned or was dismissed, or whether his offices simply lapsed, are not clear. As his original commission as chancellor does not survive, we do not know whether he was appointed for life or merely for Bird's tenure of the see; in the latter case Scott would only have needed not to renew the reappointment Bishop Coates must have made. But the first two extant chancellor's patents, to Leche in 1562 and Yale in 1587,¹²⁵ granted the office for life, and

¹¹⁸ *Ibid.* f. 96; *Handbook of British chronology*, p. 215.

¹¹⁹ C.R.O. EDC 1/14, f. 96v.

¹²⁰ *Ibid.* fos. 96v, 113.

¹²¹ *Ibid.* fos. 96v, 105, 125. In August Wilmesley visited part of the diocese for the archbishop. (C.R.O. EDV 1/1, f. 157).

¹²² *Handbook of British chronology*, p. 215; *Calendar of patent rolls*, Philip and Mary, III, p. 246.

¹²³ C.R.O. EDC 1/14, fos. 145v-46.

¹²⁴ C.R.O. EDC 1/15, fos. 47v, 128v, 165.

¹²⁵ C.R.O. EDR 6, pp. 62-8; EDA 2/2, fos. 48-9v.

it is probable that Wilmesley's was the same, so that it would have been difficult to remove him from office without public scandal. The most likely course was that he was induced to resign, and this may be the explanation of the annuity of twenty marks out of the archdeaconry of Chester which he was granted by his successor as commissary-general and official principal.¹²⁶

Wilmesley seems to have been allowed to retain the title of registrar, and it was presumably in this capacity that he appeared on five occasions in the Consistory in 1560, after Scott's deprivation. The ex-chancellor assisted the commissaries who presided over the court, first as the queen's commissioners and then as the delegates of the dean and chapter of York, the sees of both Chester and York being vacant.¹²⁷ But after his eclipse Wilmesley seems to have retired to Tattenhall, where he may have lived with his brother the rector, and he devoted his attention to providing for his family after his death. In his will Wilmesley gave no values for the property he bequeathed, nor was an inventory drawn up, but he did make detailed provisions for his wife and children from the considerable body of ecclesiastical property he had accumulated.¹²⁸ To his wife Ellen he left the leases of the rectories of Castleton and Tattenhall, together with his annuity from the archdeaconry of Chester and the salary of the registrarship. To his eldest son Thomas he left the remainder of his patent of the registrarship, for which a reversion had been secured in 1553.¹²⁹ To his son George he left the patronage of the rectories of Waverton and West Kirby, to which George could present himself should he wish to become a priest. To his youngest legitimate son, his favourite, Edmund, he left the advowsons of the rectory of Astbury and the archdeaconry of Chester, together worth almost £120 a year, for his preferment. His bastard son Thomas was to be presented to the rectory of Tattenhall at the next vacancy, and he made other provisions for the dowry of his daughter Joan and the care of his 'innocent' son John. Wilmesley had also, during his lifetime, provided for his brother Thomas, to whom he had sublet Castleton rectory and for whom he had acquired the office of apparitor-general of the diocese in 1544;¹³⁰ this office was shared with a certain John Baker, which may have been a clerk's mistake for Wilmesley's other bastard son, George Baker. Probably eight members of Wilmesley's family faced a secure

¹²⁶ *Lancashire and Cheshire wills*, I, pp. 120-1.

¹²⁷ C.R.O. EDC 1/15, fos. 232, 238, 248, 264v; EDC 1/16, f. 12v.

¹²⁸ Except where otherwise indicated the information in this paragraph is drawn from Wilmesley's will, *Lancashire and Cheshire wills*, I, pp. 115-24.

¹²⁹ C.R.O. EDA 3/1, f. 104v.

¹³⁰ *Ibid.* fos. 105v-6.

future on the ecclesiastical revenues and appointments which had been obtained for them.

But despite the diligence with which Wilmesley amassed his considerable ecclesiastical fortune, and the care with which he apportioned it, matters did not turn out precisely as he had intended. George seems to have died soon after his father, since the advowson of Waverton passed to his brothers,¹³¹ and the family lost the advowsons of the archdeaconry and the rectory of Astbury, so that changes in the provisions of Wilmesley's will became necessary. Thus it was Edmund who succeeded next to the rectory of Tattenhall, in 1571,¹³² though, as Wilmesley had intended, his base son Thomas did become rector, on Edmund's death in 1582.¹³³ Wilmesley's widow and his son Thomas were farmers of the rectory of Tattenhall in 1564, but Thomas alone was lessee by 1584 and he retained the lease until at least 1600.¹³⁴ Thomas and Edmund sold the next presentation to the rectory of Waverton before 1564, and Thomas was still patron of West Kirby in 1603.¹³⁵ Chancellor Wilmesley's efforts, though not as successful as he would have wished, were thus not entirely wasted; he provided, at the Church's expense, for his wife's widowhood, and he established the economic position of at least three of his sons. We may have our doubts as to the treasure Wilmesley may have laid up for himself in heaven, but on earth he was clearly successful, moth and rust or not.

One final question needs to be asked of this cleric who apparently never held a cure of souls and was content to serve in the Church under four monarchs of varying religious views; what, if any, was his religion? Wilmesley was an ecclesiastical bureaucrat *par excellence*; his career gives no indication of his own position on matters of dispute, and he was most concerned as an administrator to enforce the law—any law. But in his long and garrulous will, with its grandiose terminology and numerous Latin tags, Wilmesley left strong indications that he was an undogmatic catholic of the traditional school. He used the traditional formulae he had seen so often in the wills proved before him, 'desyringe the blessed Virgin Marye mother off our Lord Jesus Christ withe all the whole celestial companye to prey ffor me', though he then went on to speak of salvation 'throughe the merites off Christes passion' and hoped that he might 'be one off the elect and chosen'.¹³⁶ Wilmesley was a lawyer rather than

¹³¹ Ormerod, II, p. 789 and n.

¹³² *Ibid.* p. 720; *Lancashire and Cheshire records*, II, p. 399.

¹³³ *Ibid.* p. 400; Ormerod, II, p. 720.

¹³⁴ C.R.O. EDC 1/17, f. 103; 1/25, f. 148; 1/31, f. 130v.

¹³⁵ Ormerod, II, pp. 789 and n, 486

¹³⁶ *Lancashire and Cheshire wills*, I, p. 116.

a theologian, and his will does not inspire confidence in his understanding of the issues at stake between catholics and protestants. But on one point he was perfectly clear: he believed in purgatory and the efficacy of prayers for the dead. He left small personal bequests to three of his sons on condition that they prayed for his soul and the souls of those he held dear.¹³⁷ When composing his will Wilmesley expressed a hope that 'I by the assistaunce off Goddes grace do not hereafter and especialle at the howre off my deathe do not swarve ffrom the unity off the ffeythe off his katholicke and apostolicall church, which now I doe beleve in my hert and professe with my mowthe',¹³⁸ and it is probable, though not entirely certain, that by 'katholicke' he meant 'Roman Catholic'. But though Wilmesley seems to have been catholic, he was certainly not, as were his colleagues Hampson and Percival and his dismitter Bishop Scott, a rigorist. His famous intervention in the heresy trial of the protestant George Marsh in 1555, to prevent condemnation before Marsh was given every opportunity to recant,¹³⁹ does not indicate a persecuting mentality. Wilmesley's attitude towards heresy seems to have been more like that of his contemporary colleagues at York, John Dakyn and John Rokeby, who were responsible for the mildness of the Marian persecution in the diocese of York,¹⁴⁰ rather than like that of Bishop Scott, who was responsible for the burning of the bones of Martin Bucer at Cambridge.

Another comparison which springs to mind is between Wilmesley and the notoriously immoral and corrupt Thomas Powell, chancellor of the diocese of Gloucester in the 1570s, who, like Wilmesley, was removed from office.¹⁴¹ Wilmesley, like Powell, was lax in his sexual morals and grasping in his financial affairs, but unlike Powell he seems to have been scrupulous in his conduct of the business of the ecclesiastical courts. Powell often commuted penances for cash payments to himself, but the profits of Wilmesley's commutations went, as law and custom decreed, to pious uses and especially the repair of church fabric.¹⁴² Wilmesley monopolised the offices of the diocesan administration, provided for a family out of the profits of his offices and speculation in revenues, and by his long leases he crippled the finances of the see of Chester, but he was far

¹³⁷ *Ibid.* pp. 118, 119.

¹³⁸ *Lancashire and Cheshire wills*, I, p. 116.

¹³⁹ J. Foxe, *Acts and Monuments*, VII, pp. 50-2.

¹⁴⁰ A. G. Dickens, *Lollards and protestants in the diocese of York*, pp. 221-2, 250.

¹⁴¹ F. D. Price, 'An Elizabethan church official: Thomas Powell, Chancellor of Gloucester Diocese', *Church Quarterly Review*, Vol. CXXVIII.

¹⁴² *Ibid.* pp. 99-102; C.R.O. EDV 1/1, fos. 121-2v, 123v-24, 125-25v, 128, 130v-31v, 134v, 139, 140v, 143v, 144, 146.

from being the only Tudor official to wring what legal profit he could from his work. Chancellor Wilmesley was only unusual in that the influence which his bastard brothers and his powerful Savage connections could bring to bear enabled him to profit more extensively than did most ecclesiastical bureaucrats. We may hardly blame him for his success.

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